

**Charlie Liem, Secretary**

**Charlie Crist, Governor**

## LONG RANGE PROGRAM PLAN

Department of Business and Professional Regulation  
1940 North Monroe Street  
Tallahassee, FL 32399-1000

September 30, 2010

Jerry L. McDaniel, Director  
Office of Policy and Budget  
Executive Office of the Governor  
1701 Capitol  
Tallahassee, FL 32399-0001

JoAnne Leznoff, Council Director  
House Full Appropriations Council  
221 Capitol  
Tallahassee, Florida 32399-1300

David Coburn, Staff Director  
Senate Policy and Steering Committee on Ways and Means  
201 Capitol  
Tallahassee, Florida 32399-1300

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 2011-12 through Fiscal Year 2015-16. Please feel free to call if you have any questions.

Sincerely,



Charlie Liem  
Secretary

# Long Range Program Plan

**Charlie Crist**  
Governor

FY 2011 - 2016

**Charlie Liem**  
Secretary





# Agency Mission and Goals

**Agency Mission:**

**License efficiently. Regulate fairly.**

**Agency Goals:**

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

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

# Agency Service Outcomes and Performance Projection tables

## 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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
30%	50%	55%	60%	65%	70%
136,675	158,218	166,129	174,436	183,158	192,315

Outcome: Number and percent of applications submitted on-line

Service: Service Operations – Central Intake Unit

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
16,356	19,627	20,445	21,263	21,753	22,244
8.7%	20%	25%	30%	33%	36%

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

Service: Service Operations – Central Intake Unit

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
72%	60%	56%	52%	45%	40%

Outcome: Customer satisfaction percentage based on survey

Service: Service Operations – Customer Contact Center

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
85%	87%	88%	89%	90%	91%

#### 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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
1%	35%	35%	35%	35%	35%

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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
97%	98%	98%	98%	98%	98%

Outcome: Percentage of licenses processed within 90 days

Service: Alcoholic Beverages & Tobacco

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
98.4%	98%	98%	98%	98%	98%

Service: Hotels & Restaurants

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
99.2%	99.6%	99.8%	99.9%	99.9%	99.9

Service: Pari-Mutuel and Slot machine occupational license applications

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
4,421	6,200	6,100	6,000	5,900	6,100

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

Service: Department-wide

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
765	840	850	860	870	900

Outcome: Percentage of annual employee turnover

Service: Department-wide

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
13.7%	12%	12%	12%	12%	10%

**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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
35%	95%	95%	95%	95%	95%

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

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
35%	39%	40%	40%	40%	40%



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

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
35%	94%	94%	94%	94%	94%

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

Service: Regulation of Boards and Commissions

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
261	159	169	181	120	120

Service: Real Estate

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
195	325	325	325	325	325

Service: Accountancy

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
111	100	95	90	90	90

Service: Condominiums, Timeshares and Mobile Homes

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
77	90	90	90	90	90

Outcome: Percentage of complaints acknowledged in writing within 30 days

Service: Regulation of Boards and Commissions

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
100%	100%	100%	100%	100%	100%

Service: Real Estate

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
100%	100%	100%	100%	100%	100%

Service: Accountancy

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
42%	95%	95%	95%	95%	95%

Service: Condominiums, Timeshares and Mobile Homes

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
100%	99%	99%	99%	99%	99%

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

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
78%	98%	95%	92%	89%	85%

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

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
86%	99%	97%	95%	93%	90%

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

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
86%	89%	90%	90%	90%	90%

Service: Elevator, escalators & other vertical conveyance devices

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
86%	95%	95%	95%	95%	95%

Outcome: Percentage of administrative actions resulting in consent orders  
 Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2006-07	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
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 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16
225	157	157	157	157	157

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

Service: Alcoholic Beverages & Tobacco

<b>Baseline FY 2006-07</b>	<b>FY 2011-12</b>	<b>FY 2012-13</b>	<b>FY 2013-14</b>	<b>FY 2014-15</b>	<b>FY 2015-16</b>
82.8%	89%	89%	89%	89%	89%

# Linkage to Governor's Priorities

## 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 Statements



## **Trends and Conditions Statement**

### **Primary Responsibilities**

The Department of Business and Professional Regulation 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.

The department 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 Certified Public Accounting
- Division of Florida Condominiums, Timeshares and Mobile Homes
- Division of Hotels and Restaurants
- Division of Pari-Mutuel Wagering
- Division of Professions
- Division of Real Estate
- Division of Regulation
- 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. This is accomplished through inspections, investigations, complaint processing, mediation, enforcement and disciplinary actions. The department inspects Florida's professional offices to ensure

compliance with necessary safety measures, conducts sweeps and stings in order to identify unlicensed practitioners, educates the public about the dangers of unlicensed activity, and investigates complaints of wrongdoing by licensed and unlicensed individuals.

The state's alcoholic beverage and tobacco laws and rules are enforced by the department through investigations, enforcement actions and providing prosecutorial assistance for criminal and regulatory violations. The prevention of the sale of alcoholic beverages to underage persons is diligently pursued. The department helps to ensure the public's safety by inspecting and investigating food and lodging establishments and enforcing Florida's elevator laws.

The department investigates complaints and ensures compliance with applicable laws relating to the business areas of condominiums and cooperatives, mobile home parks, timeshares, and yacht and shipbrokers, and salespersons.

The department ensures 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.

## **Tax Collection and Auditing**

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

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 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 is responsible for the collection and distribution of licensing fees and cigarette excise taxes as well as the collection of alcoholic beverage and tobacco excise taxes. The division determines compliance with established laws by the manufacturers, distributors and retail dealers licensed or permitted to sell these products in Florida. Complex audits must be performed to verify the flow of the particular products through the marketing systems (manufacturer-distributor-vendor) as required by 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 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, 25 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. A significant amount of financial analysis and reporting is required in the oversight of this industry. Legislation passed during the 2009 Legislative session and effective July 1, 2010, revised the conditions under which cardrooms may operate. Operating hours was increased and limits on wagering were eliminated. 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. Slot machine gaming may only be conducted at eligible pari-mutuel wagering facilities in Broward and in Miami-Dade. Regulatory responsibility was assigned to the Division of Pari-Mutuel Wagering while tax revenue is transferred to the Education Enhancement Trust Fund within the Department of Education.

In 2010 the Legislature ratified a gaming compact between the State of Florida and the Seminole Tribe of Florida. The compact provides for guaranteed monthly payments of \$12.5 million to be made by the Seminole Tribe for the first two years and revenue sharing payments based on a sliding scale beginning the third year.

### **Current Trends**

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

Chapters 210, 561 through 569, Florida Statutes, provides the division 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 and surcharge collection related to these products.

In Fiscal Year 2005-06, the Legislature expanded the division's Bureau of Enforcement's police powers beyond those specific to alcoholic beverage and tobacco establishments to encompass more general law enforcement authority, provided that the division's 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 served, the division uses both traditional and proactive investigative strategies as part of their public safety response plan. Emerging needs, opportunities and priorities enable division personnel to address many of the community's issues. The division focuses its efforts on community partnerships and coalitions; crime prevention and 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.

### Community Partnerships

The division recognizes that they are part of the solution to the problems facing Florida communities. By working together with private citizens, the business community and representatives of government the division is more effective in carrying out its duties. Partnerships are often formed with the following community and government groups in order to educate others and address concerns or issues:

- Military bases
- State, federal, and local law enforcement agencies
- County alcohol and tobacco coalitions
- Colleges
- High school
- Middle schools
- Elementary schools
- County health departments
- Department of Children and Families

The division provides these groups with education and training in reference to unlawful sales of alcohol and tobacco products, fraudulent identification detection, and the dangers of underage drinking.

Division personnel also participate in task forces that combat crimes of terrorism, illicit narcotics, and cigarette theft. These task forces often consist of local, state, and federal law enforcement agencies.

### Crime Prevention

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.

One of the core missions of the division is to keep alcohol and tobacco out of the hands of underage people. In keeping with that mission, the division devotes resources in an effort to deter underage persons from using or obtaining alcohol and tobacco products. This is achieved through a two-pronged approach of education and proactive enforcement.

During Fiscal Year 2009-10, the following enforcement activities were conducted by the division:

- 3,065 arrests for possession of alcohol by a person under 21
- 987 arrests for sale of alcohol to a person under 21
- 296 arrests for sale of tobacco to a person under 18
- 413 citations issued for possession of tobacco by a person under 18

- 9,860 underage test buys for alcohol products
- 5,025 underage test buys for tobacco products

### Fraudulent Identification Investigations

Fraudulent identification use is a growing problem. Reports of underage drinking, drinking related accidents, identity theft, and terrorism activity are not uncommon.

In a recent report from the Department of Children and Families, underage drinking is reported to have more than a \$3 billion impact on the State of Florida each year.<sup>1</sup> Florida faces a particularly difficult challenge in this regard as Florida youth have higher rates of alcohol use than the national average. Moreover, Florida is a popular tourist destination, attracting thousands of youth each year for Spring Break, sporting events, and other holidays. According to the 2009 Florida Youth Substance Abuse Survey, alcohol is the most commonly used drug among Florida students.<sup>2</sup>

One way teens obtain access to alcohol is via a fraudulent identification. The technology to produce false documents has increased and now false licenses are being produced that appear authentic to the casual observer. It is only through the use of magnifiers and ultra-violet lights that these licenses can be detected with any degree of accuracy. The division is actively involved in providing false identification training to vendors at restaurants, bars, and liquor stores at no charge.

To this end, the division has been fighting the proliferation of fraudulent identification on all levels. A recent example of a successful multi-agency investigation involves an international group. Nigerian nationals were arrested in a joint operation with the Immigration Customs Enforcement. The Nigerians had over 30 credit cards and 30 fraudulent Driver's Licenses associated with the credit cards. The Division of Alcoholic Beverages and Tobacco was the lead agency asked to investigate the fraudulent driver's licenses. Investigators realized the same forms of identification used by college students to obtain alcohol are also being used by others for other reasons.

The pursuit of identification fraud investigations is an important part of a sound crime control strategy. The division is actively involved in providing training to other law enforcement agencies and working with these agencies on related crimes. Some investigations may lead to asset forfeitures.

### Investigation of Internet Sales

There are two areas relating to Internet sales where the division needs to focus efforts. They are collection of taxes on the sale of alcoholic beverages, cigarettes, and tobacco products and the sale of alcoholic beverages and tobacco to underage persons

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<sup>1</sup> [http://www.dcf.state.fl.us/programs/samh/publications/CostOfUnderageDrinkingInFlorida\\_060809\\_FINAL.pdf](http://www.dcf.state.fl.us/programs/samh/publications/CostOfUnderageDrinkingInFlorida_060809_FINAL.pdf) (page 1)

<sup>2</sup> <http://www.dcf.state.fl.us/programs/samh/publications/fysas/09Survey/2009FYSASStatewideTables.pdf> (page 4)

The rise in state cigarette taxes creates a potential for interstate trafficking in cigarettes to avoid state taxes. The United States Congress enacted federal laws to help ensure the state's 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. The reports show to whom and where the shipments were made, the brands of cigarettes shipped, and the quantity of cigarettes shipped.

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. Florida Law 2009-79 allows direct sales into Florida and outlines the requirements for reporting and paying the associated taxes and fees.

Utilizing temporary staffing during Fiscal Year 2009-10, the division implemented a retail audit program that addresses the direct sales of cigarettes and tobacco products from a tax point of view. Retail tobacco dealers are audited to determine if there are any purchases of untaxed cigarette or tobacco products from unlicensed entities. From the direct sales of cigarettes and tobacco products to the audited retailers, the division assessed \$983,000 in additional excise taxes and surcharge. The second segment of the program involves 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 six sources, the division assessed \$305,500 in additional excise taxes and surcharge during this fiscal year. Funding was appropriated for four additional auditing positions to continue this auditing program beginning July 1, 2010.

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 taxable products to consumers in Florida. By “sampling” the issues of Internet sales of alcoholic beverages, cigarettes, and tobacco products into the state, the division has identified more than \$2.31 million in additional tax revenue that is normally lost revenue to the state. If laws are not strictly adhered to, coupled with the prevalence of fraudulent identification, the resulting workload could be significant. Developing these programs and dedicating a team specifically to the investigation of Internet sales will 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” (Section 210.011, F.S) which levied a surcharge on both cigarettes and tobacco products (other than cigars). Beginning July 1, 2009, the surcharge on cigarettes was imposed 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 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.

#### *Online Brand Renewal and Registration*

Alcoholic brands are required to be registered with the division prior to sale in Florida. Staff shortages caused the registration to take up to ten weeks hurting the business owner as well as reducing the taxes collected for a product that has not reached the market. The shortfall was increased during renewal, when all brands, more than 38,000, had to be renewed (all but approximately 3% manually). The division evaluated the use of an online system utilized by other divisions within the department for immediate registration. During this process and prior to the 2010 renewal period a notice was sent to brand registrations marketing the ability to renew their brands online. The marketing was extremely successful with 82.1% of the registrants responding by using the online renewal. This indicated that brand registrants may also utilize an online system to perform the initial registration of their brands. The online system has been

developed and was implemented July 15, 2010. The system will allow a brand registrant to complete the application process through attestation of requirements and upon payment allows the registrant to ship their brands into Florida. This process can be completed within 2 minutes, allowing the business to get their product to market in Florida and also generates revenue from the products once it reaches the shelves. If the response is as positive as the online renewal process which was more cumbersome than the new registration process, the online system should be a success and should get the products registered and on the shelves quicker.

***Division of Certified Public Accounting***

The Division of Certified Public Accounting is responsible for the examination, licensing and regulation of 34,132 Certified Public Accountants and 4,863 Certified Public Accounting firms pursuant to Chapters 455 and 473, Florida Statutes. Additionally, 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 Florida, while developing and implementing methods to improve effectiveness and efficiency in the licensing and regulatory process. Maintaining and improving licensing 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 certified public accountants to Florida. This is a result of a statute change (Section 473.308, F.S.) 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 certified public accountant certificate. The table below shows the licensing activity for the time period Fiscal Year 2005-06 through Fiscal Year 2009-10.

*CPA licensing activity five-year trend:*

<b>Activity</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
CPA Examinations	1,204	1,234	1,318	1,587	2,057
Endorsements	925	930	758	658	609
Reactivations	836	391	517	514	567
Complaints	330	248	334	323	249

Over the five-year period from Fiscal Year 2005-06 through Fiscal Year 2009-10, the number of CPA examinations has increased yearly with significant increases in Fiscal Year 2008-09 and Fiscal Year 2009-10. During this time period, the staffing level has remained constant. Statutory changes, effective July 1, 2008, reduced the education requirements making it easier for applicants to qualify for examination. This change has increased the number of applications received to sit for the exam.

The division is continuing to observe how the “mobility legislation” passed in 2009 will impact the number of license applications and the number of complaints filed. Currently there is not enough information to establish a trend and project the mobility legislation’s impact on future activity.

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

### **Condominiums**

Florida's condominium market continues to labor under the dual pressures of depressed property values and increasing foreclosures. As the challenges to Florida's economy—particularly the real estate market—continue, the division expects to see an increase in complaint volume and public records requests as unit owners scrutinize the actions of their condominium association boards. However, recent legislation aimed at spurring the sell of condominiums to bulk buyers may provide some relief to the number of foreclosures and financial woes of condominium associations which may positively affect this trend. Florida experienced a 1.3% increase in the number of condominium units from Fiscal Year 2008-09 to Fiscal Year 2009-10. During the same period, the number of public records requests and complaints received increased slightly from 4,788 to 4,791.

### **Mobile Homes**

The real estate pressures affecting the real estate markets of single family homes, condominiums and timeshares are mirrored by mobile home parks as well. The development of new mobile home parks in Florida has almost ceased. During Fiscal Year 2009-10, no new mobile home parks were established; by contrast, 11 mobile home parks closed. The division anticipates the trend of mobile home park closings to slow or cease, until the previous development pressures to convert the underlying land of mobile home parks to its "highest and best use" returns. However, as mobile home park owners seek to maximize their investment, the division anticipates an increase in the number of mobile home complaints as the residents and owners spar over the balance between the fees required for the level of service provided within the mobile home park.

### **Timeshare**

Florida, specifically the Orlando metropolitan area, continues to be the "timeshare capital of the world." However, with an acute tightening of the credit markets, the pace of timeshare purchases—typically financed—have slowed accordingly. The trending of Florida's timeshare industry will be linked to the availability of credit; industry representatives are optimistic that the once frozen credit markets are thawing.

### **Yacht and Ship**

Recreational boating continues to have a significant positive impact on Florida's economy. At last report, according to the Marine Industries Association of Florida, recreational boating contributed more than \$16 billion to Florida's economy and had an employment impact of 202,000 jobs. In support of this industry, the yacht and ship brokers section licenses brokers and investigates complaints against licensed and unlicensed brokers operating in Florida. Over the course of the 2008-09 fiscal year, the number of active yacht broker licenses ranged from 2,782 to 2,865; during the 2009-10 fiscal year, the number of active yacht broker licenses ranged from 2,659 to 2,764. Year to year, the number of complaints remained steady with the division receiving 58 complaints during Fiscal Year 2008-09 compared to 60 complaints during Fiscal Year 2009-10.

***Division of Hotels & Restaurants:***

Section 509.032, Florida Statutes, provides the division 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 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 82,600 establishments across the state.

***Completed percentage of statutorily required inspections:***

	<b>FY 2004-05</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
Percent Completed Inspections	74%	77%	83%	89%	98%	98%

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 2009-10.

***Business Volume Change From Fiscal Year 2004-05 to Fiscal Year 2009-10:***

<b>Activity</b>	<b>FY 2004-05</b>	<b>FY 2005-06</b>	<b>FY 2006-07</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>	<b>Percent Growth</b>
Food Accounts	42,277	43,216	43,983	44,664	44,697	45,327	7.21%
Lodging Accounts	36,549	36,906	36,967	36,600	37,898	37,273	1.98%
Total Accounts	78,826	80,122	80,950	81,264	82,595	82,600	4.79%
Total Inspectors	158	158	170	183	186	186	17.72%

***Thirteen Year Inspection Staffing and Account Growth Comparison :***

<b>Fiscal Year</b>	<b>Total Inspectors</b>	<b>Total Supervisors</b>	<b>Total Accounts</b>	<b>% Account Growth</b>	<b>% FTE Growth</b>
1996-1997	189	24	65,654		
2009-2010	186	17	82,600	26%	-4.7%

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 2009-10, the division completed its first full year of the centralizing 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, greater responsiveness and cost savings 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 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 upload inspection results daily, making this information instantly available to the public through the department’s Internet portal. The handheld personal digital assistant inspection system was initiated in 2003 and has seen numerous refinements since that time. The advent of improved technology brings with it advancements that will allow the division to continue moving forward in accomplishing its core mission.

Continued important reductions in foodborne illnesses indicate that the division’s aggressive attention to science based policies and effective enforcement strategies are protecting the public health and safety. Numbers provided by Florida Department of Health indicate a continuing trend for decreasing incidents of suspected and confirmed foodborne illness outbreaks in Department of Business and Professional Regulation licensed food service establishments. The statistics indicate:

- 87% decrease since adoption of the FDA Model Food Code and implementation of Food Service Employee Training in 1997
- 78% decrease since implementation of handheld personal digital assistant use in 2003 (193 to 43)
- 63% decrease since implementation of risk-based inspection in 2007 (114 to 43)

*Suspected & Confirmed Foodborne Illness Outbreaks in Florida Restaurants by Calendar Year:*

	CY 1997	CY 1998	CY 1999	CY 2000	CY 2001	CY 2001	CY 2003	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009
Number	323	243	226	210	244	193	143	134	107	114	86	67	43

*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 certain provisions and standards of the Florida Building Code as they relate to moving conveyances.

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. 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:

1. Increased monitoring of local governments with delegated regulatory authority, (complied) and
2. Amending s. 399.049, Florida Statutes, to increase the division’s enforcement authority. (complied)

Highlights of the new elevator law that became effective on July 1, 2010 include:

- Grants the division right of entry to perform its duties
- Allows the division to issue citations for unlicensed activity
- Creates new violations subject to penalty, and
- Requires certified elevator inspectors to respond to requests for information from the division regarding inspection reports.

The state continues to experience annual growth in the number of elevator accounts, and it is anticipated that this trend will continue. The following chart shows the growth change and the percentage increase of each from Fiscal Year 2004-05 to Fiscal Year 2009-10.

*Business Volume Change From 2005 to 2010*

	Year						Percent Growth
	2005	2006	2007	2008	2009	2010	
Number of Elevator Accounts	38,999	40,956	43,597	45,662	47,271	48,086	23.3%

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

Senate Bill 788

The 2009 Legislature, in Senate Bill 788, authorized the Governor to negotiate a gaming 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 permitholders 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 million by Fiscal Year 2011-12.
- Extends cardroom hours to 18 hours per day on Monday through Friday and 24 hours on weekends and holidays.
- Removes cardroom wagering limits and authorizes cardroom operators to set entry fee for tournaments.

#### Senate Bill 622

The 2010 Legislature ratified the Compact signed by the Governor and the Seminole Tribe on April 7, 2010. In addition, Senate Bill 622 provided an effective of July 1, 2010 for the provisions relating to pari-mutuel facilities that were passed in Senate Bill 788 (see above), however had not yet become effective. The compact was approved by the U.S. Secretary of the Interior upon publication of notice of approval in the Federal Register which appeared on July 6, 2010.

#### *Division of Professions*

The division is responsible for the licensing of approximately 370,000 professionals. The division administers 12 professional boards, one council, and five 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, harbor pilots, mold assessors and remediators, home inspectors, talent agencies and veterinarians. Effective October 1, 2010, the Board of Professional Surveyors and Mappers and its financial resources are transferred 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 agent, talent agency, asbestos, community association management, mold and home inspector 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.

The division also includes the Bureau of Education and Testing. The Bureau of Education and Testing was transferred from the Division of Service Operations to the Division of Professions during the 2009-10 fiscal year to align the functions and activities of the Bureau of Education and Testing with the professional board offices they serve. The Bureau of Education and Testing administers licensure examinations, processes continuing education course applications, and ensures that the license holders have met continuing education requirements prior to renewal.

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

- Applications referred to the professional boards totaled 7,261 in Fiscal Year 2007-08. That number decreased by approximately 17.44% to 5,995 in Fiscal Year 2008-09. In Fiscal Year 2009-10 the number of applications referred decreased to by 17.51% to 4,945. The recent decrease appears to reflect current economic conditions resulting in a drop-off in the professions related to the housing industry. However, the U.S. Department of Labor Bureau of Labor Statistics' current publication, "Florida Economy at a Glance" indicates a 1.6% job growth in Professional/Business (non-farm) services sectors, suggesting a possible rise in applications during Fiscal Year 2010-11.

In addition, the department has made efforts to increase 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 when applicants have 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.

- There were 1,719 disciplinary cases referred to the professional boards in Fiscal Year 2007-08. In Fiscal Year 2008-09 disciplinary cases decreased by 8.32% to 1,576. Disciplinary cases decreased to 1,449 in Fiscal Year 2009-10, a decline of more than 8%. The number of disciplinary cases in Fiscal Year 2007-08 was primarily related to construction and electrical complaints that followed active hurricane seasons in 2004 and 2005.
- Disciplinary action taken by the boards totaled 1,874 cases in Fiscal Year 2007-08. In Fiscal Year 2008-09 disciplinary cases totaled 2,246, an increase of over 19%. The large numbers of disciplinary cases during Fiscal Year 2007-08 were primarily construction and electrical-related complaints that followed active hurricane seasons in 2004 and 2005. In Fiscal Year 2009-10 the number of disciplinary actions decreased by over 25% to 1,678. It is anticipated that percentages for Fiscal Year 2010-11 may trend upward based upon the slow growth of the economy and its effects on the construction industry.
- The number of professional licenses in Fiscal Year 2007-08 was 405,027. In Fiscal Year 2008-09 the number increased less than 2% to 411,841. In Fiscal Year 2009-10

professional licensees totaled 369,325, for a decrease of just over 10%. A small increase in licensed accounts is anticipated for Fiscal Year 2010-11 based upon U.S. Department of Labor projections of economic recovery in some sectors of the economy (construction taking longer due to housing being hit hardest) and the department's efforts to reduce (where applicable) regulatory burdens for individuals who are licensed or apply for licensure with the department.

### ***Division of Real Estate***

The division is responsible for the examination, licensing and regulation of more than 305,000 real estate and appraisal professionals, 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 slowly increase during Fiscal Year 2011-12 as the real estate market continues to stabilize. Although Fiscal Year 2009-10 saw an overall decrease of 3.8% in the number of licensees, the last quarter of that fiscal year saw a 1.5% increase. During the first two months of Fiscal Year 2010-11 the number of real estate and appraisal licensees has grown by 0.5%. Additionally, with the full implementation of HB 303, requiring the regulation of appraisal management companies, the number of licensees will increase.

During Fiscal Year 2011-12 House Bill 303 will become effective. This bill requires the Department of Business and Professional Regulation to create a new license for the regulation of appraisal management companies. Additionally, the bill includes a provision to increase the size of the Florida Real Estate Appraisal Board. These two additional members will be representatives of the appraisal management company profession.

The handling of complaints and investigations is currently being streamlined to incorporate technology tools which will continue to enhance the efficiency of the complaint resolution process. The number of complaints received by the division in Fiscal Year 2009-10 has remained constant when compared to Fiscal Year 2008-09. The division believes that the number of complaints handled by the division will increase in Fiscal Year 2011-12 as a result of the new regulation of appraisal management companies. As the number of complaints increase with the regulation of appraisal management companies, the number of investigations and prosecutions will increase creating the need for additional resources.

On July 21, 2010, President Obama signed into law House Resolution 4173 – Dodd-Frank Wall Street Reform and Consumer Protection Act. This is a bill to promote the financial stability of the United States by improving accountability and transparency in the financial system and to protect consumers from abusive financial services. This bill has a direct impact on the division's appraisal components. This allows, in part, for more federal oversight of Florida's appraisal regulatory program, increases national registry fees for all appraisal licensees, requires additional

reporting to the Appraisal Subcommittee and requires the licensing of appraisal management companies.

***Division of Regulation:***

The division is comprised of several sections that are responsible for regulation and enforcement of the statutes and rules set by the Legislature, 19 boards, councils, and programs administered by the department. The units that comprise the division are Complaints, Unlicensed Activity, Investigations, Inspections, Farm Labor, Child Labor, and Alternative Dispute Resolution. The division regulates in excess of 394,000 individuals and businesses, licenses in excess of 3,000 farm labor contractors and proactively combats and reactively pursues reports of unlicensed activity. Complaint intake analysis, investigations, and inspections are the initial enforcement tools used by the division. Education and outreach are also provided to consumers to help raise public awareness about the necessity of hiring licensed professionals.

The division has eight regional offices and two satellite offices located throughout the state. Unlicensed activity sweep and sting operations are conducted as a part of the division's proactive enforcement efforts. Each regional office is charged with completing at least two sweep operations per month and two sting operations per year. Sweeps are pre-emptive enforcement actions performed in areas of known or suspected unlicensed activity, and are generally performed in conjunction with other state agencies, law enforcement or local municipal agencies. Stings are pre-emptive enforcement actions 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 Notices of Cease and Desist, issuance of citations or the opening of investigative cases. Stings and sweeps curtail unlicensed activity in our state, and provide media opportunities which can be used to increase community awareness about the department's actions and risks of hiring unlicensed individuals.

Section 455.2235, Florida Statutes gives the division authority to resolve certain complaints through the mediation process. The division's Alternative Dispute Resolution Program, in conjunction with our field investigators, facilitates agreements between professionals and consumers. This program provides economic recovery to the consumer without the time and expense of an enforcement action against the professional. This alternative to enforcement action has resulted in significant cost savings to the department, faster case resolution for the consumer, and has proven to be especially beneficial after hurricanes and/or major storms.

The division's Farm Labor and Child Labor Programs review applications and issue permits that help protect two of Florida's most vulnerable populations. Both programs verify compliance with statutes through proactive enforcement efforts that include routine checks, inspections, and investigations. These enforcement measures help protect Florida's farm workers and minors from harmful work situations and exploitation. These enforcement measures include, but are not limited to, conducting payroll audits, verifying the safety of transportation used to transport farm workers, and the cleanliness of sanitation outlets provided for farm labor personnel. The Child Labor unit conducts walk-in site visits at establishments that employ minors and check

employment records to ensure employers are adhering to proper work hours and break times for minors.

In June 2008 the division began using the OnBase computer system allowing “paperless” processing of complaints. What was once thousands of paper cases that required extensive time to review and manage are now electronic documents which are stored on the network and transmitted electronically. This new system speeds up processing times and reduces paper and storage costs.

The following is statistical data for complaints, inspections and investigations. Fiscal Year 2007-08 is used as a baseline year for complaints and investigations because it is the first average year after the volume of cases spiked as a result of the hurricanes of 2004 and 2005.

<b>Activity</b>	<b>FY 2007-08</b>	<b>FY 2008-09</b>	<b>FY 2009-10</b>
Complaints	17,129	15,899	14,501
Investigations	5,961	4,803	4,581
Inspections	16,500	17,880	18,474
Farm Labor Investigations & Inspections	3,896	5,025	4,262
Child Labor Investigations & Inspections	8,385	10,075	11,793
Sweeps	303	472	301
Sting Operations	24	33	35
Average Inspections Per Inspector	1,042	1,118	1,155
Outreach Events	240	274	318

Due to the state of the economy, the number of complaints and investigations is expected to continue remain the same unless economic conditions improve or Florida suffers major hurricane or storm damage in Fiscal Year 2010-11 that increases construction activity, unlicensed activity and related complaints.

Due to the nature of the Farm and Child Labor statutes and their organizational structure, investigations and inspections are counted as one. The number of Farm Labor investigations and inspections is expected to remain steady in Fiscal Year 2010-11. Increases in investigations and inspections are due to a strong emphasis on these inspections and the ability of the division to retain personnel.

The Legislature provided five additional investigator positions for Fiscal Year 2008-09, which has allowed staff to maintain a manageable workload and has prevented increased case processing timeframes. The average case load is expected to remain at the Fiscal Year 2009-10 level barring any major storms in Fiscal Year 2010-11. The Farm Labor Program case load is expected to remain steady in Fiscal Year 2010-11 while an increase is expected for Child Labor Program.

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. The Board of Veterinary Medicine changed the rule requiring inspections from every five years to every two years effective July 1, 2009. During Fiscal Year 2009-10, the Barbers Board changed the rule requiring inspections from annually to biennially, effective July 1, 2010. Currently, all three inspection professions are on a biennial inspection cycle. The number of inspections is expected to either remain consistent or decrease as a result in the rule change for these two boards.

The average number of inspections per inspector is expected to remain consistent with Fiscal Year 2009-10 numbers as a result of the implementation of the biennial inspection of veterinarian and barber establishments.

Outreach efforts increased consumer and licensee awareness regarding license requirements and unlicensed activity, helping to reduce the total number of complaints. The number of outreach events is expected to increase over time.

### ***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 sanctioning organizations that host events in Florida.

The daily operations of the commission are managed by an executive director, assistant executive director, two fulltime employees, one full-time and one part-time other personal services (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 mixed martial arts sanctioning organizations. The commission has implemented an application process and developed rules to set minimum guidelines and safety standards.

Amateur mixed martial arts is a new industry being regulated in Florida. As a fledgling industry, it is important that the State be assured of the impact to the health, safety, and welfare its citizens and participants alike. This new industry is anticipated to grow and bring in more amateur sanctioning organizations over time. Hosting amateur mixed martial arts events will also have a positive impact on businesses as a whole. The events will bring additional revenue to businesses such as promoters, venues, ring rental businesses, announcers, sound technicians, concessionaires, clothing distributors, etc.



The Commission is responsible for periodic compliance checks of the approved amateur sanctioning organization to ensure enforcement of approved health and safety standards and supervision of matches. It is anticipated that the number of approved mixed martial arts amateur sanctioning organizations will increase which will increase the number of amateur events in Florida. The Commission is currently monitoring the number of boxing, kickboxing and mixed martial amateur events to determine if additional staff will be necessary to ensure periodic compliance checks are conducted.

The Commission developed and distributed an information brochure on organized unsanctioned pugilistic events and continues to work closely with local law enforcement throughout the state to stop unsanctioned boxing, kickboxing and mixed martial arts competitions. The Commission actively participates in staff training seminars hosted by the department’s Division of Alcohol Beverage & Tobacco and the Division of Regulation. This training enhances the ability of department staff to differentiate between a sanctioned pugilistic event and an organized unsanctioned event.

The chart below shows the number of boxing, kickboxing and mixed marital arts events over the last four years.

Number of Events from Fiscal Year 2006-07 to Fiscal Year 2009-10

Events	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10
Mixed Martial Arts	22	33	33	32
Boxing	42	41	34	33
Kickboxing	1	0	0	0
Total Pugilistic Events	65	74	67	65

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 2009. In Fiscal Year 2010-11, it is anticipated that the total number of pugilistic events in Florida will reach or exceed 75 events.

**Revisions to Programs and Services**

*Oversight of Seminole Gaming Compact:*

On April 7, 2010, the Governor and the Seminole Tribe of Florida entered into a gaming compact. The Legislature subsequently ratified the compact in Senate Bill 622 and designated the Division of Pari-Mutuel Wagering as the State Compliance Agency with oversight of the provisions of the compact. The compact provides up to \$250,000 cost reimbursement from the Seminole Tribe for costs incurred by the division for oversight of the compact. In accordance with the provisions outlined in the compact, the division’s general responsibilities include:

- Ensure that all tribal facilities and covered games are operated in strict compliance with internal control standards that meet or exceed those set forth in the National Indian Gaming Commission’s Minimum Internal Control Standards;
- Ensure that all documents are retained in compliance with the requirements set forth in the Seminole Tribe’s Record Retention Policies and Procedures;
- Ensure that the Seminole Tribe continues to maintain a program to combat problem gambling which shall include: comprehensive training and education program on recognizing problem gamblers and appropriate actions; providing literature and printed materials on where to get assistance; establishing a voluntary exclusion list and procedures;
- Ensure that the summaries of rules for playing covered games and promotional contests are visibly displayed and made available to patrons upon request;
- Ensure that the Seminole Tribe engages and maintains proactive approaches to prevent improper alcohol sales, drunk driving, and underage drinking;
- Ensure that the Seminole Tribe employs adequate measures to prevent underage patrons from participating in covered games;
- Verify that all revenue paid the State of Florida, approximately \$ 1 billion over next 5 years, is in compliance with section XI of the compact;
- Verify that the Seminole Tribe has paid an annual \$250,000 per facility donation the Florida Council on Compulsive Gaming;
- Ensure the average minimum pay-out of all slot machines in each facility is not less than 85 percent;
- Ensure that facility employees are licensed in accordance with the Seminole Tribal Gaming Code;
- Meet with the Seminole Tribe on an annual basis to review past practices and examine methods to improve the regulatory scheme created by the compact;
- Review all reports of violation or suspected violation written and submitted by the Seminole Tribe or Commission; and
- Determine the distribution to each eligible county as outlined in Senate Bill 622.

*Reduce Regulation:*

The department continues to assess the need for regulation of Florida’s businesses and professionals. During the upcoming year, the department will continue to evaluate its business processes and licensing requirements for consistency with the Governor’s principles to streamline licensing processes and reduce regulatory burdens that do not protect the public. The department is also evaluating the necessity of various documents that are submitted as part of the licensure application process. The intent is to identify required documents that are unnecessary or irrelevant to the approval of license applications. The department is also working to increase the number of applications and supporting documents that can be submitted electronically. These efforts 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.

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

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

The Fiscal Year 2010-11 General Appropriations Act requires the expenditure of \$100,000 from the Pari-Mutuel Wagering Trust Fund to be used for research that will provide specific recommendations regarding the elimination of performance altering drugs in pari-mutuel industries.

### ***Division of Regulation***

The Fiscal Year 2010-11 proviso requests a report be submitted to the legislature by December 15, 2010, addressing unlicensed activity functions. The report contains a detailed breakout of activities, revenues, and expenditures by board and/or profession.

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

### ***Florida House Bill 713***

Signed into law 05/26/2010

This bill revises Section 475.613(1), Florida Statutes, and expands the number of members of the Florida Real Estate Appraisal Board from 7 to 9. It provides two seats to individuals that have some background in the use of appraisals, eliminates quorum issues and allows for the effective regulation of this profession. Additionally, by eliminating quorum issues the division is placed in a more positive position in meeting the federal regulatory requirements for this profession.

The addition of these two members will increase board related expenditures.

### ***Florida House Bill 303***

Signed into law 05/14/2010

This bill creates a new license type for appraisal management companies. The new law describes the application requirements (including background checks), qualifications for licensure, and standards for disciplinary actions and penalties related to appraisal management companies. The new law also revises the requirements for the retention of appraisal records, gives authority to the Florida Real Estate Appraisal Board to adopt rules to institute requirements for the protection of appraisers' signatures, and sets maximum fees for the application, registration, and renewal of licenses by appraisal management companies.

It is estimated that this new law would increase the licensee base under the regulatory authority of the Florida Real Estate Appraisal Board by several thousand. This will have a significant impact on the department in the processing of initial applications, processing renewals, and the investigation and possible prosecution of registrants.

### ***U.S. HR 4173 Dodd-Frank Wall Street Reform and Consumer Protection Act***

Signed into law 07/21/2010

A component of the recent financial regulatory reform bill of the United States Congress involves substantial changes to the federal regulatory scheme for appraisers and requires new regulation for appraisal management companies, and enhances appraiser competency provisions.

Florida is required to comply with all provision of this new law. Implementation and enforcement of these changes will create a significant impact of current resources.

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

#### **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.

During Fiscal Year 2009-10, the Division of Regulation reorganized the composition of the Farm Labor Unit in order to improve registration application processing and efficiency. Staff that handled registration and certificate issuance had been previously housed in the Central Intake Unit, but the separation between the registration arm and the enforcement arm of the Farm Labor Unit was detrimental to the efficient operation of the program. As such, three staff members were moved from the Central Intake Unit to the Farm Labor Program. This move resulted in improved application processing efficiency, morale, and provision of consumer services.

#### **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 business processes. This project has maximized the use of the department's facilities and reduced application processing times. Improvements continue to be made as ways to maximize use of the system are discovered.

#### **Versa Online Project:**

The initial phase of the Versa Project involved many aspects. For the Division of Real Estate the initial phase of the project included an option for online submission of initial applications for sales associates. The new technology made it possible to initiate and fully complete the application processing for that particular license type electronically, including the upload and submission of supporting documentation. The online option has resulted in improved efficiency

in the processing of these applications compared to the traditional method of application processing.

### **Next Steps in Automation:**

#### **Data Center Consolidation**

Senate Bill 2574, passed during the 2009 Legislative Session, directed the department 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 the department 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 the department must become a full-service customer entity by November 30, 2010.

As required by the General Appropriations Act, a transition plan was provided 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 on how the department would move its present production environments from its current locations in the Miami Data Center and Tallahassee environment to the NSRC. The transition will be accomplished in five phases as follows:

- Phase 1 – Assemble interim environment at Northwest Regional Data Center (NWRDC)
- Phase 2 - Migrate production environment from Miami to NWRDC
- Phase 3 – Relocate Miami equipment to NSRC
- Phase 4 – Relocate the department's Northwood Data Center to NSRC
- Phase 5 – Convert interim environment at NWRDC to Department of Business and Professional Regulation disaster recovery environment

Phases 1, 2 and 3 have been completed. The department is on schedule and on target for the consolidation of its existing data facilities to the Northwood Shared Resource Center by November 30, 2010.

#### **On-line Applications - Pilot Project**

The department is responsible for ensuring nearly one million business and professionals provide safe, quality services to Florida's millions of citizens and visitors. As part of this responsibility, the department regulates approximately 200 different professions and businesses. The department is striving to improve the on-line application process for its customers by leveraging the current Versa Systems (recently acquired by Iron Data, LLC) licensing product, LicenseEase. In December 2009, the department partnered with Versa Systems (Iron Data, LLC) on a pilot project to improve the current online application process for three initial application types: Real Estate Sales Associate Non-Florida Resident, Real Estate Sales Associate Florida Resident, and Cosmetologist by Exam. This pilot project involved configuring and implementing an improved online application solution that allows the following:

- Secure user registration/login;
- Forgotten password retrieval;
- Configurable question and answer text;
- Applicant to enter all required information that would be transferred into the department's database (LicenseEase);
- Applicant to upload required documents that would be ingested into the department's document management program (OnBase);
- Applicant to confirm that all information submitted was truthful;
- Applicant to receive a confirmation email with a summary of the application;
- Applicant to make payment; and
- Applicant to receive a payment summary email.

On March 24, 2010, the three application types went live and were deemed a success.

#### *On-line Applications - Remaining Professions*

During Fiscal Year 2010-2011, the department will be extending the online application process for the remaining professions that currently offer this service. The 96 online transactions and 172 renewal transactions will be developed and implemented in four releases beginning September 7, 2010. The goals and benefits of this project will be:

- To replace outdated online application processes;
- Provide the department with greater flexibility to move forward with a LicenseEase upgrade;
- Lower support costs;
- Reduce the number of documents received through the mail that must be sorted, scanned, and indexed by department staff;
- Provide a direct online interface to data in LicenseEase;
- Provide the opportunity to add additional license types and transactions in the future that are not currently available online;
- Reduce time spent by department application processing staff and call center agents on processing applications and answering questions;
- Increase the number of applications that can be fully completed and submitted online;
- Provide more self-service functionality; and
- Provide improved customer service.

#### *Streamline and Automate Registration of Alcoholic Beverage Brand Labels*

During the configuration of the three initial application types mentioned above, it was realized that modifications could be made to automate the department's current brand registration process. The registration of alcoholic beverage brand labels has historically been a rigorous and lengthy process which has been reviewed, updated, and changed numerous times over the years due to statutory modifications and improvement efforts.

In February 2010, the department began a comprehensive analysis of this cumbersome process. It was discovered that it took approximately eight weeks for a single label to be registered. Automating the process was necessary in order to provide better customer service and carry out

the department's mission – License Efficiently, Regulate Fairly. Consequently, before system configurations could be suggested or implemented, the brand registration business processes had to be reviewed. A team was formed consisting of subject matter experts, attorneys and technology staff, to review the statutory requirements for brand registration. Once the statutory review was completed, the team looked at what items the department was requiring that were no longer needed. A new process was mapped out that outlined the requirements for registering a brand based on statute. The new application was reviewed closely to ensure an applicant could complete the process of applying online.

One requirement that stood out was acquiring the Alcohol and Tobacco Tax and Trade Bureau (TTB) number and Certificate of Label Approval (COLA). The desire was to have the ability to enter the TTB number, directly link to the TTB site and retrieve the same COLA image that the TTB had on file.

Technology staff worked closely with Versa Systems to develop the solution while representatives from the department's Division of Alcoholic Beverages and Tobacco met with industry leaders to inform them of the improvements and receive their feedback. The industry was invited to participate in a demonstration of the new online process so they could see first hand how easy and quick the new process would be. Before the new process went live, the Division of Alcoholic Beverages and Tobacco updated their frequently asked questions and sent letters to all the brand registrants informing them of the upcoming changes and any pertinent information they may need to begin using the new system.

The department's new online application process for alcohol brand registrations went live July 15, 2010. A process that previously took eight weeks to complete can now be accomplished within minutes. The functionalities of the new system includes the following:

- Allows a new brand registrant to register for the first time;
- Allows an existing brand registrant to link their already existing brands to the one registrant;
- Allows a brand registrant to apply for a new brand label;
- Enables a brand registrant to enter their federal Alcohol and Tobacco Tax and Trade Bureau (TTB) number, link to the TTB site, retrieve their Certificate of Label Approval (COLA) image on file with the federal site, and attach it to their application;
- Attest that what they are submitting is true to the best of their knowledge;
- Allows a brand registrant to open multiple brand label registrations;
- Sends an email with an attached pdf application summary to the registrant;
- Allows the brand registrant to pay for one or multiple registrations at one time;
- Sends an email with an attached pdf payment summary to the registrant;
- Allows a brand registrant to ship the product once the payment summary is received; and
- Allows a brand registrant to renew one or multiple registrations at one time.

The alcohol brand registration project has been very successful. The department is also receiving inquiries from other state agencies. Specifically, Kansas Alcoholic Beverage Control requested information regarding Florida's implementation. The Division of Technology provided a web

demonstration and answered questions on how business processes were changed and how the online application was developed and integrated into the department's licensing and document management systems.

### Telephone System Upgrades

The department currently functions on an antiquated analog phone system. Additionally, the department's Customer Contact Center is using archaic software for their interactive voice response system (IVR) as well as their customer relationship management (CRM) system. During Fiscal Year 2010-11, the Division of Technology will be upgrading the existing telephone system and refreshing the IVR and CRM software. The department will be utilizing the Department of Management Services SUNCOM Telephone Equipment Premise-Based Services (STEPS) contract for developing a telephony solution. The expected gains are:

- Lower cost of ownership;
- Seamless integration with our agency-wide phone system into the Customer Contact Center's IVR and CRM software;
- Increased productivity for call center agents;
- The development of a more streamlined, easier to navigate IVR system for the department's customers;
- More easily maintained IVR and call routing strategies;
- Increased reporting of Tier-N calls that must be routed to subject matter experts; and
- More easily managed bank of phone numbers.

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

#### Information Technology

Chapter 282.34, Florida Statutes, establishes a statewide e-mail, messaging and calendaring enterprise service to be provided by the Southwood Shared Resource Center (SSRC). The SSRC, a primary data center, will centrally host, manage and operate the e-mail system. The decommissioning of all state agency e-mail systems and the migration of all agencies to the new system is statutorily required to be completed by June 30, 2013. Existing application services for both the department's Single Licensing System and Document Management System are tightly integrated into the department's existing e-mail system through system alerts, triggers and utilization of e-mail 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 software solution that supports the department's Single Licensing System. This system was implemented in 2001 when the department contracted with Accenture LLP to re-engineer its business processes. The department is running on a version of the software that will soon no longer be supported. Over the years, Versa Systems has significantly improved the software's capabilities. The enhanced product is known as Versa: Regulation. The department will be upgrading to Versa: Regulation during Fiscal Year 2011-12. Although numerous in-house resources will be devoted to this project, a



Legislative Budget Request for a special appropriation will be submitted to fund the software, hardware, and consulting costs associated with this upgrade.

# Performance Measures and Standards LRPP Exhibit II

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 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 2009-10	Approved Standards <b>FY 2009-10</b> (Numbers)	<b>Prior Year</b> Actual FY <b>2009-10</b> (Numbers)	<b>Approved</b> Standards <b>FY 2010-11</b> (Numbers)	<b>Requested</b> FY 2011-12 Standard (Numbers)
1	Agency administration and support costs as a percent of total agency costs	11.00%	11.17%	11.00%	11.00%
2	Agency administration and support positions as a percent of total agency positions	11.00%	9.90%	11.00%	11.00%

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 Requested Standards**

<b>Program: Service Operation</b>		Code: 79040000			
<b>Service/Budget Entity: Customer Contact Center</b>		Code: 79040100			
	Approved Performance Measures for FY 2009-10	Approved Standards <b>FY 2009-10</b> (Numbers)	<b>Prior Year</b> Actual <b>FY</b> <b>2009-10</b> (Numbers)	<b>Approved</b> Standards <b>FY 2010-11</b> (Numbers)	<b>Requested</b> <b>FY 2011-12</b> Standard (Numbers)
3	Percent of calls answered	90%	99.0%	95%	95%
4	Number of calls answered	1.5 million	1.142 million	1.5 million	1.2 million

<b>Program: Service Operation</b>		Code: 79040000			
<b>Service/Budget Entity: Central Intake</b>		Code: 79040200			
	Approved Performance Measures for FY 2009-10	Approved Standards <b>FY 2009-10</b> (Numbers)	<b>Prior Year</b> Actual <b>FY</b> <b>2009-10</b> (Numbers)	<b>Approved</b> Standards <b>FY 2010-11</b> (Numbers)	<b>Requested</b> <b>FY 2011-12</b> Standard (Numbers)
5	Percent of applications processed within 90 days	100%	99.7%	98%	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	107,976	125,000	125,000

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Testing and Continuing Education</b>		Code: 79050500			
	Approved Performance Measures for FY 2009-10	Approved Standards <b>FY 2009-10</b> (Numbers)	<b>Prior Year</b> Actual <b>FY</b> <b>2009-10</b> (Numbers)	<b>Approved</b> Standards <b>FY 2010-11</b> (Numbers)	<b>Requested</b> <b>FY 2011-12</b> Standard (Numbers)
8	Percent of non-deficient, complete provider and individual course applications processed within 90 days	99%	96%	99%	99%
9	Number of candidates tested	65,000	52,456	65,000	65,000
10	Number of non-deficient, complete provider and individual course applications processed within 90 days	5,116	6,431	5116	5,116

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 Requested Standards**

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79050100			
	Approved Performance Measures for FY 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
11	Percent of licensees in compliance with all laws and regulations	99.0%	99.6%	99.0%	99%
12	Percent of farm labor contractors inspected found to be in compliance with law	89%	96%	89%	90%
13	Percent of employers brought into compliance with child labor laws on follow-up investigations	89%	99%	91%	91%
14	Number of investigations and inspections - farm labor	3,300	4,262	3,800	3,500
15	Number of investigations and inspections - child labor	7,500	11,793	7,500	8,000
16	Percent of required inspections completed	100%	100%	100%	99%
17	Number of enforcement actions (Regulation, Real Estate & CPA)	70,253	61,144	70,253	65,000
18	Percent of complete applications approved or denied within 90 days	98%	93%	98%	98%
19	Percent of licenses that correct violations through alternative means (notices of non-compliance, citations or alternative dispute resolution)	41%	51%	46%	47%
20	Number of licensees	721,193	761,332	808,126	782,649

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Florida Boxing Commission</b>		Code: 79050400			
	Approved Performance Measures for FY 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
21	Number of scheduled boxing and kickboxing and mixed martial arts bouts.	525	489	525	525
22	Number of automatic medical suspensions related to fight competitions during an event.	260	270	260	260
23	Number of scheduled boxing, kickboxing and mixed martial arts events	100	65	75	75
24	Percent of applications processed within 30 days	100%	100%	100%	100%
25	Number of enforcement actions	10	10	10	10

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 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 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
26	Percent of races and games that are in compliance with all laws and regulations	99.20%	99.50%	99.20%	99.20%
27	Number of races and games monitored	77,000	69,539	72,000	65,000
28	Percent of applications processed within 90 days	100%	99.92%	100%	100%
29	Number of applications processed	18,000	29,132	18,000	27,000
30	Collections per dollar of auditing expenditures	\$1.00 per \$48.36	\$1.00 per \$42.50	\$1.00 per \$35.00	\$1.00 per \$35.00
31	Number of audits conducted	77,500	70,450	72,550	65,000

<b>Program: Pari-Mutuel Wagering</b>		Code: 79100000			
<b>Service/Budget Entity: Slot Machine Regulation</b>		Code: 79100500			
	Approved Performance Measures for FY 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
32	Percent of slot applications processed within 90 days	100%	99.76%	100%	100%
33	Number of slot applications processed	6,269	3,708	3,000	3,500
34	Percent of slot tax dollars collected compared to permitholder liability	100%	100%	100%	100%
35	Total slot revenue collections compared to slot revenue expenditures	\$698.63	\$902.04	\$698.63	\$750.00
36	Number of slot operating days (total of all slot facilities)	1,590	1,514	1,825	2,100
37	Percent of operating days inspected	100%	100%	100%	100%

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 Requested Standards**

<b>Program: Hotels and Restaurants</b>		Code: 79200000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79200100			
	Approved Performance Measures for FY 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
38	Percent of licensees in compliance with all laws and regulations for food service and public lodging establishments	86%	91%	90%	90%
39	Percent of licensees in compliance with all laws and regulations for elevators, escalators and other vertical conveyance devices	86%	94%	94%	94%
40	Percent of elevators, escalators and other vertical conveyance devices inspected according to statute	95%	95%	95%	95%
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	75%	82%	92%	92%
42	Percent of elevators, escalators and other vertical conveyance devices in sealed status that were physically observed by division	75%	77%	75%	75%
43	Number of licensees for elevators, escalators and other vertical conveyance devices	47,000	49,378	48,000	49,000
44	Percentage of elevator certificates of operation processed within 30 days	90%	98%	95%	95%
45	Number of inspections for food service and public lodging establishments	145,000	148,437	145,000	145,000
46	Number of call back inspections for food service and public lodging establishments	23,000	23,605	23,000	23,000
47	Percent of hotel and restaurant licenses processed within 30 days	95%	97%	97%	97%
48	Number of licensees for public lodging and food service establishments	80,000	82,650	80,000	81,000
49	Percent of food establishments inspected according to statute	85%	98%	98%	98%
50	Percent of lodging establishments inspected according to statute	95%	99%	99%	99%
51	Percent of accident reports submitted timely (i.e., within 5 working days of incident)	75%	88%	75%	80%

**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 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 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
52	Percent of total retail alcohol and tobacco licensees and permit holders inspected	39%	43%	43%	43%
53	Percent of alcoholic beverages and tobacco retailers tested found to be in compliance with underage persons' access	89%	90%	89%	89%
54	Number of licensees	71,541	72,391	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 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
55	Percent of license applications processed within 90 days	98%	96%	98%	98%
56	Number of applications processed	38,900	30,513	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 2009-10	Approved Standards FY 2009-10 (Numbers)	Prior Year Actual FY 2009-10 (Numbers)	Approved Standards FY 2010-11 (Numbers)	Requested FY 2011-12 Standard (Numbers)
57	Percent complying wholesale/retail licensees on yearly basis	94%	98%	94%	94%
58	Percent of retail and wholesale tax dollars identified by audit that were collected	99%	99%	99%	99%
59	Collections per dollar of auditing expenditure	\$172	\$320	\$248	\$248
60	Number of audits conducted	27,400	30,346	28,816	28,816



**LRPP Exhibit II - Performance Measures and Standards  
Fiscal Year 2011-12 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 2009-10	Approved Standards <b>FY 2009-10</b> (Numbers)	<b>Prior Year</b> Actual FY <b>2009-10</b> (Numbers)	<b>Approved</b> Standards <b>FY 2010-11</b> (Numbers)	<b>Requested</b> FY 2011-12 Standard (Numbers)
61	Percent of administrative actions resulting in consent orders	90%	87%	90%	90%
62	Average number of days to resolve cases submitted for arbitration	95	95	95	95
63	Number of cases closed (arbitration)	550	624	550	550
64	Average number of days to resolve investigations of consumer complaints	90	84	90	90
65	Number of consumer complaints closed	3,400	4,004	3,400	3,400
66	Percent of permanent licenses issued and filings reviewed as prescribed by laws	95%	100%	95%	95%
67	Total number of filings and licenses processed	4,000	2,266	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 Operations

**Service/Budget Entity:** Central Intake

**Measure:** Number of Initial 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
125,000	107,976	(17,024)	13.6%

**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 continued economic downturn and the slump in the real estate market resulted in a reduction in the number of applicants applying for state licenses. The legislation this year has added two new licensing programs which is expected to increase the number of licenses issued by the department

**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 standard that was previously approved was based strictly on an estimated applicant population. Due to the dropping Real Estate market and related trades, there is a lower target population than we had anticipated.

**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 has implemented two new licensing programs will increase the number of application received by the department. In addition, the department will also be issuing temporary licenses to military spouses who are stationed in Florida if they hold a similar license in another state.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

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

**Measure:** Percent of non-deficient, complete provider and individual course 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
99%	96%	(3%)	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 checked="" type="checkbox"/> Level of Training |
| <input type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)             |

**Explanation:**

Two vacancies within the Continuing Education Unit during high application volume periods contributed to not meeting the standard. Additionally, training of new employees on application processing procedures and use of the On-Base document imaging system contributed to the delay in processing the applications timely.

**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:**

Due to staff turnovers, there were delays in processing paperwork to hire new employees that resulted in delays in processing applications.

**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:**

Maintain the current standard for FY 2011-2012.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

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

**Measure:** Number of Candidates Tested

**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
65,000	52,456	(12,544)	19.3%

**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:**

Due to the continued slump in the economy, there are not as many applicants seeking licensure, which results in a lower candidate population at examinations. Additionally, the number of examinations administered by the Bureau of Education and Testing was reduced by two examinations. One examination (Surveyors and Mappers) was transferred to another agency and the other examination (Barbers) was streamlined to eliminate the practical portion of the examination.

**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 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:**

Due to a legislative change one profession was transferred to another agency and another examination was eliminated. Additionally, the target population decreased due to the current economy.

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

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
|-----------------------------------|-------------------------------------|

Personnel

Other (Identify)

**Recommendations:**

Maintain the current standard for FY 2011-2012.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

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

**Measure:** Number of non-deficient, complete provider and individual course 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
5,116	6,431	1,315	25.7%

**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:**

There are several factors that contribute to the increase in the number of applications processed. Some professions added various types of categories of continuing education courses required for licensees to complete. Additionally, various professions stagger the renewal of continuing education courses between even and odd number years that may increase or decrease depending on the actual year.

**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:**

Various statutes and/or rule changes that require additional categories of continuing education courses for certain professions directly impacts the number of courses submitted by providers for the newly required course categories.

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

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Training | <input type="checkbox"/> Technology |
|-----------------------------------|-------------------------------------|

Personnel

Other (Identify)

**Recommendations:**

Maintain the current standard for FY 2011-2012.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation

**Program:** Professional Regulation

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

**Measure:** Percentage of farm labor contractors inspected found to be in compliance with law

**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
89%	96%	7%	7%

**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:**

Strong investigator presence in the fields assisted in reducing the opportunities for major violations. Growers have become educated and participate in ensuring their farm labor contractors are in compliance.

**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:**

No applicable.

**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:**  
No recommendations.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

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

**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
89%	99%	10%	10%

**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:**

Staff continues to be proactive by educating and training employers of the law during walk-ins 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 checked="" 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:**

Economy: Due to the recession, employers are not hiring as many minor 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 the place of minors. Having fewer minors employed makes it easier to manage their legal limitations, resulting in fewer violations.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

No recommendations.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Professional Regulation  
**Service/Budget Entity:** Compliance and 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
3,300	4,262	962	29.2%

**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:**

During this period the program was operating at full staff with the hiring of a new farm labor investigator. Freeze damage forced late harvest at which time major enforcement sweeps were conducted and optimum number of contacts were made.

**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:**

Not applicable.

**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:**

No recommendations.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Compliance and 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
7,500	12,297	4,797	64%

**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 checked="" type="checkbox"/> Previous Estimate Incorrect | <input type="checkbox"/> Other (Identify)          |

**Explanation:**

The high performance is attributed to the filling of vacant (through retirement) Child Labor Investigator positions. Additionally, goal setting techniques, training and technical assistance have helped the investigators achieve these positive results.

**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:**

Not applicable.

**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:**

Consider raising the standard.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Professional Regulation  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Number of enforcement actions

**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
70,253	61,144	(9,109)	13%

**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 number of investigations and inspections is down from years past. The downturn in the economy and lack of natural disasters has caused a drop in 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:**

Not applicable.

**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:**

No recommendations.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

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

**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%	93%	(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 checked="" type="checkbox"/> Other (Identify) |  |

**Explanation:**

Internal factors which contribute to not meeting the 90-day standard include data input errors in LicenseEase, which reflect incorrect processing dates or incorrect status codes. On those occasions, the department has determined that the applications were, in fact, acted upon within 90 days. Other factors may include rare instances where processing delays within the Bureau of Central Intake and Licensure (CIU) cause the applications to exceed the 90-day deadline prior to their receipt in the board offices for final review. The Division of Professions has begun utilizing the OnBase system to calculate the time elapsed from the final working date of the application by CIU (the date the application is determined "complete") and the date the application is acted upon by the boards. The division also utilizes OnBase to run a 60-90 day report to provide the board offices with advanced notice of any applications that are nearing their 90-day deadlines. The reports provide accurate information and decrease the likelihood of data errors. The department intends to utilize these reports to calculate the 90-day LRPP measure beginning with the 2010-11 fiscal year report. This will provide a more accurate method of calculation.

**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       |

- Target Population Change
- Other (Identify)
- This Program/Service Cannot Fix The Problem
- 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 counted. The 90-day period is measured from the beginning of the application process until the application is ultimately approved. The department's technology staff 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. Additionally, the new OnBase reports will exclude the time in which an application is deficient.

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

- Training
- Technology
- Personnel
- Other (Identify)

**Recommendations:**

The department recommends that the approved standard of 98% should remain in effect going forward. The department should calculate this standard utilizing the OnBase system.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

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

**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
41%	51%	10	10%

**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 caused an increase in financial difficulties that impacted the number of complaints resolved through alternative dispute resolution. The number of complaints and enforcement actions totaled 14,384 in FY 2009-10, in FY 2010-11 complaints are expected to exceed 14,000.

**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:** Compliance and Enforcement  
**Measure:** Number of Licensees

**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
721,193	761,332	40,139	5.6%

**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 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 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 slow expansion of Florida's economic activity (in some sectors) contributed to positively impact the achievement of the standard. The United States Department of Labor's Bureau of Labor Statistics indicated in its publication, "Florida Economy at a Glance" net positive job growth across multiple economic sectors – including Professional/Business (nonfarm) services sectors.

**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 State Boxing Commission  
**Measure:** Number of scheduled boxing, kickboxing, and mixed martial arts bouts.

**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
525	429	(96)	18.3%

**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 reduction in the number of scheduled boxing, kickboxing and mixed martial arts bouts is a direct result of not achieving the performance measure of 100 events. The bout numbers vary depending on the size of venue and the revenue of the promoter. However a minimum of five approved bouts is required per event. The percentage difference is minimal and does not warrant a change of the approved standard.

**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:**

Florida's current economic slowdown has contributed to the lower number of events being held in Fiscal Year 2009-2010. Promoters of live events cover the costs associated with hosting an event by ticket sales and industry sponsorship revenue. Due to the decline of event ticket sales and industry sponsorship funds, promoters did not have the revenue necessary to host additional events as anticipated. As a result of fewer events, there were fewer bouts scheduled.



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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:** It's anticipated that the economy will not have a rapid recovery and the number of events will not increase in the near future. When the economy does improve, the number of live event permit applications is anticipated to increase which will directly affect the number of bouts.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Office of the Secretary

**Service/Budget Entity:** Florida State 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 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	65	(35)	35%

**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:**

During the 2008 legislative session changes were made to the live event permit fees for boxing, kickboxing, and mixed martial arts. The live event permit fee for boxing and kickboxing increased from \$50-\$250 (depending on venue seating capacity) to \$1800 and the mixed martial arts live event permit fee decreased from \$5000 to \$1800. Due to the changes in event permit fees, the Commission anticipated an increase of mixed martial arts events and a decline of boxing and kickboxing events. The event activities in Fiscal Year 2009-2010 did not increase as anticipated but remained the same as it was in Fiscal Year 2008-2009. The Commission approved 74 live event permit applications and nine (9) of the events were cancelled, resulting in a total of 65 events.

**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 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:**

Florida's current economic slowdown has contributed to the lower number of

events being held in Fiscal Year 2009-2010. Promoters of live events cover the costs associated with hosting an event by ticket sales and industry sponsorship revenue.

Due to the decline of event tickets sales and industry sponsorship funds, promoters did not have the revenue necessary to host additional events.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

The Department of Business and Professional Regulation revised the approved standard from 100 to 75. It's anticipated that the economy will not have a rapid recovery and the number of events will not increase in the near future. When the economy does improve, the number of live event permit applications will be closely monitored for an increase in number.

## 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 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
77,000	69,539	(7,461)	9.7%

**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:**

Not applicable.

**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 department did not achieve the approved standard for this measure in FY 2009/2010 due to statutory changes that allowed permitholders to operate cardrooms separate from live racing. As a result, permitholders reduced the number of races and games conducted during FY 2009/2010.

**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:**

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, although not conducting as many live performances, the facility remains open for cardroom gaming and simulcast wagering. The Division will continue to monitor all live and simulcast performances and cardroom 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 2009/2010 has decreased. Mostly due to the separation of cardroom gaming and live racing, and the arrival of slot gaming to our state. Therefore, the department requests reducing the standard for this measure from 77,000 to 65,000.

## 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
18,000	29,132	11,132	61.8%

**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 2009-10.

**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 can be attributed to the number of 30-day temporary licenses issued. Beginning July 1, 2008, the division began issuing 30-day temporary licenses to individuals who were required to submit their fingerprints for a criminal history records check (fingerprints are required upon initial licensure and every 5 years thereafter). This allowed the division time to verify each individual's criminal history prior to issuing a permanent 1-year or 3-year license. After the division receives the criminal history report, the temporary license is upgraded to a permanent license for those individuals who had no disqualifying convictions. Therefore, most individuals who were required to submit fingerprints for a criminal history check ultimately received two licenses:

a 30-day temporary license, then a 1- or 3-year permanent license. This accounts for the dramatic increase in the number of licenses issued.

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

- Training
- Personnel

- Technology
- Other (Identify)

**Recommendations:**

The division has increased its estimate for the number of applications processed in FY 2010-11 from 18,000 to 27,000.

## 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 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
77,500	70,450	(7,050)	9.1%

**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:**

Not applicable.

**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 department did not achieve the approved standard for this measure in FY 2009-2010 for several reasons:

- Permitholders are no longer required to have live racing to operate their cardroom.
- The permitholders that may operate slot gaming have cut performances back to hold only the number required by statute.

Therefore, there are fewer actual performances held and measured.



**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 72,550 to 65,000.

## 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
6,269	3,708	(2,561)	40.9%

**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 3-year slot licenses to provide an incentive to its customers to purchase them instead of 1-year licenses. This increased the number of 3-year licenses issued during FY 2007/2008 and reduced the total number of licenses issued during FY 2009/2010.

**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:**

Not applicable.

**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 will lower the approved standard for FY 2011/2012 to 3500.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulations

**Program:** Pari-Mutuel Wagering

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

**Measure:** Number of slot operating 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
1,590	1,514	(76)	4.8%

**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 original estimate based on Flagler starting slot operations in September; and Calder starting slot operations in December

**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:**

Both properties in Miami Dade County delayed opening of slot operations.

**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:**

Revise standard to 1,825

## 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%	91%	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 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:**

Not applicable.

**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 requested and the Legislature has approved a revision in the standard from 86% to 90% effective in FY 2010-2011 to accurately reflect program activities. The department also requests 90% for FY 2011-12.

## 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:**

Not applicable.

**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 requested and the Legislature has approved a revision in the standard from 86% to 94% effective in FY 2010-2011 to accurately reflect program activities. The department also requests 94% for FY 2011-12.

## 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 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
75%	82%	7%	7%

**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 division restructured its Bureau of Elevator Safety to apply additional focus on enforcement activities relating to delinquent elevator certificates of operation.

**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:**

New elevator law takes effect July 1, 2010, allows the division to issue citations for unlicensed activity.

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

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

**Recommendations:**

Recent bureau restructuring will support continuous improvement of this program activity and promote better compliance. The department requested an increase from 75% to 92% for FY 2010-11 and FY 2011-12



## 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:**

- 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
47,000	49,378	2,378	5.1%

**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:**

Not applicable.

**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 requested and the Legislature has approved a revision in the standard from 47,000 to 48,000 effective in FY 2010-2011 to accurately reflect program activities. The department also requests 49,000 for FY 2011-12.

## 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%	98%	8%	8%

**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:**

Not applicable.

**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 requested and the Legislature has approved a revision in the standard from 90% to 95% effective in FY 2010-2011 to accurately reflect program activities. The department also requests 95% for FY 2011-12.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**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:**

- |   |  |
|---|--|
| <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
85%	98%	13%	13%

**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 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:**

Not applicable.

**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 requested and the Legislature has approved a revision in the standard from 85% to 98% effective in FY 2010-2011 to accurately reflect program activities. The department also requests 98% for FY 2011-12.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**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:**

- |   |  |
|---|--|
| <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
95%	99%	4%	4%

**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 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:**

Not applicable.

**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 requested and the Legislature has approved a revision in the standard from 95% to 99% effective in FY 2010-2011 to accurately reflect program activities. The department also requests 99% for FY 2011-12.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**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:**

- |  |  |
|--|--|
| <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
75%	88%	13%	13%

**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:**

Not applicable.

**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:**

Building owners are responsible for reporting all accidents on the *Elevator Owners Accident Report* which can be accessed on the Internet. Failure to report accidents to the Bureau within 5 days is a violation of Chapter 399.125, Florida Statutes, and is punishable by up to a \$1,000 fine.

**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 requested an increase from 75% to 80% for FY 2011-12 to accurately reflect program activities.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation  
**Program:** Alcoholic Beverages and Tobacco  
**Service/Budget Entity:** Standards and 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
98%	96.4%	(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 checked="" type="checkbox"/> Competing Priorities | <input type="checkbox"/> Level of Training         |
| <input type="checkbox"/> Previous Estimate Incorrect     | <input checked="" type="checkbox"/> Other (System) |

**Explanation:**

During fiscal year 2009-10 the division implemented the OnBase document management system (a paperless processing system). While it has many benefits, it represented a major change in the way that applications are processed. Staff training and needed updates to the process methods reduced the efficiency of application processors.

The department and division also developed a new on-line registration system for alcoholic beverage brands. The development of the system took extensive work and time of key licensing staff.

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 checked="" type="checkbox"/> Other (Applicant) |
| <input type="checkbox"/> This Program/Service Cannot Fix The Problem         |   |
| <input type="checkbox"/> Current Laws Are Working Against The Agency Mission |   |

**Explanation:**

Applicants may submit an application to the division whether or not it is complete. Upon notification of deficiencies the applicant has the option to withdraw the application or the division can begin the denial process. If on the face of the application everything appeared to be correct and the applicant requested a temporary license, they are issued the temporary license and can begin selling alcoholic and/or tobacco products. Often the deficiency is not identified until the investigation of the application begins. The applicant can delay delivery of items to complete the application and/or meet the requirements for the license and still sell alcohol and/or tobacco products until due process is afforded to them. This provides a benefit to the applicant, not necessarily the citizens and visitors of Florida, depending on the deficiencies.

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

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

**Recommendations:**

The division will continue to train staff on the use of the OnBase system and will work with technology staff to make necessary modifications to the process.

The Brand on-line registration system was implemented as of July 15, 2010. Monitoring of the system will be required and modifications addressed as needed, but the impact to staff should be reduced from 2009-10 efforts.

Modifying the LicenseEase system to calculate application deficiency time (turn the timer on and off) would be considered enhancements to the system and would take funding outside of the current resources.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverages and Tobacco

**Service/Budget Entity:** Standards and 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
38,961	30,513	(8,448)	21.7%

**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:**

Not applicable.

**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:**

The division processes all applications submitted. The reduced submission of applications may be a result of the economic downturn and the changes in financing options now available to business entrepreneurs. The reduction in new business directly impacts the submission of applications.

**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:**

No recommendations.

## 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%	87%	(3)%	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:**

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 2009-10, 77 cases were recommended for administrative action and 67 cases were resolved with consent orders. However, not all of the recommendations for administrative action actually end up in the administrative process. The number of recommendations for administrative action 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 (72 cases) to the number of cases resolved with consent orders (67 cases), the percentage would be 93% 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 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:**

Not applicable.

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

Training

Technology

Personnel

Other (Identify)

**Recommendations:**

No recommendations.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business and 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 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
550	624	74	13.5%

**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 combination of a lack in turnover combined with an experienced team of arbitrators has allowed the section to exceed its performance results. Additionally, internal controls have improved case management, positively influencing the performance results.

**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:**

Not applicable.

**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:**

No recommendations.

## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**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:**

- |   |  |
|---|--|
| <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
3,400	4,004	604	17.8%

**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:**

This output measure is primarily affected by the number of complaints filed. The division experienced an increase in complaints compared to previous years. Additionally, relatively low turnover allowed the division to avoid the time loss resulting from hiring and training new staff. This allowed more time to be spent investigating 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:**

Not applicable.

**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:**

No recommendations.



## LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT

**Department:** Business & Professional Regulation  
**Program:** Florida Condominiums, Timeshares, and Mobile Homes  
**Service/Budget Entity:** Compliance and Enforcement  
**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
4,000	2,266	(1,734)	43.4%

**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 type="checkbox"/> Other (Identify)  |

**Explanation:**

Not applicable.

**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 four years: FY 2006/07 – 8,278 filings received; FY 2007/08 – 4,684 filings received; FY 2008/09 – 3,144 filings received; and FY 2009/10 - 2,521 filings received. It had been expected that the market would have made a greater recovery than it has to date.

**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:**  
No recommendations.

# Performance Measures Validity and Reliability – LRPP Exhibit IV

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business Professional and Regulation

Program: Office of the Secretary and Administration

Service/Budget Entity: Executive Direction and 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 and Administration

Service/Budget Entity: Executive Direction and 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 caller 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 caller 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-serviced 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, F.S. "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.

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 processed; 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 that 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 and Renewal Administration and Distribution manual count (RAD).

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

### **Validity:**

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

This 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 consistent with Ch. 455.273 (1), F.S., 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."

### **Reliability:**

The data source, the RAD 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: Number of initial 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:**

Data Source -The Single Licensing System (LicenseEase) provides 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.

### **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 are receive each year.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**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 from 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:** Professional Regulation

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

**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 Bureau of Education and Testing's 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 reduces 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:** 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. A system generated report is utilized to produce quarterly and annual reporting figures.

### **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:** Professional Regulation

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

Measure: Number of investigations and inspections – 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 and 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 and veterinary establishments once every two 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 and veterinary establishments require inspection biennially; 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 or manually entered 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 and 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: Compliance and Enforcement

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 determines 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 applications are processed within the statutory timeframes.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

Department: Business and Professional Regulation

Program: Professional Regulation

Service/Budget Entity: Compliance and Enforcement

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:** 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:**

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 State Boxing Commission

Measure: Number of scheduled boxing, kickboxing and mixed martial arts bouts

**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 scheduled bouts is a result of reviewing and approving or disapproving a match or fight card based on, but not limited to, the prospective participant's: weight, ability, record, and physical condition. The match or fight card is submitted by the licensed matchmaker of record, and the review process of the match or fight card is conducted by the Executive Director. Due to participant injuries, the matchmakers are allowed to propose additional matches prior to the conclusion of the weigh-in if records can be verified to the satisfaction of the Executive Director. The match and/or fight card data is maintained in the live event folder, and the data is collected by tallying the total number of scheduled bouts approved by the Executive Director following each event.

### **Validity:**

The number of scheduled boxing, kickboxing, and mixed martial arts is a measure of event workload and compliance with Rule 61K1-1.003 (2) (b), Florida Administrative Code.

### **Reliability:**

The data related to the number of scheduled bouts is maintained accurately in an Excel spreadsheet. The measure will produce the same 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 number of bouts scheduled 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 automatic medical suspensions related to fight competitions during an event.

**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 automatic medical suspensions is a result of injuries or a suspected injury sustained during a match and is maintained by the Florida State Boxing Commission staff in an Excel spreadsheet and a copy of the automatic medical suspension form issued to the participant is maintained in the participants application file and is reported to a national database. The data is collected by tallying the total number of automatic medical suspensions issued by the Executive Director following each event.

### **Validity:**

The number of automatic medical suspensions is a measure of events workload and compliance with Rule 61K1-1.037, Florida Administrative Code.

### **Reliability:**

The data related to the number of automatic medical suspensions is maintained accurately in an Excel spreadsheet. The measure will produce the same 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, 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 measure of workload 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:** Professional Regulation

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

**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 legal insufficiency dismissals and pending caseload. This measure includes data for the Division of Regulation.

The date for this performance measure originates from complaint intake. Complaints are received by the Boxing Commission office and can come from consumers, other government agencies, license holders or can be generated internally by the department. All complaints are tracked by the department's licensing system, LicenseEase, and are analyzed for legal sufficiency. Key dates and status changes are entered into LicenseEase by the staff person responsible for the case at each step of the investigation. Specific codes are also used by staff to classify the type of case in LicenseEase under investigation or dismissed.

The number of complaints received pertains to the number of complaints entered into the database during the fiscal year.

The number of investigations completed refers to the number of cases in which an investigation was performed and completed for the above referenced profession. 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 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 case 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 pending caseload pertains to all files which are either awaiting initial analysis regarding legal sufficiency or completion of an investigation.

**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 Commission to make rules to handle minor violations in an alternative manner such as mediation. This measure allows division management to make sure that cases are being handled in the proper manner.

**Reliability:**

Information is maintained and retrieved from the tracking system (LicenseEase System) designed for the department 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 spot abnormalities and to make needed corrections. All data is validated weekly and monthly by a supervisor.



## 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 and games that are 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:**

Each statute/rule violation is listed on the DBPR PMW 3340, Notice of Violation and Hearing form. Hearing Officers in each region conduct hearings for violations related to greyhound racing when necessary. Division Stewards officiate over all equine races, and record all statute/rule violations, as set forth in Section 120.80(4), F. S., on a Ruling of the Judges/Stewards Form generated from the division's licensing database, LicenseEase. Division Hearing Officers can either conduct a hearing and issues a ruling, or send the respondent a consent order to address violations related to greyhound racing. Each division Steward and Hearing Officer is responsible for entering all enforcement actions (i.e. rulings and consent orders) into the department's LicenseEase database. Each enforcement case 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 warranted. 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 Stewards and Hearing Officers assess penalties for all statute/rule violations, as set forth in law [Section 120.80(4), F. S.], by issuing either a Ruling of the Judges/Stewards or a Consent Order. The number of rulings and consent orders 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 and consent orders issued by the Hearing Officers and Stewards. 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.

### **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 conducted by each permitholder into CMS daily. 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 of Pari-Mutuel Wagering. 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 90-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 having a criminal history background check, receiving 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 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. Applications received at the field offices are reviewed by the division staff 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 90-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 having a criminal history background check, receiving 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 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, F. S., 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: Collections per dollar of auditing expenditures

**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 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. Nine 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 verses auditing expenditures.

### **Reliability:**

On a monthly basis, the division reconciles the data in CMS with the monthly remittance reports submitted by each permitholder. 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 permitholder 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 permitholders are paying the minimum statutory purse requirements.
- **Charity Proceeds** audits ensure that each permitholder 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 permitholder'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 permitholders 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, giveaways the handling of revenue from jackpots, and the related accounts 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 and no illegal activity is occurring in the cardrooms.
- **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 associations.
- **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. 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 applicant's criminal history results are 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, reviews 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 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). Unfortunately, the LicenseEase system currently does not have the capability to stop the 90-day "clock" for a deficient application and gives the appearance that the application took over 90 days to process in the system when in fact; the 90-day clock did not start until the completed application was received.

The LicenseEase database is queried every month by using two reports: one SQL query that provides the total number of current PMW records; and the other, 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 division's 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 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, 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:** 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. 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.

### **Validity:**

This measure allows the division to evaluate its work performance in processing license applications.

### **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 permit holder 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 permit holder's data or CMS data is correct. If the permit holder's data is incorrect, Tallahassee auditing personnel will contact the permit holder 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. Permit holder 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: Total slot revenue collections compared to slot revenue expenditures

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 9% is calculated by taking the number of slot positions (FTE) associated with slot revenue collection, and dividing it by the average number of slot FTEs. The percentage of 9% is applied to slot expenses, slot OPS expense, and the expense for CMS. A percentage is determined based on each FTE's revenue collection responsibility, and then is applied to actual salary and benefits expense of each FTE. 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 allows 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 section 110.117 (1), Florida Statutes. Each day, Division of Pari-Mutuel Wagering 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 the division'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 the division'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. The division 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 are recorded in the department's OnBase system for recording of the total number of inspections completed. The slot operation auditors enter the information from the slot activity into Division of Pari-Mutuel Wagering'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. 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 allows the division to determine if the facility inspection was conducted for each operating day for each facility

### **Reliability:**

Inspections are recorded in the departments OnBase system for recording of the total number of inspections completed and the division will have tax information from the facilities monitoring system which will verify operating days. This procedure indicates the percent of operating days inspected is a 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 Crystal Report 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 licensing process.

### **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 Crystal Report 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. 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.

## 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 Crystal Report called EL406A-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 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 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 Crystal Report 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 Crystal Report 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 Crystal Report 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:** 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 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 Crystal Report 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 Crystal Report 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.

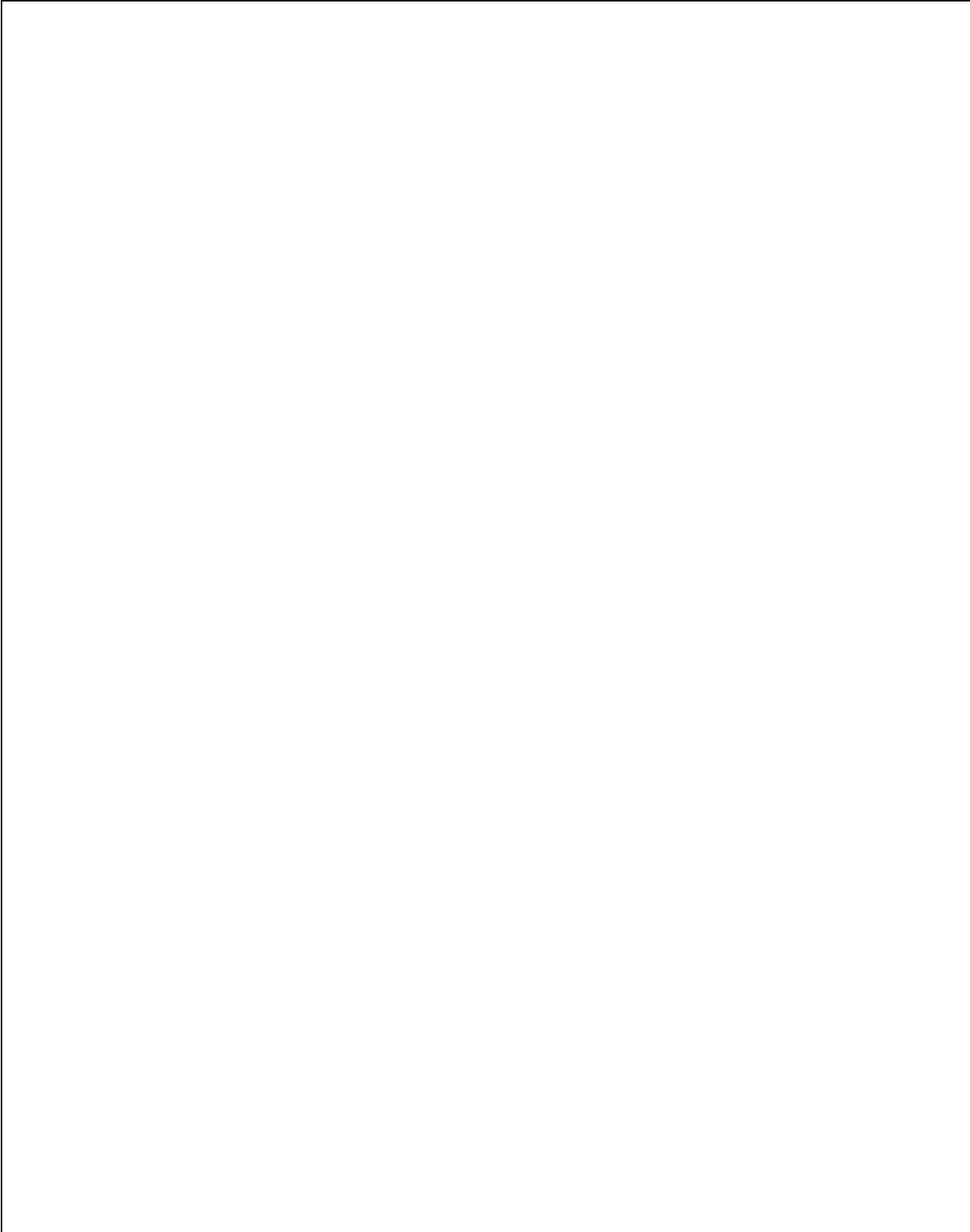
Resort condominiums and resort dwellings are not subject to statutorily mandated inspection and are not be included in this performance measure.

### **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 Crystal Report called EL606A-SUM Elevator Accident Submittal Compliance Statewide Summary. This report is run monthly and on demand by program staff. This Crystal Report 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 and 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 that 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 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** (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 list of retail alcohol and tobacco licensees is randomly 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 and 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 daily by licensing staff. 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 and 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). Brand registrants and brand applications completed using the new Brand Online registration process will be included in the calculation beginning with fiscal year 2010-11. These applications are processed by the applicant, but if not finalized will require interaction with the applicant by an application processor. There will be varying reasons for incomplete applications, some of which could cause the application to exceed 90 days.

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 and 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). Brand registrants and brand applications completed using the new brand online registration process will be included in the calculation beginning with fiscal year 2010-11.

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:**

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 six 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 2010-11 the division will be completing the implementation of 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 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. 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, and must be referred to Enforcement for administrative action. 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. With the new electronic submission system, the system will automatically record this information for reports that are submitted electronically. 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:**

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 six AB&T district auditing offices will enter this data from the cover page of each audit.

During Fiscal Year 2010-11 the division will be completing implementation of 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 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. 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.

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: Business and Professional Regulation

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 "CTMH 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 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.

**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 CTMH 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 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 and Enforcement

**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) and 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 CTMH 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 Condominiums, Timeshares, 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, 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 "CTMH 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), Florida Statutes 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 Condominiums, Timeshares, 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, 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 "CTMH 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:** Compliance and Enforcement

**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, and Timeshare Plans, 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, and Timeshares, 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 ”CTMH 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 ”CTMH 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:** Compliance and Enforcement  
**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 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, and Timeshare, the current method for tracking the number of filings processed is through the "CTMH 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 "CTMH 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 "CTMH 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

**Department of Business and Professional Regulation**

<b>LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures</b>			
<b>Measure Number</b>	<b>Approved Performance Measures for FY 2010-11</b>		<b>Associated Activities</b>
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
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		Professional Regulation Compliance and Enforcement Activities
17	Number of enforcement actions (Regulation, Real Estate & CPA)		Professional Regulation Compliance and Enforcement Activities
18	Percent of complete applications approved or denied within 90 days		Professional Regulation Compliance and Enforcement Activities
19	Percent of licenses that correct violations through alternative means (notices of non compliance, citations or alternative dispute resolution)		Professional Regulation Compliance and Enforcement Activities

**Department of Business and Professional Regulation**

<b>LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures</b>			
<b>Measure Number</b>	<b>Approved Performance Measures for FY 2010-11</b>		<b>Associated Activities</b>
20	Number of "active" licensees		Professional Regulation Compliance and Enforcement Activities
21	Number of automatic medical suspensions related to fight competitions during an event		Protect Boxing, Kickboxing and Mixed Martial Arts Participants
22	Number of enforcement actions		Protect Boxing, Kickboxing and Mixed Martial Arts Participants
23	Number of scheduled boxing, kickboxing and mixed martial arts events		Protect Boxing, Kickboxing and Mixed Martial Arts Participants
24	Number of scheduled boxing, kickboxing and mixed martial arts bouts		Protect Boxing, Kickboxing and Mixed Martial Arts Participants
25	Percent of applications processed within 30 days		Protect Boxing, Kickboxing and Mixed Martial Arts Participants
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)
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



**Department of Business and Professional Regulation**

<b>LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures</b>			
<b>Measure Number</b>	<b>Approved Performance Measures for FY 2010-11</b>		<b>Associated Activities</b>
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
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 divisor		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 Elevators
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 Alcoholic Beverages & Tobacco

**Department of Business and Professional Regulation**

<b>LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures</b>			
<b>Measure Number</b>	<b>Approved Performance Measures for FY 2010-11</b>		<b>Associated Activities</b>
58	Percent of retail and wholesale tax dollars identified by audit that were collected		Tax Collection Alcoholic Beverages & Tobacco
59	Collections per dollar of auditing expenditure		Tax Collection Alcoholic Beverages & Tobacco
60	Number of audits conducted		Tax Collection Alcoholic Beverages & Tobacco
61	Percent of administrative actions resulting in consent orders		Compliance and Enforcement Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons
62	Average number of days to resolve cases submitted for arbitration		Compliance and Enforcement Activities - Condominiums
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		Compliance and Enforcement Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons
67	Total number of filings and licenses processed		Compliance and Enforcement Activities - Condominiums; Timeshares; Mobile Homes; Yacht and Ship Brokers/Salespersons

# Agency-Level Unit Cost Summary - LRPP Exhibit VI

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF		FISCAL YEAR 2009-10			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT				129,884,731	0
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)				345,602	0
FINAL BUDGET FOR AGENCY				130,230,333	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		741,006	4.12	3,049,702	
Protect Boxers * Number of scheduled boxing and kickboxing/mixed martial arts events.		74	8,470.04	626,783	
Call Center * Number of calls, emails, public contacts		2,284,796	2.73	6,241,673	
Central Intake - Initial Applications * Number of initial applications processed		107,976	39.93	4,311,499	
Central Intake - Renewals * Number of renewals processed		505,456	1.61	816,076	
Testing * Number of candidates tested		52,456	48.78	2,558,763	
Continuing Education * Number of non-deficient, complete provider and individual course applications processed within 90 days		6,431	162.01	1,041,881	
Board Of Architecture And Interior Design * Number of enforcement actions		138	3,081.44	425,239	
Monitor Employers For Compliance With Migrant Farmworker Labor Laws * Number of Investigations and Inspections		4,262	353.02	1,504,582	
Monitor Employers For Compliance With Child Labor Laws * Number of Investigations and Inspections		11,793	56.76	669,378	
Compliance And Enforcement Activities * Number of enforcement actions.		130,683	92.75	12,120,431	
Laboratory Services * Number of blood and urine samples tested.		81,543	27.79	2,266,000	
Standards And Licensure Activities * Number of licensees		790,464	18.55	14,660,839	
Tax Collection And Auditing * Number of audits conducted.		70,450	22.90	1,613,499	
Cardrooms * Number of audits conducted.		25	4,008.28	100,207	
Pari-mutuel Number Of Slot Applications Processed * Number of Slot Applications Processed		3,708	1,199.24	4,446,800	
Compliance And Enforcement Activities For Hotels And Restaurants * Inspections and enforcement actions		148,437	132.49	19,666,725	
Compliance And Enforcement Activities For Elevators * Inspections and enforcement actions		9,464	152.96	1,447,572	
Food Service And Tenant/Landlord Education And Training * Educational packets distributed, web hits, and training seminars/workshops conducted		32,510	25.58	831,731	
Standards And Licensure Activities For Hotels And Restaurants * Number of licensees for public lodging and food service establishments		82,650	14.11	1,165,890	
Standards And Licensure Activities For Elevators * Number of licensees for elevators, escalators and other vertical conveyance devices		49,378	9.03	446,087	
Compliance And Enforcement Activities * Number of enforcement actions for Alcoholic Beverages and Tobacco		72,391	262.66	19,013,940	
Standards And Licensure Activities * Number of applications processed for Alcoholic Beverages and Tobacco		30,513	154.82	4,724,127	
Tax Collection And Auditing * Number of audits conducted for Alcoholic Beverages and Tobacco		30,346	248.38	7,537,469	
Compliance And Enforcement Activities - General Regulation (yacht And Ship) * Number of regulatory activities.		3,908	57.81	225,930	
Compliance And Enforcement Activities - Timeshare * Number of regulatory activities.		8,432	143.69	1,211,578	
Compliance And Enforcement Activities - Condominiums * Number of regulatory activities.		94,160	65.78	6,193,400	
Compliance And Enforcement Activities - Mobile Homes * Number of regulatory activities.		11,227	37.03	415,690	
Homeowners' Associations * Number of compliance actions.		254	882.36	224,120	
Condominium Ombudsman * Number of activities in fulfillment of statutory duties.		67,124	7.09	476,216	
TOTAL				120,033,827	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS					
OTHER				1,477,721	
REVERSIONS				8,718,834	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				130,230,382	

### 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

## *Glossary of Terms and Acronyms*

**Administrative Rule:** An agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the procedure or practice requirements of an agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term also includes the amendment or repeal of a rule.

**Agency for Enterprise Information Technology:** The Florida government agency within the Executive Office of the Governor responsible that makes recommendations to agency heads and the Legislature concerning information technology services that should be designed, delivered, and managed at the enterprise level as defined in s. 282.0041(8). They are responsible for monitoring the delivery and management of the enterprise information technology services as established by law and develop the state's strategic enterprise information technology plan.

**Alcoholic Beverages and Tobacco, Division of:** A division of the Department of Business and Professional Regulation that issues licenses or permits that are required for any business or person to manufacture, import, export, store, distribute or sell alcoholic beverages or tobacco. The division issues permits required for any business or person engaging in business as a manufacturer, importer, exporter, distributing agent, or wholesale dealer of cigarettes; for distributors, makers, manufacturers or fabricators of other tobacco products within the state and for distributors of cigars within the state.

**Alcoholic Brands:** Brand name of an alcoholic beverage.

**Alternative Dispute Resolution:** The use of mediation techniques to help resolve disputes between the public and licensed professionals. A successful mediation is a voluntary agreement between the complainant and licensee.

**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.

**Association of Boxing Commissions:** A non-profit corporation established to promote the continual improvement of professional boxing; professional and amateur mixed martial arts; and other professional and amateur unarmed combat sports. The Association also promotes the uniformity of health and safety standards and other requirements pertaining to the conduct of combat sports events.

**Auditor General:** The Florida Auditor General is a constitutional officer appointed by the Joint Legislative Auditing Committee. The Auditor General provides unbiased, timely, and relevant information which can be used by the Legislature, Florida's citizens, public entity management, and other stakeholders to promote government accountability and stewardship and improve government operations.

**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.

**Board of Accountancy:** Makes final decisions in the areas that affect the practice of licensees, which includes issuing licenses, taking disciplinary action, and promulgating rules when necessary.

**Board of Veterinary Medicine:** Regulates veterinarians and clinics. The board takes action on disciplinary matters and is responsible for rule amendments.

**Budget:** The totality of appropriations measures passed by the legislature. The detailed spending plan submitted by the Governor to the legislature which recommends monetary allocations for each of the departments of the state for the next fiscal year is also known as a “budget.” Using recommendations from the Governor and individual departments, each house prepares its own version of the budget.

**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.

**Cardroom:** A room for gambling on card games.

**Certified Public Accountant (CPA):** A person who has met the requirements of Florida state laws and has been issued a license to practice public accounting by the Florida Board of Accountancy. Only persons who are licensed can legally call themselves a Certified Public Accountant. As practitioners, CPA's provide accounting, auditing, tax, financial planning and management consulting services.

**Certified Public Accounting, Division of:** A division within the Department of Business and Professional Regulation that is responsible for the regulation of Certified Public Accountants (CPAs) and accounting firms. The division processes applications to sit for the CPA license, original Florida licensure applications, licensure by endorsement applications, reactivation of a delinquent or inactive CPA license, temporary permit applications, accountancy firm licensure and continuing education reporting forms. In addition, the division provides administrative support to the Board of Accountancy.

**Compact:** See Seminole Tribe of Florida Compact.

**CPA:** Certified Public Accountant.

**Elevator Safety Technical Advisory Council:** The Council provides technical assistance to the Division of Hotels and Restaurants in support of protecting the health, safety, and welfare of the public.

**Fiscal Year:** The period used for budgeting and accounting. In Florida state government, this is the period from July 1 of one calendar year to June 30 of the next calendar year.

**Florida Administrative Code:** The Florida Administrative Code contains all rules adopted by each agency, citing the grant of rulemaking authority and the specific law implemented pursuant to which each rule was adopted, all history notes as authorized in Section 120.545(7), F.S., complete indexes to all rules contained in the Code, and any other material required or authorized by law or deemed useful by the Department of State.

**Florida Building Code:** A single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in Florida and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer.

**Florida Condominiums, Timeshares, and Mobile Homes, Division of:** A division within the Department of Business and Professional Regulation that provides consumer protection for Florida residents living in the communities the department regulates through education, complaint resolution, mediation and arbitration, and developer disclosure. This division regulates Yacht and Ship Brokers, and houses the Ombudsman for Homeowners' Associations.

**Florida Real Estate Commission:** The Commission administers and enforces the real estate license law, Chapter 475, Part I, F.S. The Commission is also empowered to pass rules that enable it to implement its statutorily authorized duties and responsibilities.

**Florida Real Estate Appraisal Board:** Administers and enforces the real estate appraiser license law, Chapter 475, Part II, F.S. The Board is also empowered to pass rules that enable it to implement its statutorily authorized duties and responsibilities.

**Florida State Boxing Commission:** A commission within the Department of Business and Professional Regulation that regulates pugilistic exhibitions.

**Florida Statutes:** An edited compilation of general laws of the state.

**F.S.:** Florida Statutes.

**General Appropriations Act:** The conference committee's report resolving the differences between the separate appropriation bills of the Florida House and the Florida Senate. The committee report must be passed by both chambers of the Florida Legislature.

**Governor:** The Governor of the State of Florida.

**Hotels & Restaurant, Division of:** A division within the Department of Business and Professional Regulation that licenses, inspects and regulates public lodging and food service establishments in Florida. The mission of the division is to protect the health and safety of the public by providing the industry with quality inspections and fair regulation. The division also licenses and regulates elevators, escalators and other vertical conveyance devices under Chapter 399, F.S.



**Immigration Customs Enforcement (ICE):** The largest investigative agency in the U.S. Department of Homeland Security. Immigration Customs Enforcement was formed to protect national security, public safety and the integrity of the U.S. borders through the criminal and civil enforcement of federal laws governing border control, customs, trade and immigration.

**Information Technology Resources:** Includes data processing-related hardware, software, services, telecommunications, supplies, personnel, facility resources, maintenance, and training.

**Jenkins Act:** A 1949 federal law, the Jenkins Act requires any person who sells and ships cigarettes across a state line to a buyer, other than a licensed distributor, to report the sale to the buyer's state tobacco tax administrator. The act establishes misdemeanor penalties for violating the act. Compliance with this federal law by cigarette sellers enables states to collect cigarette excise taxes from consumers.

**Laws of Florida:** A verbatim publication of the general and special laws enacted by the Florida Legislature in a given year and published each year following the regular session of the legislature. It presents the laws in the order in which they are numbered by the Secretary of State, as well as resolutions and memorials passed by the legislature.

**Legislative Budget Request:** A request to the Legislature, filed pursuant to section 216.023, Florida Statutes, or supplemental detailed requests, for the amount 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.

**Legislature:** Florida's bicameral legislature composed of the 40-member Senate and the 120-member House of Representatives. Either house may initiate legislation on any subject. Senators serve 4-year, staggered terms and representatives serve 2-year terms.

**LicenseEase:** A single licensing system. This is a software database that integrates all licensing and regulatory functions in the department.

**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.

**Land Sales, Condominiums and Mobile Homes, Division of:** A division within the Department of Business and Professional Regulation that enforces and ensures compliance with the provisions of statutes and administrative rules relating to condominiums, cooperatives, mobile homes, vacation plans and timeshares, yacht and ship brokers and homeowners' associations.

**National Indian Gaming Commission:** As an independent federal regulatory agency of the United States, the National Indian Gaming Commission was established pursuant to the Indian Gaming Regulatory Act of 1988. The Commission's primary mission is to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to ensure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players.

**Northwood Shared Resource Center (NSRC):** A state primary data center providing consistent and secure computing services, support and continuity of service to customer state agencies.

**Northwest Regional Data Center (NWRDC):** A state primary data center providing consistent and secure computing services, support and continuity of service to customer state agencies.

**Office of Program Policy Analysis and Government Accountability (OPPAGA):** The research arm of the Florida Legislature. OPPAGA evaluates state agencies and programs and analyzes related public policies to make government better, faster, and less expensive.

**OnBase:** An enterprise content management software suite that enables the Department of Business and Professional Regulation to manage the capture, storage, delivery and retrieval of documents electronically.

**OPPAGA:** The Office of Program Policy Analysis and Government Accountability.

**OPS:** Other Personal Services.

**Outcome:** See Performance Measure.

**Output:** See Performance Measure.

**Pari-mutuel facilities:** A facility for betting on races whereby the winners divide the total amount bet, after deducting management expenses, in proportion to the sums they have wagered individually.

**Pari-Mutuel Wagering, Division of:** A division of the Department of Business and Professional Regulation that is charged with the regulation of Florida's pari-mutuel, cardroom, and slot gaming industries, as well as collecting and safeguarding associated revenues due to the state. The division has been designated by the Florida Legislature as the State Compliance Agency (SCA) with the authority to carry out the State's oversight responsibilities in accordance with the provisions outlined in the compact between the Seminole Tribe of Florida and the State of Florida.

**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.

**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.

**Professions, Division of:** A division of the Department of Business and Professional Regulation that is responsible for licensing more than 405,000 professional. The division administers 14 professional boards, three department-regulated professions and one council.

**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.

**Real Estate, Division of:** A division of the Department of Business and Professional Regulation that is responsible for the examination, licensing, and regulation of over 300,000 real estate and real estate property appraisal professionals and corporations, real estate schools, and real estate and appraiser instructors. The division provides administrative support to the Florida Real Estate Commission and the Florida Real Estate Appraisal Board.

**Regulation, Division of:** A division of the Department of Business and Professional Regulation that is the enforcement authority for the professional boards and programs. The division monitors professions and related businesses to ensure that the laws, rules and standards set by the Legislature and professional boards are followed.

**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.

**Seminole Tribe of Florida:** The Seminole Tribe of Florida is a federally recognized American Indian tribe. The Tribal Council is the chief governing body, composed of a Chairman, a Vice-Chairman and Council Representatives from each reservation.

**Seminole Tribe of Florida Compact:** An agreement between the State of Florida and the Seminole Tribe of Florida governing various gaming activities at the Seminole Tribe’s gaming facilities.

**Service:** See Budget Entity.

**Service Operations, Division of:** A division of the Department of Business and Professional Regulation that manages the Central Intake and Licensure unit, the one-stop shop for intake of applications and payments. The division also oversees the Customer Contact Center, which handles all initial interaction conducted via telephone, e-mail and the Internet.

**Standard:** The level of performance of an outcome or output.

**Southwood Shared Resource Center:** A state primary data center providing consistent and secure computing services, support and continuity of service to customer state agencies.

**Trends and Conditions Statement:** The trends and conditions statement is a narrative explanation of agency priorities and policies for the future as they relate to the agency's goals and objectives.

**Technology, Division of:** A division of the Department of Business and Professional Regulation that oversees the processes for system design, testing, planning, implementation and administration of the department's computer operations and desktop/field support.

**Technology Review Workgroup (TRW):** Provides analysis and recommendations regarding agency funding requests for information technology projects. The TRW also provides legislative oversight of strategic information technology projects that have been specifically identified in the General Appropriations Act. The TRW reports its findings and recommendations to the Legislative Budget Commission

**Totalisator:** The computer system used to accumulate wagers, record sales, calculate payoffs, and display wagering data on a display device that is located at a pari-mutuel facility.

**Trust Fund:** A special account into which certain funds are deposited and out of which funds are disbursed for a specific and exclusive purpose.

**Unit Cost:** The average total cost of producing a single unit of output – goods and services for a specific agency activity.

**United States Code:** Codification of the general and permanent laws of the United States.

**Validity:** The appropriateness of the measuring instrument in relation to the purpose for which it is being used.