

Charles W. Drago, Secretary

Charlie Crist, Governor

## LONG RANGE PROGRAM PLAN

Department of Business and Professional Regulation

Tallahassee

September 30, 2009

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201 Capitol  
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Dear Directors:

Pursuant to Chapter 216, *Florida Statutes*, our Long Range Program Plan (LRPP) for the Department of Business and Professional Regulation is submitted in the format prescribed in the budget instructions. The information provided electronically and contained herein is a true and accurate presentation of our mission, goals, objectives and measures for the Fiscal Year 2010-11 through Fiscal Year 2014-2015. This submission has been approved by Secretary Charles W. Drago.

Sincerely,



Charles W. Drago  
Secretary

# Long Range Program Plan

FY 2010 - 2015



**Charlie Crist**  
Governor

**Charles W. Drago**  
Secretary

**Department Mission:**

**License efficiently. Regulate fairly.**

**Department Goals:**

**Goal 1: Enhance the Quality of Customer Service**

**Goal 2: Increase Consumer & Community Protection**

## Agency Objectives

1. Improve the Department's communication with its licensees and the public in order to help them get their licenses or necessary services more efficiently.
2. Improve the online licensing system so that more licensees are able to complete their license applications and renewals online or by phone.
3. Streamline the Department's licensing process in order to complete the processing of all initial license applications in less than 90 days after the receipt of a completed application.
4. Increase training to Customer Contact Center and Central Intake Unit staff allowing them to provide accurate and timely answers to callers.
5. Build and retain a quality team through training, recognition, and communication.
6. Respond to consumer inquiries, requests, complaints and investigative inquiries in a timely manner.
7. Increase accountability of licensees and regulated entities by completing required inspections to determine compliance with all regulations.
8. Reduce incidences of underage drinking by educating vendors about the Responsible Vendor program and identifying fraudulent identification and by pursuing criminal and administrative sanctions against those who provide alcoholic beverages to underage persons.

## Agency Service Outcomes and Performance Projection Tables

### Goal 1: Enhance the Quality of Customer Service

#### Objectives:

#### 1-1 Improve the Department's communication with its licensees and the public in order to help them get their licenses or necessary services more efficiently.

Outcome: Number and percent of licenses renewed on-line

Service: Department-wide

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
30%	47%	50%	55%	60%	65%
136,675	150,684	158,218	166,129	174,436	183,158

Outcome: Number and percent of applications submitted on-line

Service: Service Operations – Central Intake Unit

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
16,356	18,809	19,627	20,445	21,263	21,753
8.7%	15%	20%	25%	30%	33%

Outcome: Percentage of licensure applications found to be deficient when submitted

Service: Service Operations – Central Intake Unit

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
72%	64%	60%	56%	52%	45%

Outcome: Customer satisfaction percentage based on survey

Service: Service Operations –Customer Contact Center

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
85%	86%	87%	88%	89%	90%

#### 1-2 Improve the online licensing system so that more licensees are able to complete their license applications and renewals online or by phone.

Outcome: Percentage of license application types that can be completed on-line without the submission of additional paper documents

Service: Professions

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
1%	25%	30%	30%	30%	30%

Outcome: Percentage of license renewal types that can be completed on-line without the submission of additional paper documents

Service: Professions

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
97%	97%	97%	97%	97%	97%

**1-3 Streamline the Department’s licensing process in order to complete the processing of all initial license applications in less than 90 days after the receipt of a completed application.**

Outcome: Percentage of complete applications approved or denied within 90 days

Service: Professions, Boards & Commissions

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
97%	98%	98%	98%	98%	98%

Outcome: Percentage of licenses processed within 90 days

Service: Alcoholic Beverages & Tobacco

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
98.4%	98%	98%	98%	98%	98%

Service: Hotels & Restaurants

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
99.2%	99.4%	99.6%	99.8%	99.9%	99.9%

Service: Pari-Mutuel and Slot machine occupational license applications

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
100%	100%	100%	100%	100%	100%

Outcome: Percentage of permanent licenses issued and filings reviewed as prescribed by laws

Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
95%	95%	95%	95%	95%	95%

**1-4 Increase training to Customer Contact Center and Central Intake Unit staff allowing them to provide accurate and timely answers to callers.**

Outcome: Percentage of phone calls answered with an average hold time of less than five minutes

Service: Customer Contact Center

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
70%	90%	90%	90%	90%	90%

Outcome: Number of training sessions provided to Service Operations staff by other Divisions

Service: Department-wide

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
36	36	36	36	36	36

**1-5 Build and retain a quality team through training, recognition, and communication.**

Outcome: Number of employee training events provided

Service: Department-wide

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
4,421	6,300	6,200	6,100	6,000	5,900

Outcome: Number of awards presented through the department's recognition program

Service: Department-wide

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
765	820	840	850	860	870

Outcome: Percentage of annual employee turnover

Service: Department-wide

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
13.7%	12.5%	12%	12%	12%	12%

## Goal 2: Increase Consumer & Community Protection

### Objectives:

#### 2-1 Respond to consumer inquiries, requests, complaints and investigative inquiries in a timely manner.

Outcome: Percentage of complaints against licensees and unlicensed persons and entities which undergo complaint review within statutory requirements or stated goals

Service: Regulation of Boards and Commissions (15 business days)

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
35%	31%	29%	27%	25%	30%

Service: Regulation of Boards and Commissions- Real Estate (15 business days)

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
35%	40%	39%	40%	40%	40%

Service: Regulation of Boards and Commissions – Accountancy (15 business days)

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
35%	94%	94%	94%	94%	94%

Outcome: Average number of days to resolve investigations of consumer complaints

Service: Regulation of Boards and Commissions

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
261	148	159	169	181	120

Service: Real Estate

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
195	325	325	325	325	325

Service: Accountancy

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
111	100	100	95	90	90

Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
77	90	90	90	90	90



Outcome: Percentage of complaints acknowledged in writing within 30 days  
 Service: Regulation of Boards and Commissions

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
100%	100%	100%	100%	100%	100%

Service: Real Estate

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
100%	100%	100%	100%	100%	100%

Service: Accountancy

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
42%	95%	95%	95%	95%	95%

Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
96%	95%	95%	95%	95%	95%

**2-2 Increase accountability of licensees and regulated entities by completing required inspections to determine compliance with all regulations.**

Outcome: Percentage of required inspections completed  
 Service: Regulated Professions (Cosmetology, Barbers, & Veterinarians)

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
100%	100%	100%	100%	100%	100%

Outcome: Percentage of food establishments inspected according to statute  
 Service: Food Service and Public Lodging

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
78%	78%	75%	72%	70%	70%

Outcome: Percentage of lodging establishments inspected according to statute  
 Service: Food Service and Public Lodging

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
86%	86%	82%	78%	74%	80%

Outcome: Percentage of licensees in compliance with all laws when inspected  
 Service: Food Service and Public Lodging

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
86%	88%	89%	90%	90%	90%

Service: Elevator, escalators & other vertical conveyance devices

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
86%	95%	97%	98%	98%	95%

Outcome: Percentage of administrative actions resulting in consent orders

Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
90%	90%	90%	90%	90%	90%

**2-3 Reduce incidences of underage drinking by educating vendors about the Responsible Vendor program and identifying fraudulent identification and by pursuing criminal and administrative sanctions against those who provide alcoholic beverages to underage persons.**

Outcome: Number of law enforcement officers trained to identify fraudulent identification

Service: Alcoholic Beverages & Tobacco

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
225	225	225	225	225	225

Outcome: Percentage of alcoholic beverage retailers tested and found to be in compliance with underage persons' access

Service: Alcoholic Beverages & Tobacco

Baseline FY 2006-07	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
82.8%	89%	89%	89%	89%	89%

## Linkage to Governor's Priorities

Governor Charlie Crist was sworn in on January 2, 2007; he immediately announced his commitment to improving the way Florida's government serves the people of Florida. He outlined goals for improving customer service, communicating in plain language, and making government more open and transparent.

The Crist/Kottkamp administration has expressed priorities for promoting a better Florida which include:

- Protecting Our Communities
- Strengthening Florida's Families
- Keeping Florida's Economy Vibrant
- Success For Every Student
- Keeping Floridians Healthy
- Protecting Florida's Natural Resources

The Department of Business and Professional Regulation has developed complementary priorities. The department licenses nearly 1 million Floridians, and it is crucial for this agency to focus on "Enhancing Quality of Customer Service" and "Increasing Consumer & Community Protection". To this end, the department developed goals to streamline processes, reduce the amount of time it takes to serve its customers and to reduce the amount of time it takes an applicant to obtain a license.

With respect to the Governor's enumerated priorities, the department established goals and objectives that promote protecting our communities by increasing inspections, processing complaints and completely investigating complaints in a timely manner. In order to keep Florida's economy vibrant, the department has set goals for reviewing all rules to eliminate unnecessary, duplicative or unclear regulation. The department's Division of Hotels and Restaurants is essential to keeping Floridians and visitors healthy by inspecting all of Florida's licensed food service and lodging establishments.

## **Trends and Conditions Statement**

### **Primary Responsibilities**

The Department of Business and Professional Regulation (DBPR) is an executive agency of the Governor and is charged with regulating more than one million businesses and professionals. It was created by the Florida Legislature in 1993 and was formed as a result of the merger between the Department of Professional Regulation and the Department of Business Regulation.

DBPR issues more than 200 distinct license types and regulates twenty-four professions and multiple industries. The department distributes its regulatory responsibilities across nine divisions and one commission, including:

- Division of Alcoholic Beverages and Tobacco
- Division of Hotels and Restaurants
- Division of Pari-Mutuel Wagering
- Division of Real Estate
- Division of Certified Public Accounting
- Division of Professions
- Division of Regulation
- Division of Florida Condominiums, Timeshares and Mobile Homes
- Division of Service Operations
- Florida State Boxing Commission

The department's diverse regulatory responsibilities fall under three primary areas: standards and licensing; compliance and enforcement; and tax collection and auditing.

### **Standards and Licensing**

Services provided involve: setting standards for licensure requirements; developing and overseeing the testing requirements; approving license applications and renewals; reviewing background checks; issuing licenses and certificates; and processing filings. The department also approves courses and course providers for required continuing education and monitors licensee compliance. Current law varies by profession; however, in most cases, 100 percent monitoring of compliance is required for professions that must complete continuing education courses.

### **Compliance and Enforcement**

Regulatory responsibility focuses on deterring violations and increasing compliance with the laws and rules regulating the department's licensed professionals and businesses

through inspections, investigations, complaint processing, mediation, enforcement and disciplinary actions, including the following:

- Inspecting Florida's professional offices to ensure compliance with necessary safety measures, conducting sweeps and stings in order to identify unlicensed practitioners, educating the public about the dangers of unlicensed activity, and investigating complaints of wrongdoing by licensed and unlicensed individuals.
- Ensuring licensed participants in pari-mutuel wagering and slot machine gaming facilities are in compliance with the laws and rules established to protect the public and racing animals, including monitoring races and games, drug testing of animals, facility inspections and complaint investigations.
- Investigating, enforcing and providing prosecutorial assistance for criminal and regulatory violations and violators of the state's alcoholic beverage and tobacco laws and rules. The prevention of the sale of alcoholic beverages to underage persons is diligently pursued.
- Inspecting and investigating food and lodging establishments and enforcing Florida's elevator laws to ensure the safety of persons using vertical transportation.
- Investigating and ensuring compliance with applicable laws relating to the business areas of condominiums and cooperatives, mobile home parks, timeshares, and yacht and shipbrokers, and salespersons.

### **Tax Collection and Auditing**

#### **Division of Alcoholic Beverages and Tobacco:**

When the Twenty-first Amendment to the United States Constitution was enacted, it specifically placed the responsibility of controlling the alcoholic beverage industry upon the states. The regulation of alcoholic beverages began in Florida in 1933. During 1945, the state's cigarette industry became an added responsibility of the department. The regulation of other tobacco products was later included in 1986. The three-tiered system of product distribution within the alcoholic beverage and tobacco industries requires a complex licensing and taxing component for manufacturers, distributors and vendors in each industry. The Division of Alcoholic Beverages and Tobacco is responsible for the collection and distribution of licensing fees, the collection of alcoholic beverage and tobacco excise taxes, the collection and distribution of cigarette excise taxes, and the determination of compliance with established laws by the manufacturers, distributors and retail dealers licensed or permitted to sell these products in the state of Florida. Complex audits must be performed to verify the flow of the particular products through the marketing systems (manufacturer-distributor-vendor) as required by Florida law and to validate the correct payment of all taxes on those products

**Division of Pari-Mutuel Wagering:**

The division's primary responsibilities include ensuring that races and games are conducted fairly and accurately; ensuring the safety and welfare of racing animals; collecting state revenue accurately and timely; issuing occupational and permitholder operating licenses; regulating cardroom and slot machine operations; and ensuring that permitholders, licensees, and totalisator companies comply with Chapters 550, 551, and 849.086, Florida Statutes. In addition, the division provides day-to-day oversight to 26 pari-mutuel facilities; 21 cardrooms operating at pari-mutuel facilities; and three slot facilities located at Broward County pari-mutuel facilities.

The tax structure of the pari-mutuel industry is extremely technical with approximately 20 applicable tax rates and six different tax credits, with both rates and credits having multiple variables for determination. A significant amount of financial analysis and reporting is required in the oversight of this industry. Legislation passed during the 2007 Legislative session revised the conditions under which cardrooms may operate. It creates greater opportunity to operate a cardroom and provides higher pot limits. The number of cardrooms and the associated tax revenue is increasing, providing a larger tax distribution to local government.

In 2004, a constitutional amendment legalized slot machine gaming in Broward and Miami-Dade counties, subject to approval by voters in county-wide referendums. Broward County voters authorized gaming in their county in 2004. Miami-Dade County voters approved a gaming initiative in January 2008. Pending the outcome of SB 788 (Seminole Tribe of Florida gaming compact), slot machine gaming may only be conducted at the four eligible pari-mutuel wagering facilities in Broward and three in Miami-Dade. Regulatory responsibility was assigned to the Division of Pari-Mutuel Wagering. Tax revenue is transferred to the Education Enhancement Trust Fund within the Department of Education.

**Current Trends****Division of Real Estate:**

The Division of Real Estate is responsible for the examination, licensing and regulation of more than 315,000 real estate and appraisal individuals, corporations, schools and instructors, pursuant to Chapters 455 and 475, Florida Statutes. Additionally, the division provides administrative support to the Florida Real Estate Commission and the Florida Real Estate Appraisal Board.

The division estimates that the number of licensees will show a slight decline in Fiscal Year 2009-10 and will show a minimal increase in Fiscal Year 2010-2011. The cooling of the real estate market has brought an increase in the number of complaints, investigations, legal actions and inquiries from licensees. As allegations of mortgage fraud rise, it is likely that there will be a measurable increase in the number of complaints for both the real estate and appraisal professions. Additionally, there has been a substantial increase in the complexity of complaints and investigations as a result of multiple real estate schemes appearing throughout the state. This increase in complexity

combined with extensive collaboration with other governmental and law enforcement agencies has increased the time it takes to move a complaint through the complaint-resolution process. Additional staff provided in Fiscal Year 2006-2007 and in Fiscal Year 2007-2008 has had a positive impact on the complaint-resolution process. However, this positive impact is negated by the growth in consumer complaints and the complexity factor of those complaints.

On January 1, 2008, the criteria for the appraisal section of the division changed dramatically to meet mandated standards outlined by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. Compliance with these criteria is mandated under congressional authority. While the most recent changes have been fully implemented, the federal oversight continues to require tremendous efforts to maintain compliance and retain the state's certification to issue licenses to appraisers for federally related transactions. This regulatory structure mandates the complaint-resolution process (from the time the complaint is received by the division to the issuance of a final order) be no longer than 365 days. The division is meeting this standard on approximately 70% of all appraisal cases as a result of the increased complexity of investigations dealing with mortgage fraud and other related real estate schemes that continue to appear throughout the state. Additionally, there are many occasions in our collaboration with other state and federal agencies we are asked to hold off on moving forward until the agencies dealing with the criminal issues have acted first. Once they have acted on the criminal aspects the division will move forward with its resolution of the case.

Specifically, the division has seen substantial growth in the following areas:

- **Number of complaints:** The number of consumer complaints received by the division in Fiscal Year 2008-2009 has increased by 25% over Fiscal Year 2006-2007 and has increased by more than 50% over FY 2002-2003. Based upon historical data the division projects the number of complaints to increase by approximately 22% in Fiscal Year 2010-2011 over Fiscal Year 2008-2009.
- **Number of Investigations:** As the number of complaints received by the division has increased so the number of cases investigated has increased. The number of investigations completed in Fiscal Year 2008-2009 increased by 3.5% over Fiscal Year 2006-2007 and has increased by 50% over Fiscal Year 2002-2003. Unfortunately, the number of investigations in the division's Bureau of Enforcement which were pending at the end of Fiscal Year 2008-2009 was over 1,600 which is an increase of 101% over Fiscal Year 2006-2007. The division estimates that in Fiscal Year 2010-2011 the number of investigations completed will remain constant with Fiscal Year 2008-2009.
- **Number of legal cases:** The number of legal cases closed in Fiscal Year 2008-2009 was 2,056, a decrease of 50% from Fiscal Year 2006-2007 but an increase of 28% over Fiscal Year 2002-2003. The number of legal cases which were pending at the close of Fiscal Year 2008-2009 was 1,164, an increase of 16.5% over Fiscal Year 2006-2007.

- **Licensing:** In Fiscal Year 2002-2003 the number of licensees under the regulation of the division was 261,301 while the number of licensees under the regulation of the division in Fiscal Year 2008-2009 was 316,944, an increase of more than 21%.

**Division of Regulation:**

The Division of Regulation is responsible for regulation and enforcement of the statutes and rules set for the nearly 376,000 individuals who hold professional licenses under the 18 boards, councils and programs administered by the department. The division is also responsible for proactively combating and reactively pursuing reports of unlicensed activity. Enforcement is carried out through complaint intake analysis, investigations, and inspections. While the division places a high priority on the enforcement of unlicensed activity, education and outreach to consumers is also considered an essential tool in helping to combat unlicensed activity. These educational events raise public awareness of the necessity of hiring licensed professionals allowing citizens to better protect themselves.

Sweep and sting operations are conducted as a part of the proactive enforcement efforts. The division is comprised of eight regional offices located throughout the state. Each regional office is charged with completing at least two sweep operations per month and two sting operations per year. Sweeps are a pre-emptive enforcement action performed in areas of known or suspected unlicensed activity. Division staff generally performs sweeps in conjunction with other state agencies, law enforcement or local municipal agencies. Stings are an enforcement action in which the division pursues known unlicensed persons by providing the unlicensed subject the opportunity to offer services that require a license. These operations may result in arrests, issuance of Cease and Desist orders, citations or investigative cases and serve to curtail unlicensed activity in our state. Stings and sweeps also provide media opportunities which increase community awareness about the department's actions.

The division's Alternative Dispute Resolution Program facilitates agreements between professionals and consumers. This program may provide economic recovery to the consumer without the time and expense of an enforcement action against the professional. Chapter 455.2235, Florida Statutes gives the division authority to resolve complaints through mediation which has been proven to be especially beneficial after hurricanes and/or storms.

The division's Farm Labor and Child Labor Programs help protect two of Florida's most vulnerable populations. The Programs verify compliance with statutes through proactive enforcement efforts which include routine checks, inspections and investigations. These enforcement measures help ensure that Florida's farm workers and minors are protected from harmful work situations and exploitation.

In June 2008 the division began using the OnBase computer system allowing "paperless" processing of complaints. What was once thousands of paper cases are now electronic



documents which can be stored on the network and transmitted instantly. This new system helped to speed up processing times and to save on paper costs.

The following is statistical data for complaints, inspections and investigations. Fiscal Year 2003-04 is used as a baseline year for complaints and investigations because it is the last average year before the volume of cases spiked as a result of the hurricanes of 2004 and 2005.

- **Number of complaints:** In Fiscal Year 2003-04 there were 13,487 complaints received. In Fiscal Year 2008-09 the number of complaints increased to 15,899 and is expected to increase in Fiscal Year 2009-10.
- **Number of investigations:** In Fiscal Year 2003-04, 4,117 investigations were conducted and in Fiscal Year 2008-09, 4,803 were completed. The number of investigations could significantly increase if Florida is impacted by any major storm that increases construction activity, unlicensed activity and related complaints.
- **Average number of investigations per investigator:** The average number of investigations completed per investigator was 119 in Fiscal Year 2003-04. In Fiscal Year 2008-09 cases increased to 120 completed per investigator and is expected to increase in Fiscal Year 2009-10. The Legislature provided five additional investigator positions for Fiscal Year 2008-09, which allowed staff to maintain a manageable workload and has prevented increased case processing timeframes.
- **Number of Sweep and Sting information:** In Fiscal Year 2006-07 staff performed 143 sweep operations and 4 sting operations. These efforts were increased by 243% in Fiscal Year 08-09 for a total of 472 sweep operations and 33 sting operations.
- **Number of outreach events:** Staff increased outreach efforts from 63 in Fiscal Year 2006-07 to 274 in Fiscal Year 08-09. These outreach efforts increased consumer and licensee awareness regarding license requirements and unlicensed activity, helping to reduce the total number of complaints.
- **Number of inspections:** In Fiscal Year 2003-04, more than 23,600 inspections were conducted. Due to a significant increase in cosmetology establishments, a rule change was implemented reducing the required inspection from annually to biennially. Staff is able to focus on violators and perform re-inspections of establishments not meeting minimum standards within 120 days. During Fiscal Year 2007-08 the Board of Veterinary Medicine changed the rule requiring inspections every five years to every two years effective July 1, 2009. There were 17,880 inspections conducted in

Fiscal Year 2008-09 and the number is expected to increase in Fiscal Year 2009-10.

- **Average number of inspections per inspector:** The average number of inspections conducted per inspector was 1,118 in Fiscal Year 2008-09. The average number of inspections is expected to increase slightly in Fiscal Year 2009-10 as a result of the implementation of the biennial inspection of veterinarian establishments.

### **Division of Certified Public Accounting:**

The Division of Certified Public Accounting is responsible for the examination, licensing and regulation of 28,492 Certified Public Accountants (CPAs) and 5,080 Certified Public Accounting firms pursuant to Chapters 455 and 473, Florida Statutes. Additionally, the division staff provides administrative support to the Board of Accountancy.

The division must maintain its ability to license only qualified individuals and firms to practice public accounting in the state of Florida, while developing and implementing methods to improve effectiveness and efficiency in the licensing and regulatory process. Maintaining and improving are both challenged by the steady increase of the number of applications. Where once applicants were only Florida college or university graduates, they now include interstate relocation of CPAs to Florida. This is a result of a statute change that made it easier to evidence work experience prior to 2004. The changing growth in Florida's population and current economic environment has also resulted in an increase in endorsement applications and more inactive and delinquent licensees seeking reactivation of their Florida CPA certificate. In Fiscal Year 2006-07 the division received 336 reactivation applications compared to 514 in Fiscal Year 2008-09; a 52 percent increase.

Over the seven-year period from fiscal year 2000-2001 through Fiscal Year 2007-2008, the number of CPA applications has increased by an average of 84.68% while the staffing level has remained constant. Applications increased approximately 6.5% from Fiscal Year 2007-08 to Fiscal Year 2008-09. Statutory changes, effective July 1, 2008, reduce the education requirements making it easier for applicants to qualify for the examination. This change has increased the number of applications received to sit for the exam. With the passage of the Mobility Legislation in 2009, the Division of Certified Public Accounting will need to observe how this will impact the number of complaints filed.

In addition, the division has seen the following yearly application increases:

- CPA examination - increased from 825 in Fiscal Year 2000-01 to 1,587 in Fiscal Year 2008-09 (92% increase)
- Endorsements - increased from 520 in Fiscal Year 2000-01 to 658 in Fiscal Year 2008-09 (27% increase)
- Reactivations - increased from 208 in Fiscal Year 2000-01 to 514 in Fiscal Year 2008-09 (147% increase)

**Division of Professions:**

The department's Division of Professions is responsible for the licensing of more than 411,800 professionals. . The division administers 14 professional boards, one council, and three department-regulated professions. These professionals include: architects and interior designers, asbestos consultants, athlete agents, auctioneers, barbers, building code administrators and inspectors, community association managers, the construction industry, cosmetologists, electrical contractors, employee leasing companies, geologists, landscape architects, pilot commissioners, surveyors and mappers, talent agencies and veterinarians. Effective October 1, 2010, the Board of Professional Surveyors and Mappers and its financial resources will transfer to the Department of Agriculture and Consumer Services.

The division consists of five board offices each staffed by an executive director, two government analysts and an administrative assistant. Each office schedules board meeting agendas, prepares application and disciplinary files for board review, attends and provides support during board meetings, and tracks discipline. The department is responsible for issuing licenses and taking disciplinary action for the athlete agents, talent agencies, asbestos, and community association management professions. Each board meets between four and 11 times per year, and the board offices receive application and disciplinary files monthly, along with board disciplinary orders that are filed with the agency clerk. Each office also prepares newsletters for each profession, provides industry education through speaking engagements, and assists applicants and licensees with complex licensing issues that are referred from the department's Customer Contact Center.

Based upon an analysis of data extracted from the department's licensing system, LicenseEase, the division experienced increases/decreases in the following areas:

- Applications referred to the professional boards totaled 7,451 in Fiscal Year 2006-07. That number decreased by approximately 3% to 7,261 in Fiscal Year 2007-08. In Fiscal Year 2008-09, the number of applications referred decreased to 5,995, a 17% decrease from Fiscal Year 2007-08. The recent decrease appears to reflect current economic conditions resulting in a drop-off in the professions related to the housing industry. The U.S. Bureau of Labor Statistics (Monthly Labor Review, November 2007) projects growth in GDP at 2.80% through 2015. It is expected that once the decline levels off in the economy, the professions could experience, by 2015, the level of activity projected by the Bureau of Labor Statistics.

In addition, the department has made efforts to improve the number of applications approved without the necessity for board referral. Some board rules require all applicants to come before the board while others have requirements for board review only in the instance of applicants with problematic criminal or credit history. Approval of non-controversial applications by the department, without

- having to wait for a scheduled board meeting allows for more expedient licensure for the applicant.
- There were 1,277 disciplinary cases referred to the professional boards in Fiscal Year 2006-07. In Fiscal Year 2007-08, disciplinary cases increased 35% to 1,719. Disciplinary cases decreased to 1,576 in Fiscal Year 2008-09, a decline of more than 8%. The numbers of disciplinary cases in Fiscal Year 2006-07 were primarily construction and electrical-related complaints that followed active hurricane seasons in 2004 and 2005.
  - Disciplinary action taken by the boards totaled 2,198 cases in Fiscal Year 2006-07. In Fiscal Year 2007-08 disciplinary cases totaled 1,874, a decrease of 15% percent. The large numbers of disciplinary cases during Fiscal Year 2006-07 were primarily construction and electrical-related complaints that followed active hurricane seasons in 2004 and 2005. In Fiscal Year 2008-09, the number of disciplinary actions increased by 20 percent to 2,246. It is anticipated that percentages for Fiscal Year 2009-10 may trend upward based upon the current downturn in the economy and its effects on the construction industry.
  - The number of professional licenses in Fiscal Year 2006-07 was 392,584 in Fiscal Year 2007-08 this number was 405,027 and in Fiscal Year 2008-09 professional licensees totaled 411,841.

## **Division of Condominiums, Timeshares, and Mobile Homes**

### Condominiums

The development of new condominiums in Florida has been significantly impacted by the broader economic decline affecting Florida, the United States, and the global economy. The filing of new condominium projects continued to decline over the 2008-09 fiscal year, down from approximately 20 initial filings per month to approximately 10 filings per month. However, as anticipated, the impact of a declining market has spurred an upward trend of amendments to existing condominium filings, as inventory is sold to subsequent developers or existing developers seek to amend the offerings to attract buyers. The division anticipates that the number of condominium related complaints will remain on par or increase compared to previous years as a number of foreclosures—both of units intended by investors to be “flipped” as well as of primary and secondary residences—are addressed by condominium associations. However, as yet, the division has not seen an increase. To the contrary, from July 2007 to June 2008, the division received 2,648 complaints compared to 2,346 from July 2008 to June 2009; a 13% decline.

### Mobile Homes

The development of new mobile home parks in Florida has almost ceased. From July 2005, to June 2009 only five new mobile home parks were created. By contrast, 37 mobile home parks closed during the 2008-09 fiscal year. However, the number of mobile home related complaints have increased. From July 2007 through June 2008, the division received 175 mobile home complaints compared to 257 complaints received from July 2008 through June 2009, a 32% increase. The division anticipates this trend to

continue to increase as existing mobile home park residents react to this trend of declining availability.

### Timeshare

According to the American Resort Development Association, Florida—specifically the Orlando metropolitan area—remains the timeshare Capitol of the World. However, the real estate downturn experienced in the single family residential and condominium sectors finally surfaced in the timeshare market last fiscal year.

From July 2007 through June 2008, the division received 471 complaints compared to 691 complaints from July 2008 through June 2009, a 47% increase. Although the division anticipates further increases in complaints, the 47% increase year-to-year is believed to be an anomaly.

### Yacht and Ship

Recreational boating continues to have a significant impact on Florida's economy. At last report, according to the Marine Industries Association of Florida, recreational boating contributes more than \$18 Billion to the economy with an employment impact of 220,000 jobs. In support of this industry, the division's Yacht and Ship section's regulation and investigation of brokers "weeds out" bad actors that would interrupt this economic engine. Licensing of brokers is cyclic with increases through the year, peaking in the winter followed by a drop in active licenses as the pattern repeats corresponding with the boat show calendar. From July 2006 through June 2007, the number of active yacht broker licenses ranged from 2,870 to 2,720; from July 2008 through June 2009, the number of active yacht broker licenses ranged from 2,865 to 2,782. Year to year, the number of complaints remained steady with the division receiving 50 complaints from July 2007 through June 2008 compared to 51 complaints from July 2008 through June 2009.

### **Florida State Boxing Commission:**

The Florida State Boxing Commission regulates professional boxing, kickboxing and mixed martial arts pursuant to Chapter 548, Florida Statutes. In addition, the commission approves and monitors amateur boxing, kickboxing, and mixed martial arts (MMA) sanctioning organizations that host events in Florida.

The daily operations of the commission are managed by an Executive Director, an Assistant Executive Director, two fulltime and one OPS employees, located in Tallahassee, Florida. Part-time/OPS staff is utilized on a per event basis to perform application intake, licensing, revenue collection, event result recording, venue inspection, timekeeping and enforcement functions. The commission collects revenue via license/live event permit fees, fines, taxation on gross receipts associated with live events, and taxation on gross receipts associated with pay-per-view sales in Florida, including events originating outside of Florida.

During the 2008 legislative session, the commission was given the authority to approve and monitor amateur MMA sanctioning organizations. The commission is implementing an application process and developing rules to set guidelines and safety standards.

From Pensacola to Key West illegal events are held every week and some are promoted by street gang's. The Florida State Boxing Commission is working closely with local Law Enforcement to put a stop to the illegal events.

Within the last five years the number of pugilistic events increased from 53 in Fiscal Year 2004-05 to 75 in Fiscal Year 2008-09. The chart below shows how the number of boxing and mixed marital arts events have increased over the last five years..

Comparison between FY 2004-05 and FY 2008-09

Events	FY 2004-05	FY 2008-09	Increase
Mixed Martial Arts	10	32	220%
Total Pugilistic Events	53	75	42%

Nationally, the popularity of professional boxing, kickboxing and mixed martial arts has dramatically increased. Florida is among the most active states for amateur and professional boxing as well as professional mixed martial arts events in the United States. The Association of Boxing Commissions reported that Florida ranked second to California in terms of volume of professional boxing events held in 2008. Boxing and mixed martial arts are growing industries in Florida. In FY 2009-10, it is anticipated that the total number of pugilistic events in Florida will reach or exceed 75 events.

**Division of Hotels & Restaurants:**

Section 509.032, Florida Statutes, provides the Division of Hotels & Restaurants with responsibility and jurisdiction for conducting inspections of food and lodging establishments. Each licensed establishment must be inspected at least biannually, except for transient and non-transient apartments, which must be inspected at least annually, and at such other times as the division determines is necessary to ensure the public's health, safety, and welfare. Public lodging units classified as resort condominiums or resort dwellings are not subject to this requirement, but must be made available to the division for inspection upon request.

In November 2005, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued Report No. 05-51, entitled "*Division of Hotels and Restaurants Improves Operations But Not Meeting Inspection Goals.*" Over the three fiscal years following that report, the division received 28 additional food service and lodging inspection positions; increasing the total to 186 inspectors covering more than 80,000 establishments across the state. The division has completed the hiring and training process for these positions.

**Completed percentage of statutorily required inspections:**

- FY 2008/09 = 98%
- FY 2007/08 = 89%
- FY 2006/07 = 83%
- FY 2005/06 = 77%
- FY 2004/05 = 74%

The state continues to experience annual growth in the number of food and lodging establishments, and it is anticipated that this trend will continue. The following chart shows the growth change for the food and lodging establishments, the total number of inspectors and the percentage increase of each from Fiscal Year 2004-05 to Fiscal Year 2008-09.

**Business Volume Change From FY 2004-05 to FY 2008-09**

<b>Activity Type</b>	<b>FY 2004-05</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>Difference</b>
Food Accounts	42,277	43,983	44,664	44,697	5.72%
Lodging Accounts	36,549	36,967	36,600	37,898	3.69%
<b>Total Accounts</b>	<b>78,826</b>	<b>80,950</b>	<b>81,264</b>	<b>82,595</b>	<b>4.78%</b>
Total Inspectors	158	170	183	186	17.72%

The division centralized licensure of food and lodging establishments in July 2006. This allows faster, more efficient and more consistent processing of applications. In Fiscal Year 2008-09, the division completed centralizing its food service plan review process. Application, fee payment, and reviews transitioned from the seven district offices to Tallahassee. Plan review centralization has resulted in a more efficient use of resources and greater responsiveness to licensees. Eligible restaurant license applicants can now electronically submit their plans for immediate feedback and approval.

The division's food and lodging inspectors use handheld personal digital assistants (PDAs) to record and transfer inspection data to the main database and generate customized inspection reports for each visit. This technology provides greater accountability, increased legibility, more uniformity and enhanced detail in identifying violations. Inspectors download inspection results daily, making this information instantly available to the public through the department's Internet portal. This technology was initiated in 2003 and has outlived its life span. It is in critical need of upgrading.

**Bureau of Elevator Safety**

Chapter 399, Florida Statutes, "The Elevator Safety Act," provides for the design, construction, operation, inspection, testing, maintenance, alteration and repair of elevators in Florida. The Department of Business and Professional Regulation is required to enforce the provisions of Chapter 399, F.S. and Chapter 61C-5, Florida Administrative

Code. The department is also empowered to enforce the provisions and standards of the Florida Building Code.

The Bureau of Elevator Safety licenses and regulates elevators, escalators, and other vertical and inclined conveyance devices. Specific responsibilities include issuing elevator certificates of operation; maintaining inspection, accident and complaint data; processing and issuing permits for applications to construct, alter, modify or relocate elevators; registering elevator companies, elevator technicians and private inspectors; and monitoring local-partner programs, elevator companies, elevator technicians and private inspectors. The Bureau also provides facilitation and administrative support to the Elevator Safety Technical Advisory Council (ESTAC).

In addition to performing inspections, bureau inspectors respond to complaints, educate owners about their responsibility to have annual safety inspections and work to eliminate code violations in their respective regions. During Fiscal Year 2007-2008, the bureau conducted 4,962 monitoring inspections and compliance visits, a two-fold increase over the past four years. The bureau's oversight role for more than 68,000 conveyances continues to increase because of growth in new elevator construction and registration of new private elevator inspection firms doing business in the state.

The Auditor General's *Report No. 2006-075* and Office of Program Policy and Government Accountability *Report No. 08-18* made several recommendations for improvement to the program including:

- Increased monitoring of local governments with delegated regulatory authority, (complied) and
- Amending s. 339.049, Florida Statutes, to increase the Division's enforcement authority.

Bill language has since been proposed to reorganize chapter 399, F.S., into related subject matter areas; clearly defines roles and responsibilities; conforms language throughout the statute; and improves the Division of Hotels and Restaurants ability to regulate conveyance inspections and industry professionals.

#### **Division of Alcoholic Beverages and Tobacco:**

Chapters 210, 561 through 569, Florida Statutes, provides the Division of Alcoholic Beverages and Tobacco (AB&T) with the responsibility for the enforcement of the state's beverage and tobacco laws; licensing of all manufacturers, distributors, importers, and retailers of alcohol and tobacco products; and excise tax collection related to these products.

In Fiscal Year 2005-06, the Legislature expanded the Bureau of Enforcement's police powers beyond those specific to alcoholic beverage and tobacco establishments to encompass more general law enforcement authority, provided that AB&T sworn officers were performing their primary duties. This expansion of authority enabled the bureau to



enter into partnership with other law enforcement agencies and investigate violations of the state beverage laws outside of licensed establishments, such as investigation of counterfeit identification and illegal Internet sales of alcoholic beverages and tobacco products. This allowed the enforcement of all other state laws provided the enforcement is incidental to the agent's conducting their primary duty.

Given the dynamic nature of the communities we serve, the division utilizes both traditional and proactive investigative strategies as part of their public safety response plan. Emerging needs, opportunities and priorities enable division personnel to address a myriad of issues. The focus areas include:

- Community partnerships and coalitions;
- Crime prevention & public education;
- Fraudulent Identification Investigations;
- Investigation of Internet sales of alcoholic beverage and tobacco products to underage persons; and
- Other investigations, including participation in terrorism task forces and ad-hoc work groups as assigned by the division director or the chief of law enforcement.

#### Community Partnerships

The division, like their law enforcement partners across the nation, recognizes that they are part of the solution to the problem facing Florida communities. By working together with private citizens and representatives of government and the business community, the division is more effective in carrying out their duties.

#### Crime Prevention

The division recognizes crime prevention and public education help all of Florida's communities and neighborhoods become safer. Through education and sharing ideas from different disciplines, the division remains optimistic of reaching individuals who may otherwise make poor choices and violate the law and cause injury to others.

#### Fraudulent Identification Investigations (Including Internet Sales of Fraudulent Identification)

The manufacture of fraudulent identification is a \$2 million industry producing an estimated 25 million fake IDs yearly. ID fraud costs the American public \$60 billion annually and is the fastest growing crime in the United States. Florida driver's licenses are ranked as the fourth most popular counterfeited ID.

Access to fraudulent IDs results in increased underage drinking, which costs the nation more than \$53 billion annually with underage drinkers accounting for 10 to 20 percent of all alcohol consumed in this country. Fifty percent of all high school seniors admit to drinking alcohol within the past 30 days.

The division has reviewed more than 35,000 counterfeit IDs and maintains the largest library of active and counterfeit IDs in the nation. In addition, the division has provided

fraudulent identification training for more than 300 law enforcement agencies. Fraudulent ID investigations involve locating the manufacturers and sellers of fake IDs and the execution of search and arrest warrants. These activities resulted in more felony arrests than the remainder of the division activities combined.

#### Investigation of Internet Sales

There are two areas relating to Internet sales where the division needs to focus efforts:

- Collection of taxes on the sale of alcoholic beverages, cigarettes, and tobacco products
- Sale of alcoholic beverages and tobacco to under age persons

The rise in state cigarette taxes creates a potential for interstate trafficking in cigarettes to avoid state taxes. Congress enacted federal laws to help ensure the states cigarette taxes are paid. These Federal laws make it unlawful to traffic in cigarettes to avoid state cigarette taxes and impose certain record keeping and reporting requirements on persons who ship cigarettes in interstate commerce. Under the federal Jenkins Act, which can be found at Title 15, United States Code, any person who advertises cigarettes for sale, including on the Internet, or who ships cigarettes into a state to any person other than a cigarette distributor licensed by the state must file a statement of intent to sell into the state with the tobacco tax administrator of that state. This person is further required to report such sales to the tobacco tax administrator no later than the 10th calendar day of the month, showing to whom and where the shipments were made, the brands of cigarettes shipped, and the quantity of cigarettes shipped. Florida Law 2009-79 was passed this year, which further allows direct sales into Florida and outlines the requirements for reporting and paying the associated fees.

The allowance of sales of cigarettes directly to consumers has been an issue with the division in terms of tax collections and remains an undetermined issue in terms of access by minors. The Jenkins Act allows out-of-state entities to sell directly to consumers if they report those sales to the state so that the state can collect the taxes from the consumer. The reports of those sales are not always remitted. In the past few years, there has also been an increase in sales of other tobacco products from unlicensed out-of-state entities directly to in state retailers without the taxes being remitted.

The division has piloted two programs that would address the direct sales of cigarettes and tobacco products from a tax point of view. These pilot programs conducted in FY 2003-04 were performed by employees in the Orlando AB&T office in conjunction with their normal duties. The organization of the source documents and sales data was performed by supervisory staff, communications to recipients and collection of taxes was performed by administrative staff, and auditing and investigative work was performed by agents and auditors. One program audited retailers who buy untaxed tobacco products from unlicensed entities. From the direct sales of two sources, the division audited the applicable receiving retailers and collected \$1.5 million in additional excise taxes. The second program involved auditing entities that sell cigarettes directly to consumers utilizing the Jenkins Act and then contacting the

consumers for collection of the applicable taxes. From direct cigarette sales of five sources, the division collected more than \$384,000 in additional excise taxes.

In addition, due to the 2005 Federal Court ruling that allows for direct shipment of wine to consumers in Florida, Internet sales of alcoholic beverages are increasing rapidly. The sale of wine through the Internet provides another avenue for potential access to wine by minors, even though federal law requires shippers to package alcohol in clearly marked containers and common carriers to verify the age of the person accepting delivery.

Since January 2006, the Division has received reports from out-of-state wineries that sell wine directly to consumers and remit the applicable taxes. The reporting of wine shipments has increased from four shippers in January 2006 to 1,064 shippers by June 2009. These reports and related payment of excise taxes have been on a volunteer basis from the entities selling directly to consumers in Florida. Within this three-and-one-half year period, the Division has collected more than \$1,103,300 in associated tax payments representing sales to more than 493,000 total recipients. This represents an average of \$32,300 collected each month from sales to an average 14,896 recipients. This compliance is currently on a voluntary basis, with an average of 604 reports submitted each month. The Division does not at this time aggressively require the wineries to report. The possibility that beer and liquor products are being shipped directly to consumers in Florida also exists.

The Division is just beginning investigations of Internet sales of alcoholic beverage and tobacco products. By “sampling” the issues of Internet sales of alcoholic beverages, cigarettes, and tobacco products into the state, the Division has netted more than \$2.88 million in additional tax revenue. If laws are not strictly adhered to, coupled with the prevalence of fraudulent IDs, the resulting workload could be significant. Developing these programs and dedicating a team specifically to the investigation of Internet sales would enable the Division to collect substantial unpaid revenues to the state and monitor the sales of these products to minors.

#### Surcharge on Cigarettes and Other Tobacco Products

The 2009 Florida Legislature passed “Protecting Florida’s Health Act” which levied a surcharge on both cigarettes and tobacco products (other than cigars). Beginning July 1, 2009, the surcharge on cigarettes was increased at the rate of \$1.00 per standard pack of 20 cigarettes, or 5 cents per cigarette. The surcharge on other tobacco products was increased to 60% of the wholesale sales price. The surcharge on both cigarettes and tobacco products was assigned to be administered, collected, and enforced by the Division of Alcoholic Beverages and Tobacco (AB&T) in the same manner as the excise taxes on these products. The legislation provided for the surcharge to be calculated and paid on the existing inventory of cigarettes and tobacco products held for sale before the opening of business on July 1, 2009

From June 30, 2009, through July 3, 2009, the Division's Bureau of Enforcement and Bureau of Auditing partnered to conduct "floor inventory" inspections of locations in the State of Florida licensed to sell cigarette and other tobacco products (other than cigars). The inventories were conducted to ensure consistent payment of surcharge taxes on the existing inventory of cigarettes and tobacco products held for sale before the opening of business on July 1, 2009.

### **Division of Pari-Mutuel Wagering:**

#### Cardrooms

In 2007, Senate Bill 752 amended Section 849.086 expanding cardroom operations beyond live racing days, which allowed cardrooms to operate on a year-round basis. Additionally, the bill increased the maximum wager from \$2 to \$5 and authorized no-limit Texas Hold-em if buy-in is less than \$100. In Fiscal Year 08-09 approximately \$10.2 million was collected in cardroom taxes.

#### Slot Machine Gaming

House Bill 1047 passed in 2007, amending Chapter 551, Florida Statutes; allowing the increase in the number of machines per facility from 1,500 to 2,000; the expansion of operating hours from 16 hours daily to 18 hours Monday through Friday and 24 hours on weekends and holidays.

On January 29, 2008, Miami-Dade County voters approved the operation of slot machines for the pari-mutuel facilities located within the county. The Division is anticipating two of the three facilities in Miami-Dade County to begin operating during Fiscal Year 2009-10.

#### SB788

The 2009 Legislature authorized the Governor in Senate Bill 788 to negotiate a compact with the Seminole Tribe of Florida. The remaining provisions in the bill including changes to cardroom, pari-mutuel, and slot statutes are to take effect only if a gaming compact between the State of Florida and the Seminole Tribe of Florida is reached and ratified by the Legislature, and is then approved or deemed approved by the U.S. Department of the Interior. Senate Bill 788 contains the following significant provisions:

- Authorizes Division of Pari-Mutuel Wagering as the State Compliance Agency for administering the Compact. However, the compact negotiated between the Seminole Tribe of Florida and the Governor gives regulatory responsibility to the Florida Department of Revenue. This conflict will have to be resolved by the Legislature.
- Requires that quarterhorse permits be evaluated under the same criteria as other permit applicants and allows quarterhorse permit holders to substitute 50% of races with thoroughbreds.
- Reduces the slot machine tax rate from 50% to 35% and reduces to the annual slot license fee from \$3 million to \$2 by fiscal year 2011-12.

- Extends cardroom hours to 18 hours per day on Monday through Friday and 24 hours on the weekend and holidays.

Removes cardroom wagering limits and authorizes cardroom operators to set entry fee for tournaments

**Next Steps in Automation:**

Chapter 2009-79, Laws of Florida, was enacted during the 2009 Legislative Session, to protect Florida's health through a surcharge of \$1.00 on each standard package of 20 cigarettes, and a surcharge of 60% of the wholesale sales price of other tobacco products, effective July 1, 2009. The Department of Business and Professional Regulation (DBPR), Division of Alcoholic Beverages and Tobacco (AB&T), is charged with administering, collecting and enforcing the surcharge on cigarettes and tobacco in the same manner as the taxes imposed under Chapter 210, Florida Statutes. The law increases the division's workload in the tax and surcharge collection from mail order, Internet and remote sales vendors.

There are currently 15 non-integrated legacy systems that support 15 paper forms used by AB&T's Bureau of Auditing to conduct tax auditing and compliance management functions. These systems are 10 to 15 years old and will no longer function as intended after December 2010. These systems currently support approximately 88 users in the Bureau of Auditing. There are additional AB&T users throughout the State including auditors, law enforcement agents, licensing clerks, administrative, and supervisory staff. These users perform a myriad of functions using the current systems including manual data input, analysis, verification, reporting, updating, viewing and printing. Each calendar month, approximately 3,500 tobacco transactions are manually entered and verified by data entry staff from paper forms provided by tobacco license holders.

Due to the increase in the number and type of cigarette tax rates and surcharges, the existing compliance/tracking audit programs must be rewritten. The systems are outdated and unsupported and can no longer be modified for additional tax rates and types. The current system does not provide for electronic submission of the monthly tax reports requiring manual computation for validation of the reported tax amounts and manual entry of the data into the various and often duplicated legacy data systems.

The cost of collecting taxes and surcharges is borne at both ends of the process – by taxpayers and by tax collectors. The objective is to collect the proper amount of taxes while at the same time reducing the cost to collect the taxes.

The Division of Technology is currently building a new web-based application to replace the 15 existing legacy cigarette and tobacco applications currently used by AB&T. Furthermore, the Division of Technology will develop web-based user input screens and an automated electronic data submission system for batch processing that will allow for the automation of 15 paper forms. The submission of AB&T required documents through an electronic data submission system will include batch processing for the purpose of interfacing with and accepting uploads of data from external tobacco license

holders and for conducting business processes in batch mode such as calculation of tax obligations, automated audit calculations and the generation of necessary correspondence.

### **Revisions to Programs and Services**

#### **Regulation of Slot Machines:**

Article X, Section 23 of the Florida Constitution, authorizes slot machines within certain pari-mutuel facilities located in Broward and Miami-Dade counties. The citizens of Broward and Miami-Dade counties have voted to allow slots at pari-mutuel facilities. Regulation of the slot industry was assigned to the Division of Pari-Mutuel Wagering.

#### **Reduce Regulation:**

The department continues to assess the need for regulation of Florida's businesses and professionals. During the upcoming year, the department will evaluate proposals for additional regulation for consistency with the Governor's principles and state regulatory sunrise requirements. In addition, the department will evaluate the feasibility of requesting the Legislature to consider whether, under the existing regulatory structure, businesses are subject to undue regulation or whether additional regulation to protect the public is necessary. The department is also evaluating the requirements of various documents that are submitted as part of the licensure application process. The intent is to identify required documents that are not necessary or relevant to the approval of license applications and also prohibit the completion of an application online due to the submission of paper documents. This will streamline the licensure process; allowing individuals to obtain licenses quickly and efficiently. Making the licensure process easier will result in job growth and economic stimulation.

#### **Implementation of Department-wide Document Management System:**

The Division of Technology completed the implementation of a department-wide document management system to capture, manage, store, deliver and preserve paper documents thereby replacing paper as a driver in our business processes. This project involved wide deployment of both document management and electronic workflow functionality to all business units in the department. It has maximized the use of the department's facilities; reduced application processing times; and ensures the security of information and the ability to support a continuity of operations in the event of a disaster.

#### **Transition of Single Licensing System Support and Maintenance:**

In 2001, the Department of Business and Professional Regulation undertook a project to re-engineer its business processes and implement a state-of-the art Single Licensing System, Internet portal services, customer relationship management technology, and mobile commerce technology. The department contracted with Accenture LLP for three services: (1) design, build and implement a statewide licensing system and Internet portal; (2) implement a centralized call center; and (3) provide application management services. Item (1) was delivered in 2003; item (2) was delivered in 2006, and item (3) terminated on December 31, 2008.

Prior to the conclusion of the contract on December 31, 2008, a post contract sourcing options analysis of application management services was performed by Gartner Consulting, the leading provider of research and analysis to the global information technology industry. It was determined that the most cost effective solution for continued application management of the system was to assume the services in-house. The transition occurred January 1, 2009. It is estimated the state will save approximately \$3 million annually based on this transition.

### **Potential Policy Changes Affecting Budget Needs**

#### **H.R. 1728 The Mortgage Reform and Anti-Predatory Lending Act**

The U.S. House of Representatives has adopted House Resolution 1728 (The Mortgage Reform and Anti-Predatory Lending Act) that would eliminate a number of regulatory loopholes in the mortgage lending systems and strengthen the appraisal regulatory structure. The bill has been referred to the U.S. Senate Banking Committee.

Highlights of H.R. 1728 which, if passed into federal law, would have a direct affect upon the Division of Real Estate and its budgetary needs include:

- A mandatory referral by all parties in a transaction of any violations of Uniform Standards for Professional Appraisal Practice to state appraisal boards for investigation
- Authorizes the Appraisal Subcommittee additional regulatory authority to impose interim sanctions and suspensions against state regulatory agencies
- Increases National Registry fees currently set at \$25 with a \$50 cap to \$40 with an \$80 cap
- Requires the establishment of a national hotline for the reporting of appraisal complaints which are then referred to state regulators for investigation
- Requires minimum qualifications of Appraisal Management Companies to be established by the Appraisal Qualifications Board, which shall include:
  - Registration by state boards
  - Verification that only licensed/certified appraisers are used for federally related transactions
  - Ensuring that all appraisal are prepared in accordance with Uniform Standards for Professional Appraisal Practice
  - Ensuring that all appraisal are prepared independently and free of influence (in accordance with the new appraisal independence standard)

### **Information Technology**

- The Division of Alcoholic Beverages and Tobacco (AB&T) is responsible for the collection and distribution of licensing fees, the collection of alcoholic beverage and tobacco excise taxes, the collection and distribution of cigarette excise taxes, and the determination of compliance with established laws by the manufacturers, distributors and retail dealers licensed or permitted to sell these products in the

state of Florida. Complex audits must be performed to verify the flow of the particular products through the marketing systems (manufacturer-distributor-vendor) as required by Florida law and to validate the correct payment of all taxes on those products. The Division of Technology is in the process of developing an Electronic Data Submission system for the reporting and auditing of excise taxes for the tobacco industry. It is envisioned that a similar system will need to be developed for the beverage industry in the future. A non-recurring appropriation will be required to cover the cost of staff augmentation resources to assist in this effort.

- Senate Bill 2574, passed in the 2009 Legislative Session, directs the Department of Business and Professional Regulation to work with the Agency for Enterprise Information Technology (AEIT) and the Northwood Shared Resource Center (NSRC) in the development and submission of a full service transition plan to relocate the department's computing resources to the NSRC by November 30, 2010. All data center functions performed, managed, operated, or supported by DBPR with resources and equipment currently located in a state primary data center, excluding application development, must be transitioned to the NSRC primary data center and DBPR must become a full-service customer entity by November 30, 2010. In accordance with the 2009-2010 Fiscal Year General Appropriations Act, DBPR must provide a transition plan by October 1, 2009, to the Southwood Shared Resource Center (SSRC), NSRC, AEIT, Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government & Health Care to move its present production environments from its current locations in the Miami Data Center and Tallahassee to the NSRC.

The department is currently reviewing various options to determine the one that will be most feasible, will have the minimal risk, and will result in the least disruption to the citizens of the state of Florida. An additional appropriation may be required to implement the physical move of equipment from the Miami Data Center to Tallahassee, the physical move of equipment from the DBPR data center to the NSRC, and insurance for all equipment.

- Senate Bill 2574 establishes a statewide e-mail messaging and calendaring enterprise resource. Existing application services for both DBPR's Single Licensing System and Document Management System are tightly integrated into the existing email system through system alerts, triggers and utilization of email to satisfy certain programmed business requirements. Depending on the system ultimately adopted, migration to another e-mail system may require reengineering multiple applications and result in an expense which will have to be defined.
- Versa LicenseEase is the regulatory commercial off-the-shelf (COTS) software solution that supports the Department of Business and Professional Regulation's



Single Licensing System. This system was implemented in 2001 when the department contracted with Accenture LLP to re-engineer its business processes. Over the years, Versa has significantly improved the capabilities of the software and now offer the enhanced product as Versa Regulation. Several Florida state agencies (AHCA, OFR and MQA) also use the Versa software. OFR is currently utilizing the new Versa Regulation product and AHCA is in the final phase of an upgrade. MQA is in the planning phase for an upgrade to the new version of the software. DBPR expects to upgrade to Versa Regulation within the next two years. A special appropriation will be necessary to fund this upgrade.

### **Task Forces and Studies in Progress**

The Fiscal Year 2008-09 General Appropriations Act requires the Board of Accountancy to prepare a report identifying potential cost-savings and efficiencies related to licensure requirements, administrative rules, investigations, and the staffing needs of the Division of Certified Public Accounting. The report was completed by February 1, 2009, and submitted to the Secretary and Legislature.

The Fiscal Year 2009-10 General Appropriations Act requires the expenditure of \$100,000 from the Pari-Mutuel Wagering Trust Fund be used for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

The Fiscal Year 2008-09 General Appropriations Act requires quarterly reports regarding the responsibilities defined in section 455.225, Florida Statutes. The report contains the number of determinations of legal sufficiency and the number of investigations of legally sufficient complaints. Also included in the report are: the number of all complaints received and investigated; finding of probable cause and no probable cause; administrative complaints filed; disposition of administrative complaints; disciplinary actions; and the amount of fines assessed and collected for each profession.

The report required by the Fiscal Year 2007-08 proviso requests a report be submitted by December 15<sup>th</sup> addressing unlicensed activity functions. The report contains a detailed breakout of activities, revenues, and expenditures by board and/or profession.



## Performance Measures and Standards – LRPP Exhibit II

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

**Department: Business and Professional Regulation**

<b>Program: Office of the Secretary and Administration</b>		Code: 79010000			
<b>Service/Budget Entity: Executive Direction and Support Services</b>		Code: 79010200			
	Approved Performance Measures for FY 2008-09	<b>Approved Standards FY 2008-09 (Numbers)</b>	<b>Prior Year Actual FY 2008-09 (Numbers)</b>	<b>Approved Standards for FY 2009-10 (Numbers)</b>	<b>Requested FY 2010-11 Standard (Numbers)</b>
1	Agency administration and support costs as a percent of total agency costs	10.50%	10.84%	11.00%	11.00%
2	Agency administration and support positions as a percent of total agency positions	11.40%	10.62%	11.00%	11.00%

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

<b>Program: Service Operation</b>		Code: 79040000			
<b>Service/Budget Entity: Customer Contact Center</b>		Code: 79040100			
	Approved Performance Measures for FY 2008-09	Approved Standards <b>FY 2008-09</b> (Numbers)	<b>Prior Year</b> Actual <b>FY</b> <b>2008-09</b> (Numbers)	<b>Approved</b> Standards for <b>FY 2009-10</b> (Numbers)	<b>Requested</b> <b>FY 2010-11</b> Standard (Numbers)
3	Percent of calls answered	90%	98.4%	90%	95%
4	Number of calls answered	1.6 million	1,367,871	1.5 million	1.5 million

<b>Program: Service Operation</b>		Code: 79040000			
<b>Service/Budget Entity: Central Intake</b>		Code: 79040200			
	Approved Performance Measures for FY 2008-09	Approved Standards <b>FY 2008-09</b> (Numbers)	<b>Prior Year</b> Actual <b>FY</b> <b>2008-09</b> (Numbers)	<b>Approved</b> Standards for <b>FY 2009-10</b> (Numbers)	<b>Requested</b> <b>FY 2010-11</b> Standard (Numbers)
5	Percent of applications processed within 90 days	100%	99.4%	100%	98%
6	Percent of renewals mailed no less than 90 days prior to license expiration dates	100%	100%	100%	100%
7	Number of initial applications processed	125,000	126,496	125,000	125,000

<b>Program: Service Operation</b>		Code: 79040000			
<b>Service/Budget Entity: Testing and Continuing Education</b>		Code: 79040300			
	Approved Performance Measures for FY 2008-09	Approved Standards <b>FY 2008-09</b> (Numbers)	<b>Prior Year</b> Actual <b>FY</b> <b>2008-09</b> (Numbers)	<b>Approved</b> Standards for <b>FY 2009-10</b> (Numbers)	<b>Requested</b> <b>FY 2010-11</b> Standard (Numbers)
8	Percent of non-deficient, complete provider and individual course applications processed within 90 days	99%	100%	99%	99%
9	Number of candidates tested	98,500	55,174	65,000	65,000
10	Number of non-deficient, complete provider and individual course applications processed within 90 days	5,116	5,891	5,116	5116

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79050100			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
11	Percent of licensees in compliance with all laws and regulations	99.8%	99.7%	99.0%	99.0%
12	Percent of farm labor contractors inspected found to be in compliance with law	89%	92%	89%	89%
13	Percent of employers brought into compliance with child labor laws on follow-up investigations	89%	98%	89%	91%
14	Number of investigations and inspections - farm labor	3,229	5,025	3,300	3,800
15	Number of investigations and inspections - child labor	5,000	10,075	7,500	7,500
16	Percent of required inspections completed	100%	100%	100%	100%
17	Number of enforcement actions Regulation, Real Estate & CPA)	66,321	64,250	70,253	70,253

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Standards and Licensure</b>		Code: 79050200			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
18	Percent of complete applications approved or denied within 90 days	98%	90%	98%	98%
19	Percent of licenses that correct violations through alternative means (notices of non-compliance, citations or alternative dispute resolution)	40.7%	46%	41%	46%
20	Number of licensees	780,190	708,974	721,193	808,126

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Florida Boxing Commission</b>		Code: 79050400			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
21	Percent of licenses suspended or revoked in relation to fights supervised	28%	28%	NA	NA
22	Number of scheduled boxing and kickboxing and mixed martial arts rounds	NA	NA	NA	NA
23	Number of scheduled boxing, kickboxing and mixed martial arts events	100	75	100	75
24	Percent of applications processed within 30 days	100%	100%	100%	100%
	Number of scheduled boxing and kickboxing and mixed martial arts bouts.	NA	NA	525	525
	Number of automatic medical suspensions related to fight competitions during an event.	N/A	N/A	260	260
	Number of enforcement actions	N/A	N/A	10	10

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

<b>Program: Pari-Mutuel Wagering</b>		Code: 79100000			
<b>Service/Budget Entity: Pari-Mutuel Wagering</b>		Code: 79100400			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
25	Percent of races and games that are in compliance with all laws and regulations	99.15%	99.39%	99.20%	99.20%
26	Number of races and games monitored	81,000	72,693	77,000	72,000
27	Percent of applications processed within 90 days	100%	99.19%	100%	100%
28	Number of applications processed	17,500	22,715	18,000	18,000
29	Collections per dollar of auditing expenditures	\$1.00 per \$20.19	\$1.00 per \$47.90	\$1.00 per \$48.36	\$1.00 per 35.00
30	Number of audits conducted	81,500	73,560	77,500	72,550

<b>Program: Pari-Mutuel Wagering</b>		Code: 79100000			
<b>Service/Budget Entity: Slot Machine Regulation</b>		Code: 79100500			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
31	Percent of slot applications processed within 90 days	100%	97.14%	100%	100%
32	Number of slot applications processed	3,000	1,576	6,269	3,000
33	Percent of slot tax dollars collected compared to permitholder liability	100%	100%	100%	100%
34	Total slot revenue collections compared to slot revenue expenditures	\$400.00	\$681.09	\$698.63	\$698.63
35	Number of slot operating days (total of all slot facilities)	1,080	1,095	1,590	1,825
36	Percent of operating days inspected	100%	100%	100%	100%

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

<b>Program: Hotels and Restaurants</b>		<b>Code: 79200000</b>			
<b>Service/Budget Entity: Compliance and Enforcement</b>		<b>Code: 79200100</b>			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
37	Percent of licensees in compliance with all laws and regulations for food service and public lodging establishments	86%	90%	86%	90%
38	Percent of licensees in compliance with all laws and regulations for elevators, escalators and other vertical conveyance devices	86%	94%	86%	94%
39	Percent of elevators, escalators and other vertical conveyance devices inspected according to statute	95%	95%	95%	95%
40	Percent of elevators, escalators and other vertical conveyance devices in delinquent status that were physically observed or served by division resulting in enforcement cases	75%	91%	75%	92%
41	Percent of elevators, escalators and other vertical conveyance devices in sealed status that were physically observed by division	75%	76%	75%	75%
42	Number of licensees for elevators, escalators and other vertical conveyance devices	47,000	49,276	47,000	48,000
43	Percentage of elevator certificates of operation processed within 30 days	90%	95%	90%	95%
44	Number of inspections for food service and public lodging establishments	145,000	146,425	145,000	145,000
45	Number of call back inspections for food service and public lodging establishments	26,000	26,008	23,000	23,000
46	Number of participants trained and number of service requests filled (web hits and educational materials distributed)	NA	NA	NA	NA
47	Number of participants trained	28,000	29,281	NA	NA
48	Percent of hotel and restaurant licenses processed within 30 days	95%	97%	95%	97%
49	Number of licensees for public lodging and food service establishments	80,000	82,665	80,000	80,000
50	Percent of food establishments inspected according to statute	95%	98%	85%	98%
51	Percent of lodging establishments inspected according to statute	95%	99%	95%	99%
52	Percent of accident reports submitted timely (i.e., within 5 working days of incident)	75%	76%	75%	75%

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

<b>Program: Alcoholic Beverages and Tobacco</b>		Code: 79400000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79400100			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
53	Percent of total retail alcohol and tobacco licensees and permit holders inspected	36%	43%	39%	43%
54	Percent of alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access	95%	89%	89%	89%
55	Number of licensees	70,788	72,380	71,541	71,541

<b>Program: Alcoholic Beverages and Tobacco</b>		Code: 79400000			
<b>Service/Budget Entity: Standards and Licensure</b>		Code: 79400200			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
56	Percent of license applications processed within 90 days	100%	98%	98%	98%
57	Number of applications processed	26,000	34,761	38,900	38,900

<b>Program: Alcoholic Beverages and Tobacco</b>		Code: 79400000			
<b>Service/Budget Entity: Tax Collection</b>		Code: 79400300			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
58	Percent complying wholesale/retail licensees on yearly basis	94%	95%	94%	94%
59	Percent of retail and wholesale tax dollars identified by audit that were collected	99%	100%	99%	99%
60	Collections per dollar of auditing expenditure	\$172	\$189	\$172	\$248
61	Number of audits conducted	27,400	28,700	27,400	28,816



**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2010-11 Requested Standards**

<b>Program: Florida Condominiums, Timeshares and Mobile Homes</b>		Code: 79800000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79800100			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
62	Percent of administrative actions resulting in consent orders	90%	78%	90%	90%
63	Average number of days to resolve cases submitted for arbitration	95	143	95	95
64	Number of administrative actions resolved by consent orders	48	51	NA	NA
65	Number of cases closed (arbitration)	550	656	550	550
66	Average number of days to resolve investigations of consumer complaints	90	163	90	90
67	Number of consumer complaints closed	3,400	4,311	3,400	3,400

<b>Program: Florida Condominiums, Timeshares and Mobile Homes</b>		Code: 79800000			
<b>Service/Budget Entity: Standards and Licensure</b>		Code: 79800200			
	Approved Performance Measures for FY 2008-09	Approved Standards FY 2008-09 (Numbers)	Prior Year Actual FY 2008-09 (Numbers)	Approved Standards for FY 2009-10 (Numbers)	Requested FY 2010-11 Standard (Numbers)
68	Percent of permanent licenses issued and filings reviewed as prescribed by laws	95%	100%	95%	95%
69	Total number of filings and licenses processed	5,000	2,709	4,000	4,000



## Assessment of Performance for Approved Performance Measures – LRPP Exhibit III

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Service Operation

**Service/Budget Entity:** Customer Contact Center

**Measure:** Percent of Calls Answered

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	98.4%	8.4%	8.4%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

The Call Center Interactive Voice Recognition System (IVR) is a computer automated telephone system. It's designed to answer all incoming calls. However, there are times during a renewal cycle when the call volume exceeds the 72 phone lines available to callers. When this happens, a caller is routed to an overflow line, which advises the caller to call back at a later time due to heavy call volume. In fiscal year 2008-2009, 1,367,871 calls were answered of the 1,389,883 calls that were counted by the IVR system.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

N/A



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Service Operations

**Service/Budget Entity:** Central Intake and Licensure

**Measure:** Percentage of applications processed within 90 days

**Action:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input checked="" type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure            |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |   |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100%	99.4%	(0.6%)	(0.6%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

The approved standard for the FY 2008-2009 was established at 125,000 applications to be processed within 90 days of receipt. The expectation was also set to have 100% of the applications processed with 90 days of receipt. The department exceeded the established standard by processing 126,496 applications, but fell short of the expected performance goal by 0.6%. The department is working through various process change improvements and application streamlining to meet our performance goals. Various human and technical factors contributed toward not achieving the 100 percent goal as we continue with realigning and training staff to meet the outcome measure.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input checked="" type="checkbox"/> Legal/Legislative Change                 | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

There were some rule changes for the electrical exam process.

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel           | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:** A reduction to the performance measure standard to reflect 98% of applications processed within 90 days is recommended. This new performance measure standard amount will reflect a more reasonable and acceptable level due to the various human and technical factors that could impede accomplishing the performance measure standard.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Professions  
**Service/Budget Entity:** Education and Testing  
**Measure:** Number of Candidates Tested

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards         |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
98,500	55,174	43,326	44%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

Due to the dropping market economy in the Real Estate and Construction fields, the Bureau of Education and Testing tested 49% fewer candidates compared to the previous (2007/2008) fiscal year.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input checked="" type="checkbox"/> Target Population Change                 | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

There is a lower target population due the drop in Real Estate and Construction markets. As homes are not being built or sold as quickly as before, not as many individuals are applying for licensure in the Real Estate or Construction professions.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

The new standard measure amount has been adjusted down to a more accurate figure to adequately reflect the level of candidates tested under current economic trends.

Recommendation – Approval of reduction of standard goal to reflect 65,000.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professions

**Service/Budget Entity:** Education and Testing

**Measure:** Number of non-deficient, complete provider and individual course applications processed within 90 days

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
5,116	5,891	775	15%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity               |
| <input type="checkbox"/> Competing Priorities        | <input checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)             |

**Explanation:**

The Bureau of Education and Testing has improved its internal procedures to become more efficient in processing applications. Additionally, with the implementation of the On-Base document imaging system the bureau should experience improvement of processing times due to redistribution of staff workloads.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input checked="" type="checkbox"/> Target Population Change                 | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

The current economic situation may result in the reduction of applications submitted for review and processing.

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

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel           | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

Maintain the current standard for fiscal year 2010/2011.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Percent of licensees in compliance with all laws and regulations

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
99.8%	99.7%	.1	.1%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input checked="" type="checkbox"/> Staff Capacity   |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

The Division's ability to educate the industry and public on the applicable statutes and rules was inadequate to prevent licensing violations.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Resources Unavailable                    | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

Resources for education and outreach programs have been limited, which has affected the Division's ability to educate licensees and help prevent violations.

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel           | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

The Division has renewed its emphasis on outreach and violation prevention. The Division will seek low cost solutions to increasing outreach opportunities.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Professional Regulation  
**Service/Budget Entity:** Compliance & Enforcement  
**Measure:** Percentage of employers brought into compliance with child labor laws on follow-up investigations

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
89%	98%	9%	9%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Personnel Factors           | <input checked="" type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)             |

**Explanation:**

Staff continues to be proactive by educating and training employers on the law during walk-ins with employers and/or during the initial investigation process. Staff is doing a better job of educating employers.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems     |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster           |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Economy) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

Due to the recession, employers are not hiring as many employees. Many of the traditional youth markets are now being filled with adults. Employers see this as a way to help adults who have lost their jobs and need to support their families. Also, employers are not concerned with child labor laws when they employ adults in place of minors. Having fewer minor employees makes it easier to manage their legal limitations, resulting in fewer violations.

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                                     |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Previous estimate incorrect) |

**Recommendations:** Management has requested that the standard be increased for fiscal year 2009-10.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Professional Regulation  
**Service/Budget Entity:** Compliance & Enforcement  
**Measure:** Number of investigations and inspections – farm labor

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
3,229	5,025	1,796	55.6%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Personnel Factors    | <input checked="" type="checkbox"/> Staff Capacity |
| <input checked="" type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training         |
| <input type="checkbox"/> Previous Estimate Incorrect     | <input type="checkbox"/> Other (Identify)          |

**Explanation:**

Investigators were relieved of office clerical duties (completing registration applications) and allowed to conduct more field inspections. Additionally, measurable individual job standards were initiated and implemented.

**External Factors** (check all that apply): **N/A**

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input checked="" type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

Frequent training and continual education of farm labor issues and its environment.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Number of investigations and inspections – child labor

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
5,000	10,075	5,075	101.5%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Personnel Factors | <input checked="" type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities         | <input type="checkbox"/> Level of Training         |
| <input type="checkbox"/> Previous Estimate Incorrect  | <input type="checkbox"/> Other (Identify)          |

**Explanation:**

The high performance is attributed to the vacant positions that have now been filled.

**External Factors** (check all that apply): **N/A**

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input checked="" type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

Training and technical assistance received by staff throughout the year helped to achieve these positive results.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Number of enforcement actions

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
66,321	64,250	-2,071	3%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

Request submitted to delete measure. Total number of enforcement actions not indicator of division's efficiency.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input checked="" type="checkbox"/> Target Population Change                 | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

Drop in housing market and economy caused reduction in Real Estate and Construction related complaints.

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Training | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel           | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

Renew proactive enforcement of unlicensed activity.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Professional Regulation  
**Service/Budget Entity:** Standards and Licensure  
**Measure:** Percent of complete applications approved or denied within 90 days

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
98%	90%	(8%)	(8%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input checked="" type="checkbox"/> Other (Identify) |  |

**Explanation:**

Internal factors which contribute to not meeting the 90-day standard may include rare instances when a professional board must act on approving an application for licensure but the board does not meet within the 90-day approval period. The implementation of the OnBase System may have contributed to not achieving this standard. Technical issues related to the profiling and misrouting of files may have caused some applications to exceed the 90-day requirements prior to being transferred to the boards for review. The department anticipates that FY 2009-10 performance will improve as the department improves its use of the OnBase system.

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |



**Explanation:**

The area of external impact would be the licensee's delay in returning a deficient application. This factor has been eliminated as described below:

This performance measure indicates the percentage of applications for licensure completed within 90 days, which is interpreted to mean that applications with deficiencies are not completed. The 90-day period is measured from the beginning of the application process until the application is ultimately approved. The department's technology staff has developed a means of measuring the time an application is actually being worked on by the Central Intake Unit (Service Operations) and subtracting the time it takes for the applicant to submit deficient information.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

The department recommends that the approved standard of 98% should remain in effect going forward. The department should continue its efforts to improve its use of the OnBase system.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Standards and Licensure

**Measure:** Percent of licenses that correct violations through alternative means (notice of non-compliance, citations or alternative dispute resolution)

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
40.7%	46.0%	5.3%	5.3%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input checked="" type="checkbox"/> Other (Identify) |  |

**Explanation:**

The internal factor contributing to exceeding the standard was the addition of Barbers and Cosmetology in the formal mediation process. The specific area applicable to mediation is "failure to comply with final orders."

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

The downturn in the housing and credit markets has caused an increase in financial woes that may potentially impact the number of complaints to be resolved through alternative dispute resolution. The number of complaints and enforcement actions totaled 9,079 in FY 2007-08, in FY 2009-10 complaints are expected to exceed 9,000.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

Action should be taken to determine if alternative dispute resolution can be employed in other professions, as applicable.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Standards and Licensure

**Measure:** Number of Licences

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
780,190	708,974	(71,216)	(9.12%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

N/A

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

The downturn in the economy caused by contracting credit and housing markets and the attendant financial woes combined to negatively impact the achievement of the standard. The United States Department of Labor's Bureau of Labor Statistics projects the U.S. economy to 2016 indicating steady, but slowing growth. A decrease of licensees by 9% and the relatively quiet hurricane seasons combined to impact this measure.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input checked="" type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify)      |

**Recommendations:**

This standard should be monitored to properly adjust to be consistent with changes in the economy and other factors that influence achieving the standard.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Office of the Secretary

**Service/Budget Entity:** Florida Boxing Commission

**Measure:** Number of scheduled boxing, kickboxing and mixed martial arts events.

**Action:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input checked="" type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure            |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |   |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100	75	(25%)	(25%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

Using the number of rounds to estimate the number of events was not a reliable or valid source to estimate the number of events. Estimates of bouts for Fiscal Year 2008-09 based on an average number of rounds per bout resulted in an incorrect estimate.

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

The external factors contributing to this difference is the number of rounds fought is dependant upon individual fighters, safety conditions and other considerations that may warrant an official ending a fight early.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

The Department of Business and Professional Regulations will maintain records that accurately record the number of bouts and will not rely on an average of rounds-per-bout to calculate the number of bouts.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Number of Races and Games Monitored

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure    | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
81,000	72,693	(8,307)	(10.26%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

N/A

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> Natural Disaster                                    |  |
| <input type="checkbox"/> Target Population Change                            |  |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

The number of races and games monitored is a direct function of the number of performances held by the permitholders. Statute changes allowed permitholders to operate cardrooms separate from live racing. Subsequently, permitholders amended their operating license to a lower number of races and games. The Division of Pari-Mutuel Wagering has little control over the number of races and performances offered by the permitholder.



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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

Changes by permitholders in the number of races and games monitored are not within the control of the Division of Pari-Mutuel Wagering. As a result, some permitholders have less live performances, races and games scheduled for the Division to monitor. However, not conducting as many live performances, the facility remains open for cardroom gaming, slot gaming in Broward and Dade counties and simulcast wagering. The division will continue to monitor all live and simulcast performances, cardroom gaming, slot gaming and ensure the total of performances required by statute to be held are conducted. The division has confirmed that the number of races and games licensed for FY 2009-2010 has decreased. Due to the economy and separation of cardroom gaming and live racing, the department requests reducing the standard for this measure from 81,000 to 72,000.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Percentage of Applications Processed Within 90 Days

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure<br><input type="checkbox"/> Performance Assessment of <u>Output</u> Measure<br><input type="checkbox"/> Adjustment of GAA Performance Standards | <input type="checkbox"/> Revision of Measure<br><input type="checkbox"/> Deletion of Measure |
|--|--|

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100%	99.19%	(less than 1%)	(less than 1%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Personnel Factors<br><input type="checkbox"/> Competing Priorities<br><input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Staff Capacity<br><input type="checkbox"/> Level of Training<br><input checked="" type="checkbox"/> Other (Identify) |
|---|---|

**Explanation:**

The percentage difference from the approved standard is due to a new process for making data corrections in the department's licensing database, LicenseEase, during FY 2008/2009. Prior to the new data correction process, the division had to submit requests to the department's technology division for any data corrections that were needed for approved applications. These simple data corrections could only be made by technology personnel. To resolve this issue, technology created a new environment that allows the division to make its own data corrections by re-opening the application, make the necessary data correction, and then re-closing the application. Unfortunately, the report the division used to calculate applications processed within 90 days does not account for data corrections made 90 days after the initial application date. This problem with the report was not discovered until the end of FY 2008/2009.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable<br><input type="checkbox"/> Legal/Legislative Change<br><input type="checkbox"/> Target Population Change<br><input type="checkbox"/> This Program/Service Cannot Fix The Problem<br><input type="checkbox"/> Current Laws Are Working Against The Agency Mission | <input type="checkbox"/> Technological Problems<br><input type="checkbox"/> Natural Disaster<br><input type="checkbox"/> Other (Identify) |
|--|---|

**Explanation:**

N/A

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

- |   |   |
|---|---|
| <input type="checkbox"/> Training<br><input type="checkbox"/> Personnel | <input type="checkbox"/> Technology<br><input checked="" type="checkbox"/> Other (Identify) |
|---|---|

**Recommendations:**

The division will maintain a list of all data corrections made 90 days after the initial application date and will subtract those records from the list of applications processed over 90 days.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Number of Applications Processed

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure    | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
17,500	22,715	5,215	29.8%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

The number of racing and cardroom applications processed exceeded the division's estimate for FY 2008/2009.

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

Although the division has no control over the number of individuals or businesses that apply for occupational licenses, the increase could be attributed to an increase in cardroom operation activities. The number of card tables increased from 533 in FY 2007/2008 to 708 in FY 2008/2009. The more tables in operation, requires more dealers and other pertinent cardroom employees to obtain licenses from the division.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

The division has increased its estimate for the number of applications processed in FY 2009/2010 from 17,500 to 21,000.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulations

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Collections per dollar of auditing expenditures

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure    | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
\$1.00 per \$20.19	\$1.00 per \$47.90	\$1.00 per \$27.74	136.26%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

There was a 6.2% decrease in the operating appropriations amount from FY 07/08 to FY 08/09. The division also realized \$265,580 in budget cuts for FY 08/09. Division used less expense funds this year, due to budget restraints. Cardroom revenue increased by approximately 12% from FY 07/08 to FY 08/09.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

Amended the standards for FY 09/10 and 10/11 accounting for the reductions in division's budget.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Department of Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Number of Audits Conducted

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards          |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
81,500	73,560	(7,850)	(9.74%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect |  |
| <input type="checkbox"/> Other (Identify)            |  |

**Explanation:**

N/A

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> Natural Disaster                                    |  |
| <input type="checkbox"/> Target Population Change                            |  |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

Several improvements have been made by merging various audit processes to better track and more accurately verify as well as utilizing state resources more efficiently. The permitholders are not required to have live racing or games to operate their cardroom therefore, they have scheduled fewer performances. Additionally, Broward and Dade county facilities are permitted to operate slot gaming. The focus is on cardrooms and slot gaming for their revenues.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

Changes by permitholders in the number of races and games monitored are not within the control of the Division of Pari-Mutuel Wagering.

Based on the number of races and games currently licensed, and continuing possibilities of permitholders adjusting their performance schedule, the department requests reducing the standard for the measure from 81,500 to 72, 550.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

Department: Business and Professional Regulation

Program: Pari-Mutuel Wagering

Service/Budget Entity: Slot Machine Regulation

Measure: Percentage of Slot Applications Processed Within 90 Days

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100%	97.14%	(2.86%)	(2.86%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

The percentage difference from the approved standard is due to a new process for making data corrections in the department's licensing database, LicenseEase, during FY 2008-2009. Prior to the new data correction process, the division had to submit requests to the department's technology division for any data corrections that were needed for approved applications. These simple data corrections could only be made by technology personnel. To resolve this issue, technology created a new environment that allows the division to make its own data corrections by re-opening the application, make the necessary data correction, and then re-closing the application. Unfortunately, the report the division used to calculate applications processed within 90 days does not account for data corrections made 90 days after the initial application date. This problem with the report was not discovered until the end of FY 2008-2009.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input checked="" type="checkbox"/> Technology |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify)      |

**Recommendations:**

The division believes it has found a solution to the problem with LicenseEase database that will reduce the number of applications appearing to take more than 90 days to approve or deny. If successful, next year's percentage should be closer to the goal of 100%.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulation

**Measure:** Number of Slot Applications Processed

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure  | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards          |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
3,000	1,576	(1,424)	(52.5%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

In an effort to save resources, during FY 2007/2008, the division reduced the fee for three-year slot licenses to provide an incentive to its customers to purchase them instead of one-year licenses. This increased the number of three-year licenses issued during FY 2007/2008 and reduced the total number of one-year licenses issued during FY 2008/2009.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

The division would lower its approved standard for FY 2009/2010 based on the above explanation; however, it is anticipated that there will be at least two new slot facilities opening in Miami-Dade County during FY 2009/2010.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulations

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulations

**Measure:** Total slot revenue collections compared to slot revenue expenditures

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure   | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure    | <input type="checkbox"/> Deletion of Measure |
| <input checked="" type="checkbox"/> Adjustment of GAA Performance Standards |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
\$400.00	\$681.09	\$281.09	70.27%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

There was a 14% decrease in slot appropriations from FY 07/08 to FY 08/09. The division realized \$600,000 in budget cuts in FY 08/09 and eliminated 3 full-time positions. This result was an increase in the revenue per dollar expenditure.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

Amended the standards for FY 09/10 and 10/11 accounting for the reductions in budget.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of licensees in compliance with all laws and regulation for food service and public lodging establishments

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
86%	90%	4%	4%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity               |
| <input type="checkbox"/> Competing Priorities        | <input checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify)  |

**Explanation:**

Training in new technology (OnBase) and automated deficiency letters to promote better compliance support this performance improvement.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

N/A

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Hotels and Restaurants  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Percent of licensees in compliance with all laws and regulations for elevators, escalators and other vertical conveyance devices

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
86%	94%	8%	8%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity               |
| <input type="checkbox"/> Competing Priorities        | <input checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify)  |

**Explanation:**

Training in new technology (OnBase) and automated deficiency letters to promote better compliance support this performance improvement.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

N/A

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Hotels and Restaurants  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Percent of elevators, escalators and other vertical conveyance devices in delinquent status that were physically observed or served by division resulting in enforcement cases

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
75%	91%	16%	16%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:** The bureau applied a concentrated effort on delinquent accounts by conducting a series of elevator enforcement sweeps.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

Management dedicated resources to focus on delinquent accounts.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Hotels and Restaurants  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of licenses for elevators, escalators and other vertical conveyance devices

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
47,000	49,276	2,276	4.84%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

Current market conditions failed to impact elevator industry growth as estimated.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

N/A

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Hotels and Restaurants  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Percentage of elevator certificates of operation processed within 30 days

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

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

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input checked="" type="checkbox"/> Staff Capacity |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training         |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)          |

**Explanation:**

The division restructured its licensing office to apply additional focus on the processing of elevator certificates of operation. The division also attributes these positive results in part to current economic conditions which produced a decrease in employee turnover rate and employee reluctance to use earned leave. The division expects the turnover and leave utilization rates to return to normal levels as the economy improves.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

Training

Technology

Personnel

Other (Identify)

**Recommendations:**

N/A

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Hotels and Restaurants  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of participants trained

**Action:**

- |   |   |
|---|---|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure            |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input checked="" type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |   |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
28,000	29,281	1,281	4.58%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

The division experienced an increase in enforcement activity which resulted in more licensees attending required compliance training.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

Legislation in 2009 removed the training requirement. This measure will be deleted as not necessary.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverages and Tobacco

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of total retail alcohol and tobacco licensees and permit holders inspected

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
36%	43%	7%	7%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:** During previous years, law enforcement personnel were required to meet different performance standards in reference to the number of retailers inspected. In Fiscal Year 2008-09, a separate category for evaluation was created for “inspections.” That in turn created a greater emphasis on conducting retail inspections which caused the number of inspections to increase. The increased emphasis on retail inspections will have a recurring/continuing impact on the percentage of licensees inspected.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input checked="" type="checkbox"/> Legal/Legislative Change                 | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:** The 2009 Florida Legislature passed “Protecting Florida’s Health Act” which levied a surcharge on both cigarettes and tobacco products (other than cigars). Beginning July 1, 2009, the surcharge on cigarettes was increased at the rate of \$1.00 per standard pack of 20 cigarettes, or 5 cents per cigarette. The surcharge on other tobacco products was increased to 60% of the wholesale sales price. Prior to tax increases, both sworn and non-sworn personnel increased retail inspections to educate licensees and prevent possible criminal activity to circumvent the tax increases. The impact of educating licensees on the new tobacco surcharge requirements will level off and have less of a continuing impact on this measure than internal factor change.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:** Management will continue to encourage personnel to conduct thorough retail inspections and to provide training for the same. The importance of retail inspections will be emphasized due to the increase in cigarette and "other tobacco" taxes. The approved standard for this measure has been increased in Fiscal Year 2009-10 to 39% to reflect the continuing/recurring impact of the new internal factor change.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Alcoholic Beverages and Tobacco  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Percent of Alcoholic Beverages and Tobacco Retailers Tested Found to be in Compliance with Underage Persons Access

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
95%	89.3%	(5.7%)	(5.7%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

N/A

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

The Division of Alcoholic Beverages and Tobacco (AB&T) spent considerable resources and manpower conducting enforcement efforts for Spring Break activities during FY 2008-09. Florida has three of the most popular Spring Break destinations in the United States in Panama City, Daytona Beach and South Beach in Miami. Due to increased enforcement efforts and manpower at these locations, AB&T arrest numbers increased while the compliance goal stayed the same as the previous year.

The division also conducted several statewide operations targeting new types of alcoholic beverages (Alcopops and energy drinks). Those operations were

conducted over multiple days with all AB&T offices participating. Arrests increased due to increased manpower and minimal training of store clerks in reference to the new alcoholic beverage types, which resulted in a reduction of the compliance percentage.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

The department will continue to emphasize education and training in order to increase compliance and limit access to alcoholic beverages and tobacco by underage persons. Prior to Spring Break activities, AB&T will focus on training for retailers, distributors and consumers as well as aggressive educational campaigns to deter alcohol / tobacco possession by minors. In addition, AB&T will provide retailers education and training in reference to identifying new types of alcoholic beverages.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverages and Tobacco

**Service/Budget Entity:** Bureau of Licensing / Standards & Licensure

**Measure:** Percent of license applications processed within 90 days

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
100%	98.4%	(1.6%)	(1.6%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity            |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training         |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (System) |

**Explanation:**

Florida Law requires state agencies to issue licenses within 90 days after receipt of a completed application. An application is considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified. The system used to calculate the number of days it takes to process applications begins its count upon receipt of the initial application, regardless of whether it is a completed application with all the required documentation or not. The system is unable to suspend the 90-day count while the division awaits a response from an applicant needed to complete their application. The inability to turn the 90-day count on and off, does not allow the division to account for those applications that appear to exceed the 90 days by simply counting from the date of initial receipt to the date of approval or disapproval, but in fact were in a hold mode while waiting on additional information to process the application.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

Training

Technology

Personnel

Other (Identify)

**Recommendations:**

The standard has been changed to 98% beginning with FY 2009-10 and will accommodate those applications that need additional documentation and/or corrections before processing can be completed..

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverages and Tobacco

**Service/Budget Entity:** Standards & Licensure

**Measure:** Number of Applications Processed

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
26,000	34,761	8,761	33.7%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Personnel Factors                      | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities                   | <input type="checkbox"/> Level of Training |
| <input checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other ( )         |

**Explanation:**

The approved standard, 26,000, established prior to FY 2005-06, has historically been lower than the actual number of applications processed. The actual number of applications processed was: 44,007 in FY 2005-06; 40,007 in FY 2006-07; 37,002 in FY 2007-08, and 34,761 in FY 2008-09.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

The standard has been changed to 38,900 beginning with Fiscal Year 2009-10.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Alcoholic Beverages and Tobacco  
**Service/Budget Entity:** Tax Collection  
**Measure:** Collections per Expenditures

**Action:**

- Performance Assessment of Outcome Measure       Revision of Measure  
 Performance Assessment of Output Measure       Deletion of Measure  
 Adjustment of GAA Performance Standards

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
\$172	\$189	\$17	9.9%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Personnel Factors | <input checked="" type="checkbox"/> Staff Capacity   |
| <input type="checkbox"/> Competing Priorities         | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect  | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input checked="" type="checkbox"/> Target Population Change                 | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

With the repeal of surcharge auditing at the beginning of this fiscal year, the Bureau of Auditing staffing was reduced by 18 FTEs. Revenues for the fiscal year, however, remained close to the high amount of last year. This resulted in a 10% increase in the cost/benefit ratio over the anticipated amount for the year.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

With new auditing requirements with the cigarette and tobacco surcharge and the direct sales allowed by the legislature, it is expected that the costs will be more in line with the estimated amount in the 2009-2010 fiscal year.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Alcoholic Beverages and Tobacco  
**Service/Budget Entity:** Tax Collection  
**Measure:** Number of audits conducted

**Action:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input checked="" type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure            |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |   |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
27,400	28,700	1,300	4.7%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input checked="" type="checkbox"/> Target Population Change                 | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

Audit personnel conduct excise product tax audits twice per year on each licensed wholesaler. During the close-out audits of surcharge in the last fiscal year, several wholesale audits were delayed. During this fiscal year, an effort was made to complete those outstanding excise tax product audits and remain current in the routine semi-annual audits. This resulted in a 4.7% performance over the anticipated amount for the year.

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

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology                  |
| <input type="checkbox"/> Personnel | <input checked="" type="checkbox"/> Other (Identify) |

**Recommendations:**

It is expected that the number of audits conducted in the 2009-2010 fiscal year will be more in line with the estimated amount.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation

**Program:** Florida Condominiums, Timeshares, and Mobile Homes

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of administrative actions resulting in consent orders

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90%	78%	(12%)	(12%)

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

This measure is for the purpose of tracking the percentage of the division's administrative cases that are resolved by consent order as opposed to final order as the consent order resolution is less time consuming and more cost effective. The data for this measure is collected by selecting all compliance cases that are recommended for administrative action (Case Status of AA) and comparing it to the number of cases resolved by consent order. For FY 2008-09, 65 cases were recommended for administrative action and 51 cases were resolved with consent orders. However, not all of the recommendations for administrative action end up in the administrative process. The number of recommendations that did not result in administrative action can be attributed to respondents having no assets to proceed against, repealed jurisdiction or cases resolved by other methods. If the division were to compare only those cases that actually proceeded to administrative action (53 cases) to the number of cases resolved with consent orders (51 cases), the percentage would be 96% which would exceed the division's approved standard.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input checked="" type="checkbox"/> Legal/Legislative Change                 | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

The Land Sales regulatory program was repealed effective July 1, 2008, requiring the division to close two cases that were recommended for administrative action the previous fiscal year.

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

Training

Technology

Personnel

Other (Identify)

**Recommendations:**

N/A

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Average number of days to resolve cases submitted for arbitration

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
95	143	31	51%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors               | <input checked="" type="checkbox"/> Staff Capacity |
| <input checked="" type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training         |
| <input type="checkbox"/> Previous Estimate Incorrect     | <input type="checkbox"/> Other (Identify)          |

**Explanation:**

Performance results can be attributed to staffing levels during this reporting Fiscal Year 2008-09. Three of the section's seven arbitrator positions were vacant for significant periods of time during the fiscal year.

Once the vacant positions were filled, the section was able to close old cases which increased the average time to close a case.

High priority arbitration cases involving issues elated to the health and safety are typically involve complex issues requiring significant time to resolve. Health and safety cases are prioritized above less complex cases that do not involve health and safety issues.

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

Although the arbitration proceeding is abated during certain periods under the current system, there are numerous other times beyond an arbitrator's control in which the arbitrator or staff cannot actively work on a case. Such periods include: continuances required by due process; time to serve the petition; time the parties have to file answers and responses set by statute, administrative rule or order; the scheduling of hearings and case management conferences; and corrective action required by one of the parties. These times are not currently deleted from the total case time. Additionally, because the respondent must be served by certified mail and by law, has 20 days from the date of service in which to file an answer, under the current performance measure, these 20 days increase the case resolution time.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

Recently, the section has filled vacant positions with experienced and well qualified attorneys. By maintaining stability through retaining experienced staff, the performance of the section will improve.

The Performance Measure Validity and Reliability statement will be changed for FY 2009-2010 to abate or remove time periods from the case resolution times that are beyond an arbitrator's control.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of cases closed (arbitration)

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure  | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards          |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
550	656	106	19.2%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

A major focus of the Arbitration Section has been to triage cases and concentrate on resolving older cases. This approach, coupled with a core group of experienced arbitrators and the addition of two veteran attorneys has allowed the section to increase the number of closed cases.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

Not applicable – division’s performance exceeded the standard.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Average number of days to resolve investigations of consumer complaints

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
90	163	73	81%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:** Two years ago the Division of Florida Condominiums, Timeshares and Mobile Homes implemented a compliance procedural change in which an investigative case was worked in stages by different investigators who specialized in certain stages of the investigation. One investigator would handle case evaluation, another investigator would handle fact and evidence collection, and another investigator would handle case resolution. The division has completed its evaluation of the procedural change and found that investigative days accumulated when cases were transferred between investigative stages, thereby increasing the average days to resolve consumer complaints.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

Training

Personnel

Technology

Other (Identify)

**Recommendations:** The division has returned to the previous organizational model in which one investigator handles a case from beginning to end, effective July 1, 2009. The bureau is conducting more training for investigators in order to enhance and speed up initial complaint analysis.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of consumer complaints closed

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
3400	4311	911	26.8%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity              |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training           |
| <input type="checkbox"/> Previous Estimate Incorrect | <input checked="" type="checkbox"/> Other (Identify) |

**Explanation:**

The division closed more cases than the approved standard for FY 2008-2009 as the closing of older cases was one of the division's top priorities during the performance period. The division expects case closings for FY 2009-2010 to be much closer to the approved standard of 3,400.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input type="checkbox"/> Target Population Change                            | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

N/A

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

Not applicable – division's performance exceeded the standard.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Standards and Licensure  
**Measure:** Percent of permanent licenses issued and filings reviewed as prescribed by laws

**Action:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure | <input type="checkbox"/> Revision of Measure |
| <input type="checkbox"/> Performance Assessment of <u>Output</u> Measure             | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                     |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
95%	100%	5%	5%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

N/A

**External Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems      |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster            |
| <input type="checkbox"/> Target Population Change                            | <input checked="" type="checkbox"/> Other (Identify) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |  |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |  |

**Explanation:**

The division's past performance for this measure is: 88% for FY 2005-2006, 84% for FY 2006-2007 and 99% for FY 2007-2008. This performance reflects trends in the general real estate and condominium markets. During the real estate boom in 2005 and 2006, the division received its highest volume of project filings where more review deadlines were missed. The current downward trend in the real estate market has resulted in decreased filings and higher rates of performance. As conditions in the condominium market improve, division performance should also adjust closer to the performance standard.

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

Training

Technology

Personnel

Other (Identify)

**Recommendations:**

Not applicable – division's performance exceeded the standard.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Standards and Licensure  
**Measure:** Total number of filings and licenses processed

**Action:**

- |   |  |
|---|--|
| <input type="checkbox"/> Performance Assessment of <u>Outcome</u> Measure           | <input type="checkbox"/> Revision of Measure |
| <input checked="" type="checkbox"/> Performance Assessment of <u>Output</u> Measure | <input type="checkbox"/> Deletion of Measure |
| <input type="checkbox"/> Adjustment of GAA Performance Standards                    |  |

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
5,000	2,709	(2,291)	46%

**Factors Accounting for the Difference:**

**Internal Factors** (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> Personnel Factors           | <input type="checkbox"/> Staff Capacity    |
| <input type="checkbox"/> Competing Priorities        | <input type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)  |

**Explanation:**

N/A.

**External Factors** (check all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Resources Unavailable                               | <input type="checkbox"/> Technological Problems |
| <input type="checkbox"/> Legal/Legislative Change                            | <input type="checkbox"/> Natural Disaster       |
| <input checked="" type="checkbox"/> Target Population Change                 | <input type="checkbox"/> Other (Identify)       |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

The real estate market as a whole and particularly Florida's condominium market is in decline as reflected by the number of filings received over the last three years: FY 2006/07 – 8,278 filings received; FY 2007/08 – 4,684 filings received; FY 2008/09 – 3,144 filings received. As a result of the falling economy and real estate market fewer filings and license requests have been received.

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

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Training  | <input type="checkbox"/> Technology       |
| <input type="checkbox"/> Personnel | <input type="checkbox"/> Other (Identify) |

**Recommendations:**

N/A



## Performance Measure Validity and Reliability – LRPP Exhibit IV

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF		FISCAL YEAR 2008-09			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT				139,898,350	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)				-1,822,577	
FINAL BUDGET FOR AGENCY				138,075,773	
SECTION II: ACTIVITIES * MEASURES		Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO
Executive Direction, Administrative Support and Information Technology (2)					0
Licensure/Revenue * Number of transactions processed		834,755	4.07	3,395,915	
Protect Boxers * Number of scheduled boxing and kickboxing/mixed martial arts events.		75	9,123.32	684,249	
Call Center * Number of calls, emails, public contacts		1,367,871	4.54	6,205,636	
Central Intake - Initial Applications * Number of initial applications processed		126,496	36.73	4,646,094	
Central Intake - Renewals * Number of renewals processed		475,739	1.71	811,633	
Testing * Number of candidates tested		55,174	59.30	3,271,657	
Continuing Education * Number of non-deficient, complete provider and individual course applications processed within 90 days		5,891	192.54	1,134,251	
Board Of Architecture And Interior Design * Number of enforcement actions		527	751.25	395,909	
Monitor Employers For Compliance With Migrant Farmworker Labor Laws * Number of Investigations and Inspections		5,025	359.06	1,804,267	
Monitor Employers For Compliance With Child Labor Laws * Number of Investigations and Inspections		10,075	69.89	704,126	
Compliance And Enforcement Activities * Number of enforcement actions.		136,943	103.34	14,151,625	
Laboratory Services * Number of blood and urine samples tested.		72,965	31.06	2,265,984	
Standards And Licensure Activities * Number of licensees		731,689	18.45	13,501,320	
Tax Collection And Auditing * Number of audits conducted.		73,560	27.87	2,049,803	
Cardrooms * Number of audits conducted.		21	3,754.57	78,846	
Pari-mutuel Number Of Slot Applications Processed * Number of Slot Applications Processed		1,576	4,269.57	6,728,845	
Compliance And Enforcement Activities For Hotels And Restaurants * Inspections and enforcement actions		146,425	140.23	20,533,137	
Compliance And Enforcement Activities For Elevators * Inspections and enforcement actions		6,989	210.25	1,469,438	
Food Service And Tenant/Landlord Education And Training * Educational packets distributed, web hits, and training seminars/workshops conducted		175,430	5.82	1,021,382	
Standards And Licensure Activities For Hotels And Restaurants * Number of licensees for public lodging and food service establishments		82,665	12.00	992,100	
Standards And Licensure Activities For Elevators * Number of licensees for elevators, escalators and other vertical conveyance devices		49,276	8.30	408,823	
Compliance And Enforcement Activities * Number of enforcement actions for Alcoholic Beverages and Tobacco		72,380	278.35	20,147,279	
Standards And Licensure Activities * Number of applications processed for Alcoholic Beverages and Tobacco		34,761	140.01	4,866,943	
Tax Collection And Auditing * Number of audits conducted for Alcoholic Beverages and Tobacco		28,700	267.87	7,687,985	
Compliance And Enforcement Activities - General Regulation (yacht And Ship) * Number of compliance actions.		595	280.95	167,165	
Compliance And Enforcement Activities - Timeshare * Number of compliance actions.		4,350	189.56	824,600	
Compliance And Enforcement Activities - Condominiums * Number of compliance actions.		49,832	92.93	4,630,733	
Compliance And Enforcement Activities - Mobile Homes * Number of compliance actions.		6,106	46.96	286,717	
Homeowners' Associations * Number of compliance actions.		2,124	83.80	177,994	
Condominium Ombudsman * Number of activities in fulfillment of statutory duties.		71,152	8.54	607,322	
Standards And Licensure Activities - General Regulation (yacht And Ship) * Permanent licenses processed.		4,037	21.61	87,241	
Standards And Licensure Activities - Timeshare * Permanent filings processed.		2,179	285.68	622,489	
Standards And Licensure - Condominiums * Permanent filings processed.		59,060	21.72	1,283,021	
Standards And Licensure - Mobile Homes * Permanent filings processed.		6,673	36.40	242,907	
TOTAL				127,887,436	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER				2,397,842	
REVERSIONS				7,790,548	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				138,075,826	

## SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY

- (1) Some activity unit costs may be overstated due to the allocation of double budgeted items.  
(2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.  
(3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.  
(4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business Professional and Regulation

**Program:** Office of the Secretary/Administration

**Service/Budget Entity:** Executive Direction/Support Services

**Measure:** Agency administration and support costs as a percent of total agency costs

**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:**

This performance measure calculates the percent of administrative and support costs as compared to the total amount of expenditures of the department.

Expenditures and cost information are obtained from FLAIR reports and LAS/PBS (Prior Year Expenditures – Column A01) for the Executive Direction and Support Services Budget Entity and the department overall total.

### **Validity:**

This measure is informational and may be used for comparative purposes. This information can be useful to compare year to year how the administrative costs compare to overall departmental costs.

### **Reliability:**

The data utilized to calculate this measure is dependable and accurate. The final fiscal year-end FLAIR and LAS/PBS totals are used in the calculation of the actual performance result.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business Professional and Regulation

**Program:** Office of the Secretary/Administration

**Service/Budget Entity:** Executive Direction/Support Services

**Measure:** Agency administration and support positions as a percent of total agency positions

**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:**

This performance measure calculates the percent that administrative and support positions total as compared to the total number of authorized positions within the department.

The final year-end Position and Rate Ledger for the department is utilized to determine the actual number of authorized positions in the Executive Direction and Support Services Budget Entity as well as the total number of authorized positions within the department.

### **Validity:**

This measure is informational and may be used for comparative purposes. The data can be useful to compare year to year the percentage of administrative positions as compared to total number of positions within the department.

### **Reliability:**

The data utilized to calculate this measure is dependable and accurate. The calculation to determine the actual standard is based on data from the Position and Rate Ledger maintained by the Governor's Office of Policy and Budget.



## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business Professional and Regulation

Program: Service Operations

Service/Budget Entity: Customer Contact Center

Measure: Percent of calls answered

**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:**

Data Source - DBPR KPI (Key Performance Indicator) Maintenance Page.

Data is collected and stored in Brio Reports using Genesys software. Brio Reports is a reporting tool used to analyze and measure historical performance of each call center agent, each team, the organization and the Virtual queues. It is displayed in a real time reporting system referred to as Call Center Pulse. This historical information is used by the Customer Contact Center to establish and revise strategic performance objectives and drive performance improvement. Various reports may be run on demand by any employee having access to Brio Reports.

The data collection begins with the incoming call arriving in the Edify server. The call is then routed to the Genesys server that identifies the call and other relevant information. The server logic then reviews the routing criteria, determines where to route the call and delivers the call to an agent's desktop. The caller may use the self-serve feature through the Interactive Voice Response System instead of requesting an agent. In addition, after being routed to the agent's desktop, the agent uses a Siebel Customer Relationship Management computer application to enter further information concerning the call.

### **Validity:**

These tools measure the percent of agent assisted calls answered by DBPR. The Customer Contact Center is the single point of contact for answering incoming calls for various licensing and professions associated with DBPR. This measure facilitates the identification of real-time and historical call volume, staffing needs, training and strategic planning for peak workload periods such as license renewal.

### **Reliability:**

Real-time and historical data is accurate, reliable, and relevant to performance measurement and reporting.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Service Operations

Service/Budget Entity: Customer Contact Center

Measure: Number of calls answered

**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:**

Data Source - DBPR KPI (Key Performance Indicator) Maintenance Page.

Data is collected and stored in Brio Reports using Genesys software. Brio Reports is a reporting tool used to analyze and measure historical performance of each agent, each team, the organization and the Virtual queues displayed in Call Center Pulse. This historical information is used by the Customer Contact Center to establish and revise strategic performance objectives and drive performance improvement. Any employee having access to Brio Reports may run various reports on demand.

The data collection begins with the incoming call arriving in the Edify server. The call is then routed to the Genesys server that identifies the call and other relevant information. The logic then reviews the routing criteria, determines where to route the call and then routes the call to an agent's desktop. The caller may use the self-serve feature through the Interactive Voice Response System instead of requesting an agent. In addition, after arriving at the agent's desktop, the agent uses a Siebel Customer Relationship Management computer application to enter further information concerning the call.

### **Validity:**

These tools measure the number of calls received by DBPR, including those that are self-served via the automated phone system and the calls that are agent assisted. Since the Customer Contact Center is responsible for answering incoming calls for various licensing and professions associated with DBPR, this measure facilitates the identification of real time and historic performance and strategic planning for peak workload periods such as license renewal. This measure is a factor in determining staffing needs and cost allocations among the department's divisions and boards.

### **Reliability:**

Real-time and historical data is accurate, reliable, and relevant to performance measurement and reporting.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Service Operations

Service/Budget Entity: Central Intake

Measure: Percent of applications processed within 90 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:**

Data Source -The Single Licensing System (LicenseEase) data yields the number of licensure and examination applications processed for each board over a given period of time (day, week, month, quarter, and year). Based on the nature of an applicant's request, the licensing system has designated transaction codes that allow the department to determine the various applications that are processed for each board. Through an in-depth study that was conducted, the department also has designated specific timings for each transaction.

The production data is collected utilizing a Sequel Rule (SQL) that considers various types of transactions that are processed by the bureau. The SQL evaluates the categories of work type that is organized by program areas

### **Validity:**

This performance measure calculates the percent of applications processed within 90 days. The statutory reference for this is Ch. 120.60, FS. "Processed" is defined as receiving, initially reviewing, and determining if the application is complete or incomplete. If the application is incomplete, a request for additional information (deficiency letter) is mailed to the applicant. The performance measure outline in the document constitutes the evaluation of an application to determine if an application is complete and thereby allowing the department to grant the applicant's request.

This is a valid and reliable measure to determine if the department is meeting the statutory obligation to licensees. The initial review of an application is completed within 30 days of receipt of the application. If the application is complete at that time, the request is granted; however, the department has 90 days to either approve or deny an application if further review of the application is necessary.

### **Reliability:**

The use of SQL Rule is a reliable tool to determine performance numbers that does not require manual tabulation of data. This particular performance data, percent of applications processed within 90-days, is an accurate, dependable indicator, and consistent performance measure. The economic trends and conditions have a serious impact on the number of applications that are received each year. However, the applications processed are reported in a percent value and is a reliable compliance measure.

Because this performance measure is formatted in a percentile format, it is amendable to performance timeline trend analysis. Therefore, the data is comparable year to year.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Service Operations

Service/Budget Entity: Central Intake

Measure: Percent of renewals mailed no less than 90 days prior to license expiration dates

**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:**

Data Source - DBPR KPI (Key Performance Indicator) Maintenance Page.

This data is compiled manually by the RAD (Renewal Administration and Distribution) unit and reported monthly, subtotaled by profession, and then grand totaled. The monthly reports are then summarized quarterly and yearly.

### **Validity:**

This performance measure calculates the percent of license renewal notices which are processed and mailed to the licensees scheduled for license renewal, within 90 calendar days of the date that the license is due to expire. This comports with Ch. 455.273 (1) FS, which states in relevant part: "At least 90 days before the end of a licensure cycle, the Department of Business and Professional Regulation shall: (a) Forward a licensure renewal notification to an active or inactive licensee at the licensee's last known address of record with the department. (b) Forward a notice of pending cancellation of licensure to a delinquent status licensee at the licensee's last known address of record with the department."

This measure of application processing activity measures a statutorily mandated performance timeline directly addressing notification of licensees whose licenses are approaching expiration.

The intent of the measure is to ensure agency compliance with the statutorily mandated processing timeline for mailing license renewal notifications.

### **Reliability:**

The data source, the RAD (Renewal Administration and Distribution) manual count, is a reliable source of performance data as it is collected at regular intervals. This measure has been used for numerous years to document the number of license renewal notifications mailed out with no sustained challenge to the data accuracy. This data is an accurate, dependable and consistent performance measure.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Service Operations

**Service/Budget Entity:** Central Intake

**Measure:** Percent of applications processed within 90 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:**

Data Source -The Single Licensing System (LicenseEase) data yields the number of licensure and examination applications processed for each board over a given period of time (day, week, month, quarter, and year). Based on the nature of an applicant's request, the licensing system has designated transaction codes that allow the department to determine the various applications that are processed for each board. Through an in-depth study that was conducted, the department also has designated specific timings for each transaction.

The production data is collected utilizing a Sequel Rule (SQL) that considers various types of transactions that are processed by the bureau. The SQL evaluates the categories of work type that is organized by program areas

### **Validity:**

This performance measure counts the number of initial applications processed. For the purposes of the measure, "processed" in this sense is defined as receiving, initially reviewing, and determining if the application is complete or incomplete. If the application is incomplete, a request for additional information (deficiency letter) is mailed to the applicant. For the purpose of this measure, "initial application" means the first time an application is submitted to the department for licensure.

This is a valid and reliable measure to determine if the department is meeting the statutory obligation. The performance measure outline in the document constitutes the evaluation of an application to determine if an application is complete and thereby allowing the department to grant the applicant's request.

### **Reliability:**

The use of SQL Rule is a reliable tool to determine performance numbers that does not require manual tabulation of data. This particular performance data,

number of initial applications processed, is an accurate, dependable indicator, and consistent performance measure. The economic trends and conditions have a serious impact on the number of applications that we receive each year. The initial applications processed are counted and is a reliable compliance measure.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Division of Service Operations

Service/Budget Entity: Testing and Continuing Education

Measure: Number of non-deficient, complete provider and individual course applications processed within 90 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:**

Data Source - LicenseEase System and Crystal Reports

The Bureau of Education and Testing reviews and determines compliance with the specific board rule or statutory requirements when receiving providers and course applications. Once information is entered into the licensing system, the system begins tracking time to completion. Applications are placed on hold status in the licensing system if the application needs board approval or if additional review by a department consultant is required. Applications that are deficient are also placed on hold status to allow providers an opportunity to respond to deficiency notifications and submit supplemental information to make the application complete.

### **Validity:**

A non-deficient application is one that is complete at the time of receipt and can be processed immediately as meeting all the requirements as set forth by board rule or statute.

A deficient application needs additional information from the provider and must be changed or corrected so it does meet applicable requirements.

This measure provides for the number of non-deficient continuing education and provider applications processed within 90 days of receipt. The intent is to ensure compliance with processing requirements as established in our performance measures.

### **Reliability:**

Application data is captured in the licensing system to track the length of processing time for each application and a system generated report is utilized to produce quarterly and annual reporting figures.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Service Operation

Service/Budget Entity: Testing and Continuing Education

Measure: Percent of non-deficient, complete provider and individual course applications processed within 90 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:**

Data Source – License Ease System and Crystal Reports

The Bureau of Education and Testing reviews and determines compliance with the specific board rule or statutory requirements when receiving provider and course applications. Once information is entered into the licensing system, the system begins tracking time to completion. Applications are placed on hold status in the licensing system if the application needs board approval or if additional review by a department consultant is required. Such actions may occur outside the 90 day processing window. Applications that are deficient are also placed on hold status to allow providers an opportunity to respond to deficiency notifications and submit supplemental information to make the application complete.

### **Validity:**

A non-deficient application is one that is complete at the time of receipt and can be processed immediately as meeting all requirements as set forth by board rule or statute.

A deficient application needs additional information for the provider and must be changed or corrected so it meets applicable requirements.

This measure provides for the percentage of non-deficient continuing education and provider applications processed within 90 days of receipt. The intent is to ensure compliance with processing requirements as established in performance measures.



**Reliability:**

Application date is captured in the licensing system to track the length of processing time for each application and a system generated report is utilized to produce quarterly and annual reporting figures.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Service Operations

Service/Budget Entity: Education and Testing

Measure: Number of Candidates Tested

**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 number of candidates tested is collected from various data sources, including utilizing the CAT Global software and manual counts. The figures for computer based testing figures (CBT) are obtained from the CAT Global software program through our CBT vendor, Pearson Vue. The candidate counts for the paper and pencil examination are compiled from the manual examination reports that are prepared at each examination administration at each site.

### **Validity:**

A candidate tested is an applicant that has been approved either by the Board or department, scheduled for a specific testing date and time, and takes the licensure examination for which he/she was scheduled.

This measure provides the number of candidates tested on a quarterly or annual basis (depending on the report due date) of eligible applicants that have been approved, scheduled, and have taken a licensure examination that is required in order to obtain a license for a specific profession. Licensure examinations are conducted to ensure that the applicant has an acceptable knowledge or competency level for the profession which he/she is seeking licensure.

### **Reliability:**

The CBT candidate counts are obtained from the CAT Global System, whereas the paper and pencil examination counts are collected manually at the exam site. An Excel spreadsheet is maintained to track all candidate count figures for paper and pencil examinations. The spreadsheet will reduce the number of errors in calculating the total counts manually.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Percent of licensees in compliance with all laws and regulations

**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:**

This data is a measurement of the number of citations and final orders filed against licensees compared to the total licensee population. Data originates by complaints initiated by the public, regulatory agencies, licensees and/or the department which are received in the central office or any of multiple regional offices. Upon initiation of a complaint, a review is made by a complaint analyst and codes are assigned to delineate the profession to which the complaint pertains, the nature of the violation, the source of the complaint, and various other identifying information. Subsequently, status codes and disposition codes are assigned to denote when a particular matter has been resolved with a Citation or Final Order. A Citation is issued in matters when a board, or the department when there is no board, has adopted rules to designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. If the subject of the citation fails to dispute the allegations contained therein within 30 days, the citation is filed with the department's agency clerk. Upon the filing of a citation with the clerk, it becomes a final order effecting discipline. Also, when a complaint is investigated and sent to the legal section for possible prosecution for any violation that a citation cannot be issued, it may result in a final order being issued by the board or department. The divisions of Professions, Real Estate, and Certified Public Accounting effect discipline against licensees through the issuance of citations and final orders. All three divisions are included in this measure.

All code assignments are input into a database application system known as the LicenseEase System. Data is validated by daily and monthly review by a supervisor and/or attorney in each office or by random sample reviews twice annually by a supervisor in each office. Deficiencies are corrected upon discovery.

Thereafter, a query will be made for the number of citations and final orders filed by the three participating divisions during the current fiscal year. The SQL Navigator query/report that is run by the data steward to obtain the data is entitled 'Disposition Count by Board'. The sum of those numbers will be subtracted from the sum of the active licensee populace at the close of the fiscal year for those Divisions. The difference is to be divided by the total number of active licensees at the close of the fiscal year. The number derived will be multiplied by 100 in order to obtain the percent of licensees that are in compliance with all laws and regulations.

**Validity:**

This measure addresses the department's ability to achieve an increase in the compliance of standards by licensees. Further, it relies on the assumption that licensees that were not disciplined through the issuance of a citation or final order are in compliance with all laws and regulations. An increase in the percent of licensees in compliance with all laws and regulations results in an increase in the compliance of standards by licensees. The citations are mostly handled in the pre-legal stages while final orders are often a result of litigation by the legal staff. The number of final orders issued is a shared responsibility and the results are not completely within the control of the three divisions.

**Reliability:**

Information is maintained and retrieved from the tracking system (LicenseEase System) designed for the agency to accurately document case history/status. Users have been trained to query data for performance measures as well as other required reporting. Departmental complaint analysts create unique data files for every complaint received and coding is validated by a supervisor or by legal staff in each office. Data regarding the filing of citations and final orders is input by complaint analysts or administrative staff and is validated by daily and monthly review by a supervisor or by legal staff.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Percent of Farm Labor Contractors inspected, found to be in compliance with the law

**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:**

Data for this measure is obtained from the Farm Labor Program's LicenseEase reports. The information is then matched with documents and reports from the field investigators which are submitted to the Central Office on a weekly & monthly basis. These reports include the number of farm labor contractors inspected for compliance with the Florida farm labor law, number of warnings issued, field citations issued, cases of unregistered activity developed, complaints received, wages recovered, money penalties assessed, money penalties received, and mediations completed.

Compliance & Enforcement activity are generated through two (2) sources. First, The Department may receive a complaint (written or verbal) from a farm worker or other sources, of unregistered activity or non-compliance with the farm labor laws. These complaints are logged and assigned to an investigator in the geographical area nearest to the complainant or the site of the allegation. Investigators are located in agriculturally significant areas throughout the state. Second, the investigator, through routine canvassing of their assigned area, may observe non-compliance of the laws when conducting field compliance inspections of farm labor contractor activity. Compliance inspections include; safety/health inspections, payroll audits, passenger vehicle inspections, and field sanitation inspections. Depending on the nature, severity and number of violation(s), the investigator may elect to issue a warning, field citation, or develop a case to be sent to legal for prosecution. In all instances, these actions are properly documented and forwarded to the Central office for recording and maintenance. Penalties for non-compliance with farm labor laws include a warning for a "first-time offense, money penalties up to \$2,500 per violation, per day; suspension and revocation of registration. Penalties and sanctions are progressive, with repeat violators/offenders receiving the harshest penalties.

**Validity:**

The measure is a valid indicator of overall program effectiveness and goals because it captures all key performance indicators and justifies the program's responsibility to enforce the farm labor laws, through education, routine field inspections, and prosecution. Through the monitoring of enforcement activity data, the program can document the number of field compliance inspections, warnings issued, field citations issued, cases developed, type of violation, amount of money penalties assessed and collected. The overall compliance rate is a percentage of the number of inspections performed, minus exemptions, versus the number of inspections resulting in non-compliance

**Reliability:**

The raw data from field investigators is compiled and sent to the central office for recording and maintenance. Factors including crop yields, market trends, weather/crop damage/diseases, worker availability and wages. A farm labor contractor may be inspected for compliance with the farm labor law on several occasions during the growing season. There are five main activities associated with farm labor that may present the investigator with opportunities to conduct field inspections. Those activities are pre-harvesting, which include field preparation, planting, cultivating, harvesting and post-harvesting.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Percent of employers brought into compliance with child labor laws on follow-up investigations

**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:**

Beginning in FY 2007-08, the data for this measure has been maintained and tracked on the department's license system (LicenseEase). It is designed to track the entire complaint process, and all complaint actions are entered/ controlled through input by the staff in the central office. Program data used to compile the measure is collected from investigative reports prepared by child labor investigators in response to alleged child labor law violations.

An initial complaint is generated from information received in the central office. The cases are entered into the LE database and assigned to the field investigator. A Notification of Investigation which requests specific employment records is sent to the employer. The investigator reviews the documentation and completes an on site audit. Once an investigation is completed, the investigator sends the report to the Tallahassee Central Office indicating the status of the violation (compliance or noncompliance). The action is entered into the LE database system after review by the program administrator. On initial investigations, employers with investigative findings are issued a "Warning." A follow-up investigation of those cases/employers is subsequently conducted to verify whether the employer has taken remedial action to correct the violation. Those employers who have no violations found on the follow-up visits are considered to be in compliance. Those employers who have either new violations or minor infractions on the follow-up visits are issued Follow-up Warnings; Employers with more substantial repeated violations are issued Civil Money Penalties. One of these various actions is entered into the child labor database. The LE system is queried on a monthly basis to determine the total number of follow-up investigations conducted and the number of employers in compliance (no CMP's) as a result of the follow-up reviews.

**Validity:**

The measure is a valid indicator of overall program results. It is also an appropriate measure of ensuring that employers are brought into compliance with the law and represents the program's overall objective. LicenseEase captures and reports data based on information gathered by child labor investigators as investigations are completed, verified and entered by the Tallahassee Central Office.

Investigators use data that is taken directly from the payroll/time records supplied by the employer to determine if the employer is violating the law. Follow-up investigation reviews verify that the employer's employment practices are in compliance with the law.

The outcome result will be determined by dividing the number of follow-up investigations in compliance (no CMP's), by the total number of follow-up investigations conducted.

**Reliability:**

Source data is captured by each investigator at the time of the investigation, and reported to the central office as a compliance or non-compliance investigation. Reliability is determined by consistent application of measurement procedures used to compile data and limited access by staff to the database. All data is carefully controlled through centralized procedures. Data can also be manually assembled, and rolled up and tallied collectively for each investigator on a monthly and annual basis. Hard copy source data (compliance and investigative forms) are also maintained at the local and central office.

The data is reliable and year-to-year data can be replicated with accuracy.



## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Number of investigations and inspections – Farm Labor

**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:**

Data for this measure is collected by investigators who perform field inspections of farm labor contractors. Information regarding inspections and any violations are entered into the single licensing system LicenseEase (LE) by investigators and verified by supervisors in the Tallahassee Central Office. This information is matched for accuracy with the field inspection reports and other documentation submitted to the Central office on a weekly and monthly basis by the field Investigators.

The information captured includes the number of farm labor inspections performed and the number of farm labor contractors found in non-compliance with the Farm labor law. Historically and for FY 2005-06, data for this measure was compiled in several database software including Word, Access and Excel. Beginning fiscal year 2006-07, this data has been captured and maintained in LicenseEase.

Investigations: Investigations are typically initiated from two sources. In most cases, violations are observed in the field by investigators performing routine inspections. In some cases, a complaint of a violation is received by the central office or from other sources. Investigations include wage complaints, field sanitation and chemical violations, passenger vehicle safety and authorization, worker safety, housing violations, unregistered activity, failure to disclose/post terms & conditions of employment, improper payroll records, and failure to comply with other State & Federal Laws.

Inspections: The Farm Labor Program effects compliance through education and field inspections. The investigator is required to routinely canvass his/her geographically assigned area for farm labor activity, and to enter onto farms, ranches, and groves; and to physically inspect farm labor contractors for full compliance with the Florida farm labor law. Each field inspection is recorded on a department inspection form and following the completion of the inspection, a

copy of the form is given to the farm labor contractor. A copy of each inspection is forwarded to the central office for proper recording. The field inspection includes: presentation of a valid and adequate certificate of licensure, department authorization to perform the identified activities, payroll audits for adequate wage requirements and payments, field sanitation & chemical inspections, child labor violations and worker abuses.

**Validity:**

This measure is valid as it properly captures the number of farm labor contractor inspected for compliance, the number of farm labor contractors out of compliance, type of violations and the number of violations. Investigators record on a daily basis, their enforcement activity and monthly submit to the central office, their number of inspections and total enforcement activity. Monthly submissions are validated by a Program Lead in Tallahassee using the LicenseEase single licensing system.

**Reliability:**

The monthly reports of each investigator detail the actual number of inspections and investigations performed each month. The total number of inspections and investigations can be verified by a supervisor by physically counting the paper inspection forms (3601s) submitted, and match those to the number of inspections and cases entered into License Ease. As a result, an accurate measure of investigator productivity can be measured and verified.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Number of investigations, inspections and training– child labor

**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 for this measure has been maintained and tracked on the department's license system – LicenseEase (LE) beginning in FY 2007-08.

**Investigations:** The number of completed investigations is pulled from the LE database. The data base has the capability to track the entire complaint process. When an investigation is complete, the investigator closes out the investigation and sends the report to the central office indicating the status of the investigation. All case actions are entered in LE by the staff in the central office.

**Inspections/Training:** The number of inspections/training is tracked separately. A major portion of the investigator's time is spent conducting proactive enforcement activities. Investigators target businesses that employ minors and conduct walk-in visits. This is a proactive activity to ensure that employers are aware of their responsibilities under the child labor law. During a visit, the investigator will check businesses employing minors for an updated child labor poster. The investigator will attempt to conduct a visual safety inspection of the facility, and provide training guides, child labor self-assessment packages, and any technical assistance needed. If apparent child labor violations exist, cases are opened.

The information is manually recorded in the field on the investigators tracking log, then entered into LE. The program data used to compile the inspections/training data is then extracted from LE.

### **Validity:**

The measure is an output of both proactive and reactive enforcement activities performed during personal contact with employers. It is also an appropriate customer service output measure to ensure the program's overall objective of bringing employers into compliance with child labor law. The system of capturing

and reporting data is valid based on source data generated by investigator activities and reported by them on a daily/monthly basis.

**Reliability:**

Investigations:

Each investigator records their case activity at the time of the investigation into LE. Reliability is determined by consistent application of procedures used by investigators to record their data, enter data correctly into LE, and reviewed by Tallahassee staff. All case sensitive data is reviewed through centralized procedures. Hard copy source data (working papers including documents submitted by employers) are maintained at the local level. Beginning fiscal year 2008-09, all new cases are maintained in the paperless Onbase filing system. Data is comparable from year to year.

Inspections/Training:

The source data is recorded by each investigator at the time of the “walk-in” on a log and entered into LE upon return from the field. Reliability is determined by consistent application of measurement procedures, collected on a daily basis using the walk-in tracking log. Hard copy source data is maintained at the local level and a copy forwarded to the central office. Data would be comparable from year to year, and can be replicated comparing the investigator logs to the data investigators have entered into LE.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Percent of required inspections completed

**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:**

This data is a measurement of the inspections completed compared to the inspections required during the fiscal year. Inspection staff captures data regarding the results of statutorily mandated inspections of licensed barber, veterinary, and cosmetology establishments. Florida rules mandate barber establishments be inspected once each year, cosmetology establishments once every two years and veterinary establishments once every five years. The inspector completes an inspection form on a mobile PDA (personal data assistant) or manually that captures data regarding the licensee that was inspected and the type of inspection. Thereafter, the data is uploaded or manually entered into the LicenseEase database. Data is validated by daily and monthly review by a supervisor in each office. Deficiencies are corrected upon discovery. The Division of Real Estate and Division of Certified Public Accounting do not perform statutorily mandated inspections, so this measure only includes data from the Division of Regulation.

At the beginning of each fiscal year, a report that lists all current active licensed barber, veterinary and cosmetology establishments is generated from LicenseEase. Barber establishments with an active license require inspection during the current fiscal year. Cosmetology establishments require inspection biennially. All veterinary establishments with an active license require an inspection within every five-year period, plus an additional one percent of the total veterinary establishment active licensees require inspection during the current fiscal year. Additionally, Barber and Cosmetology establishments that obtained initial licensure during the fiscal year require inspection in that fiscal year. Two reports are generated at the close of the fiscal year; 'Inspections remaining BC' and 'Inspections remaining VET'. One report lists all active barber and cosmetology establishment licensees that were not inspected during the fiscal year. The second report lists all active veterinary establishments that were not inspected during the last five years. Thereafter, the number of barber, cosmetology and veterinary establishment inspections performed, obtained from

the Inspections Completed query/report, is divided by the sum of the number inspections performed and the number of required inspections that were not inspected at the close of the fiscal year. The number derived will be multiplied by 100% in order to obtain the percent of required inspections performed.

**Validity:**

This measure addresses the department's efforts regarding the deterrence of violations of standards by educating licensees regarding statute and rule requirements, and verifying compliance through regular inspections and/or audits. An increase in the percent of required inspections performed results in an increase in the department's deterrence of violations of standards for the regulated professions.

**Reliability:**

Information is maintained and retrieved from the LicenseEase system designed for the agency to accurately document licensure actions. Users have been trained to query data for performance measures as well as other required reporting. Inspectors capture inspection information on a PDA that is uploaded into the LicenseEase database. A supervisor in each office approves coding accuracy.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Number of enforcement actions

**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 number of enforcement actions is the sum of the number of complaints received, number of investigations completed, number of notices of non-compliance (NNC's), number of citations filed, number of inspections completed, number of mediations completed, number of legal insufficiency dismissals and pending caseload. This measure includes data for the Division of Regulation, Division of Certified Public Accounting, and the Division of Real Estate.

The date for this performance measure originates from two places; complaint intake and inspections. Complaints are received by the central office and can come from consumers, other government agencies, license holders or can be generated internally by the department. All complaints are input into the department's single licensing system, LicenseEase, and are analyzed for legal sufficiency. Key dates and status changes are input into LicenseEase by the staff person responsible for the case at each step of the investigation. Specific codes are also used to classify the type of case in LicenseEase by staff, such as mediation, NNC, citation, under investigation or dismissed.

Data regarding inspections is originated by the inspector who captures data regarding the result of statutorily mandated inspections of licensed barber, cosmetology and veterinary establishments. Data regarding the number of inspections performed is captured on personal data assistants (PDA's) or performed manually and is stored in the LicenseEase database.

The number of complaints received pertains to the number of complaints input into the database during the fiscal year. The complaints pertain to the various professions licensed and regulated by the department. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Complaints Added'

The number of investigations completed refers to the number of files in which an investigation was performed and completed for the above referenced professions. An investigation is considered complete when an investigator has finished his or her written report that is submitted for legal review during the fiscal year. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Invs Completed'.

The number of notices of non-compliance refers to the number of files in which we have obtained evidence that compliance has been received after notification to the licensee during the fiscal year. The SQL Navigator query used to pull the NNC information from the database by the data steward entitled 'NNCs Completed'.

The number of citations filed refers to files in which a citation was issued and not disputed within the allotted time frame and, therefore, was filed during the fiscal year with department's agency clerk as a final order affecting, at minimum, a disciplinary fine. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Citations Completed'.

The number of inspections completed refers to the number of statutorily mandated inspections of licensed barber, veterinary and cosmetology establishments completed during the fiscal year. Inspections are performed to ensure that compliance with all applicable statutes and/or rules is met. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Insp Completed'.

The number of mediations completed refers to the number of files in which a consumer has been made whole or has otherwise resolved the issues, which resulted in the filing of the complaint. The resolution must occur during the fiscal year. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Mediations Completed'.

The number of legal insufficiency dismissals pertains to the number of files dismissed during the fiscal year that did not meet the level of legal sufficiency. A file is determined to be legally insufficient if the department does not regulate the activities in question, or the acts alleged, if assumed to be true, do not constitute a violation of the applicable statutes and/or rules. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Legally Insuff'.

The pending caseload pertains to all files which are either awaiting initial analysis regarding legal sufficiency, have yet to be finalized by obtaining compliance through a notice of non-compliance, mediation, the filing of a citation, or completion of an investigation. The SQL Navigator query used to pull this information from the database by the data steward entitled 'Open in Reg'.



Thereafter, a query will be made for the number of complaints received, the number of investigations completed, inspections completed, the number of notices of non-compliance, the number of citations filed, the number of mediations completed, the number of legal insufficiency dismissals and pending caseload.

**Validity:**

This performance measure captures the totals for the various means of handling complaints. Chapter 455, Florida Statutes, describes the disciplinary process and it also allows the boards to make rules to handle minor violations in an alternative manner such as mediation, citations and NNC's. This measure allows division management to make sure that cases are being handled in the proper manner. For example, if the number of mediations is low, investigators may need additional training in mediations.

**Reliability:**

Information is maintained and retrieved from the tracking system (LicenseEase System) designed for the agency to accurately document case history/status. Complaint analysts create unique data files for every complaint received and, coding is validated by a supervisor or by legal staff in each office. Reports are generated by LicenseEase which allows management to look at lists sorted by type and date to see abnormalities to correct. All data is validated by weekly and monthly review by a supervisor in each office.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Standards & Licensure

**Measure:** Percent of complete applications approved or denied within 90 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:**

The purpose of this measure is to provide the percentage of complete applications approved or denied by the professional boards in a timely manner. The time period to approve or deny an application is 90 days. The starting time for this process begins on the day a complete application is received by the department and ends on the day the applicant is approved for licensure/licensure examination, denied licensure, or the applicant withdraws the application.

A complete application is defined as an application for licensure which contains all of the information requested as part of the application process, the required fee(s), where applicable, and all supporting documentation required by statute or rule. An application is also deemed complete when the statutory deadline tolls. Pursuant to Section 120.60(1), F.S., the department must notify the applicant within 30 days after receipt of the application of any errors, omissions, and/or additional information required. Otherwise, the application is considered complete.

An applicant is determined eligible for licensure/licensure examination when all criteria set forth by statute or rule are fulfilled, or when statutory deadline tolls. Pursuant to Section 120.60(1), F.S., all applications must be approved or denied within 90 days of receipt of a complete application. Applicants that are not approved or denied within this timeframe are deemed eligible for licensure/licensure examination.

For incomplete applications, the measurement of the application processing time begins with the date that all information, documents and/or required fees are received in full. If the department fails to notify the applicant of deficiencies in the application within the statutory deadline, the beginning date of the application processing would be the 31<sup>st</sup> day after the initial receipt of the application. The

ending date for measuring the time to process an application is the date an applicant's request for licensure or licensure examination is denied or approved as noted on the application or when an application is withdrawn by the applicant.

The percent of applications approved or denied within 90 days will be obtained from a Crystal Report entitled 'Applications Approved or Denied within 90 Days'. The percentage will be arrived at by taking the number of complete applications approved, denied, or withdrawn within 90 days of an application being deemed complete, divided by the total number of complete applications approved or denied. The Division of Professions, Division of Certified Public Accounting, and Division of Real Estate statistics are included in this measure.

**Validity:**

This measure will determine the percentage of applications that are approved or denied in a timely manner. The 90-day turn around timeframe is statutorily mandated. The department has 30 days to notify an applicant that an application is not complete. This measure monitors statutory compliance and provides an accurate method of counting the processing days for an application. The measure only includes applications that go before a professional board for approval or denial. Applications that are processed by the Central Intake Unit are measured in a separate calculation. Since the measure only considers complete applications, there are no shared responsibilities and the results are within the control of the three divisions.

**Reliability:**

Supervisors in the divisions' respective licensing units randomly spot check files as part of normal operating procedures. In addition, supervisors will perform post-audit procedures to test the reliability of the data used in this measurement.

This measure is a dependable and consistent measure for determining if we are processing applications within the legal statutory timeframes.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Standards & Licensure

**Measure:** Percent of licensees that correct violations through alternative means (notices of non-compliance, citations or alternative dispute resolution)

**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:**

This data is a measurement of the cases resolved by means of citation, notice of non-compliance, or alternative dispute resolution (ADR) in comparison to the number of legally sufficient cases. The information originates by complaints initiated by the public, regulatory agencies, licensees, and/or the department that are received in the central office or any of multiple regional offices. Upon initiation of the complaint, a complaint analyst reviews the case and codes are assigned to delineate the profession to which the complaint pertains, the nature of the violation, the source of the complaint, and various other identifying information.

Subsequently, status codes and disposition codes are assigned to denote when a particular matter has been resolved to denote the issuance of a notice of non-compliance, a citation, or through alternative dispute resolution. A notice of non-compliance is issued as a first response to a minor violation of a rule, as established by each professional board or the department, when there is no board, in any instance in which it is reasonable to assume that the violator was unaware of the rule or how to comply with it. A citation is issued in matters when a board, or the department when there is no board, has adopted rules to designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare.

Alternative Dispute Resolution pertains to the mediation of complaints as a method of dispute resolution between a licensee and someone who is complaining regarding the licensee's actions or conduct. ADR is only a viable option where mediation rules exist and the allegations pertain to economic harm to the consumer or harm that is otherwise addressable by the licensee. The sum of the number of files resolved through alternative means will be compared to the legally sufficient caseload. The legally sufficient caseload is comprised of all

legally sufficient files not finalized at the end of the prior fiscal year, plus the number of legally sufficient files opened during the current fiscal year.

All code assignments are input into a database application system known as the LicenseEase system. Data is validated by daily and monthly review by a supervisor and/or attorney in each office or by sample reviews twice annually by a supervisor in each office. Deficiencies are corrected upon discovery.

Thereafter, a query is made for the number of notices of non-compliance by which compliance was obtained, the number of citations filed, and the number of successful Alternative Dispute Resolutions finalized. The SQL Navigator queries used to gather this data by the data steward are entitled 'NNCs Completed', 'Citations Completed', and 'Mediations Completed'. All of the foregoing actions must occur during the current fiscal year. The sum of those numbers will be divided by the legally sufficient caseload for the current fiscal year. The number derived will be multiplied by 100 to obtain the percent of licensees that corrected violations through alternative means.

**Validity:**

This measure addresses the department's ability to achieve an increase in the compliance of standards by licensees. Resolution of files by alternative means is more expedient and cost effective in obtaining compliance with standards and satisfying consumers. Expediency in case resolution increases compliance with all standards by quickly informing licensees that they are in violation of applicable statutes or rules, so that they can engage in immediate corrective action. Further, punitive or remedial actions are more readily associated with the act that resulted in the punitive or remedial action when it occurs soon thereafter. An increase in the percentage of licensees that correct violations through alternative means results in an increase in compliance with all standards.

**Reliability:**

Information is maintained and retrieved from the tracking system (LicenseEase database) designed for the agency to accurately document case status history. Users have been trained to query data for performance measures as well as other required reporting. Complaint analysts create unique data files for every complaint received and coding is validated by a supervisor or by legal staff in each office. Data regarding the resolution of a case by alternative means is input by complaint analysts or administrative staff and is validated by daily and monthly review by a supervisor or by legal staff.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budge Entity:** Standards & Licensure

**Measure:** Number of licensees

**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:**

A query of the department's licensing database (LicenseEase) is obtained as of the last day of the fiscal year, June 30. The SQL Navigator query used by the data steward to obtain the data is entitled 'License Count'. The licensee data includes current, probationary, and suspended licenses in a status of active or inactive. Licensees for the Division of Professions, Division of Real Estate, and Division of Certified Public Accounting are included in this measure. Licensees with a status of delinquent and null/void are not included.

### **Validity:**

The licensee count is a measure of the population of licensees who are able to practice regulated professions in the State of Florida, and whose records require maintenance by the department. Active and inactive licenses are included in this output measure. The services provided by the department generally focus on and accrue to the benefit of the active and inactive licensee population. Depending on the professional trends, the population results are not always within control of the department.

### **Reliability:**

The statistical information queried from the department's database has a high degree of reliability. The licensing issuance and renewal process is automated. The greatest probability for error is derived from the manual input of license changes (i.e., change of address, status changes, etc.). Staff who are responsible for performing data entry and manually inputting changes to the database receive comprehensive in-house training and on-the-job training. The data entry process is procedurally regimented and there are electronic rules that prohibit certain errors. Since the department has tracked licensee information for many years and has established baseline data, statistical aberrations can be easily isolated and investigated.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Florida Boxing Commission

**Measure:** Percent of licenses suspended or revoked in relation to fights supervised.

**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 number of fights supervised and the number of licenses suspended or revoked are maintained in individual Excel workbooks that have worksheets associated with each therein. The data is collected by adding the total number of fights supervised for each program of matches supervised along with any applicable suspensions made in the remarks section of the Program Results form (worksheet). The total number of suspensions is divided by the total number of fights supervised to arrive at a percentage.

### **Validity:**

The number of fights supervised and the number of licenses suspended or revoked are maintained in individual Excel workbooks that have worksheets associated with each therein. The data is collected by adding the total number of fights supervised for each program of matches supervised along with any applicable suspensions made in the remarks section of the Program Results form (worksheet).

### **Reliability:**

The data related to the number of fights supervised and the number of licenses suspended or revoked is maintained accurately in an Excel spreadsheet. The measure will produce the consistent results for any given period of time. In terms of comparing data on an annual basis, this can be misleading as there is no accurate predictor in terms of the outcome of a match requiring a mandatory suspension due to knockout or technical knockout as required by Chapter 548, Florida Statutes.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Professional Regulation

Service/Budget Entity: Florida State Boxing Commission

Measure: Number of scheduled Boxing and Kickboxing/Mixed Martial Arts Rounds

**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 Commission maintains files for every live event scheduled in Florida. The Commission manually calculates the number of scheduled rounds included in each of the event files annually. The data is collected by adding the total number of scheduled rounds for each program of matches supervised. This is a simple sum of the numbers for each fiscal year. Scheduled rounds include those proposed and researched whether approved, disapproved, fought, or not fought.

### **Validity:**

This measure captures the number of scheduled boxing rounds. The number of scheduled rounds is the best number that can be used as workload is directly related to the scheduled rounds regardless of whether or not they are actually fought based on approval and/or disapproval. Generally, the larger the number of scheduled rounds for any particular bout translates into increased workload based on the need to research and analyze more information for veteran participants.

### **Reliability:**

The data related to the number of scheduled rounds is maintained accurately by the Commission office. The measure will produce the same results for any given period of time. Comparison on an annual basis may be misleading, as the Commission has recently begun to regulate mixed martial arts. A championship fight in mixed martial arts is typically scheduled for five rounds whereupon a similar match in boxing would be scheduled for twelve rounds. In light of this, the amount of work associated with researching a proposed match in each sport may be misleading.



## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Florida State Boxing Commission

**Measure:** Number of scheduled Boxing, Kickboxing and Mixed Martial Arts events

**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 Commission maintains files for every live event scheduled in Florida. The measurement is an account of all events scheduled during the fiscal year. Scheduled events include those proposed and researched whether approved, disapproved, or cancelled.

### **Validity:**

This measure captures the number of scheduled events. The number of scheduled events is a more reliable number that can be used as workload is directly related to the scheduled events regardless of whether or not they occur or are cancelled.

### **Reliability:**

The data related to the number of scheduled boxing, kickboxing and mixed martial arts events are maintained accurately by the Commission office. The measure will produce the same results for any given period of time.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Florida Boxing Commission

**Measure:** Percent of applications processed within 30 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:**

The number of applications, application date and date of issuance are maintained in LicenseEase. Application forms have a dated signature line. Once an application is processed and the license/permit is issued, a date of issue is maintained in the database. The number of applications processed in 30 days is divided by the total number of completed applications processed to produce the percent processed within 30 days. As a point of information, the majority of the license applications received are processed in terms of approval/disapproval in the field at the time of the weigh-in associated with a live event. Very few license applications are received in the Commission's headquarters in Tallahassee such as those pertaining to a promoter's license. Applications such as these are processed in less than 2 days if all of the requirements are complete and no follow-up questions are necessary. As to permit applications, the Commission's administrative rule provides that permit applications are not completely approved until such time as the executive director and/or commission representative in the field has verified that all requirements have been met. These requirements cannot be verified until an actual physical inspection has occurred in the field.

### **Validity:**

The percent of completed applications processed within 30 days is a measure of customer service. When the percentage associated with this measure is high, the Commission is operating efficiently relative to the customer's expectations.

### **Reliability:**

The applicant enters the application date on the application from which is in turn, entered into LicenseEase; the issue date reflects the date the application is approved in the field (license has been issued). The performance measure will produce accurate and uniform results on a continuing basis.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Percent of Races in Compliance with All Laws and Rules

**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:**

Each statute/rule violation is listed on the DBPR PMW 3340, Notice of Violation and Hearing form. In November 2007, the Division eliminated the Greyhound Judge positions and created Hearing Officers in each region to conduct hearings when necessary. Division Stewards officiates all equine races, and record all statute/rule violations, as set forth in Section 120.80(4), Florida Statutes, on a Ruling of the Judges/Stewards Form generated from the Division's licensing database, LicenseEase. Each Steward and Hearing Officer is responsible for entering rulings into the department's LicenseEase database. Each ruling includes the violation and disciplinary action imposed. The Office of Operations refers cases to the Office of Investigations for further action if an investigation is needed. These violations are documented in a Report of Investigation, which is provided to the Division's Hearing Officer(s) and Stewards, or the Department of Administrative Hearings for adjudication.

The Office of Operations' Stewards and Hearing Officers record all statute/rule violations, as set forth in law (Section 120.80(4), Florida Statutes), on a Ruling of the Judges/Stewards Form, once a decision has been rendered. The number of rulings issued is added for each facility monthly and forwarded to the respective Regional Manager who calculates the total number for the region. The Regional Managers then report the number on the PMW Form 524 - Monthly Reporting Form for Regional Managers and forward it to the Office of Operations in Tallahassee. The Chief of Operations adds the number of rulings issued by the Hearing Officers and Stewards with the Number of Formal and Informal Hearings Conducted. The sum is then divided by the number of races and games monitored. The resultant quotient is the percentage of games and races not in compliance with pari-mutuel statutes or rules. The percentage not in compliance is then subtracted from 1, the result multiplied by 100 to arrive at the percentage in compliance.

**Validity:**

This measure documents the Division of Pari-Mutuel Wagering (PMW) regulatory responsibilities in addressing alleged violations of Chapter 550, F.S., and Chapter 61D, Florida Administrative Code. The division has little, if any, control over whether licensees commit violations of the statutes and rules. This measure will indicate the extent to which the Division is able to influence the persons who participate in races (licensees) to comply with the applicable laws and rules.

**Reliability:**

The data (rulings, final orders, administrative complaints, etc.) are maintained in the department's LicenseEase Database. All other violations of Chapters 550 and 849, F.S., and Chapter 61D, F.A.C. (Rules) are investigated by the Office of Investigations, are heard by Division Hearing Officers or Stewards, or the Department of Administrative Hearings, and are subject to appeal at all levels. All violations are recorded in the LicenseEase database for tracking purposes. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the LicenseEase computer system have been configured and tested. It is the intent of Chapter 550.0251, F.S., to take administrative action against those licensees who have violated the statutes and rules that govern pari-mutuel wagering. Furthermore, Rule 61D-3.002, F.A.C., sets forth the appeal hearing procedures.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budge Entity:** Pari-Mutuel Wagering

**Measure:** Number of races and games monitored

**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 Division of Pari-Mutuel Wagering (PMW) monitors all pari-mutuel events conducted in Florida to ensure compliance with Florida Pari-Mutuel Statutes and Rules. To accomplish this task, PMW ensures:

- 1) Division stewards are on site to monitor and officiate in the running of each horse race and to conduct hearings into alleged violations;
- 2) Chief inspectors at each facility are on site for the licensing of all participants as well as conducting inspections of racing animal compounds;
- 3) Division personnel collect urine/blood samples of racing greyhounds and horses for analysis of potential illegal substances; and
- 4) Pari-mutuel auditors conduct sample calculations to verify price payouts, reconcile sales, and ensure all races and games performed are accounted for electronically in the Central Monitoring System (CMS).

PMW personnel may query CMS at any time to extract data concerning any races and games conducted by any permitholder. Pari-mutuel employees monitor every single race or game that occurs at a pari-mutuel facility.

### **Validity:**

This measure will determine the number of pari-mutuel races and games monitored during the fiscal year.

### **Reliability:**

Division field personnel monitor and enter the number of performances into CMS daily ran by the permitholders. Each week the division reconciles the tax and fee liability to weekly permitholder tax and fee payments which are based on races and games performed. Permitholders also file a 30 day report which includes the number of races and games performed. This number is compared and reconciled by the division personnel to the CMS database system. This procedure would indicate that the number of races and games is a highly accurate and reliable measure and all races and games performed have been monitored.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Percent of Applications Processed Within 90 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:**

Each person connected with a pari-mutuel facility must obtain an annual occupational license from the Division administered by the Office of Operations, Licensing Section. Applications received at the field offices are reviewed by the Chief Inspector for completeness. The licensee's history is checked both in the Division's database and the national database for any disqualifying factors. A criminal history background check is conducted upon initial licensure and every five licensing years thereafter. Applicants who report no criminal convictions on their application, and are required to have a criminal history check, receive a 30-day temporary license upon receipt of a completed application and the appropriate fees. Once the results of the criminal history are received, a permanent license is issued if there are no disqualifying convictions. If the criminal history results contain a disqualifying conviction, the permanent license is denied. Applicants renewing their license who report no criminal convictions, and are not required to have a criminal history background check, receive a permanent license. Applicants who list a criminal conviction may be required to request a waiver and are not issued a license until a waiver is granted by the Director. Every application is entered into the licensing database (LicenseEase), processed by the Chief Inspector, and approval or denial is made within 90 days. A cash batch is created daily in LicenseEase for the fees collected and are sent to the Licensing Section in Tallahassee. Upon receipt of the cash batch, the licensing staff ensures it is ready for deposit and hand-delivers it to the Bureau of Central Intake and Licensure's Revenue Unit.

The Licensing Section in Tallahassee reviews every application processed in the field for completeness and accuracy, and the Auto Apply Cash batch run which automatically assigns the fees paid to the appropriate license issued in the system. The Licensing Section is also responsible for forwarding the fingerprint cards to the Florida Department of Law Enforcement for processing. Deficient

applications are handled appropriately for further action either through direct contact to the licensee or through the field office (depending on where the licensee is located). Applications requiring a waiver from the Director are either approved or denied within 90 days from the date of the waiver interview.

The LicenseEase database is queried every month by using a Crystal Report stored in InfoView, which provides the number of applications processed within and over 90 days. The number of applications processed over 90 days is subtracted from the total number of applications processed and that total is divided by the total number of applications processed. That quotient is then subtracted from one (1) and then multiplied by 100 to produce the percentage of applications processed within 90 days.

**Validity:**

This measure allows the Division to evaluate its Office of Operations' work performance in processing license applications, as well as evaluate the amount of time elapsed in issuing a license to the applicant.

**Reliability:**

Licensing data referenced above in the Methodology Section is maintained in the department's LicenseEase database. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the LicenseEase computer system have been configured and tested. It is the intent of Chapters 550.105 and 849.086, F.S., that each person connected with a racetrack or jai-alai fronton shall purchase from the Division a pari-mutuel occupational license. Also, Chapter 120.60(1), F.S., stipulates that each person who applies for a license must receive it within 90 days of receipt of a completed application.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Number of Applications Processed

**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:**

Each person connected with a pari-mutuel facility must obtain an annual occupational license from the Division of Pari-Mutuel Wagering administered by the Office of Operations, Licensing Section. Applications received at the field offices are reviewed by the chief inspector for accuracy and completeness. The licensee's history is checked both in the division's database and the national database for any disqualifying factors. A criminal history background check is conducted upon initial licensure and every five licensing years thereafter. Applicants who report no criminal convictions on their application, and are required to have a criminal history check, receive a 30-day temporary license upon receipt of a completed application and the appropriate fees. Once the results of the criminal history are received, a permanent license is issued if there are no disqualifying convictions. If the criminal history results contain a disqualifying conviction, the permanent license is denied. Applicants renewing their license who report no criminal convictions, and are not required to have a criminal history background check, receive a permanent license. Applicants who list a criminal conviction may be required to request a waiver and are not issued a license until a waiver is granted by the director of the Division of Pari-Mutuel Wagering. Every application is entered into the licensing database (LicenseEase), processed by the chief inspector, and approval or denial is made within 90 days. A cash batch is created daily in LicenseEase for the fees collected and are sent to the Licensing Section in Tallahassee. Upon receipt of the cash batch, the licensing staff ensures it is ready for deposit and hand-delivers it to the Bureau of Central Intake and Licensure's Revenue Unit.

The LicenseEase database is queried every month by a Crystal Report stored in InfoView, which provides the total number of applications processed within and over 90 days. The number of applications processed over 90 days is subtracted from the total number of applications processed and that total is divided by the total number of applications processed. That quotient is then subtracted from one (1) and then multiplied by 100 to produce the percentage of applications processed within 90 days.

### **Validity:**

This measure allows the division to evaluate its Office of Operations' work performance in processing license applications, as well as evaluate the amount of time elapsed in issuing a license to the applicant.



**Reliability:**

Licensing data referenced above in the Methodology Section is maintained in the department's LicenseEase database. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the LicenseEase computer system have been configured and tested. It is the intent of Sections 550.105 and 849.086, Florida Statutes, that each person connected with a racetrack or jai-alai fronton shall purchase from the Division a pari-mutuel occupational license.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Pari-Mutuel Wagering

**Measure:** Tax Collection per Dollar of Revenue Expenditure

**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:**

On a daily basis, wagering data is automatically entered from tote into the Central Management System (CMS), and pari-mutuel field personnel enter simulcast wagering and tax information into CMS as well as monitor each race and game. Actual revenue collections for each fiscal year is extracted from the Division of Pari-Mutuel Wagering's accounting system (CMS) and reconciled against FLAIR. The year end FLAIR Report is used to obtain expense figures. Eight percent of the expense pertaining to CMS (category 109062) is deducted from PMW expenses and is allocated to slot machine expenses. Portions of slot salary for two positions are included in the PMW salary for tax collection.

### **Validity:**

This measure will allow the division to determine its average activity cost: amount of auditing collections versus auditing expenditures.

### **Reliability:**

On a monthly basis, the division reconciles the data in CMS with the monthly remittance reports submitted by each permit holder. The division reconciles the data in CMS against year-end FLAIR reports. CMS and FLAIR are two separate accounting systems. Three independent systems are being reconciled: the tote, CMS, and FLAIR. Expenses are from the final year-end FLAIR report.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Pari-Mutuel Wagering

Service/Budget Entity: Pari-Mutuel Wagering

Measure: Number of Audits Conducted

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:

Florida statutes and rules provide the guidelines for the type of audits to perform. Data is provided by the permit holder and audited by Division of Pari-Mutuel Wagering personnel. The division uses established audit programs and procedures to perform these functions. The following audits compose the total number of audits:

- **Greyhound Purse** audits ensure that the permit holders are paying the minimum statutory purse requirements.
- **Charity Proceeds** audits ensure that each permit holder that conducted Charity/Scholarship performances distributes the amounts which would otherwise have been tax revenues to a bona fide charitable organization.
- **30-Day Report** audits include reconciling each permit holder's monthly remittance reports for pari-mutuel, cardroom, and slot gaming revenue to the division's accounting database to ensure proper gaming data.
- **Uniform Financial Report** audits ensure compliance with the reporting requirements set forth by rules/statutes.
- **Greyhound Adoption Units** and **National Association of Jai Alai Frontons** audits are conducted to ensure that the proper amounts of funds are distributed.
- **Jai Alai Prize Money** audits ensure that the jai alai permit holders are paying the minimum statutory supplement to prize money from cardroom gross receipts as required by statute.
- **Cardroom Jackpot Payout** audits ensure the jackpots, prizes and giveaways meet all rule and statute requirements.
- **Cardroom Surveillance Tape** audits ensure the counts are performed according to rule and that the revenue is accurate as reported.

- **Slot Facility Players Club and Promotions** audits are performed to ensure the managing of e-promotions and reward events are not abused.
- **Malfunction** audits ensure that any unusual incidents are reported correctly, and that the pools are distributed according to the rules.
- **Escheat** payments, reports, and tickets which were cashed from the end of the last live performance of a meet to the time the escheat payment is due is audited to ensure all money due has been paid.
- **Mutuels Compliance** audits include several smaller sections such as Board of Relief Fund reviews, W2-G reviews, pool calculations, random teller audits, sample payout calculations, sample outstanding ticket account calculations, internal performance reviews, and several specific statutory requirements affecting the operations and public welfare.
- **Cardroom** audits include several smaller sections such as sample chip count calculations, internal performance reviews, jackpot payout audits, and several specific statutory requirements affecting cardroom operations and public welfare, including new surveillance and security requirements.
- **Breeders' Awards** audits verify the eligibility of winners, confirm that awards meet statutory requirements, and review the accounting and internal audit procedures of the association.
- **Races and Games** audits ensure that all handle, races, and games are captured by the totalisator, verified, and is entered into the Division's accounting system.
- **Slot Audits** include reviews of internal controls, notifications, books, records, logs, surveillance and security, personnel files, and other requirements to ensure compliance with rules and statutes as it relates to slot gaming.

**Validity:**

This measure will determine the number of audits conducted during the fiscal year.

**Reliability:**

Pari-Mutuel field personnel enter the number of performances, races and games into the Central Management System (CMS) daily. Each week the division reconciles the tax and fee liability to the weekly permitholder tax and fee payments which are based on races and games. Permitholders also file monthly a 30 day report which includes the number of races and games. This number is compared and reconciled by the division personnel to the CMS database system. This procedure would indicate that the number of races and games is a highly accurate and reliable measure.

The number of all other audits is maintained in Microsoft Excel spreadsheets and in the LicenseEase/OnBase system. The number is highly accurate due to on-going management review.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulation

**Measure:** Percent of Slot Applications Processed Within 90 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:**

Each person who works at a slot machine facility must obtain an annual slot machine occupational license from the Division of Pari-Mutuel Wagering administered by the Office of Operations' Licensing Section, and the Office of Slot Operations. Applications received at the field offices are reviewed by the slot operations specialist for completeness. The licensee's history is checked on the division's database and, when applicable, the other gaming jurisdictions where the applicant was previously licensed, for any disqualifying factors. Applicants are fingerprinted upon initial licensure and every three licensing years thereafter. Each application is entered into the licensing database (LicenseEase), and then forwarded to the Licensing Section in Tallahassee. A corresponding cash batch is also created daily in LicenseEase for the fees collected and are sent to the Licensing Section in Tallahassee. When the cash batch is received, the licensing staff ensures it is ready for deposit and hand-delivers it to the Bureau of Central Intake and Licensure's Revenue Unit. Upon receipt of the application, the results of the applicant's criminal history is married to the application and is either approved or forwarded to Investigations for further action (depending the results of the criminal history search).

The Office of Operations' Licensing Section reviews every application processed in the field for completeness and accuracy, and the Auto Apply Cash batch run report which automatically assigns the fees paid to the appropriate license issued in the system. The Licensing Section is also responsible for matching the fingerprint (criminal history) results from the Florida Department of Law Enforcement. Deficient applications are handled appropriately for further action either through direct contact to the licensee or through the field office (depending on where the licensee is located).

The LicenseEase database is queried every month by a Crystal Report stored in InfoView, which provides the number of applications processed within and over 90 days. The number of applications processed over 90 days is subtracted from the total number of applications processed and that total is divided by the total number of applications

processed. That quotient is then subtracted from one (1) and then multiplied by 100 to produce the percentage of applications processed within 90 days.

**Validity:**

This measure allows the division to evaluate the it's Office of Slot Operations and Office of Operations' work performance in processing license applications, as well as evaluate the amount of time elapsed in issuing a license to the applicant.

**Reliability:**

Licensing data referenced above in the Methodology Section is maintained in the department's LicenseEase database. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the LicenseEase computer system have been configured and tested. Section 551.107, Florida Statutes, requires that each person who needs access to a slot facility as part of his/her job, obtain a slot machine occupational license prior to working. Also, Section 120.60(1), Florida Statutes, stipulates that each person who applies for a license must receive it within 90 days of receipt of a completed application.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulation

**Measure:** Number of Slot Applications Processed

**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:**

Each person connected with a pari-mutuel facility must obtain an annual occupational license from the Division of Pari-Mutuel Wagering administered by the Office of Operations, Licensing Section, and the Office of Slot Operations. Applications received at the field offices are reviewed by the slot operations specialists for completeness. The licensee's history is checked on the division's database and, when applicable, the other gaming jurisdictions where the applicant was previously licensed, for any disqualifying factors. A criminal history background check is conducted for every applicant upon initial licensure and every three licensing years thereafter. Each application is entered into the licensing database (LicenseEase), and then forwarded to the Licensing Section in Tallahassee. A corresponding cash batch is also created daily in LicenseEase for the fees collected and are sent to the Licensing Section in Tallahassee. When the cash batch is received, the licensing staff ensures it is ready for deposit and hand-delivers it to the Bureau of Central Intake and Licensure's Revenue Unit. Upon receipt of the application, the result of the applicant's criminal history is matched to the application and is either approved or forwarded to Investigations for further action (depending upon the results of the criminal history search).

The LicenseEase database is queried every month by using a Crystal Report stored in InfoView, which provides the total number of applications processed within and over 90 days. The number of applications processed over 90 days is subtracted from the total number of applications processed and that total is divided by the total number of applications processed. That quotient is then subtracted from one (1) and then multiplied by 100 to produce the percentage of applications processed within 90 days.

### **Validity:**

This measure allows the division to evaluate its Office of Slot Operations' and Office of Operations' work performance in processing license applications, as well as evaluate the amount of time elapsed in issuing a license to the applicant.

**Reliability:**

Licensing data referenced above in the Methodology Section is maintained in the department's LicenseEase database. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the LicenseEase computer system have been configured and tested. Chapter 551.107, F.S., requires each person who needs access to a slot facility as part of his/her job, obtain a slot machine occupational license prior to working.



## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulation

**Measure:** Percent of Slot Tax Dollars Collected Compared to Permitholder Liability.

**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:**

A daily activity report is obtained from the slot monitoring system by Division of Pari-Mutuel Wagering (PMW) field staff, which enters the information into the Central Management System (CMS). The CMS calculates a tax daily liability for each slot licensee. The slot licensee provides a monthly remittance report to PMW which details the slot revenue activity and amount of taxes to be paid. PMW reconciles the monthly remittance report, the CMS revenue and liability reports, and the payment reports to each other. If discrepancies exist between these reports, Tallahassee revenue personnel will contact the field staff to determine whether the permitholder's data or CMS data is correct. If the permitholder's data is incorrect, Tallahassee auditing personnel will contact the permitholder and ask them to review their data. If the data is incorrect, a revised signed monthly remittance report will be resubmitted to Tallahassee. If the CMS report is incorrect and verified by a report from the slot monitoring system, field personnel will make the corrections and Tallahassee auditing staff will rerun the corrected CMS report. Actual revenue collections for each fiscal year is extracted from CMS and reconciled against FLAIR.

### **Validity:**

This measure will allow PMW to determine slot revenue collected compared to slot licensee liability.

### **Reliability:**

On a daily basis, slot field personnel enter slot activity information into PMW's accounting system (CMS). These figures are reviewed and reconciled by in-house accounting personnel. PMW will utilize actual tax and fee data from CMS and will reconcile this data against year end FLAIR reports. The information is very reliable because three independent systems are being reconciled: the slot monitoring system, CMS and FLAIR. Permitholder tax liability will be reconciled monthly to ensure accurate revenue reporting.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulation

**Measure:** Slot Tax Collection per Dollar of Revenue Expenditure

**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:**

On a daily basis, slot wagering data is manually entered from the facility based monitoring system into the Central Monitoring System (CMS). Actual revenue collections are extracted from the Division of Pari-Mutuel Wagering's accounting system (CMS) and reconciled against FLAIR. The year end FLAIR report is used to obtain expense figures. A percentage of 8% is calculated by taking the number of slot F.T.E. positions associated with slot revenue collection, and dividing it by the average number of slot F.T.E. positions. The percentage of 8% is applied to slot expenses, slot OPS expense, and the expense for CMS. A percentage is determined based on each F.T.E.'s revenue collection responsibility, and then is applied to actual salary and benefits expense of each F.T.E. This calculation is total revenue collected per CMS/FLAIR, divided by adjusted revenue expenditures per FLAIR reports. The output for the calculation will be a dollar collected per dollar expended amount.

### **Validity:**

This measure will allow the Division of Pari-Mutuel Wagering (PMW) to determine its average activity cost: amount of revenue collections versus revenue expenditures.

### **Reliability:**

On a monthly basis, the division reconciles the data in CMS with the monthly remittance reports submitted by each slot machine licensee. The division reconciles the data in CMS against the FLAIR reports. CMS and FLAIR are two separate accounting systems. Three independent systems are being reconciled: the slot monitoring system, CMS and FLAIR.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department: Business and Professional Regulation**

**Program: Pari-Mutuel Wagering**

**Service/Budget Entity: Slot Machine Regulation**

**Measure: Number of Slot Operating 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:**

According to Florida Statutes, Pari-Mutuel facilities in Broward and Miami Dade counties with approved slot machine licenses may be open daily 365 days a year. The slot machine gaming areas may be open a cumulative amount of 18 hours per day on Monday through Friday and 24 hours per day on Saturday and Sunday and on those holidays specified in statute chapter 110.117 (1). Each day, Division of Pari-Mutuel Wagering (PMW) slot operation auditors obtain daily slot activity reports from the slot licensees facility based monitoring systems. The slot operation auditors enter the information from the slot activity into PMW's Central Management System (CMS). The CMS generates a report in which the number of operating days can be tabulated by summing the number of daily slot operating activity entries. Each month, the CMS system is reconciled with the slot operator's monthly slot activity report which indicates the number of days in which slot operations occurred.

### **Validity:**

This measure will determine the actual number of slot operating days. The number of slot operating days has a direct relationship with the amount of taxes PMW collects from the industry.

### **Reliability:**

On a daily basis, slot operation auditors enter slot activity information into PMW's accounting system (CMS). The slot licensee provides a monthly remittance report to PMW which details the slot revenue activity and the amount of taxes liability incurred. PMW reconciles the monthly remittance report, the CMS revenue and liability reports, and the payments to each other. The number of slot operating days is highly accurate and a reliable measure because of the independent reconciliation of CMS with the slot operators monthly report.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

**Service/Budget Entity:** Slot Machine Regulation

**Measure:** Percent of Operating Days Inspected

**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:**

In order to achieve efficient, effective and fair regulation to ensure integrity of authorized slot machine gaming at licensed pari-mutuel facilities in Broward and Miami Dade counties, slot operation personnel conduct daily inspections of each slot facility. Those inspections will be recorded in the department's OnBase system for recording of the total number of inspections completed. The Division of Pari-Mutuel Wagering (PMW) will determine the number of the actual slot operating days. The number of daily inspections is divided by the actual number of operating days to determine the amount of operating days inspected.

### **Validity:**

This measure will allow PMW to determine if the facility inspection was conducted for each operating day for each facility

### **Reliability:**

Inspections will be recorded in the departments OnBase system for recording of the total number of inspections completed and PMW will have tax information from the facilities monitoring system which will verify operating days. This procedure will indicate that the percent of operating days inspected is highly accurate and reliable measure.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of licensees in compliance with all laws and regulations for food service and public lodging establishments

**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:**

This outcome measure is calculated by comparing the number of delinquent license accounts with all active accounts. Licensed accounts are delinquent when the owners fail to renew their annual license by the expiration date. Food service and lodging accounts are renewed on a staggered schedule five (5) times per year according to geographic area. The number of delinquents is divided by the total number of accounts; the resulting outcome is the percentage out of compliance. The inverse provides the percentage in compliance. All data is collected and stored in LicenseEase, the department's electronic single licensing data management system. The numbers of current and delinquent accounts are shown in a CrystalReport called HR405A-SUM Public Food Service & Lodging Active Account Summary by Status. Program staff runs these reports weekly, annually and on demand to obtain licensing information from the LicenseEase system.

### **Validity:**

This measure reflects the overall effectiveness of the inspection program. Inspectors use the U.S. Food and Drug Administration (FDA) standardized format to identify violations. The division's goal is to identify increased compliance resulting from education efforts.

### **Reliability:**

The data is obtained from the database used by the Division of Hotels and Restaurants and is dependable, consistent and comparable year to year.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of licensees in compliance with all laws and regulations for elevators, escalators and other vertical conveyance devices

**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 outcome measure is calculated by dividing the number of delinquent license renewals by the total number of licensees, which yields the percentage of licensees in violation. The inverse provides the percentage in compliance. The Division of Hotels and Restaurants can not renew elevator certificates of operation (license) absent proof of a satisfactory inspection within the preceding 12-months. All data is collected and stored in LicenseEase, the department's electronic single licensing data management system.

This measure is reported in a LicenseEase CrystalReport called EL401C-SUM Elevator Account Statewide Summary by Type and Status, which is run by program staff weekly, annually and on demand.

### **Validity:**

This measure reflects the level of compliance for elevators, escalators and other vertical conveyance devices, which indicates the overall effectiveness of the elevator safety program. It is the division's goal is to identify increased compliance as a result of improvements to oversight and monitoring efforts, such as requiring inspection reports instead of letters of compliance; improved documentation and follow-up; and improved communication with inspection personnel.

### **Reliability:**

The methodology is dependable, and annual account renewal data is obtained from LicenseEase ad hoc reports. As a result of recent legislation restricting elevator certificate renewal to only those with proof of inspection within the preceding 12 months and having no uncorrected violations, this data is not comparable to previous years. Elevator owners and industry continue to assimilate these changes, and as they do the compliance rate will increase during the next several years.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of elevators, escalators and other vertical conveyance devices inspected according to statute

**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:**

Statute requires each elevator, escalator, and other vertical conveyance device be inspected once annually, unless otherwise exempted. The Division of Hotels and Restaurants, Bureau of Elevator Safety, issues certificates of operation on an annual basis and requires an inspection to be completed within the renewal year. Proof of satisfactory inspection within one year is required at initial licensure and each year upon renewal payment. Elevator inspectors are required to submit copies of inspections to the department. Inspections can be submitted electronically or in hardcopy. A majority of inspections are currently submitted in hardcopy and are manually entered into LicenseEase, the department's electronic single licensing data management system.

The total number of elevators, escalators, and other vertical conveyance devices subject to inspection and the number inspected according to statute will be obtained from LicenseEase. The percent inspected according to statute will be determined by the total number of elevators receiving a satisfactory inspection within 12 months of the licensure/renewal date for current elevators or within 12 months of the system date for delinquents, divided by the total number active elevators requiring an inspection. This data is reported in a CrystalReport called EL401A-SUM Elevator Annual Inspection Compliance by License Type, which is run monthly and annually by program staff.

### **Validity:**

This measure provides the calculated percent of the total elevator, escalator and other vertical conveyance population requiring an inspection that receive an annual inspection within the mandated 12-month period. It is the division's goal to have all elevators, escalators, and other vertical conveyance devices inspected according to statute.

### **Reliability:**

The methodology is dependent on accurate, consistent and easily validated data obtained from LicenseEase reports.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of elevators, escalators and other vertical conveyance devices in delinquent status that were physically observed or served by division resulting in enforcement cases

**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 total number of elevators, escalators, and other vertical conveyance devices in delinquent status will be obtained from LicenseEase, the department's electronic single licensing data management system. The number of those delinquent vertical conveyances physically observed or served will be collected from bureau records and the Elevator Verification Form completed and returned by the contracted vendor and inspectors physically observing the conveyance. Enforcement cases will be defined as compliance action taken against any elevator, escalator or other vertical conveyance, including warnings.

The percent of elevators, escalators, and other vertical conveyance devices in delinquent status that were physically observed or served and resulted in enforcement cases will be calculated by taking the number of enforcement cases divided by the number of delinquents observed or served.

### **Validity:**

This measure provides the calculated percent of delinquent elevators, escalators and other vertical conveyance devices of the total that were physically observed or served and resulted in an administrative enforcement case. It is the Division of Hotels and Restaurant's goal to have all elevators, escalators, and other vertical conveyance devices in delinquent status physically observed or served and enforcement cases opened on all active conveyances.

### **Reliability:**

The methodology is dependent on accurate, consistent and easily validated data obtained from LicenseEase.



## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Hotels and Restaurants

Service/Budget Entity: Compliance and Enforcement

Measure: Percent of elevators, escalators and other vertical conveyance devices in sealed status that were physically observed by division

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:

Sealing is the process of disconnecting electrical service to conveyance equipment and placing a pre-fabricated wire seal over the disconnect control of the equipment to prevent further operation. Sealing the conveyance is performed upon request by an owner/operator and/or by a certified elevator inspector who has determined the equipment to be unsafe. The number of elevators, escalators, and other vertical conveyance devices in sealed status will be obtained from LicenseEase, the department's electronic single licensing data management system. The number of sealed conveyances physically observed will be collected from the contracted vendor and inspectors conducting the observation. Sealed elevator observation inspections are submitted in hardcopy and entered into LicenseEase.

The total number of elevators, escalators, and other vertical conveyance devices in sealed status and the number observed will be obtained from LicenseEase. The percent observed will be determined by dividing the total number observed by the total number of sealed conveyances.

### Validity:

This measure provides the calculated percent of the physical observations of elevators, escalators and other vertical conveyance devices that remain in sealed status out of the total sealed population. It is the department's goal to observe all elevators, escalators, and other vertical conveyance devices in sealed status.

### Reliability:

The methodology is dependent on accurate, consistent and easily validated obtained from LicenseEase reports.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Number of licensees for elevators, escalators and other vertical conveyance devices

**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 output measure is calculated based on the number of active elevator certificates of operation (licenses) at the end of each fiscal year. Data is obtained directly from LicenseEase, the department's electronic single licensing data management system. The measure is derived from a CrystalReport entitled EL401C-SUM: Elevator Account Summary by Type and Status. These reports are run by program staff monthly, annually and on demand. The out years are projected based on a rate of growth from previous years and reduced by 1.5 percent for a slowdown in the economy.

### **Validity:**

This performance measure, the number of licensees for elevators, escalators and other vertical conveyance devices, reflects the actual growth or reduction of the elevator industry in Florida. The department's goal is to identify industry trends and corresponding impact on the management of resource allocation.

### **Reliability:**

The methodology is sound and consistent. Calculations are based on the Division of Hotels and Restaurant's number of elevator licensees, obtained directly from LicenseEase, which is evaluated weekly for reliability and accuracy by trained staff. Data containing all licensee information is obtained directly from LicenseEase ad hoc reports.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of elevator certificates of operation processed within 30 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:**

The percent of elevator certificates of operation processed within 30 days is computed by counting the number of certificates issued that meet the standard for timely processing and dividing that number by the total number of licenses issued. "Processed timely" means a certificate has been issued within the standard time set by the licensing section. The standard is determined by the number of calendar days from the deposit date, which is the validated date stamped when the payment is deposited by the Bureau of Revenue, or from the date a satisfactory elevator inspection is entered, to the date that the license is sent to the mailroom by the licensing section. The current standard to process a license is thirty days after completion of all requirements. Elevator certificates are produced every day through LicenseEase, the department's electronic single licensing data management system. This standard will be evaluated using a LicenseEase CrystalReport called EL420A-SUM Elevator License Processing Time Summary. This report is run monthly, quarterly and on demand by program staff.

### **Validity:**

This measurement provides the calculated percent of elevator Certificates of Operation processed, to include application receipt, payment posting, LicenseEase data capture, printing the license and mailing within thirty (30) days from date of receipt, which reflects the division's performance to process license applications. It is the division's goal to process complete applications in a timely manner.

### **Reliability:**

The methodology is dependent on accurate, consistent and easily validated data which is the case in each performance measure. Data that contains all accounts and application processing information is obtained directly from LicenseEase.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Number of inspections for food service and public lodging establishments

**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 Division of Hotels and Restaurants performs routine inspections, temporary event inspections, complaint inspections, and call-back inspections. The division also performs emergency inspections following hurricanes. Inspections are documented on a paper form or a Personal Digital Assistant (PDA) by division inspectors. Paper form inspection results are manually entered and PDA-based inspection results are uploaded directly to LicenseEase, the department's electronic single licensing data management system. The total number of inspections performed, will be obtained from a LicenseEase CrystalReport called HR504A-SUM -- Public Food Service and Lodging Initial, Callback and Credit Inspection Counts by Type Statewide Summary and HR106A-SUM – Temporary Events, which are both run monthly and annually by program staff.

### **Validity:**

This measure provides information regarding the total number of food service and public lodging establishment inspections performed. The upload, automatic entry of data, and use of computer generated reports reduces the risk of error. It is the department's goal to perform, at a minimum, the number of inspections as required by this performance measure.

### **Reliability:**

The methodology is sound and consistent. Data will be obtained directly from LicenseEase reports.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Number of call back inspections for food service and public lodging establishments

**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:**

A “call back inspection” is an inspection performed to verify correction of previous violations. All inspection and enforcement activity is collected and stored in LicenseEase, the department’s electronic single licensing data management system. The number of call back inspections performed is shown on the LicenseEase CrystalReport called HR504A-SUM -- Public Food Service and Lodging Initial, Callback and Credit Inspection Counts by Type Statewide Summary. These reports are run by program staff monthly, annually and on demand.

### **Validity:**

This measure tracks the number of inspector visits to a licensed establishment to verify correction of previous violations. Numerous call backs may result in further education, fines or even closure. This measure reflects the effectiveness of the inspection program. The desired outcome of this measurement is an effective inspection, compliance and enforcement program that is implemented consistently to achieve compliance with regulatory requirements.

### **Reliability:**

The methodology is sound and consistent. Data is obtained directly from LicenseEase, which is compiled from field input. Inspection staff updates the bulk of daily inspection activity through synchronization of mobile inspection devices/PDAs (personal digital assistant).

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Number of participants trained and number of service requests filled (web hits and educational materials distributed)

**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:**

This measure was requested deleted because it is duplicative of measure number 47, "Number of participants trained."

**Validity:**

This measure was requested deleted because it is duplicative of measure number 47, "Number of participants trained."

**Reliability:**

This measure was requested deleted because it is duplicative of measure number 47, "Number of participants trained."

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation  
**Program:** Hotels and Restaurants  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of participants trained

**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 output measure is calculated by adding the number of participants trained. The data is taken from Hospitality Education Program monthly reports. The data is drawn from direct reports from field training staff who are responsible for providing the training seminars and workshops. Administrative staff is responsible for the mailing and distribution of educational packets not provided during seminars. Their tracking along with field trainers' reports provides valid data. Web site hits are taken directly from the department's Hotels and Restaurant web page. Specific details include:

System used: Excel spreadsheet  
Report Name: Monthly HEP Activity Report  
Who runs the report: Program staff  
Frequency of collection: Monthly

### **Validity:**

Measurement: This is a workload measure of the Hospitality Education Program

Validity: This measure reflects the performance of the Hospitality Education Program.

Intent: To track the program's activity as it relates to providing training to the industry on sanitation, safe food handling and storage, cooking temperatures, Hazard Analysis of Critical Control Points (known as HACCP), lodging sanitation requirements.

### **Reliability:**

The data is taken from the Hospitality Education Program monthly report.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Hotels and Restaurants

Service/Budget Entity: Compliance and Enforcement

Measure: Percent of hotel and restaurant licenses processed within thirty (30) 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:

The percent of hotel and restaurant licenses processed within 30 days is computed by counting the number of licenses issued that meet the standard for timely processing and dividing that number by the total number of licenses issued. "Processed timely" means a license has been issued within the standard time set by the licensing section. The standard is determined by the number of calendar days from the deposit date, which is the validated date stamped when the payment is deposited by the Bureau of Revenue, to the date that the license is printed. The current standard to process a license is thirty days. Hotel and restaurant licenses are produced every day through LicenseEase, the department's electronic single licensing data management system. This standard is evaluated using a CrystalReport called HR420A-SUM Food Service and Lodging License Processing Time Summary. These reports are run by program staff monthly, quarterly and on demand.

### Validity:

This measurement reflects the department's level of commitment for processing complete license applications in a timely manner.

### Reliability:

The methodology is sound and consistent. Data that contains all accounts and application processing information is obtained directly from LicenseEase.



## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Number of licensees for public lodging and food service establishments

**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:**

This measure is calculated by counting the number of active food service and lodging licenses as of June 30 each year. Data is obtained directly from LicenseEase, the department's electronic single licensing data management system. The out years are determined by using a projected growth rate of 2 percent per year. The LicenseEase report called HR405A-SUM Public Food Service and Lodging Active Account Summary is run by program staff weekly, annually or on demand.

### **Validity:**

This measurement reflects the actual growth or reduction of the public lodging and food service industry in Florida. The division's goal is to identify industry trends and corresponding impact on the management of resource allocation.

### **Reliability:**

The methodology is sound and consistent. The calculations are based on the division's number of licensees, obtained directly from LicenseEase, which is evaluated weekly for reliability and accuracy by division staff.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of food establishments inspected according to statute

**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:**

Section 509.032(2)(a) F.S., requires food establishments be inspected twice annually. Inspections are documented on a paper form or a Personal Digital Assistant (PDA) by division inspectors. Inspection results are manually entered or uploaded directly to LicenseEase, the department's electronic single licensing data management system. The total number of food establishments and the total number of establishments inspected twice annually will be obtained from a LicenseEase CrystalReport called HR503A-SUM Public Food Service and Lodging Inspection Statutory Performance Statewide Summary. This report is run monthly and on demand by program staff.

The percent of food establishments inspected according to statute will be computed by dividing the number of food establishments inspected according to statute by the total number of food establishments subject to inspection.

### **Validity:**

This measure provides information regarding the percent of food establishments inspected according to statute. It is the division's goal to have all food establishments inspected according to statute.

### **Reliability:**

The methodology is sound and consistent. Data will be obtained directly from LicenseEase reports.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of lodging establishments inspected according to statute

**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:**

Section 509.032(2)(a) F.S., requires lodging establishments classified as hotel, motel, rooming house, and bed and breakfast to be inspected twice annually. Lodging establishments classified as transient and non-transient apartments are required to be inspected once annually. Lodging establishments classified as resort condominiums and resort dwellings are not subject to annual inspection, however must be available for inspection upon request by the division. Inspections are documented on paper form or a Personal Digital Assistant (PDA) by division inspectors. Inspection results are manually entered or uploaded directly to LicenseEase, the department's electronic single licensing data management system.

The number of lodging establishments subject to inspection and the number of inspections conducted will be obtained from a LicenseEase CrystalReport called HR503A-SUM Public Food Service and Lodging Inspection Statutory Performance Statewide Summary. This report is run monthly and on demand by program staff. The percent of lodging establishments inspected according to statute will be computed by dividing the number of lodging establishments inspected according to statute by the total number of lodging establishments subject to inspection.

Resort condominiums and resort dwellings are not subject to statutorily mandated inspection and are not be included in this performance measure.

### **Validity:**

This measure provides information regarding the percent of lodging establishments inspected according to statute. It is the department's goal to have all lodging establishments inspected according to statute.

**Reliability:**

The methodology is sound and consistent. Data will be obtained directly from LicenseEase reports.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Hotels and Restaurants

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of accident reports submitted timely (i.e., within 5 working days of incident)

**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:**

Section 399.125, F.S. requires the certificate of operation holder to report accidents to the division within 5 working days after the incident. Accident report information is collected and stored in LicenseEase, the department's electronic single licensing data management system. The LicenseEase database was modified in June 2006 to capture the date submitted for accident reports. The date submitted will be obtained from the postmark date or the date-time stamp on reports submitted by facsimile. This data will be obtained from a LicenseEase CrystalReport called EL606A-SUM Elevator Accident Submittal Compliance Statewide Summary. This report is run monthly and on demand by program staff. This CrystalReport calculates the total number of accident reports submitted and the number of reports submitted timely, within 5 days of the date of the accident. The number of reports submitted timely will be divided by the total number of reports submitted, producing the percent of reports submitted timely.

### **Validity:**

This measure provides the calculated percent of accident reports entered in LicenseEase which were received within 5 working days of the accident as compared to the total accidents reported. It is the division's goal to have all elevator accidents timely reported.

### **Reliability:**

The methodology is dependent on accurate, consistent, and easily validated data. This methodology is sound and consistent and data will be obtained from LicenseEase reports.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverage & Tobacco

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of total retail alcohol and tobacco licensees and permit holders inspected.

**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 information by which this measure is derived is obtained via queries from LicenseEase, the department's electronic database.

Data is collected and entered into LicenseEase by inspection staff, who, each week, capture data regarding the results of inspections conducted. The inspection staff completes an inspection form, either manually or electronically. The results of each inspection are transferred to LicenseEase either by direct input from a manually completed inspection form or, for electronically captured inspections, are uploaded via the utilization of personal data assistants and synchronization software/hardware.

At the close of the fiscal year, the number of licensees that were inspected and the number of licensees that are subject to inspection but were not inspected during the fiscal year is obtained via LicenseEase queries. The licensee inspection populace pertains to all retail and tobacco alcohol licensees who are authorized to do business. A licensee that is authorized to do business is defined as those that have a primary license status of "current" or "temporary". However, it excludes those that are in a "current" status, which are in the process of a transfer, if the buyer has obtained a "temporary" license to operate under that license number.

The numerator for this measure is comprised of the sum of the number of retail alcohol licensees and retail tobacco licensees that were inspected during the fiscal year. The denominator for this measure is comprised of the sum of the number of licensees that were inspected and those that were subject to inspection but were not inspected.

The percentage of the total alcohol and tobacco retail licensees and permit holders inspected is calculated by dividing the numerator by the denominator as referenced above. The number derived is multiplied by one hundred to obtain the percentage of retail alcohol and tobacco licensees and permit holders that were inspected.

**Validity:**

This measure addresses the division's efforts regarding the deterrence of violations of standards and laws by the education of licensees regarding statute and rule requirements and verification of compliance through regular inspections.

**Reliability:**

Inspections are captured either manually on inspection forms or electronically during the performance of the inspection and are subsequently input or uploaded to LicenseEase. The data regarding this measure is dependable because LicenseEase reports are generated by each inspector after the input/upload of the information. These reports are reviewed and approved by their supervisor. In addition, regular performance reports, which identify the number of inspections performed, are promulgated for validation. Any discrepancy is researched and corrected. The percent of licensees inspected can vary based upon consumer complaints, the number of enforcement staff and various external factors such as natural disasters.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverage & Tobacco

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Percent of alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access.

**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 information by which this measure is derived is obtained via queries from LicenseEase, the department's electronic database.

At the beginning of the reporting period, a randomly generated list of retail alcohol and tobacco licensees is generated. Those licensees that appear on the list are considered to have a survey that is mandatory (must be attempted) for the integrity of the compliance rate calculation. The lists are subdivided into district assignments based upon the licensees' county location. Thereafter, sworn law enforcement agents visit the establishments with an underage investigative aide and attempt the purchase of alcohol and/or tobacco products from licensed establishments. These attempted purchases are known as "compliance checks". The agents then capture data regarding the compliance checks on a paper form and the results are subsequently input into LicenseEase.

The numerator for this measure is comprised of the number of alcohol and tobacco licensees that were surveyed and which had a negative result. A negative result means that the establishment refused the underage investigative operatives the unlawful access to alcohol and/or tobacco products. The denominator for this measure encompasses all negative survey results and all positive survey results. A positive result means that the underage investigative operative was successful in the unlawful purchase of alcohol and/or tobacco products from a licensed premise.

At the close of the fiscal year the percentage of alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access is calculated by dividing the numerator by the denominator as referenced above. The number derived is multiplied by one hundred to obtain the percent of



alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access.

**Validity:**

This measure addresses the division's efforts regarding the deterrence of underage persons' access to alcoholic beverages and tobacco products. Unannounced random compliance checks promote an increase in compliance with applicable laws and rules, as licensees are educated regarding requirements. Further, any positive survey results in the arrest of the person who sold the regulated product(s) to the underage person, thereby, sharing the responsibility for compliance with individuals, as well as, the licensed establishments. High compliance rates indicate that the division is successful in deterring underage access to alcohol and tobacco.

**Reliability:**

This information is dependable because the survey results are captured on paper forms and the results are input into LicenseEase. The data pertaining to the results of the compliance checks are verified by comparing regularly promulgated reports to the agent's daily activity sheets, thereby, promoting the reliability of the data.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation  
**Program:** Alcoholic Beverage & Tobacco  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of licensees

**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 information by which this measure is derived is obtained via queries from LicenseEase, the department's electronic database.

The data used to calculate the number of licensees authorized to do business in Florida is collected and entered into LicenseEase by licensing staff daily. The categories of licensure include Tobacco Wholesaler's and Distributors, Common Carriers, Alcohol Manufacturers and Distributors, Retail Beverage, Retail Tobacco Products Dealer, Bottle Club licensees, the number of registered salespersons and one, two or three day permits. A licensee that is authorized to do business is defined as those that have a primary license status of "current" or "temporary". However, it excludes those that are in a "current" status, which are in the process of a transfer, if the buyer has obtained a "temporary" license to operate under that license number.

At the close of the fiscal year, the number of licensees is obtained via a LicenseEase query.

### **Validity:**

This measure addresses the Division of Alcoholic Beverages and Tobacco's (AB&T) efforts in processing and maintaining licensure data.

### **Reliability:**

The statistical information queried from the AB&T database has a high degree of reliability as constant (daily) validation is performed by licensing staff and the licensees themselves. There are various levels of "check-points" and validation. Licensing staff receives comprehensive training and their duties are procedurally regimented. Supervisors perform quality control and data validation on a continual basis.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverage & Tobacco

**Service/Budget Entity:** Standards and Licensure

**Measure:** Percent of license applications processed within 90 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:**

The information by which this measure is derived is obtained via queries from LicenseEase, the department's electronic database, a manual count of lien applications and a query from a Microsoft Access database for quota license applications.

The data used to calculate the percent of license applications processed within 90 days is collected and entered into LicenseEase by licensing staff each business day. The data captured includes the number of applications processed and the amount of time taken to process each application. The categories of applications processed pertain to Tobacco Wholesaler's and Distributors, Limited Permits, Permits, Common Carriers, Alcohol Manufacturers and Distributors, Retail Beverage, Pool Buying, Brands, Bonds/Security, Brand Registrants, Retail Tobacco Products Dealers, Salespersons, Bottle Clubs, Quota Licenses and Liens. An application is considered processed when either an invoice for payment is issued to the applicant or the application is approved or denied (whichever occurs first).

At the close of the fiscal year, the number of applications processed with an invoice and the time taken to process them is obtained via LicenseEase queries. The number of lien applications processed is obtained from a manual count and the number of quota license applications is obtained via an Access database query.

The numerator for this measure is comprised of the sum of the number of invoiced applications that were invoiced within 90 days, the number of non-invoiced applications that were approved or denied within 90 days, the number of lien applications, and the number of quota applications. All lien applications and

quota applications are processed within 90 days. The denominator for this measure is comprised of all applications processed.

The percent of applications processed within 90 days is calculated by the dividing the numerator by the denominator as referenced above. The number derived is multiplied by one hundred to obtain the percent of applications processed within 90 days.

**Validity:**

This measure addresses the degree of the division's adherence to statutorily mandated application processing timelines.

**Reliability:**

The statistical information queried from the division's database has a high degree of reliability as constant (daily) validation is performed by licensing staff and the licensees themselves. There are various levels of "check-points" and validation. Licensing staff receives comprehensive training and their duties are procedurally regimented. Supervisors perform quality control and data validation on a continual basis.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverage & Tobacco

**Service/Budget Entity:** Standards and Licensure

**Measure:** Number of applications processed

**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 information by which this measure is derived is obtained via queries from LicenseEase, the department's electronic database, a manual count of lien applications and a query from an Access database for quota license applications.

The data used to calculate the number of applications processed is collected and entered into LicenseEase by licensing staff daily. The categories of applications processed pertain to Tobacco Wholesaler's and Distributors, Limited Permits, Permits, Common Carriers, Alcohol Manufacturers and Distributors, Retail Beverage, Pool Buying, Brands, Bonds/Security, Brand Registrants, Retail Tobacco Products Dealers, Salespersons, Bottle Clubs, Quota Licenses and Liens. An application is considered processed when either an invoice for payment is issued to the applicant or the application is approved or denied (whichever occurs first).

At the close of the fiscal year, the number of applications processed is obtained via LicenseEase queries, the number of lien applications processed is obtained from a manual count, and the number of quota license applications is obtained via a Microsoft Access database query. The sum of these categories comprises the total number of applications processed.

### **Validity:**

This measure addresses the workload borne by the Division of Alcoholic Beverages and Tobacco's (AB&T) licensing staff and provides a valuable tool to manage resources efficiently and effectively.

### **Reliability:**

The statistical information queried from the department's licensing system has a high degree of reliability as constant (daily) validation is performed by licensing

staff and the licensees themselves. There are various levels of “check-points” and validation. Licensing staff receives comprehensive training and their duties are procedurally regimented. Supervisors perform quality control and data validation on a continual basis.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Alcoholic Beverages and Tobacco

Service/Budget Entity: Tax Collection

Measure: Percent complying wholesale licenses on yearly basis

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 Legislature repealed the alcoholic beverage surcharge program, with all related activities ending as of June 30, 2008. For Fiscal Year 2009-10, the legislature enacted a surcharge on cigarettes and tobacco products, to be collected at the wholesale level with the excise taxes. Going forward audit performance will cover the cigarette and tobacco surcharge program and excise tax activity.

The data source for the number of non-complying wholesale licensees is captured from the monthly report logs which originate in each of the seven AB&T district auditing offices. As wholesalers' monthly reports are received in the appropriate district offices the support personnel enters the postmark, date hand delivered, payment date if applicable, and the date the licensee is notified if the report is late. If the report is mathematically incorrect the date the licensee is notified of the error and the date the amended report is reviewed are entered into the monthly report logs. Wholesale reports should be mathematically verified in the district by the 20th of each month. The original wholesale reports are then sent to central auditing for statistical processing. Original reports are maintained in central auditing during the current fiscal year and then archived.

During Fiscal Year 2009-10 the division will be implementing an electronic filing program that can be used by the wholesalers and manufacturers to submit their monthly reports electronically. Once the system is in place and used by licensees, there will be a reduction the input of manual audit information that is currently necessary. The system will use the electronic reports as the source for capturing the report and audit information. Completion of the system will include audit functions which will capture the compliance data from product audits as well.

AB&T has reports from data sources indicating the non-complying wholesale licensees on a monthly basis. Licensees are considered non-complying if the monthly reports and/or payments are late, incorrect, or not submitted. The wholesale reports indicate the total population of licensees and the number of non-complying licensees. The difference

will be the number of complying licensees. These reports will be maintained in central auditing on a monthly basis.

**Validity:**

This measure indicates the number of complying wholesale licensees. The first step in compliance is to report and remit the taxes timely. This measurement captures the reporting and remitting function, and determines the rate of compliance for timely reporting. The second step in compliance is to report and remit the correct amount of taxes. This function is measured by audit assessments compared to reported tax amounts. By measuring both functions, the compliance level is captured.

**Reliability:**

The non-complying wholesale licensee data can be verified by comparing the monthly report logs to the actual documents. The hand delivered date is date stamped on the monthly reports. The postmark can be verified by checking the envelope. Notification dates are noted on the monthly reports. Checks have been entered into the monthly report log input screen so that the person entering the dates can not enter a date out of sequence; i.e. date reviewed must be greater than the date received. As the reports are processed the compliance is measured monthly. Routine audits then complete the compliance measurement. This gives a consistent and dependable picture of compliance by the licensees.



## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Alcoholic Beverages and Tobacco

Service/Budget Entity: Tax Collection

Measure: Percent of retail and wholesale tax dollars identified by audit that were collected

**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 Legislature repealed the alcoholic beverage surcharge program, with all related activities ending as of June 30, 2008. For Fiscal Year 2009-10, the legislature enacted a surcharge on cigarettes and tobacco products, to be collected at the wholesale level with the excise taxes. Going forward audit performance will cover the cigarette and tobacco surcharge program and excise tax activity.

The data source for audit collections is the Monthly Revenue Collections Summary, which is prepared by the Bureau Chief's staff. The collection numbers are obtained from the SAMAS report.

The data source for performance of audits of monthly reports is the manual production reports for wholesale reports, prepared by the information processing section. Tax report assessments are made and collected with the monthly reports. Therefore, both assessments and collections are the amounts in the SAMAS reports.

The data source for filed audits completed is the Automated Audit Tracking System. Each audit and all monetary components; principal, interest, and penalties assessed are entered into this system. At this time the supervisor in each of the seven AB&T district auditing offices will enter this data from the cover page of each audit.

During Fiscal Year 2009-10 the division will be implementing an electronic filing program which can be used by the wholesalers and manufacturers to submit their monthly reports. Once the system is in place and used by licensees, there will be a reduction the input of manual audit information that is currently necessary. The system will use the electronic reports as the source for capturing the report and audit information. Completion of the system will include audit functions, which will capture the compliance data from product audits as well.

The data source for report audit collections is a series of reports prepared by the collections and distribution section that extracts data from the payments databases. The Automated Audit Tracking system is a Delphi application with Paradox tables. This report as well as the revenue collection summary is maintained in Central Auditing.

It is anticipated that the new electronic filing and data management system will replace these applications and will be the new source of report and audit assessments and collections by the end of the fiscal year.

**Validity:**

This measure indicates the percentage of wholesale audit findings timely and accurately collected. The monthly report audit assessments are collected monthly with adjusted reports. The field product audit assessments are collected after all the field work is complete. The measure encompasses both the type of audits and the collection processes of each, capturing the complete audit process. This gives a good indication of the agency's success in collecting all taxes due the state.

**Reliability:**

The audit cover page will indicate the audit findings. This data can be verified by comparing the compiled report to the actual audits. The executive summary can be verified with the SAMAS report. The SAMAS report captures all revenue collections and is dependable for accurate information. As field audits are completed, the information is captured by the reviewing supervisor. Although the field audits could be assessed in one period and collected in another, the measurement is consistent from period to period, and is a good representation of audit collections.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation  
Program: Alcoholic Beverages and Tobacco  
Service/Budget Entity: Tax Collection  
Measure: Collections per dollar of auditing expenditure

**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 for this measure is the SAMAS reports. The data is collected and calculated by the Bureau Chief's office. All data is collected for this outcome measurement and maintained in Central Auditing on a monthly basis, with the information entered into spreadsheets monthly. The measurement results are calculated quarterly and at the end of the fiscal year by dividing the total bureau expenditures into the total bureau collections.

Documents for this measurement consist of a cover sheet with the total annual auditing expenditures and auditing collections, a worksheet indicating the monthly data and the calculations, and the SAMAS reports.

### **Validity:**

This measures the monetary efficiency of the Bureau of Auditing in its tax collection activities, showing total auditing expenditures compared to auditing collections. This measurement identifies the cost of collecting the tax revenues. Although the non-monetary benefits received from auditing processes cannot truly be measured, the monetary costs of collecting tax revenue can be shown. The percentage of costs to collections is very low and represents an efficient audit process.

### **Reliability:**

Collection entries into SAMAS can be verified by comparing the SAMAS reports to the monthly reports, audits, district deposits and deposits by the Bureau of Revenue. Expenditures can be compared to lease agreements, travel vouchers, and purchase orders. The SAMAS reports capture both revenues coming into the agency and expenditures going out of the agency, and are reliable for measuring the cost/benefit ratio of the agency. Each year, these figures consistently measure the return of investment made by the agency in its tax collection processes.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: DBPR  
Program: Alcoholic Beverages and Tobacco  
Service/Budget Entity: Tax Collection  
Measure: Number of audits conducted

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 Legislature repealed the alcoholic beverage surcharge program, with all related activities ending as of June 30, 2008. For Fiscal Year 2009-10, the legislature enacted a surcharge on cigarettes and tobacco products, to be collected at the wholesale level with the excise taxes. This will minimally affect the number of related of audits performed during this year. Going forward audit performance will cover the cigarette and tobacco surcharge program and excise tax activity.

The data source for the number of wholesale product excise tax and surcharge activity audits and division internal audits conducted is the Automated Audit Tracking System. Audit personnel conduct excise tax audits twice per year on each licensed wholesaler. These will include surcharge on cigarettes and tobacco products beginning this fiscal year. Industry compliance audits are performed at various intervals. Each wholesale, internal, and compliance audit and all monetary components, principal, interest, and penalties assessed and collected, are entered into this system. The Automated Audit Tracking System is a Delphi application with Paradox tables.

The data source for the number of wholesale monthly reports audited is captured from reports by the information processing section, indicating the number of records audited each month. Wholesale reports are due on or before the 10<sup>th</sup> day of the month following the month being reported. The final audit of the reports is usually two months after the month of activity.

During Fiscal Year 2009-10, the division will be implementing an electronic filing program which can be used by the wholesalers and manufacturers to submit their monthly reports electronically. Once the system is in place and used by licensees, there will be a reduction in the input of manual audit information that is

currently necessary. The system will use the electronic reports as the source for capturing the report and audit information.

**Validity:**

This measures the number of audits conducted, including office audits of the monthly reports and field product audits at the licensed place of business, internal agency activity audits, and various industry compliance audits. This measurement determines the overall audit workload for the agency, and the supporting documentation can be reviewed for individual workload components. This measures the total audit activity of the agency.

**Reliability:**

The audit information entered into the system by the supervisor can be verified by comparing the compiled report to the actual audits. The reports indicating the number of wholesale monthly reports audited can be compared to the actual items. The data is dependable and consistent, and can be compared year to year to show workload increases or decreases. The new electronic filing and data management system will augment the reliability of the audit information.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares, and Mobile Homes

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Percent of administrative actions resulting in consent orders

**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 Division of Florida Condominiums, Timeshares and Mobile Homes, Bureau of Compliance takes administrative action when it believes that violations of laws have occurred based upon evidence collected in a division investigation. There are two types of administrative actions that may be taken in a compliance case: 1) Consent Order or written settlement agreement where the respondent agrees to the violation and action necessary to resolve the issues; and 2) Notice To Show Cause which starts formal proceedings against a respondent. The second type of action may result in final resolution by Consent Order but normally results in the issuance of a Final Order after an administrative hearing on the issues of the case. These measures track the number and percentage of administrative cases resolved by consent order.

As investigations are worked by compliance staff, the LicenseEase system is updated (through the nf32 table) by investigators or administrative staff to track complaint opening and closing dates, case status information and status dates, case activities and activity dates and case dispositions and disposition dates, etc. All administrative cases are identified in LicenseEase as cases having a case status of "AA" at the time the case is recommended for administrative action. The case disposition describes how the case was finally resolved. Cases resolved through consent order show a 'CO' under case disposition. Cases resolved through final order show a "FO" under case disposition. All case status and disposition dates are verifiable through the case file.

Periodically, the database reports entitled "LSCMH Complaint Disposition Report" and "Yacht and Ship Complaint Disposition Report" will be run on by program staff. This report through choice of parameters, selects and prints a list of all compliance files closed within a specified period that includes a case status of "AA". The reports print the cases grouped according to case disposition and

program area. The reports total the number of cases selected by program area, and breaks out the cases by the various disposition codes and calculates the percentage of Consent Order dispositions by program area. In order to arrive at division numbers, the division's PBB liaison adds the number of cases selected for all programs, adds the number of Consent Order dispositions for all programs and calculates the division's percentage by dividing the total number of cases by the number of Consent Order dispositions.

**Validity:**

These measures will reflect the total number and percentage of cases recommended for administrative actions resolved through Consent Orders. This measure primarily relates to efficiency, as it focuses on compliance through settlement agreement rather than through a DOAH or court proceeding. An increase in this measurement will show increased compliance through settlement agreement utilizing less formal and time-consuming procedures. The supporting information also provides an indication as to the number of enforcement actions taken.

The final decision to settle an enforcement proceeding through a Consent Order is outside division control. While the division typically attempts to settle via Consent Order, it is up to the respondent to accept the terms of the settlement. If the case can be resolved through a Consent Order, all parties benefit in that issues are generally resolved faster and less expensive than litigation. The public benefit from a more timely resolution of investigations and swift enforcement action builds public confidence in the division's compliance program.

**Reliability:**

The data from LicenseEase is dependable and will result in consistent information from year to year. While there is a risk that incorrect or improper data could be input, internal reviews of LicenseEase data are conducted to ensure consistency.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Average number of days to resolve cases submitted for arbitration

**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 Division of Florida Condominiums, Timeshares and Mobile Homes is statutorily required to arbitrate certain condominium and cooperative disputes. The division tracks and monitors arbitration cases through the departmental database LicenseEase. Tracking information includes, but is not limited to, case filing dates (date a petition for arbitration is received in the division), case closing dates (date of issuance of a Final Order) and abatement dates. LicenseEase is updated by division arbitration staff.

There are numerous time periods during a proceeding in which an arbitrator or arbitration staff member cannot actively work a case. These times are abated or removed from the total number of days cases are open as these time periods are not within the control of the arbitration staff. Abatement periods in LicenseEase are documented by the use of an activity code "Case Abated (CSAB)". Each CSAB code includes a start and close date. Abatement periods include:

- 1) Abeyances – includes but is not limited to informal settlements, fair housing, pass through to court.
- 2) Continuance/additional time at the parties' request.
- 3) Mediation.
- 4) Service – includes time from date of mailing of the order to the date of service. Also includes any additional time due to an order requiring service. In recall cases, includes the time of posting when necessary.
- 5) Answer or response time as set by statute, rule or order (due process requirements). This time includes up to the maximum time permitted by statute, rule or order. For example, where a final order on default is entered, a maximum of 20 days would be considered inactive, accounting for the time to file an answer. However, if the answer is filed within ten days, only ten days is counted.



6) Hearing/Case Management Conference Scheduling - the time from the order requiring hearing dates or the first attempt to schedule to the actual date of the hearing or conference.

7) Corrective action: Inactive time is calculated from the date the order requiring corrective action is issued until the date of compliance. Examples: amended petition required; supplemental information required, incomplete filing.

At the end of each reporting period, the LSCMH Closed Arbitration Cases PBB Report is run. This report selects all cases with a case closing date occurring during the reporting period. The report identifies each case by case number, and includes the date filed; date closed; total time to complete the case calculated by adding the number of days between date filed and date closed; abatement time calculated by subtracting each instance of the CSAB code's close dates from its start dates and totaling all days abated; the total time to complete each case less abatement by subtracting abatement time from total time. A summary report is used to provide a total number of cases closed during the reporting period, a total time to complete all cases selected calculated by dividing the sum of the total number of days to close all cases by the total number of cases closed, an average time to complete all cases calculated by dividing total time by the total number of cases selected, a total for all abated days, a total time to complete all cases less abatement, and an average time to complete all cases less abatement calculated by subtracting abatement days from total time and then dividing total time less abatement time by the number of cases closed.

**Validity:**

This measure reflects the total number of petitions for arbitration closed and the total number of days to close these cases, as well as the average time to close cases. This measure provides data to indicate the division's level of performance in carrying out the legislative mandate to provide an alternative to the high cost and delays of circuit court litigation in resolving certain types of condominium and cooperative disputes in a manner that is both cost effective and efficient. Through the abatement process, the division has eliminated time periods that are not within the control of the division. The average time to complete arbitration cases is a valid measure of whether the program is accomplishing these legislative goals.

**Reliability:**

The that data from LicenseEase is dependable and will result in consistent information from year to year. A manual has been developed to provide procedures for data collection, storage, manipulation and evaluation. Internal reviews of LicenseEase data are conducted to ensure consistency.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares and Mobile Homes

**Service/Budget Entity:** Compliance & Enforcement

**Measure:** Number of administrative actions resolved by consent orders

**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 Division of Florida Condominiums, Timeshares and Mobile Homes' Bureau of Compliance takes administrative action when it believes that violations of laws have occurred based upon evidence collected in a division investigation. There are two types of administrative actions that may be taken in a compliance case: 1) Consent Order or written settlement agreement where the respondent agrees to the violation and action necessary to resolve the issues; and 2) Notice To Show Cause which starts formal proceedings against a respondent. The second type of action may result in final resolution by Consent Order but normally results in the issuance of a Final Order after an administrative hearing on the issues of the case. These measures track the number and percentage of administrative cases resolved by consent order.

As investigations are worked by compliance staff, the LicenseEase system is updated (through the nf32 table) by investigators or administrative staff to track complaint opening and closing dates, case status information and status dates, case activities and activity dates and case dispositions and disposition dates, etc. All administrative cases are identified in LicenseEase as cases having a case status of "AA". The type of order that resolves the case is tracked as the case disposition. Cases resolved through consent order show a 'CO' under case disposition. Cases resolved through final order show a "FO" under case disposition. All case status and disposition dates are verifiable through the hard copy case file.

Periodically, the Crystal reports entitled "LSCMH Complaint Disposition Report" and "Yacht and Ship Complaint Disposition Report" will be run on Eportfolio by program staff. This report through choice of parameters, selects and prints a list of all compliance files closed within a specified period that include a case status of "AA". The reports print the cases grouped according to case disposition and program area. The reports total the number of cases selected by program area, the number of cases with a disposition of Consent Order by program area and the number of cases with a disposition of Final Order by program area and

automatically calculate the percentage of Consent Order dispositions by program area. In order to arrive at division numbers, the division's PBB liaison adds the number of cases selected for all programs, adds the number of Consent Order dispositions for all programs and calculates the division's percentage by dividing the total number of cases by the number of Consent Order dispositions.

**Validity:**

These measures will reflect the total number and percentage of administrative actions resolved through Consent Orders. While these measures relate to increased compliance as each administrative action represents the division taking action to bring a respondent into compliance with the laws, it focuses on compliance through settlement agreement rather than through a DOAH or court proceeding. An increase in this measurement will show increased compliance through settlement agreement utilizing less formal and time-consuming procedures.

The final decision to settle an enforcement proceeding through a Consent Order is outside Division control. While the Division must first offer to settle via Consent Order, it is up to the respondent to accept this method of settlement. If the case can be resolved through a Consent Order, all parties benefit in that issues are generally resolved faster and settlement is less expensive than litigation. The public benefit from a more timely resolution of investigations and swift enforcement action builds public confidence in the division's compliance program.

**Reliability:**

The division feels confident that the compliance data from LicenseEase is dependable and will result in consistent information from year to year. The major issue causing reliability concerns is staff training since all staff update LicenseEase and there is a risk that incorrect or improper data could be input. Internal reviews of LicenseEase data are conducted to ensure consistency.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares and Mobile Homes

**Service/Budget Entity:** Compliance and Enforcement/79800100

**Measure:** Number of cases closed (arbitration)

**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 Division of Florida Condominiums, Timeshares and Mobile Homes is statutorily required to arbitrate certain condominium and cooperative disputes. The division tracks and monitors arbitration cases through the departmental database LicenseEase. Tracking information includes but is not limited to: case filing dates (date a petition for arbitration is received in the division), case closing dates (date of issuance of a Final Order). LicenseEase is updated by division arbitration staff.

At the end of each reporting period, the LSCMH Closed Arbitration Cases PBB Report is run. This report selects all cases with a case closing date occurring during the reporting period. The report identifies each case by case number, and includes the date filed and date closed. A summary report is used to provide a total number of cases closed during the reporting period.

### **Validity:**

This measure reflects the total number of petitions for arbitration closed and is used to calculate the outcome measure for average time to resolve cases submitted for arbitration. These measures provide data to indicate the division's level of performance in carrying out the legislative mandate to provide an alternative to the high cost and delays of circuit court litigation in resolving certain types of condominium and cooperative disputes in a manner that is both cost effective and efficient.

### **Reliability:**

The division feels confident that data from LicenseEase is dependable and will result in consistent information from year to year. A manual has been developed to provide procedures for data collection, storage, manipulation and evaluation. The major issue causing reliability concerns is staff training since all staff update LicenseEase and there is a risk that incorrect or improper data could be input. Internal reviews of LicenseEase data are conducted to ensure consistency.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares and Mobile Homes

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Average number of days to resolve investigations of consumer complaints

**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 Division of Florida Land Sales, Condominium and Mobile Homes' Bureau of Compliance receives, reviews, and opens investigative files on all consumer complaints relating to the following program areas: Condominiums/Cooperatives, Mobile Homes, Timeshares, Land Sales, and Yacht & Ships. An investigative file (Type GNCP) is opened upon receipt of a consumer complaint containing allegations of violations of laws subject to division jurisdiction. Files are opened in the department's database system, LicenseEase. The opening date is determined by the date stamp indicating receipt of the consumer complaint by the division. The LicenseEase nf32 table is utilized to track case history, including case number, case opening and closing dates, case status and status date, issues (allegations) and case dispositions. Case disposition is the overall determination of how a case is closed. The file is considered resolved for performance measurement purposes upon completion of the investigation (closing date), which is determined by the date the section supervisor signs off on the case to proceed to Administrative Action (Status AA) or when there is no administrative action proposed (Status 90). Data is entered in LicenseEase by the investigator assigned to handle the case.

Periodically, the report titled "LSCMH Average Days to Close a Case" will be run on Eportfolio. This report selects all GNCP files closed during a selected time period and for each selected file determines the number of days each file was open using the case opening and closing dates. The report automatically calculates the average number of days open by dividing the sum of the total number of days open for all selected files by the number of closed files.

Days are abated in the LicenseEase database when a case has been closed and is reopened at a later date. The days between the closing date and the reopening date are not included in the total open days calculated above. This measure will be calculated on a fiscal year basis.

**Validity:**

Time frames to investigate each consumer complaint may vary significantly from case to case based on the number and complexity of alleged violations in each case and whether the respondent and other involved parties cooperate with the investigation. Only Chapters 718 (Condominiums) and 719 (Cooperatives) include provisions relating to the timeliness of resolving consumer complaints. Pursuant to these statutes, the division has 30 days to acknowledge receipt of a complaint, determine jurisdiction or ask for additional information. The division has 90 days to complete its investigation and take action. Failure to comply with these time frames does not prohibit the division from completing investigations or taking action, if necessary.

This performance measure will provide an indication as to how the division is performing in regard to the statutory time frames, as well as the other sections that are not subject to statutory time frames. The public benefit from a more timely resolution of investigations and swift enforcement action builds public confidence in the division's compliance program.

**Reliability:**

The division has refined its business process and feels confident that the compliance data from LicenseEase for this measure is dependable and will result in consistent information from year to year.

The one issue as to reliability concerns is staff input of data. All staff update LicenseEase and there is a risk that incorrect or improper data could be input. Internal reviews of LicenseEase data are routinely conducted to ensure consistency. Training of all staff responsible for input of data will remain a top priority.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares and Mobile Homes

**Service/Budget Entity:** Compliance and Enforcement

**Measure:** Number of consumer complaints 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:**

The Division of Florida Land Sales, Condominiums and Mobile Homes' Bureau of Compliance receives, reviews, and opens investigative files on all consumer complaints relating to the following program areas: Condominiums/Cooperatives, Mobile Homes, Timeshares, Land Sales, and Yacht & Ships. An investigative file (Type GNCP) is opened upon receipt of a consumer complaint containing allegations of violations of laws subject to division jurisdiction. Files are opened in the department's database system, LicenseEase. The opening date is determined by the date stamp indicating receipt of the consumer complaint by the division. The LicenseEase nf32 table is utilized to track case history, including case number, case opening and closing dates, case status and status date, issues (allegations) and case dispositions. Case disposition is the overall determination of how a case is closed. The file is considered resolved for performance measurement purposes upon completion of the investigation (closing date), which is determined by the date the section supervisor signs off on the case to proceed to Administrative Action (Status AA) or when there is no administrative action proposed (Status 90). Data is entered by the investigator assigned to handle the case.

Periodically, the report titled "LSCMH Average Days to Close a Case" will be run on Eportfolio. This report selects and counts all GNCP files closed during a selected time period. This measure will be calculated on a fiscal year basis.

### **Validity:**

This measure will provide data which will indicate the number of consumer complaints investigated and closed during a specified time period. This measure is used in determining the outcome measure for the division's compliance program "Average number of days to resolve investigations of consumer complaints".

This performance measure provides an indication of how the division is performing in regard to the statutory time frames. The public benefit from a more timely resolution of investigations and swift enforcement action builds public confidence in the division's compliance program.

**Reliability:**

The division has refined its compliance business process and feels confident that the compliance data from LicenseEase for this performance measure is dependable and will result in consistent information from year to year.

The only issue as to reliability concerns is staff input of data. All staff update LicenseEase and there is a risk that incorrect or improper data could be input. Internal reviews of LicenseEase data are routinely conducted to ensure consistency. Training of all staff responsible for input of data will remain a top priority.



## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares and Mobile Homes

**Service/Budget Entity:** Standards and Licensure/79800200

**Measure:** Percent of permanent licenses issued and filings reviewed as prescribed by laws

**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 Division of Florida Condominiums, Timeshares and Mobile Homes reviews various types of disclosure documents for Condominiums, Cooperatives, Mobile Home Parks, Timeshare Plans, and Subdivided Lands and issues Yacht and Ship Brokers licenses through its examination and licensure programs. Most document reviews and applications for licensure have a statutory or rule mandated time requirement for division action.

The review period begins upon receipt of the filing or application with appropriate filing fees. Division action would consist of approval of the filing, issuance of a license or the issuance of a deficiency letter to require the filing entity or license applicant to correct or supplement its filing or application. If the division does not take action within the allotted time, the filing or application is approved by operation of law (OPOL), indicating a missed deadline.

For document reviews under the following programs: Condominiums, Cooperatives, Mobile Homes, Timeshare and Land Sales, the current method for tracking missed review deadlines is through the "LSCMH Standards Registration PBB Report" available as a crystal report in ePortfolio. A record is created in LicenseEase for each filing received by the division. The record tracks in addition to other information, filing receipt and approval dates, and deficiency letter issue dates. Missed review deadlines are entered by the examiners directly into the LicenseEase database, specifically by checking a box labeled "OPOL" on the deficiency approval screen. A file has been approved or processed when the division has taken action to approve the filing in LicenseEase or it has been approved by "operation of law" indicating a missed deadline in LicenseEase. At the end of each reporting period, program staff will run the "LSCMH Standards Registration PBB Report" to show the number of filings approved (processed) by program area during the reporting period and the number of records containing a box checked as "OPOL", indicating a missed filing review deadline.

In regard to licensing of yacht and ship brokers, permanent licenses must be issued within 90 days of receipt of a proper application and licensing fees. Data for this measure is taken from an ePortfolio report entitled "Yacht and Ship Application PBB Statistics" and run by program staff. This report selects all applications that were issued a permanent license within a specified date range and counts the number of days between the date of receipt of an application in LicenseEase through the date of issuance of a permanent license (elapsed days). The report automatically counts the number of applications selected and counts the number of applications where the number of elapsed days exceeds 90 days.

Performance data for the division is calculated by adding the number of filings approved (processed) from the "LSCMH Standards Registration PBB Report" and licenses issued from the "Yacht and Ship Application PBB Statistics". The number of division deadlines missed is calculated by totaling the number of missed deadlines from "LSCMH Standards Registration PBB Report" and the number of yacht and ship licenses processed over 90 days from the "Yacht and Ship Application PBB Statistics" report. The percent of permanent licenses issued and filings reviewed as prescribed by law is calculated by subtracting the number of missed deadlines from total filings approved and licenses issued to arrive at the number of timely processed filings and licenses. The total number of processed filings and licenses is then divided by the number of timely processed filings and licenses.

**Validity:**

This measure represents the number of permanent licenses issued for the Yacht and Ships program and filings processed for all other division programs. It also measures the percentage of filings processed and licenses issued as prescribed by law. The measure indicates whether the division is performing its duties within statutorily mandated timeframes. The data is verifiable through review of division filing and licensure files.

Division action in regard to licensing yacht and ship brokers is not completely within the division's control as part of the application process includes FDLE and FBI criminal and fingerprint checks and may include delays for applicant actions such as responding to notices of deficiency.

**Reliability:**

In regard to data for the division's licensing program, the division feels confident that data from LicenseEase is dependable and will result in consistent information from year to year. The major issue causing reliability concerns is staff training since all staff update LicenseEase and there is a risk that incorrect or improper data could be input. Internal reviews of LicenseEase data are conducted to ensure consistency.

## **LRPP EXHIBIT IV: Performance Measure Validity and Reliability**

**Department:** Business and Professional Regulation

**Program:** Florida Condominiums, Timeshares and Mobile Homes

**Service/Budget Entity:** Standards and Licensure/79800200

**Measure:** Total number of filings and licenses processed

**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 Division of Florida Condominiums, Timeshares and Mobile Homes reviews various types of disclosure documents for Condominiums, Cooperatives, Mobile Home Parks, Timeshare Plans, and Subdivided Lands and issues Yacht and Ship Brokers licenses through its examination and licensure programs. Most document reviews and applications for licensure have a statutory or rule mandated time requirement for division action.

The review period begins upon receipt of the filing or application with appropriate filing fees. Division action would consist of approval of the filing, issuance of a license or the issuance of a deficiency letter to require the filing entity or license applicant to correct or supplement its filing or application.

For document reviews under the following programs: Condominiums, Cooperatives, Mobile Homes, Timeshare and Land Sales, the current method for tracking the number of filings processed is through the "LSCMH Standards Registration PBB Report" available as a crystal report in ePortfolio. A record is created in LicenseEase for each filing received by the division. The record tracks in addition to other information, filing receipt and approval dates, and deficiency letter issue dates. Data is entered by the examiners directly into the LicenseEase database. A file has been approved or processed when the division has taken action to approve the filing in LicenseEase or it has been approved by "operation of law" indicating a missed deadline in LicenseEase. At the end of each reporting period, program staff will run the "LSCMH Standards Registration PBB Report" to show the number of filings approved (processed) by program area during the reporting period.

In regard to licensing of yacht and ship brokers, permanent licenses must be issued within 90 days of receipt of a proper application and licensing fees. Data for this measure is taken from an ePortfolio report entitled "Yacht and Ship Application PBB Statistics" and run by program staff. This report selects all

applications that were issued a permanent license within a specified date range and counts the number of days between the date of receipt of an application in LicenseEase through the date of issuance of a permanent license (elapsed days).

Performance data for the division is calculated by adding the number of filings approved (processed) from the "LSCMH Standards Registration PBB Report" and licenses issued from the "Yacht and Ship Application PBB Statistics".

**Validity:**

This output measure represents the number of permanent licenses issued for the Yacht and Ships program and filings processed for all other division programs. It is also used to indicate whether the division is performing its duties within statutorily mandated timeframes. The data is verifiable through review of division filing and licensure files.

**Reliability:**

In regard to data for the division's licensing program, the division feels confident that data from LicenseEase is dependable and will result in consistent information from year to year. The major issue causing reliability concerns is staff training since all staff update LicenseEase and there is a risk that incorrect or improper data could be input. Internal reviews of LicenseEase data are conducted to ensure consistency.



## 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 2009-10		Associated Activities
1	Agency administration and support costs as a percent of total agency costs		Executive Direction and Administrative Support
2	Agency administration and support positions as a percent of total agency positions		Executive Direction and Administrative Support
3	Percent of calls answered		Call Center
4	Number of calls answered		Call Center
5	Percent of applications processed within 90 days		Central Intake - Initial Applications
6	Percent of renewals mailed no less than 90 days prior to license expiration dates		Central Intake - Renewals
7	Number of initial applications processed		Central Intake - Initial Applications
8	Percent of non-deficient, complete providers and individual course applications processed within 90 days		Continuing Education
9	Number of candidates tested		Testing
10	Number of non-deficient, complete provider and individual course applications processed within 90 days		Continuing Education

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

Measure Number	Approved Performance Measures for FY 2009-10		Associated Activities
11	Percent of licensees in compliance with all laws and regulations		Professional Regulation Compliance and Enforcement Activities
12	Percent of farm labor contractors inspected found to be in compliance with law		Migrant Farm worker Labor Compliance
13	Percent of employers in compliance with child labor laws on follow-up investigations		Child Labor Compliance
14	Number of investigations and inspections - Farm Labor		Migrant Farm worker Labor Compliance
15	Number of investigations and inspections - Child Labor		Child Labor Compliance
16	Percent of required inspections completed		Compliance and Enforcement Activities (Professional Regulation)
17	Number of enforcement actions (Regulation, Real Estate & CPA)		Compliance and Enforcement Activities (Professional Regulation)
18	Percent of complete applications approved or denied within 90 days		Standards and Licensure Activities (Professional Regulation)
19	Percent of licenses that correct violations through alternative means (notices of non compliance, citations or alternative dispute resolution)		Compliance and Enforcement Activities (Professional Regulation)
20	Number of "active" licensees		Standards and Licensure Activities (Professional Regulation)

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

Measure Number	Approved Performance Measures for FY 2009-10		Associated Activities
21	Number of automatic medical suspensions related to fight competitions during an event		Protect Boxers
22	Number of enforcement actions		Protect Boxers
23	Number of scheduled boxing, kickboxing and mixed martial arts events		Protect Boxers
24	Number of scheduled boxing, kickboxing and mixed martial arts bouts		Protect Boxers
25	Percent of applications processed within 30 days		Protect Boxers
26	Percent of races and games that are in compliance with all laws and regulations		Compliance and Enforcement Activities (Pari-Mutuel Wagering)
27	Number of races and games monitored		Compliance and Enforcement Activities (Pari-Mutuel Wagering)
28	Percent of applications processed within 90 days		Standards and Licensure Activities (Pari-Mutuel Wagering)
29	Number of applications processed		Standards and Licensure Activities (Pari-Mutuel Wagering)
30	Collections per dollar of auditing expenditures		Tax Collection and Auditing (Pari-Mutuel Wagering)



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

Measure Number	Approved Performance Measures for FY 2009-10		Associated Activities
31	Number of audits conducted		Tax Collection and Auditing (Pari-Mutuel Wagering)
32	Percent of slot applications processed within 90 days		Slot Operations
33	Number of slot applications processed		Slot Operations
34	Percent of slot tax dollars collected compared to permitholder liability		Slot Operations
35	Total slot revenue collections compared to slot revenue expenditures		Slot Operations
36	Number of slot operating days (total of all slot facilities)		Slot Operations
37	Percent of operating days inspected		Slot Operations
38	Percent of licensees in compliance with all laws and regulations for food service and public lodging establishments		Compliance and Enforcement Activities for Hotels and Restaurants
39	Percent of licensees in compliance with all laws and regulations for elevators, escalators and other vertical conveyance devices		Compliance and Enforcement Activities for Elevators
40	Percent of elevators, escalators and other vertical conveyance devices inspected according to statute		Compliance and Enforcement Activities for Elevators

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

Measure Number	Approved Performance Measures for FY 2009-10		Associated Activities
41	Percent of elevators, escalators and other vertical conveyance devices in delinquent status that were physically observed or served by division resulting in enforcement cases		Compliance and Enforcement Activities for Elevators
42	Percent of elevators, escalators and other vertical conveyance devices in sealed status that were physically observed by division		Compliance and Enforcement Activities for Elevators
43	Number of licensees for elevators, escalators and other vertical conveyance devices		Compliance and Enforcement Activities for Elevators
44	Percent of elevator certificates of operation processed within 30 days		Compliance and Enforcement Activities for Elevators
45	Number of inspections for food service and public lodging establishments		Compliance and Enforcement Activities for Hotels and Restaurants
46	Number of call back inspections for food service and public lodging establishments		Compliance and Enforcement Activities for Hotels and Restaurants
47	Percent of hotel and restaurant licenses processed within 30 days.		Compliance and Enforcement Activities for Hotels and Restaurants
48	Number of licensees for public lodging and food service establishments		Compliance and Enforcement Activities for Hotels and Restaurants
49	Percent of food establishments inspected according to statute		Compliance and Enforcement Activities for Hotels and Restaurants
50	Percent of lodging establishments inspected according to statute		Compliance and Enforcement Activities for Hotels and Restaurants
51	Percent of accident reports submitted timely (i.e., within 5 working days of incident)		Compliance and Enforcement Activities for Hotels and Restaurants

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

Measure Number	Approved Performance Measures for FY 2009-10		Associated Activities
52	Percent of total retail alcohol and tobacco licensees and permit holders inspected		Compliance and Enforcement Alcoholic Beverages & Tobacco
53	Percent of alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access		Compliance and Enforcement Alcoholic Beverages & Tobacco
54	Number of licensees		Compliance and Enforcement Alcoholic Beverages & Tobacco
55	Percent of license applications processed within 90 days		Standards and Licensure Alcoholic Beverages & Tobacco
56	Number of applications processed		Standards and Licensure Alcoholic Beverages & Tobacco
57	Percent complying wholesale/retail licensees on yearly basis		Tax Collection and Auditing Alcoholic Beverages & Tobacco
58	Percent of retail and wholesale tax dollars identified by audit that were collected		Tax Collection and Auditing Alcoholic Beverages & Tobacco
59	Collections per dollar of auditing expenditure		Tax Collection and Auditing Alcoholic Beverages & Tobacco
60	Number of audits conducted		Tax Collection and Auditing Alcoholic Beverages & Tobacco
61	Percent of administrative actions resulting in consent orders		Compliance and Enforcement Activities - Condominiums; Timeshare s; Mobile Homes; Yacht and Ship Brokers/Salespersons
62	Average number of days to resolve cases submitted for arbitration		Compliance and Enforcement Activities - Condominiums

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

Measure Number	Approved Performance Measures for FY 2009-10		Associated Activities
63	Number of cases closed (arbitration)		Compliance and Enforcement Activities - Condominiums
64	Average number of days to resolve investigations of consumer complaints		Compliance and Enforcement Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons
65	Number of consumer complaints closed		Compliance and Enforcement Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons
66	Percent of permanent licenses issued and filings reviewed as prescribed by laws		Standards and Licensure Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons
67	Total number of filings and licenses processed		Standards and Licensure Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF		FISCAL YEAR 2008-09			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT		139,898,350		0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)		-1,822,577		0	
FINAL BUDGET FOR AGENCY		138,075,773		0	
SECTION II: ACTIVITIES * MEASURES		Number of Units	(1) Unit Cost	(2) Expenditures (Allocated)	(3) FCO
<i>Executive Direction, Administrative Support and Information Technology (2)</i>					0
Licensure/Revenue * Number of transactions processed		834,755	4.07	3,395,915	
Protect Boxers * Number of scheduled boxing and kickboxing/mixed martial arts events.		75	9,123.32	684,249	
Call Center * Number of calls, emails, public contacts		1,367,871	4.54	6,205,636	
Central Intake - Initial Applications * Number of initial applications processed		126,496	36.73	4,646,094	
Central Intake - Renewals * Number of renewals processed		475,739	1.71	811,633	
Testing * Number of candidates tested		55,174	59.30	3,271,657	
Continuing Education * Number of non-deficient, complete provider and individual course applications processed within 90 days		5,891	192.54	1,134,251	
Board Of Architecture And Interior Design * Number of enforcement actions		527	751.25	395,909	
Monitor Employers For Compliance With Migrant Farmworker Labor Laws * Number of Investigations and Inspections		5,025	359.06	1,804,267	
Monitor Employers For Compliance With Child Labor Laws * Number of Investigations and Inspections		10,075	69.89	704,126	
Compliance And Enforcement Activities * Number of enforcement actions.		136,943	103.34	14,151,625	
Laboratory Services * Number of blood and urine samples tested.		72,965	31.06	2,265,984	
Standards And Licensure Activities * Number of licensees		731,689	18.45	13,501,320	
Tax Collection And Auditing * Number of audits conducted.		73,560	27.87	2,049,803	
Cardrooms * Number of audits conducted.		21	3,754.57	78,846	
Pari-mutuel Number Of Slot Applications Processed * Number of Slot Applications Processed		1,576	4,269.57	6,728,845	
Compliance And Enforcement Activities For Hotels And Restaurants * Inspections and enforcement actions		146,425	140.23	20,533,137	
Compliance And Enforcement Activities For Elevators * Inspections and enforcement actions		6,989	210.25	1,469,438	
Food Service And Tenant/Landlord Education And Training * Educational packets distributed, web hits, and training seminars/workshops conducted		175,430	5.82	1,021,382	
Standards And Licensure Activities For Hotels And Restaurants * Number of licensees for public lodging and food service establishments		82,665	12.00	992,100	
Standards And Licensure Activities For Elevators * Number of licensees for elevators, escalators and other vertical conveyance devices		49,276	8.30	408,823	
Compliance And Enforcement Activities * Number of enforcement actions for Alcoholic Beverages and Tobacco		72,380	278.35	20,147,279	
Standards And Licensure Activities * Number of applications processed for Alcoholic Beverages and Tobacco		34,761	140.01	4,866,943	
Tax Collection And Auditing * Number of audits conducted for Alcoholic Beverages and Tobacco		28,700	267.87	7,687,985	
Compliance And Enforcement Activities - General Regulation (yacht And Ship) * Number of compliance actions.		595	280.95	167,165	
Compliance And Enforcement Activities - Timeshare * Number of compliance actions.		4,350	189.56	824,600	
Compliance And Enforcement Activities - Condominiums * Number of compliance actions.		49,832	92.93	4,630,733	
Compliance And Enforcement Activities - Mobile Homes * Number of compliance actions.		6,106	46.96	286,717	
Homeowners' Associations * Number of compliance actions.		2,124	83.80	177,994	
Condominium Ombudsman * Number of activities in fulfillment of statutory duties.		71,152	8.54	607,322	
Standards And Licensure Activities - General Regulation (yacht And Ship) * Permanent licenses processed.		4,037	21.61	87,241	
Standards And Licensure Activities - Timeshare * Permanent filings processed.		2,179	285.68	622,489	
Standards And Licensure - Condominiums * Permanent filings processed.		59,060	21.72	1,283,021	
Standards And Licensure - Mobile Homes * Permanent filings processed.		6,673	36.40	242,907	
TOTAL				127,887,436	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER				2,397,842	
REVERSIONS				7,790,548	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				138,075,826	

## SCHEDULE XI/EXHIBIT VI: AGENCY-LEVEL UNIT COST SUMMARY

(1) Some activity unit costs may be overstated due to the allocation of double budgeted items.

(2) Expenditures associated with Executive Direction, Administrative Support and Information Technology have been allocated based on FTE. Other allocation methodologies could result in significantly different unit costs per activity.

(3) Information for FCO depicts amounts for current year appropriations only. Additional information and systems are needed to develop meaningful FCO unit costs.

(4) Final Budget for Agency and Total Budget for Agency may not equal due to rounding.

## ***Glossary of Terms and Acronyms***

**AB&T** - Alcoholic Beverages and Tobacco

Activity: A set of transactions within a budget entity that translates inputs into outputs using resources in response to a business requirement. Sequences of activities in logical combinations form services. Unit cost information is determined using the outputs of activities.

Actual Expenditures: Includes prior year actual disbursements, payables and encumbrances. The payables and encumbrances are certified forward at the end of the fiscal year. They may be disbursed between July 1 and December 31 of the subsequent fiscal year. Certified forward amounts are included in the year in which the funds are committed and not shown in the year the funds are disbursed.

Appropriation Category: The lowest level line item of funding in the General Appropriations Act which represents a major expenditure classification of the budget entity. Within budget entities, these categories may include: salaries and benefits, other personal services (OPS), expenses, operating capital outlay, data processing services, fixed capital outlay, etc. These categories are defined within this glossary under individual listings. For a complete listing of all appropriation categories, please refer to the ACTR section in the LAS/PBS User's Manual for instructions on ordering a report.

Baseline Data: Indicators of a state agency's current performance level, pursuant to guidelines established by the Executive Office of the Governor in consultation with legislative appropriations and appropriate substantive committees.

Budget Entity: A unit or function at the lowest level to which funds are specifically appropriated in the appropriations act. "Budget entity" and "service" have the same meaning.

**CIO** - Chief Information Officer

**CIP** - Capital Improvements Program Plan

D3-A: A legislative budget request (LBR) exhibit which presents a narrative explanation and justification for each issue for the requested years.

Demand: The number of output units which are eligible to benefit from a service or activity.

**DBPR** – Department of Business and Professional Regulation

**DOAH** – Department of Administrative Hearing

**EOG** - Executive Office of the Governor

Estimated Expenditures: Includes the amount estimated to be expended during the current fiscal year. These amounts will be computer generated based on the current year appropriations adjusted for vetoes and special appropriations bills.

**FCO** - Fixed Capital Outlay

**FFMIS** - Florida Financial Management Information System

Fixed Capital Outlay: Real property (land, buildings including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use. Includes furniture and equipment necessary to furnish and operate a new or improved facility.

**FLAIR** - Florida Accounting Information Resource Subsystem

**F.S.** - Florida Statutes

**GAA** - General Appropriations Act

**GR** - General Revenue Fund

Indicator: A single quantitative or qualitative statement that reports information about the nature of a condition, entity or activity. This term is used commonly as a synonym for the word "measure."

Information Technology Resources: Includes data processing-related hardware, software, services, telecommunications, supplies, personnel, facility resources, maintenance, and training.

Input: See Performance Measure.

**IOE** - Itemization of Expenditure

**IT** - Information Technology

Judicial Branch: All officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, and the Judicial Qualifications Commission.

**LAN** - Local Area Network

**LAS/PBS** - Legislative Appropriations System/Planning and Budgeting Subsystem. The statewide appropriations and budgeting system owned and maintained by the Executive Office of the Governor.

**LBC** - Legislative Budget Commission

**LBR** - Legislative Budget Request

Legislative Budget Commission: A standing joint committee of the Legislature. The Commission was created to: review and approve/disapprove agency requests to amend original approved budgets; review agency spending plans; and take other actions related to the fiscal matters of the state, as authorized in statute. It is composed of 14 members appointed by the President of the Senate and by the Speaker of the House of Representatives to two-year terms, running from the organization of one Legislature to the organization of the next Legislature.

Legislative Budget Request: A request to the Legislature, filed pursuant to section 216.023, Florida Statutes, or supplemental detailed requests filed with the Legislature, for the amounts of money an agency or branch of government believes will be needed to perform the functions that it is authorized, or which it is requesting authorization by law, to perform.

LicenseEase: A single licensing system. This is a software database that integrates all licensing and regulatory functions in the department.

**L.O.F.** - Laws of Florida

**LRPP** - Long-Range Program Plan

Long-Range Program Plan: A plan developed on an annual basis by each state agency that is policy-based, priority-driven, accountable, and developed through careful examination and justification of all programs and their associated costs. Each plan is developed by examining the needs of agency customers and clients and proposing programs and associated costs to address those needs based on state priorities as established by law, the agency mission, and legislative authorization. The plan provides the framework and context for preparing the legislative budget request and includes performance indicators for evaluating the impact of programs and agency performance.

**LSCMH** – Land Sales, Condominiums and Mobile Homes

**MAN** - Metropolitan Area Network (Information Technology)

**NASBO** - National Association of State Budget Officers



Narrative: Justification for each service and activity is required at the program component detail level. Explanation, in many instances, will be required to provide a full understanding of how the dollar requirements were computed.

Nonrecurring: Expenditure or revenue which is not expected to be needed or available after the current fiscal year.

**OPB** - Office of Policy and Budget, Executive Office of the Governor

Outcome: See Performance Measure.

Output: See Performance Measure.

Outsourcing: Describes situations where the state retains responsibility for the service, but contracts outside of state government for its delivery. Outsourcing includes everything from contracting for minor administration tasks to contracting for major portions of activities or services which support the agency mission.

**PBPB/PB2** - Performance-Based Program Budgeting

Pass Through: Funds the state distributes directly to other entities, e.g., local governments, without being managed by the agency distributing the funds. These funds flow through the agency's budget; however, the agency has no discretion regarding how the funds are spent, and the activities (outputs) associated with the expenditure of funds are not measured at the state level. **NOTE: This definition of "pass through" applies ONLY for the purposes of long-range program planning.**

Performance Ledger: The official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

Performance Measure: A quantitative or qualitative indicator used to assess state agency performance.

- Input means the quantities of resources used to produce goods or services and the demand for those goods and services.
- Outcome means an indicator of the actual impact or public benefit of a service.
- Output means the actual service or product delivered by a state agency.

Policy Area: A grouping of related activities to meet the needs of customers or clients which reflects major statewide priorities. Policy areas summarize data at a statewide level by using the first two digits of the ten-digit LAS/PBS program component code. Data collection will sum across state agencies when using this statewide code.

Primary Service Outcome Measure: The service outcome measure which is approved as the performance measure which best reflects and measures the intended outcome of a service. Generally, there is only one primary service outcome measure for each agency service.

Privatization: Occurs when the state relinquishes its responsibility or maintains some partnership type of role in the delivery of an activity or service.

Program: A set of activities undertaken in accordance with a plan of action organized to realize identifiable goals based on legislative authorization (a program can consist of single or multiple services). For purposes of budget development, programs are identified in the General Appropriations Act by a title that begins with the word "Program." In some instances a program consists of several services, and in other cases the program has no services delineated within it; the service is the program in these cases. The LAS/PBS code is used for purposes of both program identification and service identification. "Service" is a "budget entity" for purposes of the Long Range Program Plan.

Program Purpose Statement: A brief description of approved program responsibility and policy goals. The purpose statement relates directly to the agency mission and reflects essential services of the program needed to accomplish the agency's mission.

Program Component: An aggregation of generally related objectives which, because of their special character, related workload and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

Reliability: The extent to which the measuring procedure yields the same results on repeated trials and data are complete and sufficiently error free for the intended use.

Service: See Budget Entity.

Standard: The level of performance of an outcome or output.

**STO** - State Technology Office

**SWOT** - Strengths, Weaknesses, Opportunities and Threats

**TCS** - Trends and Conditions Statement

**TF** - Trust Fund

**TRW** - Technology Review Workgroup

Unit Cost: The average total cost of producing a single unit of output – goods and services for a specific agency activity.

Validity: The appropriateness of the measuring instrument in relation to the purpose for which it is being used.

**WAGES** - Work and Gain Economic Stability (Agency for Workforce Innovation)

**WAN** - Wide Area Network (Information Technology)