

**Ken Lawson**, Secretary

**Rick Scott**, Governor

## LONG RANGE PROGRAM PLAN

Department of Business and Professional Regulation

Tallahassee

September 30, 2015

Cynthia Kelly, Director  
Office of Policy and Budget  
Executive Office of the Governor  
1701 Capitol  
Tallahassee, Florida 32399-0001

JoAnne Leznoff, Staff Director  
House Appropriations Committee  
221 Capitol  
Tallahassee, Florida 32399-1300

Cindy Kynoch, Staff Director  
Senate Committee on Appropriations  
201 Capitol  
Tallahassee, FL 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 2016-17 through Fiscal Year 2020-21. The internet website address that provides the link to the LRPP located on the Florida Fiscal Portal is <http://floridafiscalportal.state.fl.us>. This submission has been approved by Ken Lawson, Secretary.

Sincerely,

  
Ken Lawson  
Secretary

# Long Range Program Plan

Fiscal Year 2016-17 through 2020-21



# AGENCY MISSION, GOALS AND OBJECTIVES

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## **Agency Mission:**

License Efficiently. Regulate Fairly.

## **Agency Goals:**

1. Streamline government.
2. Remove barriers to business - Enhance Florida's pro-business climate.
3. Protect the health and safety of Floridians.
4. Reduce operating expenses and increase productivity.

## **Agency Objectives:**

1. Faster approval of licenses to join a profession or open a business.
2. Continuously improve and streamline business processes.
3. Provide quality assistance to our customers.
4. Reduce the difficulty and complexity of applications.
5. Reduce the time required to complete investigations.
6. Hold licensees and regulated entities accountable.
7. Streamline alcoholic beverage and tobacco sales reporting process.
8. Reduce costs associated with revenue collection.

# AGENCY SERVICE OUTCOMES AND PERFORMANCE PROJECTION TABLES

## Goal 1: Streamline government

Objectives:

### 1-1: Faster approval of licenses to join a profession or open a business

Outcome: Average time to process an application for licensure from receipt to initial review

Service: Service Operations – Central Intake Unit

Baseline FY 2009-10	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
10 days	5 days	5 days	5 days	5 days	5 days

Service: Hotels and Restaurants

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
18 days	13 days	14 days	15 days	16 days	17 days

Service: Alcoholic Beverages and Tobacco

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
10 days	7 days	7 days	7 days	7 days	7 days

Service: Pari-Mutuel and Slot machine occupational licensing

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
15 days	9 days	9 days	9 days	9 days	9 days

Service: Bureau of Education and Testing

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
30 days	10 days	10 days	10 Days	10 Days	10 Days

Service: Florida Boxing Commission

Baseline FY 2010-11	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
10 days	7 days	5 days	5 days	5 days	4 days

Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
75 days	45 days	45 days	45 days	45 days	45 days

Service: Yacht and Ship Broker

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
45 day	15 days	15 days	15 days	15 days	15 days

Service: Drugs, Devices, and Cosmetics

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
30 days	22 days	21 days	20 days	20 days	18 days

# AGENCY SERVICE OUTCOMES AND PERFORMANCE PROJECTION TABLES

**1-2: Continuously improve and streamline business processes**

Outcome: Percentage of initial applications available online

Service: Department-wide

Baseline FY 2012-13	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
29%	41%	43%	45%	47%	51%

Outcome: Percentage of renewals available online

Service: Department-wide

Baseline FY 2012-13	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
76%	84%	86%	88%	90%	99.5%

**Goal 2: Remove barriers to business - Enhance Florida's pro-business climate**

Objectives:

**2-1: Provide quality assistance to our customers**

Outcome: Percentage of calls transferred to a call agent that are answered before the call is abandoned (answer rate)

Service: Service Operations – Customer Contact Center

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
72%	90%	90%	92%	92%	92%

Outcome: Percent of satisfied customers (based on customer satisfaction survey)

Service: Service Operations – Customer Contact Center

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
85%	95%	95%	95%	95%	95%

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

Service: Service Operations – Customer Contact Center

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
70%	90%	90%	90%	90%	90%

Outcome: Percentage of calls resolved on first contact with the Customer Contact Center.

Service: Service Operations – Customer Contact Center

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
90%	90%	92%	92%	92%	92%

Outcome: Average time to respond to customer emails

Service: Service Operations – Customer Contact Center

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
5 days	3 days	3 days	2 days	2 days	2 days

# AGENCY SERVICE OUTCOMES AND PERFORMANCE PROJECTION TABLES

## 2-2: Reduce the difficulty and complexity of applications

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

Service: Service Operations – Central Intake Unit

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
72%	40%	35%	30%	30%	30%

## Goal 3: Protect the health and safety of Floridians

Objectives:

### 3-1: Reduce the time required to complete investigations

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

Service: Regulation of Boards and Commissions

Baseline FY 2011-12	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
114	90	90	90	90	90

Service: Real Estate

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
195	140	140	130	120	120

Service: Accountancy

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
111	90	90	90	90	90

Service: Condominiums, Timeshares and Mobile Homes

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
77	90	90	90	90	90

### 3-2: Hold licensees and regulated entities accountable

Outcome: Percentage of statutorily mandated inspections for compliance with laws, rules, and standards completed

Service: Regulation of Boards and Commissions

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
100%	99%	99%	99%	99%	99%

Service: Hotels and Restaurants - Food establishments

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
78%	95%	93%	91%	89%	87%

Service: Hotels and Restaurants - Lodging establishments

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
86%	97%	96%	95%	94%	93%

# AGENCY SERVICE OUTCOMES AND PERFORMANCE PROJECTION TABLES

Outcome: Percentage of call-back inspections completed within follow-up period.  
Service: Regulation of Boards and Commissions

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
100%	99%	99%	99%	99%	99%

Service: Hotels and Restaurants - Food establishments

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
90%	90%	90%	90%	90%	90%

Service: Hotels and Restaurants - Lodging establishments

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
85%	90%	90%	90%	90%	90%

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

Service: Alcoholic Beverages & Tobacco

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
82.8%	80%	80%	80%	80%	80%

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

Service: Alcoholic Beverages & Tobacco

Baseline FY 2006-07	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
91.4%	80%	80%	80%	80%	80%

## Goal 4: Reduce operating expenses and increase productivity

Objectives:

### 4-1: Streamline beverage and tobacco sales reporting process

Outcome: Percentage of businesses utilizing electronic tax filing

Service: Alcoholic Beverages & Tobacco

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
20%	70%	90%	90%	90%	90%

Service: Pari-Mutuel Wagering

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
100%	100%	100%	100%	100%	100%

### 4-2: Reduce costs associated with revenue collection

Outcome: Tax collections per auditing dollar expended

Service: Alcoholic Beverages & Tobacco

Baseline FY 2010-11	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21
\$248	\$275	\$300	\$300	\$275	\$275

# AGENCY SERVICE OUTCOMES AND PERFORMANCE PROJECTION TABLES

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Service: Pari-Mutuel Wagering

<b>Baseline FY 2010-11</b>	<b>FY 2016-17</b>	<b>FY 2017-18</b>	<b>FY 2018-19</b>	<b>FY 2019-20</b>	<b>FY 2020-21</b>
\$734	\$940	\$940	\$940	\$940	\$940



# LINKAGE TO GOVERNOR'S PRIORITIES

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During Fiscal Year 2015-16 the Governor's priorities included:

## **1. Improving Education**

World Class Education

## **2. Economic Development and Job Creation**

Focus on Job Growth and Retention  
Reduce Taxes  
Regulatory Reform  
Phase out Florida's Corporate Income Tax

## **3. Maintaining Affordable Cost of Living in Florida**

Accountability Budgeting  
Reduce Government Spending  
Reduce Taxes  
Phase out Florida's Corporate Income Tax

The Department of Business and Professional Regulation has developed complementary priorities. The department licenses nearly one million Floridians, and it is crucial for this agency to focus on the Governor's priorities "Reduce Government Spending," "Regulatory Reform" and "Reduce Taxes." By removing barriers to business and enhancing Florida's pro-business climate, 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.

In order to keep Florida's economy vibrant, the department has set goals to eliminate unnecessary, duplicative or unclear regulation.

# TRENDS AND CONDITIONS STATEMENT

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## **PRIMARY RESPONSIBILITIES, PRIORITIES, GOALS AND OBJECTIVES**

### **DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO**

The Florida Division of Alcoholic Beverages and Tobacco licenses the manufacture, distribution, sale, and service of alcoholic beverage and tobacco products in Florida, including: receipt and processing of license applications; collection and auditing of taxes, surcharges, and fees paid by licensees; and enforcement of the laws and regulations governing the sale of alcoholic beverage and tobacco products, pursuant to Chapters 210, 561-565, 567-569, Florida Statutes. Florida has approximately 71,000 active alcoholic beverage and tobacco licenses, permits, and brand registrations. Approximately \$2.11 billion in state revenue is generated annually through activities regulated by the division.

The division's three bureaus - Licensing, Auditing and Enforcement - comprise a team of approximately 330 personnel fulfilling the regulatory obligations of the Division throughout the state.

The Bureau of Licensing issues all licenses and permits for alcoholic beverages and tobacco products. The bureau reviews applications for licensure; provides guidance to licensees and industry members; and maintains records pertaining to alcoholic beverage and tobacco licenses and permits. The bureau also facilitates brand registrations and maintains the delinquent activity reports upon notification of vendor account delinquencies by licensed distributors.

The Bureau of Auditing (Tax Collection) performs audits of the licensees for purposes of tax collection and compliance with requirements of product movement throughout the state, including primary responsibility for:

- Collection of alcoholic beverage, cigarette and tobacco excise taxes;
- Conducting tax and compliance audits and reviewing product movement reports;
- Preparation of revenue sharing for the city and county distributions;
- Managing the Electronic Data Submission (EDS) system for electronic filings by taxpayers; and
- Assisting taxpayers with tax information, monthly reports, and other forms.

The Bureau of Law Enforcement is charged with the investigative and enforcement activities, including inspection of licensed premises, undercover sting operations and investigation of license applicants, and licensees and businesses who:

- Fail to file excise tax returns or have tax debts;
- Violate the state's alcoholic beverage and tobacco laws; or
- Operate as public nuisances, outside of license restrictions, or without a state license.

The Division of Alcoholic Beverages and Tobacco is currently focused on a series of regulatory, technical, and process improvements geared toward promoting exceptional service to applicants, licensees, and other industry partners. These priorities are rooted in the guiding principle of the department's mission – license efficiently, regulate fairly – and are supported by a renewed emphasis on the core values of the department's personnel – accountability, innovation, integrity, ownership, responsiveness, respect, and teamwork. The division is committed to identifying new efficiencies and improving the processes which underscore the division's regulatory relationship with businesses licensed for the sale and service of alcoholic beverages and tobacco in Florida.

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## Bureau of Licensing

In late 2015, the Bureau of Licensing will be launching a pilot phase of electronic filing of license applications based on the review and recommendations of an electronic application workgroup formed among division personnel in February 2015. The initial pilot is anticipated to introduce a common and relatively simple license application for testing and user feedback. Based on data and reviews of this pilot phase, the division will pursue modification and expansion of the applications available for electronic filing in the 2016 calendar year. Electronic filing represents a substantial step toward increased efficiencies and improvement of data for division objectives and added convenience for applicants and licensees. The acceptance of an online application will afford applicants and licensees the opportunity to avoid travel time and burdens associated with visiting a field office in person or the delay of mailing an application to the division for processing. Once an application is received online, the bureau likewise is equipped to make faster assignment of the application for processing and will be prepared to have more immediate contact with the applicant or licensee for electronic distribution of the applicable license or other correspondence where necessary.

The bureau is also undertaking a comprehensive procedure review and revision to consolidate and update procedures relied on by bureau personnel in processing the applications and forms applicable to licenses and permits issued by the division. This ongoing effort will be designed to ensure training of new personnel is comprehensive and current and will be important to continued division efforts to promote consistent license determinations and customer experience at every field office across the state.

The bureau's records management team, which maintains the records of alcoholic beverage and tobacco licenses dating to at least 1945, continues to make progress on the transition of old microfilm licensing records to more readily retrievable electronic formats. The bureau's primary objective in this records initiative is to make all licensing records available and searchable statewide from any division field office for reference by division personnel or for production upon public request. Over the next two years, the bureau plans to complete the transition of all licensing records to the department's On-Base document system.

## Bureau of Auditing (Tax Collection)

With authorization and funding received in the 2015 Legislative Session, the division's Bureau of Auditing is moving forward with phase one of the computer systems development project necessary to upgrade and advance the features of the Electronic Data Submission (EDS) system. The initial phase will focus on the writing of technical requirements based on recommendations of the EDS Gap Analysis Report, a collaborative effort of division and information technology personnel in consultation with tax-reporting industry stakeholders. Phase two, to be conducted in Fiscal Year 2016-17, will focus on the expedited development and implementation of new functions and features designed to equip bureau personnel with new, more efficient automated auditing tools and to afford more convenient, user-friendly industry reporting platforms for monthly reports submitted by tax-remitting licensees. This substantial technology advancement will provide a strong foundation for promoting more widespread industry adoption of electronic report filing and will support increased interest of the division to respond to routine industry requests for compliance audits focused on various license types. The upgraded EDS system is designed to work toward eliminating the need for manual entry of monthly tax reports and to make available critical staff resources that will be devoted to the bureau's primary function of auditing licensees regulated by the division.

# TRENDS AND CONDITIONS STATEMENT

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As the EDS system development project continues, the bureau remains focused on expanding compliance audits where possible within available resources to meet industry expectations. Of particular emphasis, the bureau is focused on increasing the percentage of special restaurant licenses audited for compliance with statutory and regulatory standards applicable to this unique license type. The division anticipates completing rulemaking related to special restaurant licenses, a rule not updated in nearly 20 years, during Fiscal Year 2015-16. The updated rule will aim to address industry stakeholder concerns, provide clarity to special restaurant licensees, and establish a reliable auditing schedule to support the bureau's goals for increasing the percentage of audits related to these licenses.

## Bureau of Law Enforcement

During the 2015 calendar year, the Bureau of Law Enforcement will strive to visit all licensed premises in operation for three years or more to conduct a full compliance inspection. Since December 2013, the bureau has been focused on refining the assignment tools available to inspectors using division data to prioritize licensed premises due for inspection. The bureau will continue to be guided by a target frequency of inspecting each licensed premise at least once every three years, unless more frequent inspections are compelled by complaints or compliance matters.

The bureau is currently tracking enforcement action data in an effort to reduce the average initial enforcement response time to within five business days of receiving a public complaint regarding an establishment licensed by the division. Notwithstanding this average response time goal, the bureau remains attentive to complaints and cases which demand a more rapid response based on the nature of the circumstances alleged in each complaint. The bureau will evaluate response time data at the end of the 2015 calendar year to assess process and workload modifications necessary to ensure this response time is consistently achieved and continually improved.

In Fiscal Year 2014-15, the bureau purchased and deployed three True Spirit authenticator systems, which are providing a new tool and a reliable method for identifying counterfeit liquor products. As these authenticator systems are assigned and rotated to field teams across the state, the bureau anticipates additional administrative cases will be pursued for violations related to refilling and counterfeit spirits. Consumer confidence in the products sold at establishments licensed by the division relies on an expectation that the product purchased is the product provided, and the division's use of these authenticator systems will advance the capabilities of enforcement personnel to identify and eliminate counterfeit or fraudulent practices at licensed establishments throughout the state.

The bureau continues to promote investigative case tracking and accountability as core strategies in reducing open caseloads, identifying regional and statewide violation trends, and expanding training opportunities for agents and inspectors in field squads across the state. Part of this effort in the current fiscal year will include continued review and updates of inspection checklists which guide inspection personnel in the comprehensive regulatory points of interest for requirements particular to individual license types. Additionally, the bureau is nearing completion of the civilianization initiative – a multi-year project to reclassify certain positions among the bureau's sworn personnel in an effort to maintain performance on core objectives and improve efficiency. One sworn position remains to be identified for reclassification to an investigative specialist (non-sworn inspector).

# TRENDS AND CONDITIONS STATEMENT

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## **DIVISION OF CERTIFIED PUBLIC ACCOUNTANCY**

The regulatory authority of the Division of Certified Public Accounting is found in Chapter 455, Florida Statutes (DBPR General Provisions), Chapter 473, Florida Statutes (Public Accountancy) and Chapter 61H1, Florida Administrative Code (Board of Accountancy).

Section 473.3035(1), Florida Statutes, establishes the division's duties relating to the examination, licensing and regulation of public accountancy for the purpose of protecting the public welfare. This section charges the division with recordkeeping services, examination services, legal services, investigative services, support of the Florida Board of Accountancy and those services outlined in Chapter 455, Florida Statutes, necessary to perform the duties outlined in Chapter 473, Florida Statutes.

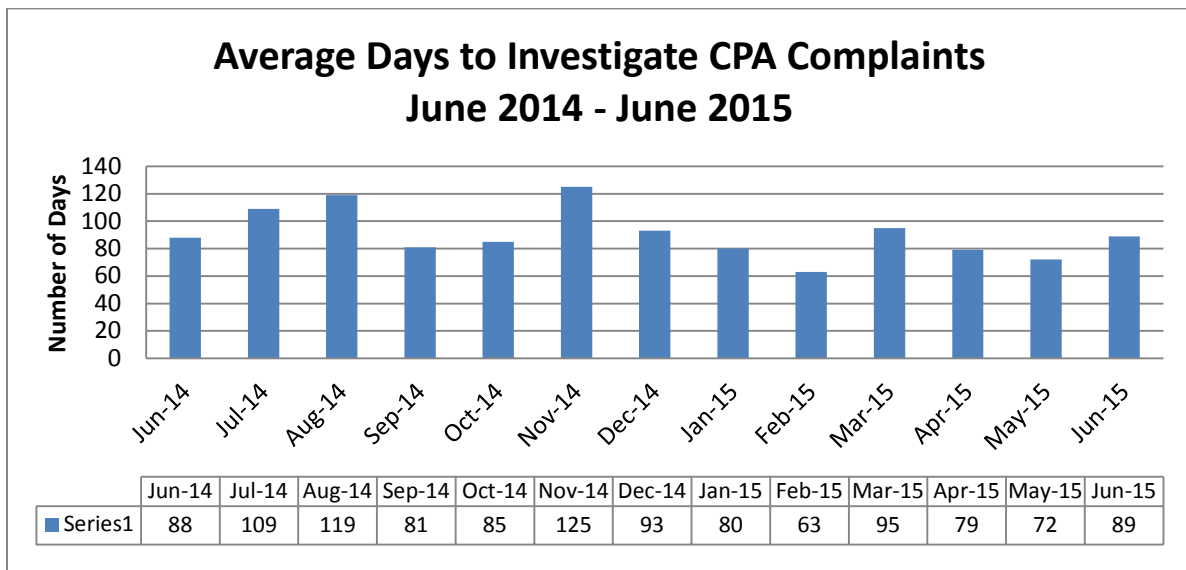
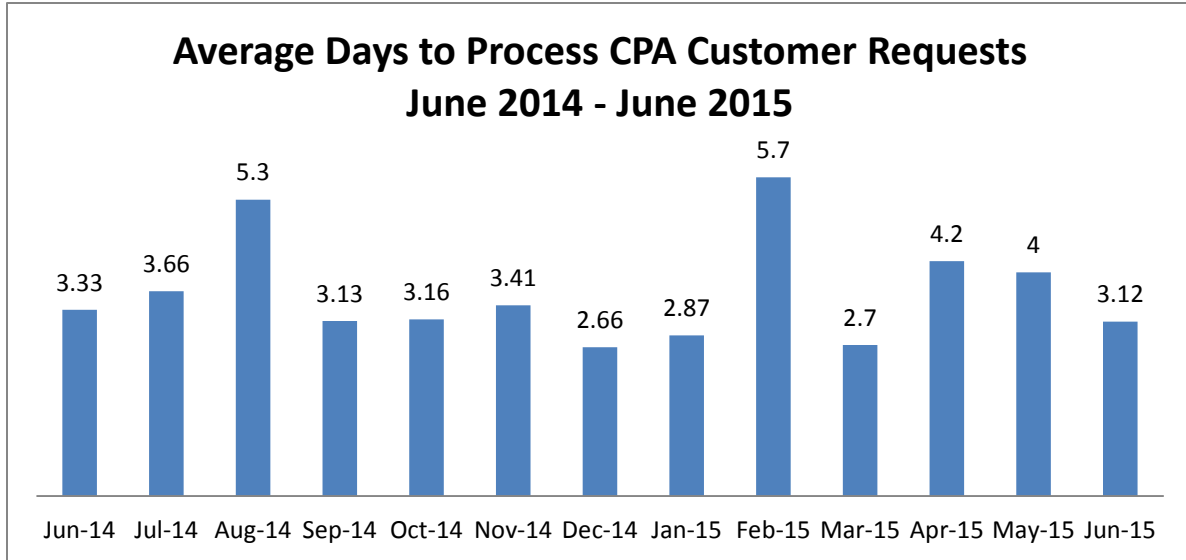
Section 473.303, Florida Statutes, provides for the creation of the Florida Board of Accountancy. The board consists of nine members: seven certified public accountants (CPAs) and two consumer members. The board's responsibilities are to approve or deny the issuance of licenses, certifications, and permits; take disciplinary action against licensees; and adopt rules, including licensing qualifications, examination standards, standards of practice and standards for continuing professional education.

Division staff is responsible for the overall management and supervision of the division, as well as handling administrative functions such as processing verification of licensure and exam grades for other states, tracking discipline, providing industry education through speaking engagements and participation at industry related tradeshows. The division provides direct administrative support to the board and investigates licensed and unlicensed complaints. The division processes applications for ethics continuing professional education sponsors, applications for examination and licensure of individuals, and applications for firms.

The division supports the department's mission to license efficiently and regulate fairly. The division's priorities include timely processing applications and conducting investigations. The chart below represents, in days, the average time to process CPA customer requests, including examination and licensure applications.

In the 2013 General Appropriations Act, the division received additional positions to enhance prosecution and enforcement efforts. For the 12 month period prior to July 1, 2013 the average days to investigate a CPA related complaint was 228 days. For Fiscal Year 2013-14, the average was reduced by 59% or 134 days. For the Fiscal Year 2014-15, the average was reduced to 91 days.

# TRENDS AND CONDITIONS STATEMENT



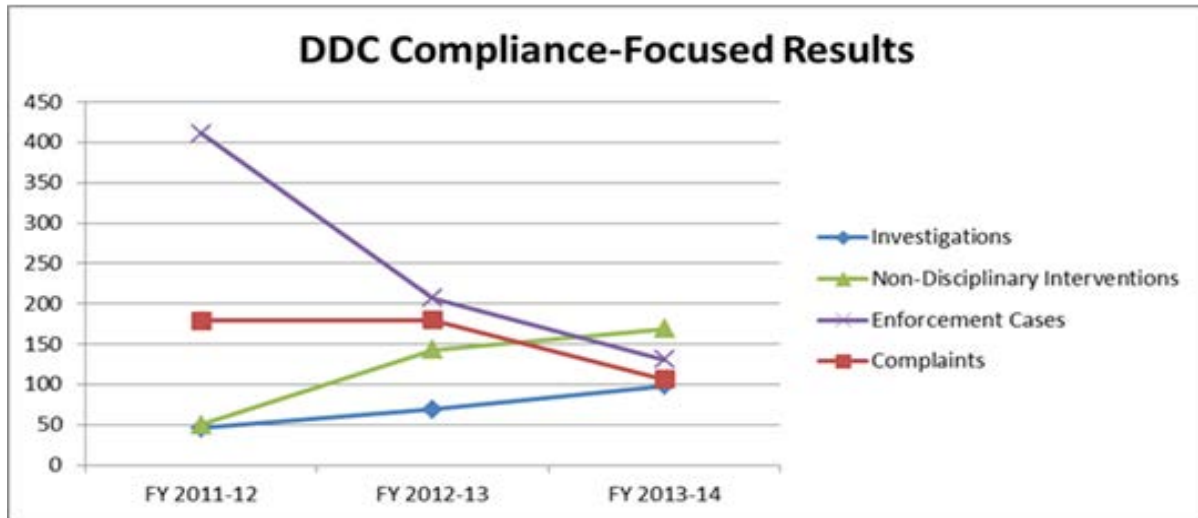
**DIVISION OF DRUGS, DEVICES AND COSMETICS**

Pursuant to Chapters 20.165 and 499, Florida Statutes, the division is responsible for safeguarding Florida’s public health through inspections, investigations and audits calculated to secure compliance with applicable federal and state laws and rules relating to the manufacturing and distribution of drugs, devices, and cosmetics. The division protects the public from injury due to the use of adulterated, contaminated, misbranded drugs, drug ingredients, and cosmetics.

The division’s focus is on effectively and efficiently administering Florida’s licensing and regulatory framework in a manner that is consistent with the framework established by the federal government and the department’s mission to “license efficiency, regulate fairly.” The division is seeking to increase and improve its use of the department’s technological resources to facilitate the online submission of initial and renewal permit applications. As evidenced by the

# TRENDS AND CONDITIONS STATEMENT

chart below, the division's compliance-based approach to regulation has led to an increase in non-disciplinary interventions and a decrease in enforcement actions.



The division is working with industry stakeholders to collaboratively ensure that the division's decisions protect the public while preserving and promoting the growth of the manufacturing industry within the state. The division's future plans include the implementation of a risk-based inspection program which will further optimize the use of the division's scarce resources.

## **DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES**

The Division of Florida Condominiums, Timeshares and Mobile Homes is charged with providing consumer protection for Florida residents living in the communities we regulate through education, complaint resolution, mediation and arbitration, and developer disclosure.

In keeping with the department's mission: license efficiently, regulate fairly; the division's chief priority is to ensure that services are provided efficiently and fairly. To that end, the division has set the following goals:

- Migrate to an online filing and docket system for arbitration;
- Continue to improve on the average case resolution times within the Bureau of Compliance by four percent (4%) with a target of 54 days;
- Establish a Community Association Manager/Condominium Task Force to reduce the duplication of investigation efforts by the Division of Florida Condominiums, Timeshares and Mobile Homes and the Division of Regulation.

## **DIVISION OF HOTELS AND RESTAURANTS**

Chapter 509, Florida Statutes, provides the Division of Hotels and Restaurants with responsibility and jurisdiction for conducting inspections of food and lodging establishments. Each food service establishment must be inspected on a risk based frequency at least once and not more than four routine inspections annually. Each licensed transient lodging 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 vacation rentals and time share projects are not subject to this requirement, but must be made available to the division for inspection upon request.

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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 division is required to enforce the provisions of Chapter 399, Florida Statutes, and Chapter 61C-5, Florida Administrative Code.

Regulatory responsibility focuses on deterring violations and increasing compliance with the laws and rules regulating the division’s licensed businesses and professionals through inspections, complaint processing, enforcement and disciplinary actions. This includes inspecting food and lodging establishments and enforcing Florida’s elevator laws to ensure the safety of persons using vertical transportation.

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.” In the years since this report, the division received a total of 33 additional food service and lodging inspection positions, increasing the total to 191 inspectors covering more than 90,000 establishments across the state.

The table below shows the percent of statutorily required inspections that were completed by fiscal year beginning in Fiscal Year 2004-05.

	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
Percent Completed Inspections	74%	77%	83%	89%	98%	98%	98%	99%	99%	99%	98%

The Bureau of Elevator Safety licenses and regulates elevators, escalators, and other vertical and inclined conveyance devices. 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 monitoring 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 51,000 conveyances continues to increase because of growth in new elevator construction and registration of new private elevator inspection firms doing business in the state.

	LY 2004-05	LY 2005-06	LY 2006-07	LY 2007-08	LY 2008-09	LY 2009-10	LY 2010-11	LY 2011-12	LY 2012-13	LY 2013-14	LY 2014-15	% Growth / Improvement
Number of Elevator Accounts	38,999	40,956	43,597	45,662	47,271	48,086	49,552	50,074	50,952	50,209	51,078	31.0%
Percent of Elevators with Zero Violations and Current License	55.9%	68.8%	94.1%	94.3%	94.6%	94.9%	97.2%	97.2%	97.8%	98.6%	98.5%	76% Improvement



# TRENDS AND CONDITIONS STATEMENT

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## **DIVISION OF PARI-MUTUAL WAGERING**

In Florida, pari-mutuel wagering is authorized for horse racing, harness horse racing, greyhound racing, jai alai games, and cardroom poker games. Additionally, slot machine gaming at pari-mutuel facilities is authorized in Broward and Miami-Dade Counties. Florida is one of the primary pari-mutuel states in the nation, and is the leading state in greyhound racing, as well as a major horse racing state. Florida is also the only state in the United States where live jai alai games are conducted.

The Division of Pari-Mutuel Wagering is charged with the regulation of Florida's pari-mutuel, cardroom, and slot gaming industries, as authorized by Chapters 550, 551, and s 849.086, Florida Statutes, as well as collecting and safeguarding associated revenues due to the state. The division is also the State Compliance Agency (SCA) pursuant to s. 285.710, Florida Statutes, responsible for monitoring compliance with the provisions of the Gaming Compact between the Seminole Tribe of Florida and the State of Florida

The division's primary responsibilities include ensuring integrity of the gaming activities authorized at pari-mutuel facilities; ensuring the safety and welfare of racing animals; collecting state revenue accurately and timely; issuing occupational and permit holder operating licenses; regulating cardroom and slot machine operations; and ensuring that permit holders, licensees, and totalisator companies comply with Chapters 550, 551, and s. 849.086, Florida Statutes.

## **DIVISION OF PROFESSIONS**

Pursuant to Chapter 455, Florida Statutes, the department's Division of Professions is responsible for the licensing of over 415,000 professionals. The division's organizational structure includes the Director's Office, the Board/Council Offices, Florida Building Codes and Standards and the Bureau of Education and Testing.

The division administers 12 professional boards, one council, one commission and five department-regulated professions. The professions include: architects and interior designers, asbestos consultants and contractors, 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. The division includes four shared board offices and the Construction Industry Licensing Board office. The staff of each board office provides support for multiple boards. The shared offices' principal duties include: scheduling board meetings, preparing agendas, assembling applications and disciplinary files for board review, attending and providing support during board meetings, and tracking discipline.

The department is responsible for issuing licenses and taking disciplinary action for the athlete agent, talent agency, asbestos, community association management, mold assessors and remediators and home inspector professions. Each board meets between four and 12 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 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 Bureau of Education and Testing (BET) has responsibility for exam development and administration, processing continuing education provider and course applications and

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monitoring licensees to ensure that the license holders have met continuing education requirements.

The Office of Codes and Standards is also administered by the division and includes the Florida Building Commission (commission) and programs related to the Florida Building Code and the Manufactured (Modular) Building Program. The primary responsibility of the commission is to update the Florida Building Code (Code) every three years, modify the Code through the “glitch” amendment process, and issue interpretations of the Code. The commission administers the Product Approval System; an optional statewide approval for eight specified products: panel walls, exterior doors, roofing products, skylights, windows, shutters, structural components and impact protective systems. Since January 1, 2014, the office’s technical staff has performed the administrative functions that had previously been performed by an outside contractor resulting in significant savings to the State that the commission anticipates passing on to its customers. During Fiscal Year 2014-15, approximately 3,000 product approval applications were processed. The commission also administers the accreditation program to review advanced course applications to ensure compliance with the Florida Building Code. During Fiscal Year 2014-15, the commission processed 64 advanced course applications.

The Manufactured (Modular) Building Program ensures structures built in a manufacturing facility are designed, constructed and inspected in compliance with the Code. In Fiscal Year 2014-15, the Program processed 27,443 insignias (decals) for manufactured buildings. Insignias were processed for 248 factory-built schools, 1,430 manufactured buildings and 25,739 sheds.

On July 1, 2011, the department initiated the “ApplyNow!” project to revise the applications of nineteen professions. The project identified application issues that caused the greatest amount of deficiency letters and applicant confusion. The applications and instructions were revised to address the identified problems. The revised forms resulting from this process were then adopted through the rulemaking process.

The division has continued its efforts with a quality control process designed to enhance and engrain its cultural focus on determining what processes make customers successful, measuring those processes, and improving their performance. “CustomerSuccess!” provides a permanent process to build upon the gains achieved through the “ApplyNow!” project and reinforces the Division of Professions’ commitment to the success of our customers. “CustomerSuccess!” seeks to improve business processes and streamline work flow; improve the online application process and accessibility; and improve performance metrics through the coordinated efforts of “Performance Action Teams” (PATs). This has been a successful initiative and has assisted the division in meeting agency objectives for faster approval of licenses to join a profession or open a business, providing quality assistance to customers, and reducing the difficulty and complexity of applications.

In addition, the department continues to make 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 noncontroversial applications by the department, without having to wait for a scheduled board meeting, allows for more expedient licensure.

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A few of the objectives achieved by the division during Fiscal Year 2014-15 were:

- The deficiency rate for paper licensure applications decreased to 28%;
- The overall deficiency rate for both paper and online applications remained at just over 30%;
- The percent of escalations (customer inquiries from the Customer Contact Center) remained at 1% as a result of improved communication within the business units and recurring annual training;
- In State Fiscal Year 2014-15, claim payouts from the Homeowner's Construction Recovery Fund totaled \$4,635,422.99 and provided restitution to 184 claimants, compared to Fiscal Year 2013-14 payout of \$6,162,737 to 392 claimants (funding in Fiscal Year 2014-15 was \$5,500,000, in Fiscal Year 2013-14 funding was \$8,000,000);
- The Florida Building Commission processed approximately 3,000 product approval applications (all of which were processed by staff);
- The Bureau of Education and Testing administered an additional 8,140 professional Computer Based Testing examinations from the previous year;
- The Bureau of Education and Testing vendor administered 91,698 examinations, and an additional 177 exams to military personnel at out of state and overseas bases.

## **DIVISION OF REAL ESTATE**

The Division of Real Estate is responsible for the examination, licensing and regulation of more than 350,000 real estate and appraiser 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 (FREC) and the Florida Real Estate Appraisal Board (FREAB).

The division's priorities are to provide quality customer service, quick and quality processing of initial license applications, as well as applications from our existing licensees. In addition, the division strives to fairly and efficiently regulate to ensure public safety by processing, investigating and where appropriate, prosecuting complaints; proactively conducting office inspections and audits; and educating through outreach programs.

The division works diligently to ensure compliance with current appraiser standards as set forth by the federal government, most notably Title XI and the Dodd Frank Act which govern state appraiser regulatory programs. The division works to stay informed on the current trends and conditions of our license programs and related industries through participation in organizations such as the Association of Real Estate License Law Officials (ARELLO), the Appraiser Regulatory Officials (AARO), and The Appraisal Foundation (TAF).

The division's objectives are to provide a quality licensing program for both our real estate and appraiser licensees; to provide information that is crucial to licensure and ensure that the public is protected from unlicensed individuals and entities through enforcement and education.

## **DIVISION OF REGULATION**

The Division of Regulation's regulatory responsibility focuses on deterring violations and increasing compliance with the laws and rules regulating the department's licensed professionals and businesses through inspections, investigations, complaint processing, mediation, enforcement and disciplinary actions. Additionally, the division regulates the child and farm labor laws which are designed to protect the health, and welfare of minors and farm workers working in Florida.

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Section 455.223, Florida Statutes, provides the authority for the division to conduct inspections on its own or whenever requested by a professional board. The statutes for the Boards of Cosmetology, Veterinary Medicine and Barbers, are s. 477.025, s. 455.243, s. 474.215 and s. 476.184, Florida Statutes, respectively. These statutes provide authority for the boards to establish by rule, an inspection process to ensure compliance is achieved. Section 455.2235, Florida Statutes, provides the division the authority to resolve certain complaints through the mediation process. Chapter 450, Parts I and III, Florida Statutes, provides the authority for child and farm labor and Chapter 447, Part I, Florida Statutes, provides authority for labor organizations.

The division inspects Florida's professional establishments to ensure compliance with necessary sanitation and 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.

## **DIVISION OF SERVICE OPERATIONS**

The Division of Service Operations (DSO) serves as the primary and centralized source of interaction with the department's constituents. The activities of the division are governed by Chapters 20, 23, 116, 120, and 455, Florida Statutes. The main responsibility of the division is to provide operational support to the Department's professional boards and business units. This is accomplished through the division's Customer Contact Center (CCC) and Bureau of Central Intake and Licensure (BCIL)

The CCC provides applicants, license holders and the general public access to licensure information through the assistance of an interactive voice response system, a call agent or the department's Internet page. The CCC currently employs 65 full time call agents, of whom 29% are bilingual. The CCC handles approximately one million calls and 65,000 emails per year. The current answer rate for our customers is 98.65% with an average wait time of 26 seconds.

The BCIL is the one-stop shop solution for intake of licensure applications and payments for 26 professions regulated by the Department. The primary functions of the bureau include mail intake, payment processing, applications processing and licensing maintenance. Collectively, the bureau's functions and the infrastructure provide a seamless process to license applicants in an expedient manner. The current average processing time for initial licensure applications is 2.83 days.

The division's main goal is to provide premier centralized services to licensees, applicants and the general public in order for professionals and businesses in Florida to be licensed as quickly as possible. The division is committed to exceeding customer's expectations through the quick and convenient access to the CCC and the accelerated processing time of each professional license application that is received in the BCIL. Over the next fiscal year, the division will continue to focus on the following objectives:

- Expedient processing of license applications;
- Online license renewal and payments;
- Self-printing licenses;
- Online application forms and submission of supporting documents;
- Reduced wait time for agent assisted calls.

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## **DIVISION OF TECHNOLOGY**

The Division of Technology is established by s. 20.165(1)(k), Florida Statutes, and consists of 57 full-time staff headed by the department's Chief Information Officer (CIO). The division oversees design, testing, planning, implementation, administration and support of the department's technological resources. The division handles development and maintenance of DBPR's corporate database application system, Versa: Regulation, and its centralized document management system (OnBase). Other responsibilities include development and maintenance of department telephone and wireless services; custom search and inspection applications for the Apple® iPad; Internet/Intranet presence; and various enterprise and web-based applications. The division coordinates directly with the state data centers to ensure uninterrupted services to department employees, licensees and the public.

The Division of Technology strives to maintain consistent technological support for its internal and external customers with minimal interruptions in services and seamless integration of improvements. Staff must constantly stay aware of rapid advances in technology; compatibility and interaction of diverse systems; and changes in vendor maintenance support to ensure continuity in the department's licensing and regulation activities. For these reasons, the division has emphasized upgrades of its major technological systems to ensure functional improvements and continued vendor support.

The division successfully completed its 2014 strategic goals: upgrading all computers to Windows 7 and Office 2010, upgrading the OnBase document management system, and increasing availability of online services. The division's goals for the 2015 calendar year include: upgrading email storage to Enterprise Vault (EV) cloud, enhancing public records email search capabilities, adding the ability to file consumer complaints online, enhancing the mobile application to incorporate license renewals and digital license viewing, and replacing 60% of the outdated SeeBeyond middleware with MuleSoft.

## **FLORIDA STATE BOXING COMMISSION**

The Florida State Boxing Commission regulates professional boxing, kickboxing and mixed martial arts and approves amateur sanctioning organizations pursuant to Chapter 548, Florida Statutes and Rule Chapter 61K1, Florida Administrative Code. The Commission's mission is to protect the health and welfare of participants and to maintain the integrity of the combat sports industry.

The daily operations of the Commission are managed by an executive director, three full-time employees and two that are part-time. In addition, part-time 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 through license/live event permit fees, fines, and taxation on gross receipts associated with live events.

The Commission is responsible for periodic compliance checks of the approved amateur sanctioning organizations to ensure enforcement of approved health and safety standards and supervision of matches. The Commission has delegated this activity to the Department's Division of Regulation.

The Florida State Boxing Commission's top priority is protecting the health, safety and welfare of those involved in the combat sports industry. In addition, the Commission strives to provide excellent customer service consistently to our licensees and improve our business processes to better serve our clientele.

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### DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO

#### Responding Effectively to Trends of License Growth

In Fiscal Year 2014-15, the division observed an increase in the current licenses in active operation of approximately 4,633 licenses. The increases are primarily attributable to the following license categories identified with the amount of increase: Alcoholic Beverage Wholesale (68); Alcoholic Beverage Retail (623); Cigarette Wholesale (18); Tobacco Wholesale (12); and Retail Tobacco (3,912). Additionally, weekly data on a range of workload, process, and performance factors compiled by the division's Bureau of Licensing reflects corresponding increases in licenses issued by the division. In particular, the following factors show increases in regulatory workload to facilitate the increase in licenses based on a comparison of data from Fiscal Year 2013-14 and Fiscal Year 2014-15: customers assisted with applications, forms, or other license information (3,114); fingerprint and background documents reviewed (1,438); and lien additions, searches, and releases (1,865).

The increase in the number of licenses and other license activities outlined above have been accommodated and performed without an increase in staff for the division's Bureau of Licensing. However, increases in the license population have an impact on more than one-time licensing transactions. Each new license issued carries corresponding workload increases throughout the division's regulatory functions for the duration of the operational lifetime of the license, including, but not limited to: initial application and ongoing random premises inspections, monthly reconciliation of tax reporting (wholesale licenses), tax audits (wholesale licenses), compliance audits (all licenses), and a series of additional licensing transactions if pursued by the licensee (change of officers, change of legal entity, change of location, increase/decrease in license series, etc.). During Fiscal Year 2014-15, approximately 158,763 license maintenance transactions/applications were processed by the division, including but not limited to change of officers, change of address, and temporary or permanent extension of licensed premises.

The division anticipates continued increases in the license population regulated by the division based on current data trends and recent legislative changes. In particular, licenses of malt beverages manufacturers (CMB Series) and licenses of vendors located adjacent to malt beverages manufacturers are of increasing interest following the clarifying and loosening of certain tied-house evil restrictions provided by Senate Bill 186 (2015) as signed by the Governor following the 2015 Regular Session. As craft beer continues to see increases in market share nationally, Florida is continuing to facilitate increased interest in the licenses authorizing the manufacture of malt beverages and adjacent licenses for the on-premises sale of malt beverages manufactured at craft breweries throughout the state. This particular license type increase adds a unique burden to the division's operations, due in part to the added monthly reporting element and tax audits necessary to monitor compliance of certain privileges the CMB/Vendor combined licenses enjoy in the movement of manufactured products from the manufacturer premises to the vendor premises without being handled first through the distributor tier. Each new license combination under these expanded statutory privileges represents a new tax-remitting entity that is subject to monthly auditing workloads in addition to increased licensing and enforcement matters.

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If the license population continues this growth trend, the division will continue to make efforts to maintain processing performance on all license transactions by identifying efficiencies and reviewing processes which impact timing and performance on routine workload assignments. In the division's Bureau of Enforcement, particular focus on technology employed for inspection activities has already proven beneficial in maximizing inspection productivity to meet the demands for application processing and prioritization of routine inspections to meet the division's target inspection frequency for active licenses. The bureau developed a technology query to use when identifying locations for scheduling daily licensed premises inspections and is using this query to generate a list of premises in a region which have not been inspected within the past three years of the query date. The query enables inspectors to prioritize inspection scheduling on locations requiring an inspection in order to meet the division's target frequency for inspections while also satisfying inspections related to applications for new licenses. Other strategies to adapt to increased workloads in licensing and auditing may be necessary as the division tracks license population growth and related regulatory burdens in the next fiscal year.

## Promoting Active Operation of Quota Beverage Licenses

Quota beverage licenses issued pursuant to s. 561.19, Florida Statutes, are required to meet statutory operating standards set forth in s. 561.29(1)(i), Florida Statutes, unless the licensee obtains a waiver of the operating requirements pursuant to the circumstances specified in the statute. In particular, the quota beverage licensee must maintain the licensed premises in an active manner in which the licensed premises are open for business to the public for the bona fide retail sale of authorized alcoholic beverages during regular and reasonable business hours for at least 8 hours a day for a period of 210 days or more during any 12-month period commencing 6 months after the acquisition of the license by the licensee. In establishing these requirements, the Florida Legislature explicitly provided it is "the intent of this act that for purposes of compliance with this [requirement], a licensee shall operate the licensed premises in a manner so as to maximize sales and tax revenues thereon; this includes maintaining a reasonable inventory of merchandise, including authorized alcoholic beverages, and the use of good business practices to achieve the intent of this law." The statutorily authorized circumstances under which the division may extend a limited waiver of this operating requirement include: physical destruction of the licensed premises through no fault of the licensee, an incapacitating illness or injury of the licensee which is likely to be prolonged, and any action of any court of competent jurisdiction prohibiting the licensed premises from making sales.

Notwithstanding the clear intent of the Florida Legislature to maintain these licenses in an active manner, the division routinely receives requests for a quota beverage license to be placed in inactive status for periods exceeding the number of inactive days allowable in a 12-month period in order to maintain compliant and active operation of the license. In facilitating future requests, the division anticipates renewed focus on adherence to the limited waiver options specified by the Florida Legislature. This effort will include review of Rule 61A-3.053, Hardship for Extension to Activate Quota License, which identifies s. 561.29(1)(i), Florida Statutes, as law implemented. The rule has been previously identified for repeal by the department and may be subject to upcoming rulemaking action. Increased emphasis on promoting active operation of quota beverage licenses will orient regulatory functions of the division toward the full and complete intent of the law governing these licenses as expressed by the Florida Legislature. Focus on active operation of these licenses may also deter unsubstantiated requests for inactive status and may potentially make available quota beverage licenses more frequently for purchase and transfer to businesses seeking to establish or expand in certain communities.

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## Increased Interest in Electronic Filing Options for Division Forms and Applications

Several years ago, the division introduced online brand registration to streamline and expedite the brand registration process. Data clearly indicates online brand registration has been enthusiastically received by industry stakeholders. For example, in Fiscal Year 2014-15, 30,066 brand registrations were processed through the online platform as of May 2015; in contrast, only 284 brand registrations were processed through the division's traditional paper application form in the same time period. The data regarding online brand registrations reflects a trend consistent with suggestions received from applicants and other industry stakeholders, often encouraging the division to consider opportunities to make available an online option for electronic application filing. In late 2015, the division will introduce a pilot phase of limited electronic application filing. Feedback and data from this pilot project will be reviewed as other applications and forms of the division are considered for introduction on the electronic filing platform.

## Combating Counterfeit Alcohol

Over the past three years, the division has investigated 399 complaints statewide for counterfeit alcohol. Counterfeit Alcohol is fake or cheap alcohol misrepresented and sold under brand names. During the last 24 months, complaints led the bureau to 40 licensed premises in Miami-Dade and Broward Counties alone, which resulted in either violations or warnings for refilling bottles or misrepresenting alcohol.

In 2014, the division purchased and deployed three True Spirit Authenticators. The authenticator systems, which can be used in the field or office, provide an easy-to-use ultra-violet "pre-screening authentication spectrophotometer that:

- Scans the majority of white (clear), golden, and brown distilled spirits, reliably detecting adulterated, substitute and counterfeit products (vodkas, gins, rums, aniseeds, tequilas, whiskies, bourbons & brandies, etc.);
- Authenticates "genuine brand" distilled spirits and monitors quality control of distilled spirits; and
- Provides fast and accurate sample results in 30 seconds for a quick scan and 120 seconds for a full scan.

As these authenticator systems are assigned and rotated to field teams across the state, the bureau anticipates additional administrative cases will be pursued for violations related to refilling and counterfeit spirits. Consumer confidence in the products sold at establishments licensed by the division relies on an expectation that the product purchased is the product provided, and the division's use of these authenticator systems will advance the capabilities of enforcement personnel to identify and eliminate counterfeit or fraudulent practices at licensed establishments throughout the state.

## Collection Trend in Surcharge on Cigarettes and Other Tobacco Products

The 2009 Florida Legislature passed "Protecting Florida's Health Act" (s. 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 implemented at 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 in the same manner as the excise taxes on these products. In Fiscal Year



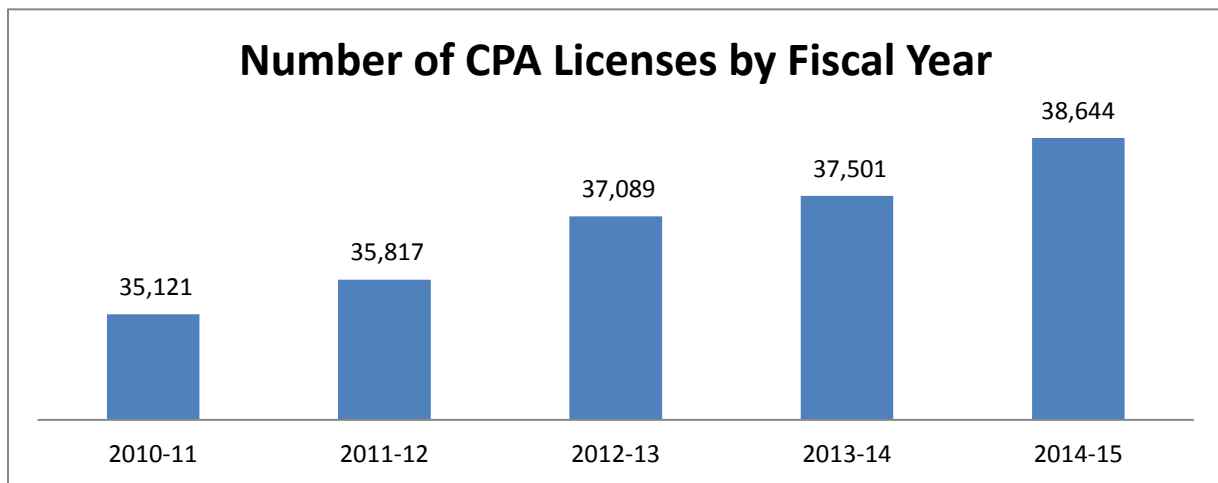
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2013-14, the division collected \$878,753,978 in surcharges on cigarettes and tobacco products sold in Florida.

## **DIVISION OF CERTIFIED PUBLIC ACCOUNTANCY**

The Division of Certified Public Accounting is responsible for the examination, licensing and regulation of 33,162 Certified Public Accountants and 5,482 Certified Public Accounting firms. The number of licensees increased approximately three percent for Fiscal Year 2014-15 when compared to the 37,501 individual certified public accountants and certified public accounting firms that were licensed in Fiscal Year 2013-14. The division estimates the overall number of licensees will remain fairly constant for Fiscal Year 2015-16.

The chart below shows the number of licensed individual certified public accountants and certified public accounting firms for Fiscal Year 2010-11 through Fiscal Year 2014-15.



The table below shows the licensing activity for the time period Fiscal Year 2010-11 through Fiscal Year 2014-15.

### *CPA licensing activity five-year trend:*

Activity	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
CPA Examinations	1,861	1,962	2727	2462	2315
Endorsements	609	606	1039	400	599
Reactivations	451	282	295	225	278
Original Licensure	519	660	937	824	824
Ethics CE Sponsors	4	37	57	13	30
Temporary Permits	**	**	327	192	184
Accountancy Firms	**	**	576	506	418
Complaints	328	230	273	640	769

\*\*previously processed by the Division of Service Operations

As evident from the licensing data, mobility for individual CPAs has not had a significant impact on the overall number of Florida licensees. The 7<sup>th</sup> edition of the Uniform Accountancy Act, released in early 2014, contains two major changes relating to the definition of attest and CPA

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firm mobility. The board and the division will continue to closely monitor these changes and their potential effect upon Florida's licensees.

## **DIVISION OF DRUGS, DEVICES AND COSMETICS**

### **Change in Federal Drug Supply Chain Law**

In November 2013, the Federal Food, Drug & Cosmetic Act ("Federal Act"), which set national minimum standards for licensing and regulating prescription drug manufacturers, repackagers, and wholesale distributors, was amended by the Drug Quality and Security Act ("DQSA"). The DQSA became effective and immediately pre-empted all state's laws pertaining to the tracking and tracing of prescription drugs through the supply chain, that were in addition to or, inconsistent with the provisions of the DQSA. New national standards regarding tracking and tracing became effective January 1, 2015. Over the following ten (10) years additional standards will become effective, and the federal agency responsible for implementing the DQSA, the Food and Drug Administration ("FDA"), must develop rules to further clarify the new federal requirements.

### **Controlled Substance Abuse and Diversion**

The division remains committed to the statewide and national struggle against controlled substance diversion and abuse. Thanks to stronger state laws applied through law enforcement and regulatory efforts at all levels of government, Florida has made substantial progress. As this issue continues to evolve, monitoring and auditing permit-holders' compliance with the statutory Controlled Substance Reporting (CSR) is one tool the division has to assist state and local law enforcement agencies to curb this activity. The division is currently building a new CSR system to be used by entities required to report their distributions of controlled substances into and within the state. The new system will allow the division to set up accounts for law enforcement agencies to readily access and run reports against the data. The new system will increase the usefulness of the data as a law enforcement tool for external law enforcement and regulatory partners to assist in their efforts to take enforcement action against corrupt suppliers.

### **Compassionate Use Marijuana**

With the recent enactment of Florida's Compassionate Medical Cannabis Act of 2014 (Senate Bill 1030), authorizing the use of Low THC Cannabis, the division has received a substantial number of inquiries from the general public pertaining to the potential manufacturing and distribution of marijuana and marijuana related products such as hemp oils and cannabis tinctures. The Florida Department of Health, Office of Compassionate Use, is responsible for implementing the regulatory framework for the use of Low THC Cannabis, but the division anticipates continued receipt of public inquiries by those entities seeking alternative routes to manufacture and distribute marijuana related products.

### **Distribution of API for Research and Development**

There has been a recent increase in the number of entities that distribute Active Pharmaceutical Ingredient (API) into Florida for research and development under the current exemption to licensure which allows certain, non-Florida permitted manufacturers to engage in this activity. The division is tasked with developing rules specifying the amount of API these entities are allowed to distribute in the absence of a Florida permit. The division, working closing with the affected stakeholders, will develop rules setting forth the limit on the amount of API these entities may distribute into Florida and the storage and recordkeeping requirements for those entities within the state that receive the API from these entities.

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## DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES

### Condominiums

Florida's condominium market continues to show signs of recovery. The increasing availability of credit and the aggressive efforts to move bank-owned units into private ownership bodes well for resurgence in this segment of the real estate market. Additionally, the extension of the Distressed Condominium Relief Act from 2012 to 2018, which is geared toward attracting investor-owners to buy condominium units "in bulk", further stimulated the environment for investors to come back to Florida. The termination provisions in the Florida Condominium Act sparked some controversy when resident owners found themselves in a community subject to termination or dominated by rentals. While condominium sales are increasing, some associations continue to labor under pressures of depressed property values and foreclosures. The Legislature responded to constituent concerns and amended the termination provisions in the Florida Condominium Act; the future impact of those changes is unknown. The division expects to see a resurgence in condominium development and expects to see complaint volumes increase as existing unit owners scrutinize the actions of their condominium association boards. Florida experienced an increase (7,665 units) in the number of condominium units from Fiscal Year 2013-14 to 2014-15. During the same period, the number of complaints increased with the division receiving 1,851 in Fiscal Year 2013-14 compared to 1,949 in Fiscal Year 2014-15.

### Timeshares

Florida, specifically the Orlando metropolitan area, continued to be the "timeshare capital of the world." However, this industry was affected by the acute tightening of the credit markets as well as tightening of personal vacation budgets resulting from the economic downturn. As a result, the pace of timeshare development and purchases slowed dramatically. Industry representatives are optimistic that the timeshare market will return as the economy continues to improve, and in preparation, the timeshare industry is working on new models to be prepared for a revived vacationing constituency. Timeshare resales and timeshare resale fraud continue to hamper this industry and these issues remain a concern in regulating timeshares in Florida. Interestingly, during this past year, new projects increased while complaints decreased. During Fiscal Year 2013-14, the division received 5 filings for new timeshare projects and 1,178 timeshare complaints compared to 20 filings for new timeshare projects and 1,108 timeshare complaints in Fiscal Year 2014-15.

### Yacht and Ship

The yacht brokerage industry serves as a significant economic stimulant to Florida's economy and has a multitude of ancillary support businesses that creates a multiplier effect. In support of this industry, the division's yacht and ship section licenses yacht brokers/salespersons and investigates complaints against them to identify violations such as unlicensed activity and escrow violations. The division's regulation of the Yacht and Ship Broker Act allows buyers and sellers from the U.S. and around the world to feel confident transacting business in Florida. For the last couple of years, brokerage yacht sales have been on the rise and yacht brokers are showing optimism that the economy is on an upswing. Unfortunately, unlicensed activity is also on the rise and it must be closely monitored to protect consumers purchasing brokerage yachts in Florida. Over the course of Fiscal Year 2013-14, the number of active yacht broker and salesperson licenses ranged from 2,767 to 2,899; for Fiscal Year 2014-15, the number of active yacht broker and salesperson licenses ranged from 2,899 to 3,078. During the same period, the number of complaints decreased with the division receiving 57 complaints during Fiscal Year 2013-14 and 48 during Fiscal Year 2014-15. Over the next five years, as the economy

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continues to grow, yacht resales are expected to continue to increase; we expect an increase in complaints on par with the increase in sales.

## Mobile Homes

The real estate pressures affecting single family homes, condominiums and timeshare are mirrored by mobile home parks as well. The development of new mobile home parks in Florida has almost ceased; however, we are seeing consolidation of many of the smaller parks through acquisition by national mobile home corporations. During Fiscal Year 2013-14, two (2) mobile home parks were established, by contrast 9 mobile home parks closed. During Fiscal Year 2014-15, one (1) new mobile home park was established and 9 mobile home parks were closed. The division anticipates the trend of mobile home park closings to remain consistent as it appears the development pressures to convert the underlying land to its “highest and best use” has returned. However, as mobile home park owners seek to maximize their investment, the division anticipates the number of mobile home complaints to remain constant, and perhaps increase, as the mobile home residents and the mobile home park owners spar over the balance between the fees charged for the level of service provided within the mobile home park. Additionally, as mobile home parks close, the availability of lots for relocation will diminish, intensifying the tension between mobile home residents and mobile home park owners. During Fiscal Year 2013-14, the division received 141 complaints; during Fiscal Year 2014-15, the division received 165 complaints.

## DIVISION OF HOTELS AND RESTAURANTS

The turnover rate for the division’s food and lodging inspection staff is 23.6%. This high turnover rate compromises public safety, core mission and ability to meet legislative performance measures. To meet statutorily required food and lodging establishment inspections, the division needs to retain existing staff. One million dollars in annual training expense is incurred as a result of this high turnover rate of field staff.

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 and the percentage increase of each from Fiscal Year 2004-05 to Fiscal Year 2014-15.

Business Volume Change from Fiscal Year 2004-05 to Fiscal Year 2014-15												
	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	Percent Growth
Food Accounts	42,277	43,216	43,983	44,664	44,697	45,327	46,315	47,251	47,782	48,607	49,966	18.2%
Lodging Accounts	36,549	36,906	36,967	36,600	37,898	37,273	37,544	37,897	37,944	38,479	40,192	10.0%
Total Accounts	78,826	80,122	80,950	81,264	82,595	82,600	83,859	85,148	85,729	87,086	90,158	14.4%

## DIVISION OF PARI-MUTUAL WAGERING

In 2004, a constitutional amendment legalized slot machine gaming in Broward and Miami-Dade Counties, subject to approval by voters by county-wide referendum. Broward County voters authorized gaming in their county in 2005. 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 Miami-Dade. Regulatory responsibility was assigned to the Division of Pari-Mutuel Wagering and all slot tax revenue is transferred to the Education Enhancement Trust Fund within the Department of Education.

For Fiscal Year 2015-16, the division has issued 39 annual pari-mutuel operating licenses throughout the state. Twenty-four of these facilities have also obtained an annual cardroom

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license. The division also issued three slot machine licenses to pari-mutuel locations in Broward County, and four slot machine licenses in Miami-Dade County pari-mutuel locations.

Without statutory changes, there is limited opportunity for new pari-mutuel permits as s. 550.054, Florida Statutes, limits the issuance of new pari-mutuel permits due to mileage restrictions in proximity to existing pari-mutuel facilities.

Although the number of cardrooms operating at pari-mutuel facilities remains consistent, the division expects cardroom gross receipts to continue to slightly increase annually, based on the increasing popularity of poker.

## Oversight of Seminole Gaming Compact

In 2010, the Legislature ratified a gaming compact between the State of Florida and the Seminole Tribe of Florida. The Compact provides for guaranteed payments of at least \$1 billion to the state of Florida to be made by the Seminole Tribe over the course of the first five years. The Division of Pari-Mutuel Wagering was identified as the State Compliance Agency with oversight over the provisions of the Compact.

The 2010 Legislature ratified the Compact signed by the Governor and the Seminole Tribe of Florida on April 7, 2010. In addition, Senate Bill 622 was passed during the 2010 Legislative Session, which provided an effective date of July 1, 2010, for the provisions relating to pari-mutuel facilities that were passed in Senate Bill 788 during the prior Legislative Session. 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. The Compact provides up to \$250,000 cost reimbursement from the Seminole Tribe for costs incurred by the division for oversight of the Compact, adjusted annually to the Consumer Price Index. The legislation contained the following provisions:

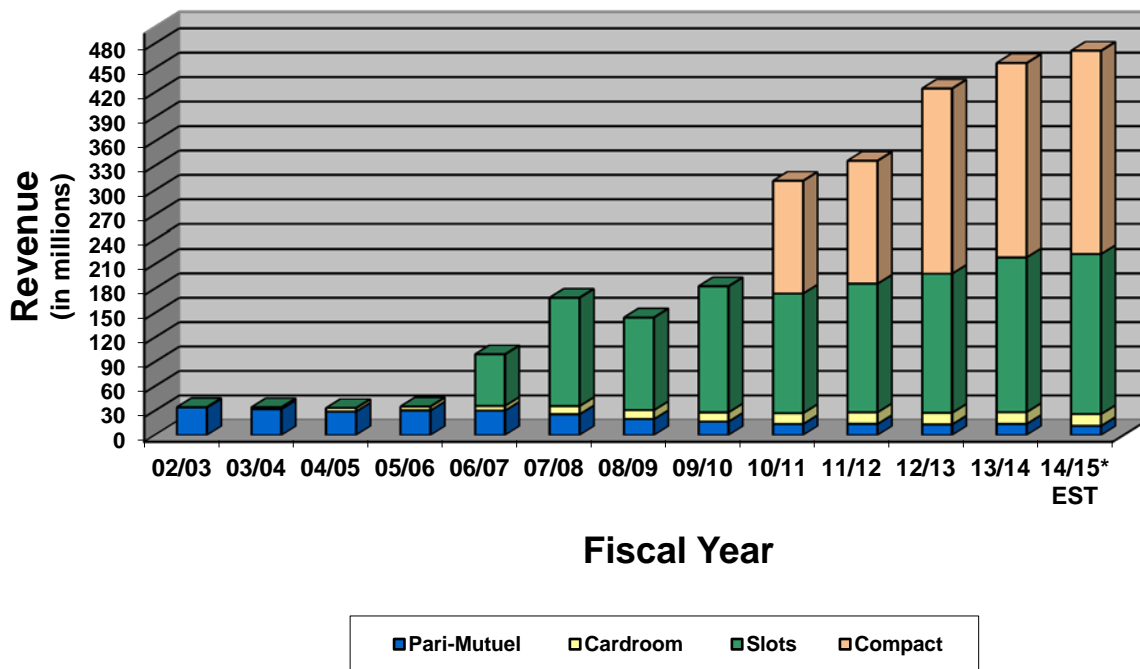
- Authorizes the Division of Pari-Mutuel Wagering as the State Compliance Agency for administering the Compact;
- Required that quarterhorse permits be evaluated under the same criteria as other permit applicants;
- Reduced the slot machine tax rate from 50 percent to 35 percent and reduced the annual slot license fee from \$3 million to \$2 million in Fiscal Year 2011-12;
- Extended cardroom hours to 18 hours per day on Monday through Friday and 24 hours on weekends and holidays; and
- Removed cardroom wagering limits and authorized cardroom operators to set entry fees for tournaments.

The division's general responsibilities include compliance with the following provisions outlined in the Compact:

- 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 the Seminole Tribe continues to maintain a program to combat problem gambling to 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;

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- 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 to the State of Florida, approximately \$1 billion over the first five years, is in compliance with Section XI of the Compact (the division began receiving monthly compact payments in August 2011);
- Verify the Seminole Tribe has paid an annual \$250,000 per facility donation to the Florida Council on Compulsive Gambling;
- 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; and
- Determine the distribution to each eligible county as outlined in s. 285.710, Florida Statutes.



## DIVISION OF PROFESSIONS

Based upon an analysis of data extracted from the department's licensing system, Versa: Regulation, the division experienced increases/decreases in the following areas as evidenced by the following chart:

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	Applications Referred for Board Review		Cases Referred to Professions for Board Discipline		Disciplinary Actions Sustained by Board (Final Orders)		Licensed Accounts	
	Count	% change	Count	% change	Count	% change	Count	% change
FY 2005-06	7,156	9.52%	906	36.24%	1,318	37.43%	377,705	5.22%
FY 2006-07	7,451	4.12%	1,277	40.95%	2,198	66.77%	392,584	3.94%
FY 2007-08	7,261	-2.55%	1,719	34.61%	1,874	-14.74%	405,027	3.17%
FY 2008-09	5,995	-17.44%	1,576	-8.32%	2,246	19.85%	411,841	1.68%
FY 2009-10	4,945	-17.51%	1,449	-8.06%	1,678	-25.29%	369,325	-10.32%
FY 2010-11	4,573	-7.52%	1,414	-2.42%	1,956	16.57%	377,818	2.30%
FY 2011-12	4,632	1.29%	901	-36.28%	1,395	-28.68%	396,331	4.90%
FY 2012-13	4,956	6.99%	635	-29.53%	718	-48.53%	396,180	-0.04%
FY 2013-14	5,893	18.91%	1,039	63.63%	375	-47.78%	413,401	4.35%
FY 2014-15	6,090	3.35%	801	-22.91%	600	60.00%	415,207	.44%

Applications referred to the professional boards totaled 4,956 in Fiscal Year 2012-13. That number increased by approximately 18.91% to 5,893, in Fiscal Year 2013-14. In Fiscal Year 2014-15 the number of applications referred increased by 3.35% to 6,090. The recent increase in applications referred for board review appears to have resulted from a gradual increase in economic activity related to professions in the housing industry.

In Fiscal Year 2012-13, there were 635 disciplinary cases referred to the professional boards. In Fiscal Year 2013-14 disciplinary cases increased to 1,039, a 63.63% increase from the prior year. Disciplinary cases decreased to 801 in Fiscal Year 2014-15, a reduction of 23%.

Disciplinary action taken by the boards totaled 718 cases in Fiscal Year 2012-13. In Fiscal Year 2013-14 disciplinary cases totaled 375, a decrease of 48%. In Fiscal Year 2014-15, the number of disciplinary actions increased by 60% to 600. It is anticipated that percentages for Fiscal Year 2015-16 will trend similar to the prior year due to the gradual economic recovery.

The number of professional licenses in Fiscal Year 2012-13 was 396,180. In Fiscal Year 2013-14 the number increased 4.35% to 413,401. In Fiscal Year 2014-15 professional licenses totaled 415,207, an increase of .44%. A small increase in licenses is anticipated for Fiscal Year 2015-16 based upon the U.S. Department of Commerce, Bureau of Economic Analysis' (BEA) projection for an expansion of approximately 1.9 to 2.8% in GDP for the Southeast Region ("Broad Growth Across States" dated 6/10/2015).

## **DIVISION OF REAL ESTATE**

The division has seen over the last year a continued increase in initial applications for real estate licenses. In only three years, there has been an increase of nearly 100% in the number of initial applications for licensure per fiscal year. During Fiscal Year 2012 - 13 there was an average of 2,886 applications received per month. During the most recent fiscal year, there was an average of 4,138 applications received per month. With an ongoing recovering real estate market, there will likely be sustained or even more growth in the number of initial applications for candidates for real estate licenses.

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Total number of Broker and Sales initial applications for real estate per fiscal year					
License Type	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15	Transaction total
1010-Request Sales Exam	22,343	31,468	40,018	45,229	139,058
1011- Request Sales Law Mutual Recognition	309	335	373	524	1,541
1012-Request Broker Exam (out-of-state)	541	607	689	920	2,757
1013-Request Broker Law Mutual Recognition	188	222	246	373	1,029
1014-Request Broker Exam (upgrade Sales to Broker)	1,795	2,005	2,358	2,605	8,763
<b>Year Total</b>	<b>25,176</b>	<b>34,637</b>	<b>43,684</b>	<b>49,651</b>	<b>153,148</b>

The increase in applications to enter the real estate profession will likely result in an increase in the overall licensing count in the coming years.

Appraisal applications experienced a decline in late 2014 due to federal criteria changes effective January 1, 2015. The decrease has appeared mostly in the trainee category. The new federal requirements require certified appraisers to hold a bachelor's degree, which many trainee appraisers do not have, to upgrade to the certified categories. The department has seen a decline of about 1,500 appraiser licenses since June of 2013. However, over the last six months of 2015 there has been a 1.2% increase in appraiser licensees. The department is licensing about 5 to 10 new certified appraisers per month with a total of 7,573 certified appraisers. While that does not appear to be a large number, according to the Appraisal Subcommittee published information on the [National Registry of Appraisers](#), that number is larger than the population of appraisers in the individual states of Alaska, Wyoming, North Dakota, South Dakota and several other states and territories.

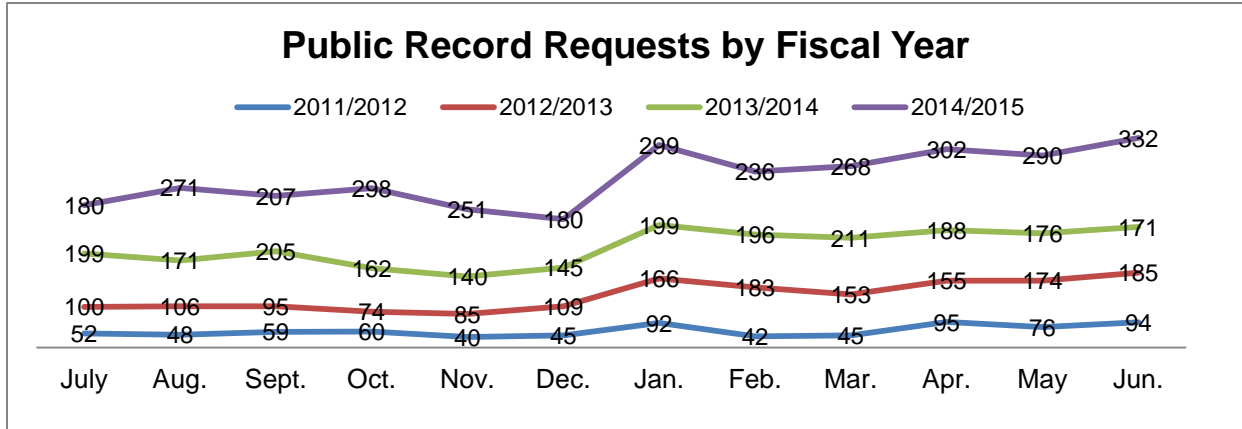
Proportionately speaking, the increase in licensees for the real estate profession results in a ripple effect throughout all aspects of the division. It is anticipated that most business processes will be impacted in the coming years.

To accommodate this increase the Division of Service Operations, which processes the division's applications, has added additional processors to handle the influx of new applications to ensure processing times remain consistent with the desired level of customer service the department requires for its customers. While most licensing transactions can be processed and resolved through the department's centralized service process, it is anticipated that the subject matter experts at the division will see an increase in workload and escalations.

One already discernable result in the growth in applications and licensing is in the area of public records. The division has seen an increase in public record requests for data lists over the last year, especially for lists requesting email addresses. The increase in public records requests is likely due to more people marketing education, business, and other real estate related opportunities to the division's licensees. In 2013, the department established the Office of Open Government to centralize and track public records requests. The public records tracking system, GOVQA, tracks requests from time of receipt to time of completion. A month-to-month fiscal year comparison of public records requests to the Division of Real Estate can be seen below.



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## **DIVISION OF REGULATION**

The division is comprised of several sections that are responsible for the regulation and enforcement of the statutes created by the Florida Legislature and rules promulgated by the 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 392,000 individuals and businesses, licenses and inspects over 2,900 farm labor contractors and proactively finds 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 office is charged with completing sweep and sting operations throughout the 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 undercover 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 to 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.

The division's Alternative Dispute Resolution Program, in conjunction with field investigators, facilitates agreements between professionals and consumers. This program provides economic recovery to consumers 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: farm laborers and children. The farm labor program examines and licenses farm labor contractors who supply Florida farmers with the important labor needed to harvest Florida crops. Both programs verify compliance with

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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. The farm labor 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 to insure they are not working in hazardous occupations and check employment records to ensure employers are adhering to proper work hours and break times for minors.

The unlicensed activity program had another unprecedented year. The Division of Regulation conducted 655 sweeps, 38 sting operations and 658 educational outreach opportunities. These numbers surpassed all previous years.

The following is statistical data for complaints, inspections and investigations.

Activity	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
Complaints	11,272	10,443	11,089	11,527
Investigations	4,395	5,553	4,734	5,237
Inspections	17,435	18,299	18,466	20,209
Farm Labor Investigations & Inspections	4,044	3,414	3,824	3,344
Child Labor Investigations & Inspections	11,756	7,004	8,429	8,161
Sweeps	120	147	489	655
Sting Operations	19	11	34	38
Average Inspections Per Inspector	1,026	1,076	1,154	1,263
Outreach Events	535	491	612	658

The past downturns in the economy have caused the number of complaints to continue to remain lower than past years, but they have begun to trend upward. Also, a major hurricane could immediately increase construction activity, unlicensed activity and related complaints. There are also reports of an upswing in the Florida housing market and this could also cause the number of complaints and investigations to return to previous levels.

With the leveling off in the number of complaints received in recent years, the division has been able to reduce the time it takes to investigate a complaint. The average processing time in Fiscal Year 2014-15 was 80 days, which is a reduction from the 114 day average in Fiscal Year 2011-12. This provides greater service to the consumer as well as to the individual or business being investigated. There has also been a greater emphasis on resolving complaints using alternative methods such as mediation, citations and notices of non-compliance. These alternative means of complaint resolution reduce the amount of investigative and legal time, and allow the department to focus on those that do harm to consumers.

The division conducts inspections of all cosmetology, barber and veterinary establishments in Florida. Inspections are conducted on a two-year cycle to allow the inspector to focus on violators and perform re-inspections of establishments not meeting minimum standards within 120 days. The number of new establishments continues to rise, so the number of inspections is expected to moderately increase.

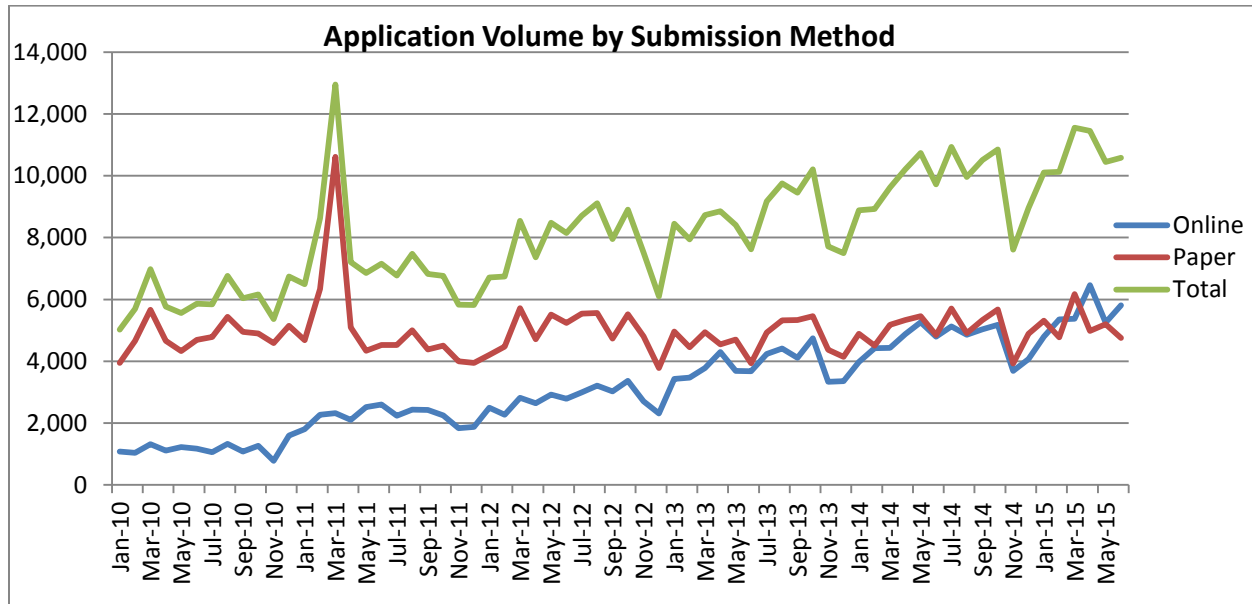
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The average number of inspections per inspector is expected to moderately increase above Fiscal Year 2014-15 numbers as a result of an increase in the number of new establishments and re-inspections.

Outreach efforts increase 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.

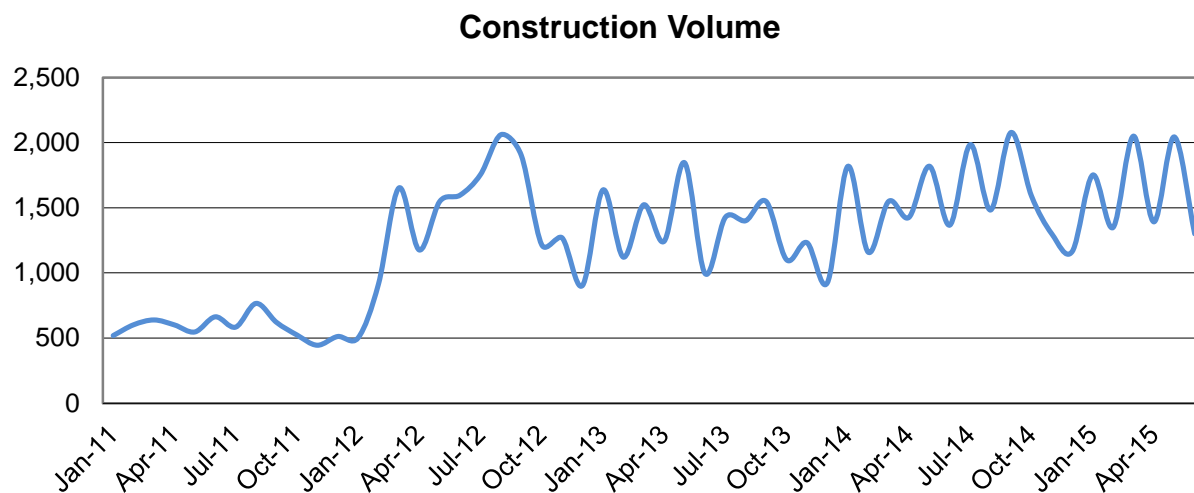
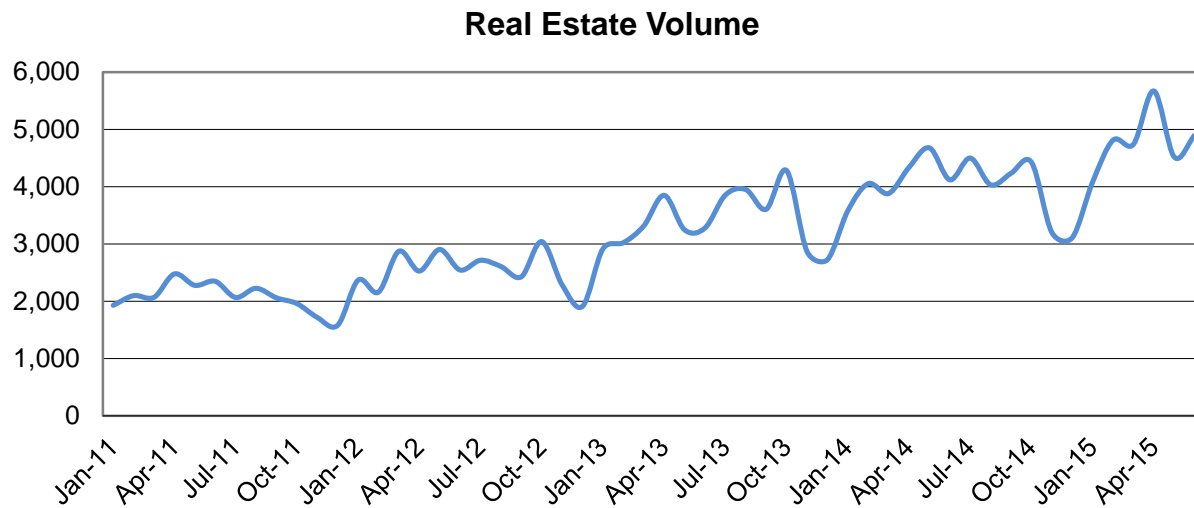
## **DIVISION OF SERVICE OPERATIONS**

One of the department's priorities is to provide a simplified and convenient application process for all current and future licensees. The department's VERSA Online application system automates the licensure process by providing the applicant the ability to simultaneously submit applications, supporting documentation and payments electronically. Since its inception in 2010, the VERSA online system has seen a progressive increase in its usage. In Fiscal Year 2014-15, the percentage of applications submitted online reached as high as 56% reducing the amount of paper applications during this same period of time. The majority of the electronic submittals include professions such as Real Estate and Cosmetology, which represents 68% of the applications received by the department.



Since Fiscal Year 2011-12, the department has seen a significant increase in the number of applications received for the Real Estate Commission and the Construction Industry Licensing Board. The consistent increase in applications is due in large part to an economic recovery. The volume of initial applications for the Real Estate Commission has increased 94% from an average of 2,248 per month in Fiscal Year 2011-12 to an average of 4,351 per month in Fiscal Year 2014-15. The volume of initial applications for the Construction Industry Licensing Board has also grown. Since Fiscal Year 2011-12, the construction application volume has increased 80% from an average of 903 per month to an average of 1,623 per month in Fiscal Year 2014-15.

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Beginning in June 2015, the department implemented an initiative to allow all Division of Real Estate licensees to print their professional licenses through their DBPR online account. By making these changes to the existing process, license holders are able to print their licenses as soon as the department approves them. This change not only allows the licensee the ability to begin working immediately but it also produces an annual cost savings of approximately \$100,000 to the department by reducing material, printing and mailing costs.

In Fiscal Year 2014-15, the CCC increased efficiencies by making it easier and quicker for call agents to respond to customer inquiries via phone or email. The efficiencies were realized by improving the search criteria for the Frequently Asked Questions (FAQ's) tool, re-writing, consolidating and clarifying the subject matter articles (processes) for all professions and businesses supported by the CCC, and decreasing the steps a call agent has to go through as they navigate through the department's customer relationship management system. Due to these changes, the CCC increased its answer rate from 97.90% in FY 2013-14 to 98.65% in FY

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2014-15. The average wait time for callers also decreased from 52 seconds in FY 2013-14 to 26 seconds in FY 2014-15.

In order to improve customer service, the division conducted daily random customer satisfaction surveys to callers who have previously contacted the CCC. This process is in place to look at ways to improve the services the CCC provides to its customers. The average survey participation rate for FY 2014-15 is at 81% and has resulted in a 97% customer satisfaction rate.

Based on the valuable feedback we received from the CCC customer satisfaction surveys, the department, in August 2014, decided to expand the survey to include feedback from the BCIL customers. The goal of this survey is to have licensees rate their overall satisfaction with the application process and identify any process improvements. With 78% of customers contacted participating in the survey, the average BCIL satisfaction rate was 98%.

## **DIVISION OF TECHNOLOGY**

### **Versa: Regulation Upgrade**

In 2001, the department contracted with Accenture LLP to re-engineer its business processes. As part of the implementation, the department integrated Versa LicenseEase, a commercial off-the-shelf (COTS) regulatory software solution, to support all licensing, enforcement, inspection, investigation and complaint activities. More recently, Iron Data (formerly Versa Systems) significantly improved the software's capabilities into an enhanced, web-based product known as Versa: Regulation. Since ongoing support by Iron Data for LicenseEase came to an end, the department upgraded to Versa: Regulation in May 2013. The department continues to work with Iron Data to make enhancements as needed for its business work units.

### **Online Application Availability**

In coordination with Versa: Regulation database application system, the department uses its online component, Versa: Online, to provide Internet-based license applications to its licensees. The Division of Technology upgraded these systems in May 2013. In support of the agency overall goals to streamline government and remove barriers to business, one of the department's 2014 strategic goals was to increase availability of its online initial (38% to 42%) and renewal (83% to 99%) license applications by the end of the year. The department exceeded these goals, ending the year with 45% of initial applications and 99.5% renewals available online.

Other online improvements include: licensure certifications; Homeowner Associations' registrations; quarterly and annual reporting for Employee Leasing Companies, self-printing of inactive receipts and online inspection result reporting for privatized elevator inspectors. Most significantly, in June 2015 the division unveiled a self-printing method for over 340,000 real estate professionals to obtain their licenses online, eliminating printing and postage costs and delays, allowing licensees to begin working immediately upon approval. Further improvements planned in 2015 include adding the ability to file consumer complaints online.

### **Productivity Software Upgrade**

In Fiscal Year 2011-12, the Division of Technology signed a three-year agreement with Microsoft to purchase software under an Enterprise Agreement. This software package includes department-wide licensing for the Windows operating system, Microsoft Office Suite, and Microsoft System Center Configuration Manager (SCCM), a product which allows the division to manage software distribution to selected target systems through a remote process.

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Since Microsoft discontinued global support of the department's standard Windows XP operating system in April 2014, the department upgraded all computers and laptops to Windows 7, Internet Explorer 8 and Office Suite 2010 to ensure compatibility, supportability and security. The department is in the process of upgrading Internet Explorer 8 to version 11 to ensure compatibility with other resources and continued software support. The division entered into a new three-year software assurance agreement with Microsoft at the end of the 2014-15 fiscal years.

## Middleware Upgrade

Since 2001, the Division of Technology has used SeeBeyond software as the backbone for integrating the licensing system with the other systems used throughout the department, such as payment processing, document management, iPads and Customer Contact Center applications. Since this software is reaching its end-of-life, one of the division's 2015 goals is to replace at least 60% of applications using it with MuleSoft software. The division expects to migrate the remaining application integrations by the end of 2016.

## OnBase Upgrade

DBPR uses OnBase, a commercial off-the-shelf (COTS) document management and workflow software, to optimize business processes. This software was first implemented in the department in 2007 and upgraded in 2011. A new version of the software is introduced by the vendor, Hyland Software, annually. To maintain supportable software and take advantage of new features that allow the department to continue to improve productivity, the software was upgraded from version 10 to version 13 in June 2014. In conjunction with the upgraded software, the department plans to rewrite all CORE scripts to Unity, and make workflow configuration changes.

## Customer Relationship Management (CRM) System Enhancements

The DBPR Customer Contact Center (CCC) handles thousands of telephone calls and emails from licensees and the public on a daily basis. To manage these calls, the CCC uses Microsoft Dynamics Customer Relationship Management (CRM) system. In early 2015, the Division of Technology hired an expert consultant to help align development, testing and production environments; make some needed customized enhancements; train staff; and make recommendations for upgrading as the software nears end-of-life.

## Controlled Substance Reporting (CSR) Database

Effective July 1, 2011, certain distributors were required to register with the Florida Department of Health's Drugs, Devices and Cosmetics Program's Controlled Substance Reporting database (CSR) and submit monthly controlled substance transaction reports (receipts and distributions). In October 2011, the Division of Drugs, Devices and Cosmetics (DDC) was moved to the Florida DBPR along with the Controlled Substance Reporting database (CSR). In 2014-15, the Division of Technology's application developers began working with DDC staff to upgrade this software. The developers are creating a new enterprise platform for CSR that can be adapted for other applications in the future. The upgrade is expected to be completed by the end of 2015.

## Business Objects Upgrade

Since 2001, the department has used SAP Business Objects InfoView and Crystal Reports to create and distribute ad-hoc reports from Versa: Regulation and other database systems. This software was upgraded to version XI in 2007. To keep pace with current compatibility and support, the department completed an initiative in 2013 to upgrade this software to Business Objects version 4.0 (Launchpad) and Crystal Reports 2011.

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Additionally, the department acquired licenses for SAP Business Objects Dashboards and Web Intelligence (WebI). In April 2013, the department deployed a new static dashboard to the Internet detailing customer call times, application processing times and total licensees. In 2014, the Division of Technology upgraded the Business Objects environments to Service Pack 10 and started an initiative to further enhance automation of the dashboard. This project is ongoing and also includes development of a WebI universe to provide its internal users easier access to statistical data and enhance the current dashboard. The project is intended to enhance productivity and reduce operating expenses by automating data collection activities throughout the department.

## Remedy Upgrade

Since 2004, the department has used the enterprise application, BMC Remedy Action Request System, to manage technology work orders and change management. In July 2013, the Division of Technology started working with BMC and Column IT to migrate its data and processes to the latest version, the cloud-based BMC Remedyforce. The upgrade was completed in September 2013, improving efficiency and further automating change management processes and reports. The Division of Technology continued to enhance functionality during the fiscal year to help employees find information faster and easier. Improvements have also been made through the creation of management reports.

## Mobile Inspection Application

The department has four divisions with inspectors who currently utilize a mobile inspection solution to maintain inspection data and provide required information to their licensees. Since the personal digital assistant (PDA) hardware in use since 2003 is no longer commercially available, the Division of Technology developed a custom inspection application in 2011 for the Apple® iPad to replace and enhance the functionality of the obsolete hardware. This enterprise solution provides for long-term support and manageability. The mobile inspection application supports the department's goals of protecting the health and safety of Floridians, reducing operating expenses and increasing productivity. It also reduces the time required to complete investigations while holding regulated entities more accountable. Through real-time connectivity with Versa: Regulation, the department is able to provide up-to-date reports of food service and lodging inspection data on its website for public information.

The Division of Drugs, Devices and Cosmetics began using the iPad solution upon transfer to the department in the Fall of 2011. The solution was built as an extendable application to allow all other divisions performing inspections to utilize the application. The Division of Hotels and Restaurants deployed over 200 iPads in the Fall of 2012, followed in January 2013 with an upgrade of their food code violations. The Division of Regulation transitioned from the PDA solution to the iPad application in July 2013 to inspect professional licensees such as barber shops, cosmetology salons and veterinary clinics. The Division of Alcoholic Beverages and Tobacco began using their application in April 2014.

In Fiscal Year 2014-15, the Division of Technology continued to enhance and improve application efficiency for all divisions. These improvements have resulted in a gain of over 6,100 staff hours annually. The division also implemented the Apple device enrollment program to enable over-the-air provisioning of iPads, eliminating the need to send equipment to Tallahassee for software changes.

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## MobileIron

In addition to monitoring network traffic, the ability to monitor traffic and programs on mobile devices is an information security initiative. The division has chosen MobileIron to secure the mobile devices used by the department. The system tracks and enforces the State of Florida's information security policy on all mobile devices deployed (including smartphones, tablets, etc.). MobileIron also allows the department to separate and control applications downloaded to these devices.

## Email Automation Upgrade

Since 2007, DBPR has used Lyris ListManager™ software to automate email distribution of important information to its licensees and subscription lists. In 2014, the department upgraded the software from version 9.2 to version 12. The new version allows the department to integrate data from Versa: Regulation to personalize email generation. Such functionality can be used to automate renewal notices and other communications with the department's licensees. The new improvements support the agency's goals to enhance Florida's pro-business climate, reduce operating expenses and increase productivity. They also support the agency's objectives for faster approval of licenses, continuous improvements to business processes and providing quality assistance to our customers.

## Automated Alert and Notification System

In 2014, the Division of Technology implemented IRIS™ (Immediate Response Information System) version 7.3 to automate notification of department employees as needed for emergencies and other important information. This system delivers customized alerts to employees' communication devices, including phones, emails and text messages. Alerts will be sent from the department management and will have detailed information and instruction relevant to the situation. The automated system replaces the need for supervisors to manage a phone tree and manually contact employees during an emergency situation. Therefore, implementation of IRIS supports the agency goals of streamlining government, reducing operations expenses and increasing productivity.

## Web Publishing Software Upgrade

The department has used Adobe Contribute® software to manage its Internet and Intranet web content since 2007. Web authors in each business unit use this software to publish their unique content using templates to ensure a common look and style for a unified department website. In July 2014, the Division of Technology upgraded from version CS3 to CS6.5 to keep in step with the Windows 7 upgrade and take advantage of improvements in web publishing capabilities, such as support for HTML5 and JQuery mobile. This upgrade supports the agency objective of providing quality assistance to our customers.

## Oracle Upgrade

To keep up with changing software and hardware systems, the department needs to upgrade its Oracle environment, the environment that hosts Versa: Regulation as well as other data. This requires moving from Oracle version 10g to 11g. The Division of Technology is working with the Agency for State Technology Data Center to ensure this upgrade is completed before support expires.

## SQL Server Upgrade

The department is currently using SQL Server 2005 to support many of its custom database management solutions. Since many software upgrades no longer support this version, the department needs to upgrade to a newer version. The Division of Technology is evaluating the



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work effort and cost associated with this necessary upgrade, and anticipates completion in the 2015-16 fiscal year.

## Infrastructure Upgrades

During the 2014-15 fiscal year, the Division of Technology continued efforts to refresh equipment with an emphasis on replacing field office routers. The routers were approaching the end of their service life, so the division evaluated equipment to replace them. Along with hardware replacement, the division assessed the benefits of installing wide area network (WAN) optimization equipment. This equipment makes more efficient use of the data circuit to each office, with the goal of improving performance on the circuits while also improving visibility into the traffic on the network. In addition, the division led an effort to replace over 200 outdated desktop computers statewide, and is working to replace 200 more in the coming year.

## Information Technology Governance

Chapter 2014-221, Laws of Florida, created the Agency for State Technology (AST) to provide policy and guidance regarding statewide technology purchases, contracts and project management. This law included the transfer of the Northwood Shared Resource Center (NSRC) and Southwood Shared Resource Center (SSRC) to the new agency. The DBPR Division of Technology has taken an active role in completing surveys and risk assessments, contributing to project management and information security rule workshops, and participating in planning activities. The division has also been creating, reviewing and revising internal policies to keep in step with AST guidelines. A new Computer Security Incident Response Team (CSIRT) policy was adopted this year, along with mandatory incident reporting to the AST and the Florida Department of Law Enforcement's Cybercrime Office.

## Surplus Equipment Sanitization

In August 2014, the Office of the Auditor General (OAG's) began a multi-agency operation audit of surplus information technology equipment. In response to the OAG's findings in December, the Division of Technology adopted new internal procedures, including enhanced physical controls as well as additional documentation.

## **FLORIDA STATE BOXING COMMISSION**

Over the last five years, the number of professional combat sports events ranged from 71 in Fiscal Year 2010-11 to 42 in Fiscal Year 2014-15. The chart below depicts the total number of boxing, kickboxing and mixed martial arts events over the last five years.

Events	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
Mixed Martial Arts	31	26	23	20	21
Boxing	40	25	15	27	21
Kickboxing	0	0	1	0	0
Total Events	71	51	39	47	42

The Commission will continue to offer excellent customer service with regard to licensing and regulating professional combat sports events in order to encourage promoters to hold events in Florida.

Amateur combat sports, particularly amateur mixed martial arts, continue to rise in popularity in Florida. Amateur sanctioning organizations are licensed to monitor and oversee amateur activities. Currently, there are 22 Amateur Sanctioning Organizations. The Commission is

# TRENDS AND CONDITIONS STATEMENT

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responsible for periodic compliance checks of the approved Amateur Sanctioning Organizations to ensure enforcement of approved health and safety standards and supervision of matches. The Division of Regulation conducts compliance checks on behalf of the Commission. During Fiscal Year 2014-15, the Division of Regulation completed 31 compliance checks. The Division of Regulation plans to increase that number in Fiscal Year 2015-16.

## SIGNIFICANT POTENTIAL POLICY AND LEGISLATIVE CHANGES

### **DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO**

#### **State Revenues and Tobacco Litigation**

Numerous legal challenges to various aspects of the cigarette and tobacco laws have been filed since Fiscal Year 2012-13. One case challenged the meaning of the definition of “wholesale sales price,” upon which the excise tax and surcharge are calculated. In this challenge, the licensee was successful in exempting certain costs from the calculation of tobacco surcharge, which reduced the amount transferred to healthcare. Following this court ruling, additional and substantial refund requests from other licensees have been received, and more refund requests are expected to continue until the litigation is effectively resolved. Similar challenges to other aspects of the tobacco laws are requiring more resources to research and litigate and could potentially result in further refunds.

Another legal challenge, relating to the definition for “tobacco products”, is currently pending. The licensee has argued that a tobacco product relatively new to the market, a wrapping material for loose tobacco or other smoking substances that is made from tobacco leaves instead of the traditional paper wraps, should not be considered to be included in the definition of “tobacco products” in Chapter 210, Florida Statutes. Chapter 210, Florida Statutes, establishes the excise taxes and surcharge that must be paid on cigarettes and other tobacco products. In Chapter 569, Florida Statutes, relating to the licensing, regulation, and enforcement of the state’s tobacco law, the new wraps, commonly referred to as “cigar wraps,” are included in the definition of “tobacco products.”

The division will continue to provide litigation support on these subjects and will facilitate legislative interest in the revenue implications of the litigation as needed to achieve resolution of these matters.

#### **Official Correspondence with Licensees by E-mail Delivery**

As the division prepares to launch a pilot phase of electronic application filing, the division is also looking at strategies for more effective and more immediate communication with licensees on license or other regulatory matters. If the division were authorized to require an applicant or licensee to certify and acknowledge receipt of official correspondence related to the license by electronic delivery, the division anticipates substantial time and cost savings could be achieved by limiting the need for postage and eliminating the delays of mail delivery. Additionally, as matters arise impacting the license population as a whole or specific license series subsets, the division could more readily provide direct communication with all impacted licensees where such notice is otherwise currently cost-prohibitive with limited e-mail addresses on file and no explicit authority specifying requirements for receiving official license correspondence by e-mail delivery. As the division further evaluates the advantages of direct correspondence and notice

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delivery by e-mail, legislative action may be necessary to support full implementation of this approach to achieve the anticipated outcomes.

## **DIVISION OF CERTIFIED PUBLIC ACCOUNTANCY**

Governor Scott signed HB 373 on June 16, 2015 with an effective date of July 1, 2015. The bill amended Chapter. 473, Florida Statutes, to clarify the definition of a licensed audit firm or public accounting firm who must hold a license issued under s. 473.3101, Florida Statutes, clarified the definition of a quality review, and under what circumstances a firm practicing public accounting must hold a Florida firm license. This legislation may decrease the number of accountancy firms licensed, because those firms who do not use the term “CPA” in the firm name or who are not practicing public accounting as defined by s. 473.302(8)(a), Florida Statutes will no longer be required to obtain a firm license.

## **DIVISION OF DRUGS, DEVICES AND COSMETICS**

Various provisions of Chapter 499, Florida Statutes, are inconsistent with the amended Federal Act. Legislative changes to Chapter 499, Florida Statutes, are necessary to bring the provisions of Chapter 499, Florida Statutes, into conformity with the Federal Act. The division will work with internal and external partners, including the industry, to provide expertise and assistance to the Florida Legislature as it seeks to amend the provisions of Chapter 499, Florida Statutes, to conform to the new federal requirements. The division will also engage in rulemaking to adopt and incorporate the tracking and tracing requirements of the Federal Act.

The division is currently considering a number of pro-business changes to program operations, including: moving from annual to biennial renewal of prescription drug wholesale distributor permits; reducing documentation necessary for renewal of wholesale distributor permits; allowing the division to accept live-scan fingerprints instead of the statutorily required paper fingerprint card; and moving from mandatory to voluntary registration of cosmetic products. All of these changes would require legislative action for the division to implement.

## **DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES**

### **Homeowner Association Regulation**

Interest in creating a regulatory framework for homeowner associations (HOAs) similar to the framework established for condominiums has come up over the last few years, with legislation during the 2013, 2014 and 2015 Legislative Sessions geared toward granting the division the authority to regulate homeowner associations; none of the bills passed. Other legislation that passed tasked the division with the responsibility for maintaining an online registration system for HOAs to determine their location and identify their composition. That provision sunsets in 2016 unless further amended.

### **Condominium Termination**

The Legislature amended the Florida Condominium Act addressing the issue of condominium terminations; including a provision for certain disputes of a condominium termination to be subject to arbitration. It is anticipated additional changes will be made to this law during the 2016 Legislative Session.

### **Mobile Home Arbitration**

The Legislature amended the Florida Mobile Home Act to provide for the recall of homeowner association board members. It is anticipated additional changes will be made to this law during the 2016 Legislative Session.

# TRENDS AND CONDITIONS STATEMENT

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## **DIVISION OF HOTELS AND RESTAURANTS**

The 2015 Florida Legislature and Governor Scott approved changes to Chapter 509, Florida Statutes. The following changes were effective July 1, 2015:

- Allow the division to assess risk frequency as needed (at least annually);
- Simplify late fees to \$50 (removing \$100 late fee);
- Allow the division to provide the inspection electronically to the operator;
- Allow licensed food service establishments to operate under their license at four 30 day temporary events.

## **DIVISION OF REAL ESTATE**

The division continues to implement changes mandated by Dodd-Frank and other significant changes to federal law for appraisers.

As of July 1, 2014, the Division of Real Estate has reduced initial and renewal license fees for many licensees under the Florida Real Estate Commission by 20%. This was possible because of the strong financial projections as a result of the number of new applicants in past and future years.

As of June 9, 2015, the Division of Real Estate has gone to a paperless license for all real estate licenses. This means when an applicant passes their state license exam their license will be available within 48 hours through their online account versus waiting 7 to 10 days for the license to come in the mail. This is also an advantage to our existing licensees that are renewing. Upon completing their renewal requirements, the renewed license becomes available immediately through their online account. This will result in a savings of about \$70,000 within the first renewal cycle.

The division has a responsibility to report all licensed and certified appraisers to the ASC National Registry. The division currently reports to the National Registry once a week through a data file that reflects all changes made to the licensing database. The division is exploring use of a new ASC reporting program, the Simple Object Access Protocol (SOAP) which would allow Florida to report to the National Registry in real time. This would allow for immediate updating to an appraiser's status, which is crucial to receiving appraisal assignments for federally related transactions.

## **DIVISION OF REGULATION**

The Farm Labor Program transitioned from recording inspection/investigation information on paper to utilizing iPads in fall 2014. This has several advantages in that it allows the investigator to properly document work, increases accuracy, provides a permanent record storage of the documents and the ability to access information faster in response to public record requests.

The division is working with the Division of Technology on an iPad enhancement that will prevent inspectors from closing an inspection when discipline has been issued until a follow-up inspection date has been selected. The enhancement is scheduled for testing by the division's data steward in the first quarter of Fiscal Year 2015-16. Until the new technology is available, division management will continue to review monthly inspection reports to ensure that follow-up inspections are scheduled and conducted according to division policy and procedures.

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The Unlicensed Activity unit (ULA) in collaboration with the Office of Communications created and distributed email blasts. The emails were sent to all community association managers, cosmetologists and barber license holders. The emails addressed how to file an unlicensed activity complaint, and information about the new ULA mobile app as a way to file a complaint as well as the toll free hotline number. The e-mail blasts are a quick, easy and inexpensive tool to communicate with licensees.

The Farm Labor Program implemented online license renewals. Farm labor contractors, labor organizations and business agents are now able to renew licenses online.

## **DIVISION OF TECHNOLOGY**

### **Florida Business Information Portal**

Chapter 2012-139, Laws of Florida (LOF), directed the Department of Revenue to establish a One-stop Business Registration Portal to allow businesses to submit applications, documents and payments for various licenses, registrations and permits at a centralized website. Since DBPR maintains numerous types of business licenses, Division of Technology staff cooperated and contributed to planning of integration of this objective. The 2014 Legislature funded an outside study to determine progress and re-evaluate scope and costs of this undertaking.

In 2015, the Legislature passed Chapter 2015-224, LOF, repealing the one-stop initiative and tasking DBPR to spearhead a project with other Florida agencies to create an online information portal to assist the public in starting a business. The portal will contain information including a listing of business types; licensing, permitting and registration for each type; relevant links to agency websites; tax registration information; and registration with the Department of State. An online guide for starting a business in Florida will also be available. This project is slated to be realized no later than June 30, 2017. By October 1 of that year, the department must also provide a report containing recommendations and costs associated with inclusion of local governments into the portal. The Legislature funded this two-year project with appropriations for consulting services and two full-time positions.

### **Electronic Data Submission (EDS) System**

The Division of Alcoholic Beverages and Tobacco's (AB&T) Electronic Data Submission (EDS) System was initially built in 2009 to provide the ability for licensees to report taxes online, and replace numerous outdated, non-integrated, stand-alone legacy applications; to eliminate or greatly reduce the monthly report paper submission requirements of reporting entities; and to reconcile data pertaining to alcoholic beverage and tobacco product information supplied by reporting entities. Major development of the system ceased in June 2010, and at that time, the EDS system remained only partially developed. This system is in limited use by both internal ABT auditing staff and external industry stakeholders.

As requested by AB&T management, the DBPR Office of Inspector General (IG) conducted an audit of the EDS system and published findings in June 2014. In response to the IG's recommendations, a gap analysis was initiated to create a report of the As-Is State of the EDS system, the To-Be State based on internal and external stakeholder recommendations, and the desired business process for ABT and the Division of Technology to support a completed To-Be EDS system. This report assisted DBPR in identifying and determining the extent of system maintenance and/or enhancements needed to address issues with the system's electronic tax reporting functionality and evaluated the sufficiency of available resources for required system maintenance.

# TRENDS AND CONDITIONS STATEMENT

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The 2015 Legislature provided appropriations for two full-time positions to begin gathering business requirements to assist in enhancing the EDS system. It is anticipated that these improvements will maximize AB&T tax collection revenues by increasing system reliability and data integrity, improving the ability of licensees to electronically report, and streamlining the audit process.

## NEXT STEPS IN AUTOMATION:

### **DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO**

#### **Electronic Application Filing**

The division is projecting a late 2015 launch of a pilot phase of limited electronic application filing. This new service for applicants and licensees will be evaluated for modification and expansion to all license series applications in late Fiscal Year 2015-16 and Fiscal Year 2016-17.

#### **Streamlined and Automated Collection of Taxes and Surcharge Fees on Alcoholic Beverages and Cigarette and Tobacco Products**

The Division of Technology is working with the Division of Alcoholic Beverages and Tobacco on an electronic data submission system, an application that automates the tax and surcharge fee collection of alcoholic beverages, cigarette, and tobacco products. These products generate approximately \$1.6 billion in revenue annually for the State of Florida. The system includes both batch processing and web interfaces. The batch interface is designed for medium to large organizations for the purpose of accepting uploads of data from external license holders. The web interface allows small to medium size businesses to electronically file their monthly reports. Both interfaces improve efficiency, reduce errors, and provide a better experience with the agency with the use of automated calculation of tax obligations, automated audit calculations, efficient report amendments, and the generation of necessary correspondence.

#### **Electronic Submission of Applications for Alcoholic Beverage, Cigarette, and Tobacco Product Licenses and Permits**

The division anticipates launching an electronic application submission system for limited applications in late 2015. After review of feedback and data from this pilot phase focused on limited applications, the Bureau of Licensing anticipates broader expansion of the online portal for license applications and renewals within the next two years. The addition of an online option, and the subsequent increase in electronic communications between the division and applicants and licensees, will allow opportunities for expense and time savings related to current postal correspondence with licensees. To the extent future legislative action equips the division with further statutory authority to require all written communications with licensees and applicants to be delivered and received electronically, the division may be able to maximize these savings and introduce new conveniences and more informative communications for licensed entities.

#### **Direct Distributor Reporting of Delinquent Account Activity**

Currently, the division manually adjusts licensed vendors added to or removed from the delinquent activity list based on reports received from licensed distributors pursuant to Florida law. Given the business and operational impacts to vendors included on this list, the division recognizes an automated function for reporting updates related to delinquent account activity may be of convenience and value to licensed distributors and vendors alike in the future. Where resources allow, the division will consider evaluating the feasibility and the technical

# TRENDS AND CONDITIONS STATEMENT

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systems and associated costs necessary to introduce a direct reporting system for use by distributors in fulfilling requirements of Florida law related to delinquent account activity.

## **DIVISION OF REGULATION**

The Division of Regulation has begun notifying consumers about the status of their complaints by email rather than the traditional letter. This should save time, paper and postage. The division will also begin notifying respondents by email, which is permissible under s. 455.275, Florida Statutes. The practice of sending emails has started with a pilot program choosing a particular profession and will be expanding in Fiscal Year 2015-16.

The Child Labor Program is working with the Division of Technology to implement an online partial waiver application. Partial waivers for employment in the general workforce are granted to minors who are not enrolled in Florida's public school system such as students who are enrolled in Home-School, Private School, Adult Education, Expelled, or for other hardships.

## **DIVISION OF SERVICE OPERATIONS**

The department implemented a self-printing license program to provide the real estate profession the ability to print their own licenses through their DBPR online account. This new automation has allowed real estate professionals to print their licenses on demand instead of waiting to receive their license in the mail. In addition to getting licensees out in the workforce quicker, the change provides a cost savings to the department and ultimately the citizens of Florida. In the next fiscal year, the department plans to integrate other professions into this process.

## **TASK FORCES STUDIES, ETC., IN PROGRESS**

### **DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO**

The division has formed an informal, internal working group to review and develop the pilot phase of electronic application filing to be launched for one or more applications in late 2015. The division's workgroup on this matter will continue to coordinate on review of adoption rates of electronic filing, user feedback, technical system and performance data related to the electronic filing platform, and other pertinent matters of interest as the division considers plans for expansion of the application types available for electronic filing.

The division's Bureau of Law Enforcement currently participates in the Federal Task Forces identified below:

- The Central Florida Drug Enforcement Administration High Intensity Drug Trafficking Areas Task Force (HIDTA);
- The North Florida Drug Enforcement Administration High Intensity Drug Trafficking Areas Task Force (HIDTA).

### **DIVISION OF HOTELS AND RESTAURANTS**

The Hotels and Restaurants Advisory Council was created by s. 509.291, Florida Statutes, to promote better relations between the industry and the division and suggest ways to better protect the health, safety and welfare of persons using the services offered by the hotel and restaurant industries. The Hotels and Restaurants Advisory Council meets annually and as otherwise necessary.

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The Elevator Safety Technical Advisory Council was created by the 2004 Florida Legislature to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public and give the division the benefit of the council members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division. The Elevator Safety Technical Advisory Council meets quarterly.

The Division of Hotels and Restaurants maintains contact with both advisory councils on a regular basis. The division collaborates with and obtains ongoing feedback from its advisory councils.

## **DIVISION OF PARI-MUTUAL WAGERING**

### **Performance Drugs in Pari-Mutuel Industries**

The Fiscal Year 2015-16 General Appropriations Act, provides for 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.

During the 2015 Legislative Session, House Bill (HB) 239, "Medication & Testing of Racing Animals," passed both the House and Senate with a favorable vote. Subsequently, the bill was sent to the Governor on May 18, 2015. The Governor signed the bill into law on June 2, 2015, with an effective date of July 1, 2015.

Some of the key provisions of the bill include the following:

- Provides that the division may solicit input from the Department of Agriculture and Consumer Services (DACS) for adopting of rules that specify normal physiological concentrations of naturally occurring substances in the natural untreated animal and rules that specify acceptable levels of environmental contaminants and trace levels of substances in test samples;
- Increases the fine authority for violations to \$10,000 or the amount of the purse or sweepstakes, whichever is greater;
- Requires prosecution to begin within 90 days after the violation was committed, rather than the current two years;
- In addition to the owner and trainer, the bill requires the division to now notify stewards and horsemen's associations of results;
- Prohibits the division from prosecution if the quantity of the racehorse split sample used for confirmation of a positive is an insufficient amount to test;
- Requires annual quality assurance review of the division laboratory and the independent laboratories by a third party and that the results and findings shall be reported to the division and the Department of Agriculture and Consumer Services;
- Eliminates the administration of prednisolone sodium succinate to a race horse on race day;
- Eliminates the requirement for Thin Layer Chromatography (TLC) be used to screen samples for the presence of Class IV and V medications in samples taken from race horses;
- Eliminates the current method of adopting medication threshold levels for race horses recommended by the University of Florida, College of Veterinary Medicine;
- Eliminates the testing medium for phenylbutazone in horses;
- Requires the division to adopt rules, establishing the conditions of use and maximum concentration of medications, drugs, and naturally occurring substances identified in the



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Controlled Therapeutic Medication Schedule (CTMS) for race horses, Version 2.1, revised April 17, 2014, by the Association of Racing Commissioners International, Inc. (ARCI). Such rules must be adopted before January 1, 2016;

- Requires that the adopted rules:
  - Designate the appropriate biological specimens by which the administration of medication, drugs, and naturally occurring substances is monitored, and determine the testing methodologies, to include, measurement uncertainties, for screening those;
  - Include a classification system for drugs and substances and a corresponding penalty schedule for violations that incorporates the Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014, as adopted, by ARCI;
  - Specify that a drug not listed in the CTMS which is present in a sample taken from an animal immediately after the race is a prohibited substance; and
  - Include conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage.

## **DIVISION OF REAL ESTATE**

The FREC created an Education Task Force in October 2013, to determine how to improve the pass rate for sales associates on the state licensing examination. The task force decided to review and update the current sales associate pre-licensing education course syllabus. The task force was made up of two commissioners, several educators and education providers, attorneys, a representative from the Florida Realtors, and division staff. This task force completed their review and update in July 2014, resulting in a new version of the sales associate pre-licensing education course syllabus that went into effect on January 1, 2015. The task force has continued its work by reviewing the broker pre-license education course syllabus and has developed an updated version that will go into effect on January 1, 2017. The task force has hopes to continue its work to create a course outline for the post-licensing education courses for sales associates and brokers. It was determined that a consistent outline that all educators can follow will improve the quality of the education to new licensees.

## **DIVISION OF REGULATION**

The Fiscal Year 2014-15 General Appropriations Act proviso requires a report be submitted to the legislature by November 1, 2015, addressing unlicensed activity functions. The report contains a detailed breakout of activities, revenues, and expenditures by board and/or profession.

## Exhibit II

### Performance Measures and Standards

<b>Department: Business and Professional Regulation</b>					
<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 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
1	Agency administration and support costs as a percent of total agency costs	11%	9.56%	11%	11%
2	Agency administration and support positions as a percent of total agency positions	11%	9.78%	11%	11%

<b>Program: Office of the Secretary and Administration</b>					Code: 79010000
<b>Service/Budget Entity: Information Technology</b>					Code: 79010300
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
3	Percent of time information infrastructure, scheduled computer hours and access is available	99%	99.97%	99%	99%

<b>Program: Service Operation</b>					Code: 79040000
<b>Service/Budget Entity: Customer Contact Center</b>					Code: 79040100
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
4	Percent of calls transferred to a call agent that are answered before call is abandoned	90%	98.65%	90%	90%
5	Percent of calls transferred to a call agent that are answered within 5 minutes	90%	98.20%	90%	90%
6	Percent of satisfied customers based on survey	90%	97%	90%	90%

<b>Program: Service Operation</b>					Code: 79040000
<b>Service/Budget Entity: Central Intake</b>					Code: 79040200
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
7	Percent of complete applications approved or denied within 90 days	98%	99.97%	98%	98%

<b>Program: Professional Regulation</b>					Code: 79050000
<b>Service/Budget Entity: Compliance and Enforcement</b>					Code: 79050100
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
8	Percent of required inspections completed	99%	100%	99%	99%
9	Percent of licenses that correct violations through alternative means (notices of non-compliance, citations or alternative dispute resolution)	46%	44%	46%	44%
10	Percent of complete board referred applications approved or denied within 90 days	98%	98%	98%	98%
11	Percent of licensees in compliance with inspection laws and regulations	83%	88%	83%	83%
12	Percent of complete license applications approved or denied within 90 days (Drugs, Devices, Cosmetics and Household Products Regulation)	100%	99%	100%	100%
13	Percent of Florida resident prescription drug wholesale distributor/permit holders inspected (Drugs, Devices, Cosmetics and Household Products Regulation)	25%	13%	25%	25%

## Exhibit II

### Performance Measures and Standards

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Florida Boxing Commission</b>		Code: 79050400			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
14	Percent of complete applications approved or denied within 90 days	100%	100%	100%	100%

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Testing and Continuing Education</b>		Code: 79050500			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
15	Percent of complete provider and individual course applications approved or denied within 90 days	98%	98%	99%	98%

<b>Program: Professional Regulation</b>		Code: 79050000			
<b>Service/Budget Entity: Farm and Child Labor Regulation</b>		Code: 79050600			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
16	Percent of farm labor contractors inspected found to be in compliance with the law	95%	95%	95%	95%
17	Percent of employers brought into compliance with child labor laws on follow-up investigations	91%	93%	91%	91%

<b>Program: Pari-Mutuel Wagering</b>		Code: 79100000			
<b>Service/Budget Entity: Pari-Mutuel Wagering</b>		Code: 79100400			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
18	Percent of races and games that are in compliance with all laws and regulations	99.50%	99.42%	99.50%	99.50%
19	Percent of complete Pari-Mutuel Wagering applications approved or denied within 90 days	100%	100%	100%	100%
20	Pari-Mutuel Wagering collections per dollar of revenue unit expenditures	\$35	\$51	\$35	\$40
21	Percent of compliance audits conducted	100%	100%	100%	100%

<b>Program: Pari-Mutuel Wagering</b>		Code: 79100000			
<b>Service/Budget Entity: Slot Machine Regulation</b>		Code: 79100500			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
22	Percent of slot tax dollars collected compared to permitholder liability	100%	100%	100%	100%
23	Percent of complete slot applications approved or denied within 90 days	100%	100%	100%	100%
24	Slot tax collections per dollar of slot revenue unit expenditures	\$800	\$1,280	\$850	\$900

## Exhibit II

### Performance Measures and Standards

<b>Program: Hotels and Restaurants</b>		Code: 79200000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79200100			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
25	Percent of food establishments inspected according to statute	95%	98%	95%	95%
26	Percent of lodging establishments inspected according to statute	97%	98%	97%	97%
27	Percent of elevators, escalators and other vertical conveyance devices inspected according to statute	96%	98%	96%	96%
28	Percent of complete public food establishment license applications approved or denied within 90 days	98%	99%	98%	98%
29	Percent of complete public lodging establishment license applications approved or denied within 90 days	98%	99%	98%	98%
30	Percentage of elevator certificates of operation applications approved or denied within 90 days	98%	99%	98%	98%

<b>Program: Alcoholic Beverages and Tobacco</b>		Code: 79400000			
<b>Service/Budget Entity: Compliance and Enforcement</b>		Code: 79400100			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
31	Percent of total retail alcohol and tobacco licensees and permit holders inspected	35%	50.44%	35%	35%
32	Percent of alcoholic beverage retailers tested found to be in compliance with underage persons' access	80%	84.85%	80%	80%
33	Percent of tobacco retailers tested found to be in compliance with underage persons' access	80%	86.65%	80%	80%
34	Percent of inspections resulting in licensees in compliance with laws and regulations	75%	67.83%	75%	75%

<b>Program: Alcoholic Beverages and Tobacco</b>		Code: 79400000			
<b>Service/Budget Entity: Standards and Licensure</b>		Code: 79400200			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
35	Percent of complete license applications approved or denied within 90 days	98%	98.49%	98%	98%

<b>Program: Alcoholic Beverages and Tobacco</b>		Code: 79400000			
<b>Service/Budget Entity: Tax Collection</b>		Code: 79400300			
Approved Performance Measures for FY 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
36	Collections per dollar of auditing expenditure	\$275	\$306.74	\$275	\$275
37	Percent of wholesale licensees providing timely and accurate tax reporting and remittance as required by Florida Statutes	90%	82%	75%	85%

## Exhibit II

### Performance Measures and 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 2015-16		Approved Standards FY 2014-15 (Numbers)	Prior Year Actual FY 2014-15 (Numbers)	Approved FY 2015-16 Standard (Numbers)	Requested FY 2016-17 Standard (Numbers)
38	Average number of days to resolve cases submitted for arbitration	95	86	95	95
39	Average number of days to resolve investigations of consumer complaints	90	61	90	90
40	Average number of days to review and issue yacht and ship broker and salesperson licenses	15	8	15	15
41	Percent of condominium, timeshare and mobile home filings reviewed within statutory requirements	98%	100%	98%	98%

**LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Business and Professional Regulation  
**Program:** Professional Regulation  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Percent of Florida resident prescription drug wholesale distributor/permit holders inspected (Drugs, Devices, Cosmetics and Household Products Regulation)

**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
25%	13%	Under	12%

**Factors Accounting for the Difference:**

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

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

**Explanation:**

Personnel: During Fiscal Year 2014-15, the division experienced vacancies in both the permitting unit (2) and the enforcement unit (2). In addition to the vacancies, the enforcement unit had a critical employee that experienced significant extended absences from the office. Both units have had to hire and train new employees during this past fiscal year. Both units are small (Permitting – 6 FTEs; Enforcement – 11.5 FTEs) and have been impacted significantly by the absence of the employees.

Competing Priorities: The division’s drug inspectors also serve as subject matter experts for the division. The drug inspectors assist with the review of product registration applications; they research and provide input on the safety of products and their ingredients. This “product review” requires significant time and reduces the time that the drug inspectors have to conduct inspections.

Previous Estimate Incorrect: The prior estimate may be incorrect. The division may have over-estimated the percentage of the facilities that the division could inspect.

Staff Capacity: The division has 11.5 FTEs responsible for the pre-permit, routine and follow-up inspections of approximately 7,000 permit holders state-wide. The division must task and re-task its inspection force as they are needed to meet the current need of the division.

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

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

**Explanation:** The federal government passed recent legislation that is being implemented in stages. The first stages took effect January 1, 2015. Subsequent stages take effect in July and November 2015. As the federal law becomes effective, the unit must re-train our staff to be up-to-date on the law. This takes time away from conducting inspections.

**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:** The division has requested additional inspectors via the Legislative Budgeting Request process. The division is also re-evaluating the performance expectation over the coming fiscal year to determine if it is reasonable. The division is implementing a risk-based inspection program to give additional directives to the inspectors on the selection of entities to inspect. The division has invested in research materials and updated equipment that may facilitate additional inspections. Also the division has implemented a new procedure for review of products reducing the involvement of division inspectors in the process.

**LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Business and Professional Regulation  
**Program:** Alcoholic Beverages and Tobacco  
**Service/Budget Entity:** Compliance and Enforcement  
**Measure:** Percent of Inspections resulting in Licensees in compliance with laws and regulations

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
75%	67.83%	Under	-7.17%

**Factors Accounting for the Difference:**

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

- |  |  |
|--|--|
| <input checked="" 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 (Identify) |

**Explanation:** The Bureau of Law Enforcement has enhanced the inspection program by implementing the departments' Versa Regulation (VR) application through iPad technology. The program streamlines the inspection process and time spent on location by remotely accessing the VR system, which enables all violations to be captured with or without corrective action by the licensee. All inspectors are now equipped with license type inspection checklists, which include all possible violations and allow for a more comprehensive inspection. While the above percentage captures the true performance measure, it has not been re-coded to reflect on-site correction by the licensee. This technological programming issue is being researched for correction and may have caused the statistical data to not meet the approved standards. In comparison to the prior fiscal year, FY 2014-15 inspection data shows the enhanced inspection program has improved performance by: alcohol inspections have increased by 497; tobacco inspections have increased by 524; official notices have increased by 621; and non-compliance fines collected by the division have increased by \$221,708. The Bureau of Law Enforcement has concluded that it can maintain its core mission with increased effectiveness and efficiency.

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

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

**Explanation:**

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

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

**Recommendations:** While the percentage captures the true performance measure, it has not been re-coded to reflect on-site correction by the licensee. The bureau will consult with technology and recommend a corrective action factor be written into the code to project a more accurate measure of licensees in compliance.



**LRPP Exhibit III: PERFORMANCE MEASURE ASSESSMENT**

**Department:** Business and Professional Regulation

**Program:** Alcoholic Beverages and Tobacco

**Service/Budget Entity:** Tax Collection

**Measure:** Percent of wholesale licensees providing timely and accurate tax reporting and remittance as required by Florida Statute.

**Action:**

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

Approved Standard	Actual Performance Results	Difference (Over/Under)	Percentage Difference
94%	82%	Under	23%

**Factors Accounting for the Difference:**

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

- |   |  |
|---|--|
| <input checked="" 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:**

During FY 2014-15, the percentage of wholesale licensees providing timely and accurate tax reporting and remittance as required by Florida Statute was 82%, which was less than the approved standard of 94%. When projecting the standard, the division assumed that the Electronic Data System (EDS) would be fully implemented and functional. However, the EDS system is still progressing slowly and continues to be difficult to use for industry members and bureau staff. In addition, the data download function of EDS did not progress as planned, which resulted in large volumes of monthly tax report data being manually entered into the system. Due to the elimination of the positions that previously handled the manual data input each month (as part of the division's budget reductions), the data had to be input by auditors and OPS employees. The unanticipated workload has diverted the auditors from regular audit duties, including compliance follow-up of non-reporting licensees.

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

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

**Explanation:**

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

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

**Recommendations:**

The division, through legislative approval, has procured funding for two new programming positions to address technical issues and write system requirements to make the EDS system fully functional. Once the system is fully functional and the technical issues have been resolved, the division anticipates that EDS will achieve increased user adoption in the industry and will allow the division to report more

efficiently and accurately. In light of these delays and unexpected problems, the division requests that the standard be lowered temporarily to 85% for the next two fiscal years while the functionality of EDS is being improved through the approved EDS development project.

## 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.

### **Glossary**

Exhibit B – A report generated from the State budget system (LAS/PBS) which reflects expenditures for the Department.

FLAIR – Florida Accounting Information Resource, which is the State’s accounting database.

LAS/PBS – Legislative Appropriation System / Planning and Budgeting Subsystem, which is the State’s budgeting computer system.

### **Data Sources and Methodology:**

The Division of Administration and Financial Management, Bureau of Finance and Accounting enters every financial transaction into the FLAIR System throughout the year. At the end of each fiscal year, after a series of checks and balances, the Executive Office of the Governor uploads this information into LAS/PBS. Staff within the department’s Office of Planning and Budget generates an “Exhibit B” from LAS/PBS, which reflects total actual expenditures, excluding fixed capital outlay, for the previous fiscal year, by budget entity. Total actual expenditures (excluding fixed capital outlay) for Executive Direction and Support Services (Administration) is then divided by the total actual expenditures (excluding fixed capital outlay) for the department and multiplied by 100 to determine administrative costs, as a percent of total agency costs.

### **Validity:**

The measure is valid in that it provides an accurate percentage of administrative costs compared to total agency costs. A series of internal and external checks and balances are conducted to ensure that all transactions are entered into the FLAIR System. This measure does not necessarily indicate how successful the agency is at keeping administrative costs down nor necessarily provide an accurate year-to-year comparison because a decrease in the agency’s overall budget could cause a substantial increase in the percent of administrative costs compared to total agency costs, without an actual increase in administrative costs.

### **Reliability:**

Historical files are maintained in LAS/PBS and an Exhibit B report can be generated repeatedly, producing the same expenditure data at any time.

## 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.

**Glossary:**

People First – The State personnel system/database

Exhibit B – A report generated from the State budget system (LAS/PBS) which reflects expenditures for the Department.

LAS/PBS – Legislative Appropriation System / Planning and Budgeting Subsystem, which is the State's budgeting computer system.

**Data Sources and Methodology:**

Each year, the Florida Legislature appropriates positions to the department by budget entity. The Bureau of Human Resources, within the Division of Administration and Financial Management, maintains information regarding department positions in the People First database. This information is reconciled internally and by the Executive Office of the Governor. The department's Office of Planning and Budget generates an "Exhibit B" from LAS/PBS, which reflects total positions for the previous fiscal year, by budget entity. Total positions for the Executive Direction and Support Service is then divided by the total positions for the department and multiplied by 100 to determine administrative positions, as a percent of total agency positions.

**Validity:**

The measure is valid in that it provides an accurate percentage of administrative positions compared to total agency positions. It does not necessarily indicate how successful the agency is at keeping administrative positions down nor necessarily provide an accurate year-to-year comparison because a decrease in the number of positions within the agency as a whole could cause a substantial increase in the percent of administrative positions compared to total agency positions, without an actual increase.

**Reliability:**

Historical files are maintained in People First as well as in LAS/PBS. The Exhibit B report can be generated in LAS/PBS and repeatedly, producing the same figures.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

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

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

**Measure:** Percentage of time information infrastructure, scheduled computer hours and access is available

**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 and measured through the Department's computer hardware and software monitoring systems (Solar Winds Orion). The monitoring system records and reports outages to systems, allowing the agency to calculate availability of services. Availability is expressed as a percentage of uptime in a given year. Availability of systems is calculated by taking the total of amount of system and /or service uptime (as reported by Solar Winds Orion) divided by the difference of the number of hours in a year minus the hours of scheduled downtime for services.

*System Uptime/ ((total hours in a year) - (planned downtime hours)) = Availability %*

This methodology excludes scheduled downtime from availability calculations, as scheduled downtime has little or no impact upon the computing user community.

### **Validity:**

Data collected for this measure is valid, monitored continuously and analyzed annually. This information is vitally important to the Department of Business and Professional Regulation as unplanned service downtime directly affects the Department's ability to license and regulate in a timely and efficient manner.

### **Reliability:**

Data collected for this measure is reliable, monitored continuously and analyzed annually. Since the individual components of the critical infrastructure are monitored continuously, any outages are recorded, even if the disruption is too brief/minimal to impact services. The monitoring system has been configured to create reports as requested. Reports are run at the end of the month to assure that the service is meeting expectations, and the final report is run annually.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business Professional and Regulation

**Program:** Service Operations

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

**Measure:** Percentage of calls transferred to call agent that are answered before call is abandoned

**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 Customer Contact Center (CCC) serves as the primary source of interaction with the Department's core constituents –licensees, applicants and general public. The CCC was established to provide access of licensure information to license holders, applicants and the general public. The CCC call agents answer inquires by telephone and e-mail. The objective of this measure is to calculate the percentage of calls that are transferred to a call agent that are answered.

To capture the needed information, data is collected and stored in the Cisco Unified Contact Center Express (UCCX) database as calls come into the CCC's Interactive Voice Response (IVR) System. The system provides a reporting tool, the "Historical Reports Viewer", to analyze and measure the historical performance of each call center agent, each team and the agent queues. The data can be displayed in a real time reporting system referred to as Cisco UCCX Administration. This information is used by the CCC to establish and revise strategic performance objectives and drive performance improvement. Various reports may be run on demand.

The data collection begins when the UCCX system receives an inbound call into the Department's main number 850-487-1395. The UCCX (or Interactive Voice Response) systems capture data based on the customer's interaction. There are essentially two actions that can be taken; One being, the self-serve functionality within UCCX that allows a customer to obtain licensure information or make a payment and two, the caller can elect to speak to an agent. If an agent's assistance is requested the server logic determines the appropriate agent queue the call must be routed to and then the call is delivered to an agent's Cisco Agent Desktop (CAD). The CAD is used to retrieve the call by each call agent. The agent then uses the Customer Relationship Management (CRM) computer application to enter further information concerning the call.

Once the caller has selected the option to speak to an agent, there is the possibility of the caller hanging up if the wait time is too long. Such calls would be considered abandoned calls. Additionally, there are licensure renewal periods and peak hours during each work day that contribute to the abandoned call levels. Peak time hours are between 10:00 a.m. and 2:00 p.m. daily. This measure is calculated by dividing the total calls answered by call agents, by the total calls presented to the agent queues and multiplied by one hundred to get the percentage.

### **Validity:**

This measure reflects the Division's core value of providing accurate and timely response to our customers. The UCCX system's design and purpose is to capture data related to calls in order to facilitate this measure. This Cisco UCCX system identifies real-time historical call data that is also used by the Department to set staffing needs, training and strategic planning for peak workload periods such as license renewal on a daily basis.

### **Reliability:**

The UCCX system was designed by CISCO Systems. CISCO Systems is one of the industry leaders in telephone and Voice over Internet Protocol (VoIP) technology. The UCCX system's design and purpose

is to capture data related to calls in order to facilitate this measure. The Cisco UCCX system automatically collects and stores the call data daily and consistently reports the call data accurately.

## 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 transferred to a call agent that are answered within 5 minutes

**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 Customer Contact Center (CCC) serves as the primary source of interaction with the Department's core constituents – licensees, applicants and general public. The CCC was established to provide access of licensure information to applicants, license holders and the general public. The CCC call agents answer inquires by telephone and e-mail. The objective of this measure is to determine if calls are answered in a timely manner.

To capture the needed information, data is collected and stored in the Cisco Unified Contact Center Express (UCCX) database as calls come into the Customer Contact Center's Interactive Voice Response (IVR) System. The system provides a reporting tool, called the "Historical Reports Viewer" to analyze and measure the historical performance of each call center agent, each team, and the agent queues. The data can be displayed in a real time reporting system referred to as Cisco UCCX Administration. This information is used by the CCC to establish and revise strategic performance objectives and drive performance improvement. Various reports may be run on demand.

The data collection begins when the UCCX system receives an inbound call into the Department's Interactive Voice Response (IVR) system. Time specific data is collected for every call that enters the system to include the name of the agent receiving the transferred call; the time the call was transferred; the time the agent answered the call; and the duration of the call. When a customer elects to speak with an agent, the system will match the caller's prompt selection with the appropriate agent's queue. Although there is no statutory requirement to answer the call within five minutes, the Department has a self imposed standard of responding to calls within five minutes.

There are licensure renewal periods and peak hours during each work day that contribute to how long a customer may need to wait to speak with an agent. During these periods, the call volume may increase the wait time levels beyond five minutes. Peak time hours are between 10:00 a.m. and 2:00 p.m. daily.

The measure is calculated by dividing the number of calls answered within five minutes by the total calls presented to the call agent queues. The number derived is then multiplied by 100 to get the percentage.

### **Validity:**

This measure has been established to set a baseline for the percent of agent assisted calls answered within five minutes. The data collected from the UCCX consistently provides the information necessary to support this measure. The UCCX captures real time and historical call data to set staffing needs, training and strategic planning for peak workload periods such as license renewal.

### **Reliability:**

The UCCX system was designed by CISCO Systems. CISCO Systems is one of the industry leaders in the telephony and Voice over Internet Protocol (VoIP) technology. The UCCX system's design and purpose is to capture data related to calls in order to facilitate this measure. The Cisco UCCX system automatically collects and stores the call data daily and consistently reports the call data accurately.



## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business Professional and Regulation

**Program:** Service Operations

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

**Measure:** Percentage of satisfied customers based on survey

**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 Customer Contact Center (CCC) serves as the primary source of interaction with the Department's core constituents, licensees, applicants and general public. The CCC was established to provide around the clock access of licensure information to license holders, applicants and the general public. The CCC agents answer inquiries by telephone and e-mail. The objective of this measure is to evaluate the quality of customer service that is provided to the Department's customers.

Each day the survey pool is selected from the Customer Relationship Management System (CRM) where all CCC agents' assisted calls are recorded using the "CRM Random Survey Data Report." The report is housed in the Department's Business Object Infoview web-based reporting system. The report will query the CRM system to retrieve a sampling of incoming calls from the previous business day. The report's results will be exported to Excel format, facilitating the collection of the participant responses. The surveying agent telephones customers from the previous day's calls and asks them to participate in a survey. The data provided by the survey participants is recorded by the surveying agent in individual Excel forms. The forms are compiled on a weekly and monthly basis in a master Excel report to provide the percentage of satisfied customers based on the survey.

The customer satisfaction measure is calculated based on the second question of the Customer Satisfaction Survey, which asks: "Please rate your overall level of satisfaction with the customer service you received from our Contact Center." The rating scale is one through three or the customer may choose to not respond; one being below average, two being average, and three being above average. For calculation purposes, the average and above average ratings are combined to get an amount of "satisfied" customers. The "no response" rating will not be included in the count.

The calculation is as follows: the number of customers who rate the overall level of satisfaction with the customer service as satisfied will be divided by the total number of customers surveyed, excluding the "no response". The number derived from the aforementioned calculation will then be multiplied by 100 to obtain the "percentage of satisfied customers based on survey."

### **Validity:**

This measure reflects the Division's core value of providing accurate response to our customers. This measures the Customer Contact Center's (CCC) effectiveness in meeting and exceeding customer's standards of service. High customer satisfaction rates indicate that the CCC is successful in providing the citizens of Florida information in an efficient and courteous manner.

### **Reliability:**

The measure is reliable because it uses a live telephone survey as a systematic tool for the collection of data using a standardized questionnaire. Telephone surveys are an effective way to collect customer satisfaction with the services provided allowing the collection of complete and accurate data at the time of the interview by trained professional survey agents. The questionnaire results are recorded and maintained in an Excel report which is reported weekly to CCC management.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Service Operations

**Service/Budget Entity:** Central Intake

**Measure:** Percent of completed 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 according to statutory requirements in Section 120.60, F.S.

The Bureau of Central Intake and Licensure (BCIL) is responsible for the intake of licensure applications and payments for 24 professions regulated by the Department. 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 or omissions. An application is complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. An application for a license must be approved or denied within 90 days after receipt of a completed application.

Time for this measure is calculated from receipt (stamp date) of a completed application to the date of approval.

If the application is complete upon initial review, the BCIL staff will approve the application for those professions where such authority has been delegated to the bureau, or send completed applications to the appropriate licensing boards for approval.

For applications that were initially deficient, the application will be deemed complete upon receipt of all requested information and correction of any errors or omissions. BCIL staff will then approve the application for those professions where such authority has been delegated to the bureau, or send completed applications to the appropriate licensing boards for approval.

The bureau has no authority to deny applications.

Data is collected utilizing the "Percent of completed applications approved or denied within 90 days" report, which is housed in the Department's web based Business Objects Info View Reporting System's Public Folder / BCIL Folder.

The measure is calculated by dividing the total number of applications approved within 90 days by the total number of applications received. The number derived is then multiplied by 100 to get the percentage.

### **Validity:**

This performance measure calculates the percent of applications approved within 90 days. The statutory reference for this is Section 120.60, F.S. 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 or omissions. An application is complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. An application for a license must be approved or denied within 90 days after receipt of a completed application.

**Reliability:**

This measure is reliable because the data is cross referenced on a regular basis by queries of our document imaging and workload management software. Reports are run within the Report Services interface on a daily basis to assess the status of our application processing queues.

## 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 authorized inspections of licensed barber (s.476.184(2), Florida Statutes), veterinary (s.455.243 and s.474.215, Florida Statutes), and cosmetology (s.477.025(2), Florida Statutes) establishments. Florida Rules (FAC 61G3-19.015 barber, 61G18-15.005-veterinary, and 61G5-20.003 cosmetology) mandate barber, cosmetology and veterinary establishments be inspected once every two years. The inspector completes an inspection form on an iPad 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 Versa: Regulation 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 Versa: Regulation. Barber, cosmetology and veterinary establishments with an active license require inspection biennially. Additionally, barber and cosmetology establishments that obtained initial licensure during the fiscal year require inspection in that fiscal year. Three reports are generated from Versa: Regulation at the close of the fiscal year: 'Inspections remaining Barbers, Cosmetology and VET'. The reports list all active barber, cosmetology, and veterinary establishment licensees that were not inspected during the fiscal year. 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 of 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 reflects the division's ability to achieve an increase in the compliance of standards by licensees through regular inspections and/or audits. The authority for the Division of Regulation to conduct inspections can be found in s.455.223, Florida Statutes which further states that each professional practice act shall authorize inspections for its profession. The statutes for the Boards of Cosmetology, Veterinary Medicine and Barber, s.477.025, s.455.243, s.474.215 and s.476.184, Florida Statutes respectively, give authority for the boards to establish, by rule, minimum sanitary and safety requirements for each establishment and their rules describe an inspection process to make sure compliance is achieved.

### **Reliability:**

Information is maintained and retrieved from the Versa: Regulation system designed for the agency to accurately document licensure actions. The division's data steward has been trained to query data for performance measures as well as other required reporting. Inspectors capture inspection information on an iPad that is uploaded or manually entered into the Versa: Regulation 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:** 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:**

The information originates from complaints initiated by the public, other regulatory agencies, licensees, and/or the department that are received in the central office or any of multiple regional offices. Information is maintained and retrieved from the tracking system (Versa Regulation and OnBase database). This measure is calculated by dividing the cases resolved by means of citation, notice of non-compliance, or alternative dispute resolution (ADR) by the number of legally sufficient cases. 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 licensees' 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 Versa Regulation system. All complaints are stored and retrieved in the OnBase system.

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. The intent of the legislature can be found in s. 120.695, Florida Statutes, which states, in part, that the purpose of regulation is to protect the public by attaining compliance. An increase in the percentage of licensees that correct violations through alternative means results in an increase in compliance with all standards.

**Reliability:**

This measure is reliable in that information is maintained and retrieved from the tracking system (Versa Regulation and OnBase database) designed for the agency to accurately document case status history. The division's data steward has 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.

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.

## 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 board referred 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), Florida Statutes, 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 the statutory deadline tolls. Pursuant to Section 120.60(1), Florida Statutes, 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 complete board referred applications approved or denied within 90 days will be obtained from a Versa: Regulation report entitled 'Board Referred Applications Approved or Denied within 90 Days'. Applications on this report that have a processing time greater than 90 days will be researched by board staff to verify that the number is legitimate or if it is the result of a coding error. The percentage will be arrived at by taking the number of complete board referred applications approved, denied, or withdrawn within 90 days of an application being deemed complete divided by the total number of complete board referred applications approved, denied, or withdrawn. 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 board referred applications that are approved or denied in a timely manner. The 90-day turn-around timeframe is statutorily mandated pursuant to Section 120.60(1), Florida Statutes. 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. Tracking this data is useful in evaluating the department's business processes

and licensing requirements for consistency with its mission to “License Efficiently, Regulate Fairly.” 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.

**Reliability:**

An “OnBase” report entitled the “30-60-90 Day” report is used to capture applications with no license status code. The report also details applications that are 30, 60 or 90 days old based on “the last working date” (the date the last applicant supporting documentation arrived in the Central Intake Unit).

Applications are examined monthly to determine if there are applications that are 90 days old without a license status code. Applications that are ninety days old with no license status code are sent to the respective board office’s government analyst. The government analyst is required to provide an adequate explanation for each 90-day-old application. This process is to determine whether the application was 90 days old or if it was improperly coded in OnBase. The government analyst researches and reviews supporting documentation to establish the correct timeframe and status of these applications. The results of the research and review by the government analyst is sent to the respective Executive Director and then to the Division Director to ensure actions taken consistent with Section 120.60(1), Florida Statutes. Finally, the government analyst inputs the required data into OnBase.

This measure is a dependable and consistent measure for determining that 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 in compliance with inspection 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 measure is calculated by using SQL queries against Versa: Regulation data that looks for citations and notices of non-compliance (NNCs) that are issued during statutorily mandated inspections of cosmetology, veterinary and barbershop establishments by Division of Regulation staff. Citations and NNCs are issued by the inspector who is conducting their rule mandated biennial inspection for the minimum health and safety requirements. The non-compliant issues are tracked in Versa: Regulation and OnBase. Citations are a civil monetary penalty and NNCs are a non-disciplinary warning for minor violations.

The inspectors conduct their inspections using a department issued iPad and the results are uploaded weekly into Versa: Regulation and OnBase. The measure is calculated by dividing the total number of inspections completed during the year by the number of citations and NNCs issued.

### **Validity:**

This measure addresses the division's ability to achieve an increase in the compliance of standards by licensees. The division's authority to conduct inspections is found in s. 455.223, Florida Statutes. The compliance rate relies on the assumption that licensees that were not disciplined through the issuance of a citation or NNC are in compliance with all inspection laws and regulations.

### **Reliability:**

Information is maintained and retrieved from the tracking system (Versa: Regulation) designed for the agency to accurately document inspection history/status. The division's data steward has been trained to query data for performance measures as well as other required reporting. Data regarding the issuance of citations and NNCs are input by the division's Complaint Analysts or administrative staff and is validated by daily and monthly reports which are reviewed in each region by the Regional Program Administrator. All citations and NNCs are also scanned into OnBase for assignment and retrieval. The case in OnBase can be compared and tied to the information in Versa: Regulation because of the case number used in both systems.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Department of Business & Professional Regulation

**Program:** Drugs, Devices, and Cosmetics

**Service/Budget Entity:** 79700100

**Measure:** Percent of complete license applications approved or denied within 90 days (Drugs, Devices, Cosmetics and Household Products Regulation)

**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 measures the percentage of completed applications that the division approves or denies according to statutory requirements in Section 120.60, Florida Statutes.

The Division of Drugs, Devices, and Cosmetics is charged with licensing and regulating entities that manufacture and distribute drugs (prescription and over-the-counter), devices, and cosmetics into and in the state of Florida, as set forth in Chapters 465, 499 and 893, Florida Statutes.

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. 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. A complete application must be approved or denied within 90 days after receipt.

Time for this measure is calculated from receipt (stamp date) of a completed application to the date of approval.

DBPR's single licensing system (Versa: Regulation) serves as the repository of the department's licensing and enforcement information. The information in the system is entered contemporaneously with licensure or enforcement transactions that are being conducted by DBPR employees.

Data is collected utilizing the "Percent of completed applications approved or denied within 90 days" report, which is housed in the department's web based Business Objects Info View Reporting System's Public Folder / DDC Folder.

The measure is calculated by dividing the total number of applications approved within 90 days by the total number of applications approved. The number derived is then multiplied by 100 to get the percentage.

### **Validity:**

The 90-day time period is statutorily mandated by section 120.60, Florida Statutes. This measure monitors statutory compliance and provides an accurate method of counting the processing days for an application. This measure was chosen because it will reflect the division's compliance with Florida law.

The data entered into Versa: Regulation is monitored and analyzed at least quarterly. The data is verified by the division users of the reports to ensure the accuracy of the information.

### **Reliability:**

This measure is reliable because the data is cross referenced on a regular basis by queries of our document imaging and workload management software. Reports are run within the Report Services interface on a daily basis to assess the status of our application processing queues.

Supervisors run a daily report (DDC/Completed Applications Not Closed) that shows which complete applications have not been acted upon (approved or denied). Supervisors perform audits of individual application processor activity to ensure reliability and integrity of the data.

The data entered into Versa: Regulation is entered contemporaneously at the time of the transaction. Employees are trained on importance of timely entering the correct information into the system.

## 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 Florida resident prescription drug wholesale distributor/permit holders inspected (Drugs, Devices, Cosmetics and Household Products Regulation)

**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 addresses the percentage of Florida resident prescription drug wholesale distributors that are inspected for the deterrence of violations of, and the assurance of compliance with, standards and laws in order to promote the health and safety of the public.

The Division of Drugs, Devices, and Cosmetics is charged with enforcing the laws pertaining to licensed prescription drug wholesale distributors and their physical establishments as outlined in Chapters 465, 499 and 893, Florida Statutes.

Division drug inspectors visit the Florida resident licensed establishments or establishments seeking licensure and review the business practices regarding the handling of regulated products, the maintaining of appropriate records, and other requirements outlined in the aforementioned statutes. In addition, the inspectors ensure that the establishments continue to meet requirements as outlined in those statutes for the permit category that has been issued. A person at the establishment is notified of the outcome of the inspection and, if applicable, is told how to come into compliance regarding any noted violations. The inspection findings are documented during the inspection on an electronic device.

Data, and the electronic inspection, are uploaded to Versa: Regulation (the department's licensing system) and OnBase (the department's electronic document management system), via synchronization software/hardware.

At the close of the fiscal year, the number of Florida resident establishments licensed to wholesale distribute prescription drugs that were inspected (PDWI) and the number of Florida resident establishments licensed to wholesale distribute prescription drugs, whether they were inspected or not (PDWNI), during the fiscal year is obtained via Versa: Regulation queries.

This measure is calculated as follows:

The numerator for this measure is comprised of the number of Florida resident establishments licensed to wholesale distribute prescription drugs that were inspected (PDWI) during the fiscal year. The denominator for this measure is comprised of the total number of Florida resident establishments licensed to wholesale distribute prescription drugs, whether they were inspected or not (PDWNI).

[% Florida resident prescription drug wholesale distributors inspected = PDWI / PDWNI]

At the close of the fiscal year, the percentage of the Florida resident prescription drug wholesale distributors inspected is calculated as set forth above. The number derived is multiplied by 100 to obtain the percentage inspected.

**Validity:**

This measure is used because it addresses the division's efforts regarding the identification and deterrence of violations of, and the assurance of compliance with, standards and laws pertaining to prescription drug wholesale distributors set forth in Chapters 465, 499, and 893, Florida Statutes.

This measures the division's effectiveness in providing continuing education to applicants and licensees regarding statute and rule requirements, and promoting the health and safety of the public. A high percentage of prescription drug wholesale distributor licensees inspected indicates that the division was successful in these endeavors.

**Reliability:**

This measure is reliable because the methodology is sound and consistent. The inspection results are documented during the course of the inspection, verified and uploaded to Versa: Regulation and OnBase. Data is obtained directly from the uploaded inspections. Additionally, the program conducts ongoing (monthly) training and inspection standardization to ensure enforcement is conducted uniformly.

Inspection reports are spot checked by program supervisors for quality, consistency, and accuracy. Reports are run weekly, monthly, annually, and on demand to obtain inspection information from Versa: Regulation.

## 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 complete applications approved and 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:**

Pursuant to Chapter 548, Florida Statutes, the Florida State Boxing Commission regulates professional boxing, kickboxing and mixed martial arts and approves and monitors amateur boxing, kickboxing and mixed martial arts sanctioning organizations.

The Commission processes applications for licensure pursuant to Section 120.60, Florida Statutes. Upon receipt of a licensure application the application is reviewed by staff within 30 days after such receipt. If there are omissions, the applicant is notified in writing of the deficiencies. If the application is complete and meets all licensure requirements, it is approved and a license number is assigned and a licensure card is mailed.

License application categories include: Live Event Permit, Participant, Second, Trainer, Manager, Management Companies, Promoter, Officer of Promoter or Management Company, Matchmaker, Judge, Referee, Announcer, Timekeeper, Ringside Physician, and Amateur Sanctioning Organization.

Not all applications for licensure are received by mail. The majority of participant, second, and trainer applications are submitted to the Commission at the official event weigh-in. The official weigh-in is held the day prior to the event, and the applications are collected by the OPS event coordinator and are verified for completeness. Approved applicants are granted a temporary license to participate at the event.

Listed below are the procedures used to process an application received by mail:

1. Upon receipt, staff date stamps the application and a revenue receipt is manually processed using a pre-numbered receipt.
2. A copy of the receipt is attached to the application for verification of licensure payment.
3. Licensure fees and applications are prepared for deposit by using a form prepared by staff and approved by supervisor.
4. Staff transfers revenue and applications received to Revenue Management for deposit.
5. Revenue Management prepares the documents and scans them into the Boxing Commission's Workflow via OnBase.
6. Commission staff reviews documents.
7. Applications approved for licensure are issued a license number generated by Versa: Regulation.
8. A licensure card is generated by the technology office and hand-delivered to the Commission office.
9. Staff reviews the licensure card for accuracy and mails card to licensee.
10. If errors are noted, staff returns the licensure card to technology.

Listed below are the procedures used to process an application received at the official weigh-in.

1. Upon receipt of the completed application, staff issues a manual revenue receipt from a pre-numbered receipt booklet. A copy of the receipt is attached to the application to verify licensure fee has been paid.

2. The event coordinator reviews the application to ensure that it is complete. If omissions are determined, the application is returned for completion. If complete, a license is granted and the applicant is allowed to participate at the event.
3. Following the event, the event folder is returned to the Commission office. Commission office staff reconciles the event folder to ensure all applications, license fees, and supporting documentation received at the weigh-in and event have been received.
4. Licensure fees and applications are prepared for deposit by using a form prepared by staff and approved by supervisor.
5. Staff transfers revenue and applications received to Revenue Management for deposit.
6. Revenue Management prepares the documents and scans them into the Boxing Commission's Workflow via OnBase.
7. Commission staff reviews documents.
8. Applications approved for licensure are issued a license number generated by Versa: Regulation.
9. A licensure card is generated by the technology office and hand-delivered to the Commission office.
10. Staff reviews the licensure card for accuracy and mails card to licensee.
11. If errors are noted, staff returns the licensure card to technology.

**The measure is calculated as follows:**

This measure is comprised of the total applications received divided by the number of applications processed (approved or denied) within 90 days.

**Validity:**

This measure is used because the percent of applications processed within 90 days demonstrates how the Commission meets compliance with application processing requirements and provides quality assistance to its customers.

**Reliability:**

The performance measure is calculated using data generated from the licensing system database which should produce accurate and uniform results on a continuing basis. In addition, controls over the licensure process have been implemented in the last fiscal year. A checklist is executed for each application received via mail. This checklist helps to ensure that applications received are complete and any deficiencies are addressed.

## 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 complete provider and individual course 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 Bureau of Education and Testing (BET) reviews and determines compliance with the specific board rule or statutory requirements when receiving provider and course applications per Sections 455.2177 and 455.2179, F.S.

When the applications are received, the top page is date stamped with the receiving date. The applications are scanned into the On-Base Document System and a quality control check is conducted to verify all documents were scanned properly. The documents are routed through On-Base to the assigned staff member's queue for review and processing in Versa: Regulation. Once information is entered into Versa: Regulation and On-Base, Versa: Regulation begins tracking time to completion. Applications are placed on hold status in Versa: Regulation, 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 as this may include the time period the application was placed on hold for board or consultant review. Applications that are deficient are also placed on hold status and a letter is sent to the applicant detailing the deficiency. The applicant is given an opportunity to respond to deficiency notifications and submit supplemental information to make the application complete. Once the application is deemed complete by staff, a letter is sent to the applicant with the results of the review indicating the approval or denial of the provider or course application.

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 or omissions. An application is complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. An application must be approved or denied within 90 days after receipt of a completed application.

If the application is complete upon initial review, BET staff will approve the application for those professions where such authority has been delegated to the bureau, or send completed applications to the appropriate consultant or board for approval.

For applications that were initially deficient, the application will be deemed complete upon receipt of all requested information and correction of any errors or omissions. BET staff will then approve the application for those professions where such authority has been delegated to the bureau, or send completed applications to the appropriate consultant or board for approval.

The application date is captured in Versa: Regulation to track the length of processing time for each application. A query report entitled "BET Fiscal Year Performance Measures Using Non-Deficient Applications" is utilized to assist with the calculation associated with this measure. This report can be tailored to include any date range required.

The "BET Fiscal Year Performance Measures Using Non-Deficient Applications" report contains individual data on each application including the profession, application file number, application type (provider or course), the date received and the date completed. A summary is provided at the end of the report that



contains the total number of applications, number of applications closed over 90 days, number of application closed less than 91 days, number of applications closed over 30 days, and number of applications closed in less than 31 days. To check the accuracy of the reporting data, a report is run weekly and all entries over the 90 day criteria are reviewed to determine if the application was profiled properly and if the application status tracking mechanism was utilized properly. All inaccuracies are deducted from the total number of applications closed over 90 days and the figures are re-calculated.

To determine the percentage of complete provider and individual course applications processed within 90 days, the entry listed on the report for applications closed over 90 days is divided by the total application count. The performance measures are reviewed on a weekly basis to ensure performance measures are met and to ensure staff is performing in an acceptable manner.

**Validity:**

Pursuant to Sections 455.2177 and 455.2179, F.S., the Bureau of Education and Testing is responsible for processing Continuing Education (CE) provider and course applications for the various boards and councils with the Division of Professions, the Division of Real Estate and the Division of Certified Public Accounting. The applications are required to be processed and completed within 90 days pursuant to Section 120.60(1), F.S.

Processing the applications prior to the 90 days requirement allows the bureau to provide quality and timely assistance to our customers and provide faster approval of courses that will be conducted for our licensees, which will provide a greater selection of courses offered.

A non-deficient application is an application 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 updated to ensure it meets applicable requirements before the application is deemed complete.

This measure provides for the percentage of complete 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, meet the statutory requirements of Section 120.60(1), F.S., and reflect the effectiveness of staff members to process applications timely.

**Reliability:**

The results of the reports are consistent each time the reports are run.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Farm and Child Labor Regulation

**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:**

Specific authority for the inspection of farm labor contractors is found at 450.31(8), Florida Statutes. Data for this measure is obtained from the Farm Labor Program's Versa: Regulation reports. The information is then matched with documents and reports from the field investigators which are submitted to the central office on a weekly and 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, and cases developed.

Compliance and 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 inspections, 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; 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, and the amount of monetary penalties assessed and collected. The overall compliance rate is obtained by dividing the number of licensees found to be in compliance by the total number of inspections performed. This number is then converted into a percentage.

### **Reliability:**

Each inspection performed is uploaded into Versa: Regulation by the investigator. The inspection result is entered as either "Pass" or "Fail". Copies of each of these inspections are imported into OnBase as an archived inspection. Copies of the inspection where the licensee has been found in noncompliance are also included with the resulting warning, citation or investigative case.

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 may present the investigator with opportunities to conduct field inspections. Those activities are pre-harvesting (which include field preparation, planting and cultivating), harvesting and post-harvesting.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Professional Regulation

**Service/Budget Entity:** Farm and Child Labor Regulation

**Measure:** Percent of employers brought into compliance with child labor laws during 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 (Versa: Regulation). 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 and audit records requests.

An initial complaint is generated from information received in the central office. The cases are entered into the Versa: Regulation database and assigned to the field investigator. A Notification of Investigation Letter which requests specific employment records is sent to the employer by the investigator. The investigator reviews the documentation and completes an audit. The Investigators use data that is taken directly from the records supplied by the employer to determine if the employer is violating the law. A remedial (Follow-up) review period is provided to the employer to verify that the employer's employment practices are in compliance with the law.

Once an investigation is completed, the investigator's supervisor sends the report to the Tallahassee Central Office indicating the status of the violation (compliance or noncompliance). The action is entered into the Versa database system for the program administrator to review.

### **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. Versa: Regulation captures and reports data based on information gathered by child labor investigators as investigations are completed, verified and entered by the Tallahassee Central Office.

The outcome result will be determined by the number of cases that were not in compliance (after the remedial period) divided by the number of investigations that were not in compliance and sent to legal.

### **Reliability:**

Source data is captured by each investigator at the time of the investigation and reported to the central office as an 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:** Pari-Mutuel Wagering

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

**Measure:** Percent of races and games 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. State Stewards and Hearing Officers in each region conduct hearings and issue a ruling, or send the respondent a consent order to address racing, jai alai game, and medication violations. Each State Steward and Hearing Officer is responsible for entering all enforcement actions (i.e. rulings and consent orders) into the department's Versa Regulation 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 appropriate State Steward or Division Hearing Officer, or the department's Office of the General Counsel for adjudication.

The State Stewards and Hearing Officers assess penalties for racing, jai alai game and medication-related statute/rule violations, as set forth in law [Section 120.80(4), Florida Statutes], 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 races not in compliance with pari-mutuel statutes or rules. The percentage not in compliance is then subtracted from one, 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 (F.A.C). 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:**

This measure is reliable because the data (rulings, consent orders, final orders, etc.) are maintained in the department's Versa Regulation database. All violations of Chapters 550, and Chapter 849, Florida Statutes, and Chapter 61D, F.A.C. are heard by Division Hearing Officers, Stewards, or the Office of the General Counsel, and are subject to appeal at all levels. All violations are recorded in the Versa Regulation database for tracking purposes. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the Versa Regulation computer system have been configured and tested.

## 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 complete Pari-Mutuel Wagering 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:**

Section 550.105, Florida Statutes, requires each person connected with a pari-mutuel facility to obtain an annual occupational license from the Division. Applications received at the field offices or at the Office of Operations' Licensing Section in Tallahassee are reviewed by the Chief Inspectors or Operations Analysts, respectively, for completeness. The licensee's history is checked both in the agency's database, Versa Regulation, and the Association of Racing Commissioners' International (ARCI) 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 background check results contain a disqualifying conviction, the permanent license is denied. Applicants who apply to renew their license, report no criminal convictions and have a current criminal history background check on file, receive a permanent license. Applicants who list a criminal conviction may be required to request a waiver and are not issued a license until a waiver is granted by the Director. Every application is entered into the Versa Regulation licensing database and is approved or denied within 90 days from which it is deemed complete.

A corresponding cash batch is created daily in Versa Regulation for the fees collected. All cash batches for pari-mutuel occupational license applications processed at the field offices are sent to the Office of Operations' Licensing Section in Tallahassee for deposit. Cash batches received from the field offices or created by Division staff in Tallahassee are reconciled and hand-delivered to the Bureau of Central Intake and Licensure's Revenue Unit.

The Office of Operations' Licensing Section in Tallahassee reviews every application processed for completeness and accuracy, and reviews the Auto Apply Cash batch run that automatically assigns the fees paid to the appropriate license issued in the system. The Licensing Section is also responsible for forwarding the fingerprints 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 Versa Regulation database is queried every month by using two reports: a Crystal Report stored in BI Launch Pad that provides the number of applications processed within and over 90 days; and a SQL query that identifies the records that were closed (i.e. approved or denied) over 90 days. The report is reviewed to determine whether action taken to the record was a data correction, a bad check or an actual approval/denial over 90 days. The majority of records found to be over 90 days are either a data correction or bad check (neither is counted as approved/denied over 90 days). The number of applications actually 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 and then multiplied by 100 to produce the percentage of applications processed within 90 days.

**Validity:**

This measure will determine if the Division met its requested standard for FY 15-16 of 100 percent of pari-mutuel applications processed within 90 days.

**Reliability:**

This measure is reliable because licensing data referenced above is maintained in the department's Versa Regulation database. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the Versa Regulation computer system have been configured and tested. Chapter 550.105, Florida Statutes, requires that each person who needs access to a restricted area of a pari-mutuel facility as part of his/her job, obtain a pari-mutuel occupational license prior to working. Also, Chapter 120.60(1), Florida Statutes, stipulates that each person who applies for a license must receive it within 90 days of receipt of a completed application.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

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

**Measure:** Pari-Mutuel Wagering collections per dollar of revenue unit 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:**

For pari-mutuel taxes and daily license fees (Revenue): On a daily basis, wagering data is entered or downloaded from tote systems into the division's Central Management System (CMS). Division auditors reconcile wagering data for each race and/or game. The tax liability is automatically calculated by CMS based on demographics and wagering data. Actual tax and daily license fees revenue liabilities and revenue collections for each month are extracted from the accounting system (CMS) and reconciled against FLAIR and the monthly remittance reports submitted by pari-mutuel permitholders. Note: Payments are made through Electronic Funds Transfer (EFT) with the Department of Revenue. Those payments are then sent to the Department of Business and Professional Regulation in FLAIR and are then automatically uploaded into Versa and CMS.

Pari-mutuel taxes are deposited into the Pari-mutuel Wagering Trust Fund (PMWTF), object code 003001, category 000300. Pari-mutuel daily license fees are deposited into the PMWTF, object code 001010, category 000100.

For Cardroom taxes (Revenue): Payments are made through EFT with the Department of Revenue. Those payments are then sent to the Department of Business and Professional Regulation, split deposit between General Revenue (GR) and the PMWTF in FLAIR and are automatically uploaded into Versa and CMS. Cardroom operators submit monthly remittance reports. Once received, division staff create tax liabilities in CMS and reconcile monthly remittance reports against payments within CMS and FLAIR.

Cardroom taxes are deposited into two accounts: half into the PMWTF, object code 003027, category 000300 and half into the GR, object code 003028, category 000300.

For Cardroom table fees (Revenue): Payments are made through EFT with Department of Revenue. Those payments are then sent to the Department of Business and Professional Regulation deposited into the Pari-mutuel Wagering Trust Fund in FLAIR and are automatically uploaded into Versa and CMS. Division staff reconcile CMS to FLAIR.

All other revenue is pulled directly from the Statement of Revenue FLAIR reports: Pari-Mutuel Wagering budget entity (BE) 79100400 (includes Pari-Mutuel Trust Fund, General Revenue Fund, and Collections for other state agencies):

- Pari-Mutuel Fingerprint fees (category 000100);
- Licensing Fees (category 000200);
- Miscellaneous Receipts (category 000400, 001202);
- Interest (category 000500);
- Collections for other agencies (category 000300)
- Refunds (category 001800); and
- Fines (category 001200).
  - Fines are reconciled monthly to FLAIR. We ensure that fines were deposited into the correct fund (i.e, GR or PMWTF).



The monthly and year-end FLAIR Reports are used to obtain expense figures. The level 4 Tax Collection budget entity FLAIR report (within the Pari-mutuel Wagering Trust Fund) is used to determine those resources utilized for revenue collection (category 010000, 040000, 030000). An allocation method is used and a percent is applied to the expense for CMS (109062) and those additional positions that are utilized for revenue collection which are not included in the level 4 Tax Collection FLAIR report, (currently two positions that are paid from the Slot BE).

**Validity:**

This measure will allow the Division of Pari-Mutuel Wagering (PMW) to determine its average activity cost: amount of revenue collections versus revenue expenditures.

**Reliability:**

This measure is reliable because each month the division reconciles the taxes and daily license fees data in CMS with the Monthly Remittance Reports submitted by each permit holder for both pari-mutuel and cardroom activity. The division reconciles the data in CMS against FLAIR reports monthly and at year-end. CMS and FLAIR are two separate accounting systems. Three independent systems are being reconciled: The tote, CMS, and FLAIR. All other revenue data comes directly from the FLAIR reports, which shows the actual revenue deposited into the Pari-Mutuel Wagering Trust and other funds as applicable. All expense figures (category 010000, 040000, 030000) are from the monthly and final year-end FLAIR reports with the exception of the allocation figures.

## 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 compliance 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 types of audits to be performed. Data is provided by the permitholder and audited by the 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.
- **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 are 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, jai alai prize payouts (if applicable), 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, cardroom surveillance, 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.
- **Slot Audits** include reviews of internal controls, notifications, books, records, logs, surveillance and security, personnel files, player's club/promotions, and other requirements to ensure compliance with rules and statutes as it relates to slot gaming.

Each year prior to July 1, an audit plan is created which projects audits by type and total, on a monthly and annual basis. The audit plan is based on the number of operating licenses that have been issued to pari-mutuel permitholders and will be conducted for the upcoming fiscal year. The number of audits actually conducted will be divided by the number of audits planned to determine the percentage of audits completed.

**Validity:**

This measure will determine the percentage of audits conducted during the fiscal year, in comparison to the planned number of audits projected to be conducted for the fiscal year.

**Reliability:**

This measure is reliable because daily pari-mutuel wagering activity is recorded into the Central Management System (CMS). Permitholders also file a 30-day report monthly, which includes races and games. PMW revenue employees compare and reconcile with the CMS database system again, and any discrepancies are handled appropriately with required amendments to CMS or the permitholder's 30-day report. This procedure would indicate that the 30-day report reconciliation process is a highly accurate and reliable measure.

The number of all other audits is maintained in Microsoft Excel spreadsheets and in the OnBase document imaging/filing 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 tax dollars collected compared to permitholder liability

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

Division auditor obtains daily slot activity reports from the slot monitoring systems located at each slot facility. The auditor analyzes each report and enters the information into the division's Central Management System (CMS). CMS automatically calculates a daily tax liability for each slot licensee. Each slot facility provides a monthly remittance report to Tallahassee PMW revenue staff which includes daily slot revenue activity and amount of taxes to be paid. PMW revenue staff reconcile the monthly remittance report, the CMS liability reports, and the payments. If discrepancies exist between these reports, Tallahassee revenue personnel will contact the field auditors to determine whether the slot facility's data or CMS data is correct. If the slot facility's data is incorrect, Tallahassee revenue personnel will contact the slot facility and ask them to submit a revised monthly remittance report to Tallahassee and the reconciliation will be completed and finalized. If the CMS data is incorrect and auditors verified a report from the slot monitoring system, field personnel will make the corrections in CMS and Tallahassee revenue staff will rerun the corrected CMS report and complete reconciliation process. Actual revenue collections for each month is extracted from CMS and reconciled against FLAIR, including a year-end reconciliation.

### **Validity:**

This measure will allow PMW to determine slot revenue collected compared to slot licensee liability and ensure 100 percent collection.

### **Reliability:**

This measure is reliable because division field personnel enter slot activity information into PMW's accounting system (CMS) daily. Slot licensees submit monthly slot activity reports. These figures are reviewed and reconciled by in-house revenue accounting personnel to ensure accurate revenue reporting. Once reconciled and balanced, PMW revenue staff will utilize actual tax and fee data from CMS and will reconcile this data against monthly revenue FLAIR reports, including a year-end reconciliation. The information is very reliable because 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:** Percent of complete slot 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:**

Each person who works at a slot machine facility must obtain an annual slot machine occupational license from the Division. Chapter 551.107, Florida Statutes, requires that each person who needs access to a slot facility as part of his/her job, obtain a slot machine occupational license prior to working. Also, Chapter 120.60(1), Florida Statutes, stipulates that each person who applies for a license must receive it within 90 days of receipt of a completed application. Applications received at the field offices or at the Office of Operations' Licensing Section in Tallahassee are reviewed by the Slot Operations Specialists or Operations Analysts, respectively, for completeness. The licensee's history is checked in the agency's database, Versa Regulation, and when applicable, the other gaming jurisdictions where the applicant was previously licensed, for any disqualifying factors. A criminal history background check is conducted upon initial licensure and every three licensing years thereafter. Applicants who report no disqualifying convictions on their application and are required to have a criminal history background check, receive a 30-day temporary license upon receipt of a completed application and 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 who apply to renew their license, report no criminal convictions and have a current criminal history background check on file, receive a permanent license. Each application is entered into the Versa Regulation licensing database and is approved or denied within 90 days from which it is deemed complete.

A corresponding cash batch is also created daily in Versa Regulation for the fees collected. Cash batches for slot occupational license applications processed at the field offices are deposited at a local Bank of America in Broward or Miami-Dade County. Cash batches for slot occupational license applications processed at the Office of Operations' Licensing Section in Tallahassee are hand-delivered to the Bureau of Central Intake and Licensure's Revenue Unit. Upon receipt of the application, the applicant's criminal history results are matched to their application which is either approved, denied, or forwarded to Investigations for further review (depending on the results of the criminal history search).

The Office of Operations' Licensing Section reviews every application processed for completeness and accuracy, and reviews the Auto Apply Cash batch run that automatically assigns the fees paid to the appropriate license issued in the system. The Licensing Section is also responsible for matching the criminal history results from the Florida Department of Law Enforcement. Deficient applications are handled appropriately for further action either through direct contact to the licensee or through the field office (depending on where the licensee is located).

The Versa Regulation database is queried every month by using two reports: a Crystal Report stored in BI Launch Pad that provides the number of applications processed within and over 90 days; and an SQL query that identifies the records that were closed (i.e. approved or denied) over 90 days. The report is reviewed to determine whether action taken on the record was a data correction, a bad check or an actual approval/denial over 90 days. The majority of records found to be over 90 days are either a data correction or bad check (neither is counted as approved/denied over 90 days). The number of applications actually 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 and then multiplied by 100 to produce the percentage of applications processed within 90 days.

**Validity:**

This measure will determine if the division met its requested standard for FY 15-16 of 100 percent of pari-mutuel applications processed within 90 days.

**Reliability:**

Licensing data referenced above in the Methodology Section is maintained in the department's Versa Regulation database. The data accumulated by the Office of Operations is reliable because the monthly reports generated to extract data from the Versa Regulation computer system have been configured and tested.

## LRPP EXHIBIT IV: Performance Measure Validity and Reliability

**Department:** Business and Professional Regulation

**Program:** Pari-Mutuel Wagering

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

**Measure:** Slot tax collection per dollar of revenue unit expenditure

**Action** (check one):

- Requesting revision to approved performance measure.
- Change in data sources or measurement methodologies.
- Requesting new measure.
- Backup for performance measure.

### **Data Sources and Methodology:**

On a daily basis, slot auditors reconcile slot wagering data that comes from the slot facility based monitoring system. The slot wagering data is then manually entered into the division's Central Monitoring System (CMS). Actual revenue collections are extracted from the accounting system (CMS) and reconciled against FLAIR. The monthly and year end FLAIR reports are used to obtain expense figures. An expense allocation is calculated to determine only those resources utilized for revenue collection by dividing the number of slot full-time positions associated with slot revenue collection by the average number of slot full-time positions from the previous year. That allocation method is applied to the level two slot machine budget entity FLAIR report for slot expenses (040000), slot OPS expense (030000), and the expense for CMS (109062). A percentage is determined based on each full-time position revenue collection responsibility, and then is applied to actual salary and benefits expense of each of those full-time positions. This calculation is total revenue collected per CMS/FLAIR, divided by adjusted revenue expenditures per FLAIR reports. The output for the calculation will be a dollar collected per dollar expended amount.

### **Validity:**

This measure will allow the Division of Pari-Mutuel Wagering (PMW) to determine its average activity cost: amount of revenue collections versus revenue expenditures.

### **Reliability:**

This measure is reliable because 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:** 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:**

Information in this measure is derived from the electronic single licensing system (SLS), the data management system used by the department to coordinate regulatory functions. Inspection data is collected on a mobile electronic device or a paper form by division inspectors. Inspection results are subsequently uploaded directly into the single licensing system daily, or manually entered from paper forms.

Section 509.032(2), Florida Statutes, requires all public food service establishments be inspected according to the risk-based inspection frequency (one to four routine inspections) by the Division of Hotels and Restaurants. For the purposes of meeting mandatory requirements, the division counts routine unannounced inspections, full complaint inspections and licensing inspections.

The percent of food service establishments inspected according to statute is computed by dividing the number of establishments that meet or exceed annual inspection requirements into the total number of establishments subject to inspection at the time of the report. Inspection results are calculated and reported on a Crystal Report entitled "HR503A-SUM Public Food Service and Lodging Inspection Statutory Performance Statewide Summary." Due to the high volume of inspections completed each month and the division's commitment to spacing out required inspections over the year, this percentage usually does not increase significantly until the last few months of the year.

### **Validity:**

We use this measure because it reflects the overall level of performance by the division to meet statutory requirements for inspections. It is the division's goal to inspect food establishments according to statutory requirements provided in Section 509.032(2)(a), Florida Statutes. It is an important measure because it holds licensees accountable while protecting the health and safety of the public.

### **Reliability:**

This performance standard is measurable and can be verified by comparing reports generated by the single licensing system and OnBase document management system with a random sampling of inspection records. Supervisors also perform a random sampling of inspection reports to ensure that individual inspectors are following inspection protocol and standards. Data is obtained directly from reports generated from inspection data in the department's single licensing system. Additionally, the division conducts ongoing training and inspector standardization to ensure enforcement is conducted uniformly statewide. Inspection results are calculated and reported on a Crystal Report entitled "HR503A-SUM Public Food Service and Lodging Inspection Statutory Performance Statewide Summary." Program staff runs these reports weekly, monthly, annually and on demand to obtain inspection information from the single licensing system.



## 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:**

Information in this measure is derived from the electronic single licensing system (SLS), the data management system used by the department to coordinate regulatory functions. Inspection data is collected on a mobile electronic device or a paper form by division inspectors. Inspection results are subsequently uploaded directly into the single licensing system daily, or manually entered from paper forms.

Section 509.032(2), Florida Statutes, requires lodging establishments classified as hotels, motels and bed and breakfasts 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 vacation rentals and time share projects are not subject to annual inspection but must be available for inspection upon request by the division. For the purposes of meeting mandatory requirements, the division counts routine unannounced inspections, full complaint inspections and licensing inspections.

The percent of lodging establishments inspected according to statute is computed by dividing the number of establishments that meet or exceed annual inspection requirements into the total number of establishments subject to inspection at the time of the report. Since vacation rentals and time share projects are not subject to statutorily mandated inspection, they are not included in this performance measure. Inspection results are calculated and reported on a Crystal Report entitled "HR503A-SUM Public Food Service and Lodging Inspection Statutory Performance Statewide Summary." Due to the high volume of inspections completed each month and the division's commitment to spacing out required inspections over the year, this percentage usually does not increase significantly until the last few months of the year.

### **Validity:**

We use this measure because it reflects the overall level of performance by the division to meet statutory requirements for inspections. It is the division's goal to inspect lodging establishments according to statutory requirements provided in Section 509.032(2)(a), Florida Statutes. It is an important measure because it holds licensees accountable while protecting the health and safety of the public.

### **Reliability:**

This performance standard is measurable and can be verified by comparing reports generated by the single licensing system and OnBase document management system with a random sampling of inspection records. Supervisors also perform a random sampling of inspection reports to ensure that individual inspectors are following inspection protocol and standards. Data is obtained directly from reports generated from inspection data in the department's single licensing system. Additionally, the division conducts ongoing training and inspector standardization to ensure enforcement is conducted uniformly statewide. Inspection results are calculated and reported on a Crystal Report entitled "HR503A-SUM Public Food Service and Lodging Inspection Statutory Performance Statewide Summary." Program staff runs these reports weekly, monthly, annually and on demand to obtain inspection information from the single licensing system.

## 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:**

Information in this measure is derived from the electronic single licensing system (SLS), the data management system used by the department to coordinate regulatory functions. Annual renewal applications and fee payments are received and initially processed by contract with the Department of Revenue, directly by the department's Central Intake Unit, or electronically transmitted by the applicant using the department's online application system. Mandatory annual inspections are submitted by private inspectors to the division's Bureau of Elevator Safety on Optical Mark Reader (OMR) scan forms, which are scanned or manually entered into the single licensing system.

Section 399.07(1), Florida Statutes, requires each elevator, escalator, and other vertical conveyance device be inspected once annually, unless otherwise exempted. The Division of Hotels and Restaurants issues certificates of operation on an annual basis and requires an inspection to be completed within the renewal year. Proof of satisfactory inspection (no violations) within one year is required at initial licensure and each year upon renewal payment.

This measure is calculated by dividing the number of elevators currently compliant into the total number of elevators. This standard is evaluated using a Crystal Report called "EL401A-SUM Elevator Account Summary." These reports are run by program staff monthly, quarterly and on demand.

### **Validity:**

This measure is used to reflect statewide elevator licensees' compliance with the licensing and inspection requirements of Chapter 399, Florida Statutes, and Rule 61C-5, Florida Administrative Code, and the effectiveness of the privatized elevator inspection program. It is an important measure because it holds licensees and regulated entities accountable while protecting the health and safety of the riding public.

### **Reliability:**

Data is obtained directly from reports generated from license and inspection data in the department's single licensing system. Supervisors monitor accuracy daily through direct supervision of data entry and in response to complaints. In addition, division managers review reports monthly and investigate any perceived anomalies to ensure reliability. Additionally, the division conducts ongoing inspector training to ensure enforcement is conducted uniformly statewide. Inspection oversight and contract monitoring activities are an integral component of daily operations to ensure consistent and dependable data integrity.

## 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 complete public food establishment license applications approved or denied within ninety (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 public food establishment license applications approved or denied by the Division of Hotels and Restaurants in a timely manner. Section 509.241(1), Florida Statutes, requires all food establishments to obtain a license to operate, and renew that certificate annually. The time period to approve an application is 90 days. The starting time for this process begins on the day a complete application is received by the division and ends on the day the applicant is approved or denied for licensure.

Public food service establishments include seating restaurants, non-seating restaurants (such as take-out and delivery), caterers, mobile food dispensing vehicles, hot dog carts, theme park food carts, and vending machines that dispense potentially hazardous foods. 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 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.

Information in this measure is derived from the electronic single licensing system (SLS), the data management system used by the department to coordinate regulatory functions. New and change of owner license applications and fee payments are received and initially processed by the department's Central Intake Unit, or electronically transmitted by the applicant using the department's online application system. The Division of Hotels and Restaurants' Licensing Section evaluates the application according to statutory and rule requirements and completes initial processing. Division licensing staff records new license and change of ownership application information, reconciles license fees, resolves licensing problems and provides license information to the public and the division's field staff. For most food service establishments, an opening inspection is then scheduled and completed by division inspectors before the application is approved and a license is issued.

Public food service establishment licenses expire annually according to a bi-monthly schedule set by Rule 61C-1.002(6), Florida Administrative Code, depending on location within the division's seven districts. About two months before expiration, the division mails notices to expiring licensees requiring payment of an annual license fee. Operators remit payment along with any address changes through Department of Revenue (contracted by DBPR for this purpose), directly to Central Intake Unit, or online. If there are no changes to license information, automated batch processes approve the renewal transaction and issue the license. For renewals requiring additional processing, division licensing staff records changes, reconciles fees and resolves problems before issuing the license.

The percent of public food establishment licenses processed within 90 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. Data is obtained directly from reports generated from license application data in the department's single licensing 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 measure reflects the division's achievement in processing complete license applications in a timely manner as required by Section 120.60(1), Florida Statutes. Since initial intake and processing are completed by the department's Central Intake Unit, processing time for that unit is measured separately. Faster approval of licenses allows food service establishments to open business quicker, and promotes the department's goal to remove barriers to businesses and enhance Florida's pro-business climate.

**Reliability:**

Requested information on license application forms is checked annually and as needed by division management and legal staff to ensure conformity with requirements of relevant Florida statutes and rules. Division license processors routinely compare incoming documentation for all applications received in the document management system queues with initial data input by Central Intake Unit to confirm data accuracy. Division processors enter additional data needed according to strict guidelines for data integrity and standardization, as documented by licensing supervisors to ensure uniformity in daily execution. Electronic data transactions for processing applications are provided with automated rules, triggers and alerts when possible to ensure users correctly enter all requirements before approval. Licensing supervisors monitor accuracy daily through direct supervision of data entry, examine weekly ad hoc queries and reports to correct erroneous information, and investigate and make corrections in response to licensee complaints. In addition, division managers review processing time reports monthly, and investigate and correct any perceived anomalies to ensure reliability.

## 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 complete public lodging establishment license applications approved or denied within ninety (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 public lodging establishment license applications approved or denied by the Division of Hotels and Restaurants in a timely manner. Section 509.241(1), Florida Statutes, requires all lodging establishments to obtain a license to operate, and renew that license annually. The time period to approve an application is 90 days. The starting time for this process begins on the day a complete application is received by the division and ends on the day the applicant is approved or denied for licensure.

Public lodging establishments include hotels, motels, apartments, bed and breakfasts and vacation rentals. 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), Florida Statutes, 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 when all criteria set forth by statute or rule are fulfilled, or when statutory deadline tolls. Pursuant to Section 120.60(1), Florida Statutes, all applications must be approved or denied within 90 days of receipt of a complete application.

Information in this measure is derived from the electronic single licensing system (SLS), the data management system used by the department to coordinate regulatory functions. New and change of owner license applications and fee payments are received and initially processed by the department's Central Intake Unit, or electronically transmitted by the applicant using the department's online application system. The Division of Hotels and Restaurants' Licensing Section evaluates the application according to statutory and rule requirements and completes initial processing. Division licensing staff records new license and change of ownership application information, reconciles license fees, resolves licensing problems and provides license information to the public and the division's field staff. For most lodging service establishments, an opening inspection is then scheduled and completed by division inspectors before the application is approved and a license is issued.

Public lodging establishment licenses expire annually according to a bi-monthly schedule set by Rule 61C-1.002(6), Florida Administrative Code, depending on location within the division's seven districts. About two months before expiration, the division mails notices to expiring licensees requiring payment of an annual license fee. Operators remit payment along with any address changes through Department of Revenue (contracted by DBPR for this purpose), directly to Central Intake Unit, or online. If there are no changes to license information, automated batch processes approve the renewal transaction and issue the license. For renewals requiring additional processing, division licensing staff records changes, reconciles fees and resolves problems before issuing the license.

The percent of public lodging establishment licenses processed within 90 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. Data is obtained directly from reports generated from license application data in the department's single licensing system. This standard is evaluated using a Crystal Report 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 measure reflects the division's achievement in processing complete license applications in a timely manner as required by Section 120.60(1), Florida Statutes. Since initial intake and processing are completed by the department's Central Intake Unit, processing time for that unit is measured separately. Faster approval of licenses allows lodging establishments to open business quicker, and promotes the department's goal to remove barriers to businesses and enhance Florida's pro-business climate.

**Reliability:**

Requested information on license application forms is checked annually and as needed by division management and legal staff to ensure conformity with requirements of relevant Florida statutes and rules. Division license processors routinely compare incoming documentation for all applications received in the document management system queues with initial data input by Central Intake Unit to confirm data accuracy. Division processors enter additional data needed according to strict guidelines for data integrity and standardization, as documented by licensing supervisors to ensure uniformity in daily execution. Electronic data transactions for processing applications are provided with automated rules, triggers and alerts when possible to ensure users correctly enter all requirements before approval. Licensing supervisors monitor accuracy daily through direct supervision of data entry, examine weekly ad hoc queries and reports to correct erroneous information, and investigate and make corrections in response to licensee complaints. In addition, division managers review processing time reports monthly, and investigate and correct any perceived anomalies to ensure reliability.

## 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 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 elevator certificates of operation approved or denied by the Division of Hotels and Restaurants in a timely manner. Section 399.07(1), Florida Statutes, requires all elevators to obtain a certificate of operation, renew that certificate according to rule, and obtain a satisfactory inspection annually. The time period to approve an application is 90 days. The starting time for this process begins on the day a complete application is received by the division and ends on the day the applicant is approved or denied for licensure.

The term "elevator" includes all vertical conveyances in Florida, such as passenger elevators, freight elevators, escalators and dumbwaiters. The division has contracted elevator regulation in the following areas, so they are not included in this measure: City of Miami, City of Miami Beach, Miami-Dade County, Broward County, and Reedy Creek Improvement District.

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 when all criteria set forth by statute or rule are fulfilled, or when the 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.

To obtain an elevator certificate, a registered elevator company must first obtain a permit to install from the division. When this is issued, the company completes construction according to their time schedule. When construction is complete, an initial inspection is requested and completed by a private certified elevator inspector, who sends the completed inspection report to the division. Upon receipt of the application, required license fee and satisfactory inspection, the division issues the certificate of operation to the building owner.

Information in this measure is derived from the electronic single licensing system (SLS), the data management system used by the department to coordinate regulatory functions. License applications and fee payments are received and initially processed by the department's Central Intake Unit. The Division of Hotels and Restaurants' Licensing Section evaluates the application according to statutory and rule requirements and completes initial processing. Division licensing staff records new license application information, reconciles license fees, resolves licensing problems and provides license information to the public and the division's field staff.

Rule 61C-5.006(3), Florida Administrative Code, sets expiration for all certificates on August 1 of each year. About three months before expiration, the division mails notices to expiring licensees requiring payment of an annual license fee and satisfactory (no violation) inspection. Operators remit payment

along with any address changes through Department of Revenue (contracted by DBPR for this purpose), directly to Central Intake Unit, or online. Private elevator inspectors send inspection reports to the division during the course of the previous year, and division staff scans or data enters these inspection results into the data management system. If there are no changes to license information and the satisfactory inspection is on file, automated batch processes approve the renewal transaction and issue the certificate. For renewals requiring additional processing, division licensing staff records changes, reconciles fees and resolves problems before issuing the certificate. If there is a deficiency, such as an inadequate fee payment, missing inspection or failed inspection, an automated letter is produced advising the licensee of the additional requirements. When payment or satisfactory inspection are received and entered into the system, automated batch processes again run nightly to issue the certificate when all requirements are met.

The percent of elevator certificates processed within 90 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 certificates issued. Data is obtained directly from reports generated from license application data in the department's single licensing system. This standard is evaluated using a CrystalReport called "EL420A-SUM Elevator License Processing Time Summary." These reports are run by program staff monthly, quarterly and on demand.

**Validity:**

This measure reflects the division's achievement in processing complete certificate applications in a timely manner as required by Section 120.60(1), Florida Statutes. Since initial intake and processing are completed by the department's Central Intake Unit, processing time for that unit is measured separately. Faster approval of licenses allows the building industry to open businesses quicker, and promotes the department's goal to remove barriers to business and enhance Florida's pro-business climate.

**Reliability:**

Requested information on license application forms is checked annually and as needed by division management and legal staff to ensure conformity with requirements of relevant Florida statutes and rules. Division license processors routinely compare incoming documentation for all applications received in the document management system queues with initial data input by Central Intake Unit to confirm data accuracy. Division processors enter additional data needed according to strict guidelines for data integrity and standardization, as documented by licensing supervisors to ensure uniformity in daily execution. Electronic data transactions for processing applications are provided with automated rules, triggers and alerts when possible to ensure users correctly enter all requirements before approval. Licensing supervisors monitor accuracy daily through direct supervision of data entry, examine weekly ad hoc queries and reports to correct erroneous information, and investigate and make corrections in response to licensee complaints. In addition, division managers review processing time reports monthly, and investigate and correct any perceived anomalies to ensure reliability.



## 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:**

This measure addresses the percentage of retail alcohol and tobacco licensees and applicants that are inspected for the deterrence of violations of, and the assurance of compliance with, standards and laws in order to ensure a "level playing field" for the alcohol and tobacco industries, and to promote the health and safety of the public.

The Division of Alcoholic Beverages and Tobacco is charged with enforcing the laws pertaining to retail beverage and tobacco licensees and their physical establishments as outlined in Chapter 210, Chapters 561-565 and Chapters 567-569, Florida Statutes.

Division staff, within the Bureau of Law Enforcement, visits the licensed establishments or establishments seeking licensure and reviews the business practices regarding the handling of regulated products, the maintaining of appropriate records, the displaying of required signs, and other requirements outlined in the aforementioned statutes. In addition, the division staff ensures that the establishments continue to meet requirements as outlined in those statutes for the license category that has been issued. A person at the establishment is notified of the outcome of the inspection and, if applicable, is told how to come into compliance regarding any noted violations. The inspection findings are documented during the inspection either on a paper form or an electronic device.

Data pertaining to inspections documented through electronic device or on paper is collected and entered into Versa: Regulation, the department's electronic database, by inspection staff, which, each day, inputs data regarding the establishments that were inspected and the results of those inspections. Data, and an electronic rendering of an inspection form, for inspections that were documented through an electronic device, are uploaded to Versa: Regulation and OnBase, the department's electronic document management system, via synchronization software/hardware. If applicable, the paper inspection forms are scanned into OnBase manually by district office support staff.

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 are obtained via Versa: Regulation 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.

This measure is calculated as follows:

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.

At the close of the fiscal year, 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 is used because it addresses the division's efforts regarding the identification and deterrence of violations of, and the assurance of compliance with, standards and laws by retail beverage and tobacco licensees as outlined in Chapter 210, Chapters 561-565 and Chapters 567-569, Florida Statutes.

This measures the Bureau of Law Enforcement's effectiveness in providing continuing education to licensees regarding statute and rule requirements, ensuring a "level playing field" for the alcohol and tobacco industries, and promoting the health and safety of the public. A high percentage of retail alcohol and tobacco licensees inspected indicates the Bureau was successful in these endeavors.

**Reliability:**

This measure is reliable because the inspection results are documented during the course of the inspection and supervisors verify that the data from which it is derived matches the source documentation on electronic and paper forms by reviewing the forms and comparing them to the Versa: Regulation record. Additionally, inspections are randomly selected for review by a district office Captain as part of the Captain's Checklist process. The Versa: Regulation record can be reviewed directly from the Versa: Regulation inspection module or through use of the AB&T Inspections Detail List for County report which is located in Launch Pad under the AB&T Reports Folder\AB&T Enforcement\AB&T Inspection Reports. This report pulls data from Versa: Regulation and lists the establishments that had an inspection and the results of those inspections. The reconciliation of the source documents to the data record is performed at least on a monthly basis.

In addition, this measure is reliable because monthly reports are run and distributed which identify missing or incomplete data; these quality assurance steps reconcile reported information to source documents. The detail field office totals reconcile to summary reports run at the regional and division-wide levels. Discrepancies are noted and corrected. During the preparation stages of ABTSTAT (Alcoholic Beverage & Tobacco Statistics) Meetings, all correction reports are run to ensure all corrections have been made.

The official reported figures are derived from Versa: Regulation via SQL queries located at ABTSharedD02 on Bprtlfp01 in a folder titled LRPP Exhibit IV Queries\Enforcement\LRPP Enforcement\Percentage of Inspections. The query titles are as follows:

- Inspection Count (ALC) for Percent of Inspections
- Inspection Count (TOB) for Percent of Inspections
- Licensees Not Inspected Count (ALC) for Percent of Inspections
- Licensees Not Inspected Count (TOB) for Percent of Inspections

## 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 beverage 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:**

This measure addresses the compliance rates of undercover compliance checks in order to ascertain the degree of compliance by retail alcoholic beverage licensees with applicable laws and rules regarding the unlawful sale of regulated alcoholic beverage products to persons who are not of a legal age to purchase or possess those products.

The Division of Alcoholic Beverages and Tobacco is charged with enforcing the laws and rules which regulate the retail sale of alcoholic beverages. The sale of alcoholic beverages to those under age 21 is prohibited in accordance with Section 562.11, Florida Statutes.

On October 1st of each year, the division generates a random sample of alcohol licensees. Each of these licensees is subject to an underage compliance check. The list is subdivided into district/office assignments based upon the licensees' county of location. In addition to the random list, underage compliance checks are conducted for other licensees as the result of selection by the division or the result of complaints received.

Sworn personnel within the Division of Alcoholic Beverages and Tobacco, Bureau of Law Enforcement conduct compliance checks of licensed retail establishments by utilizing underage, undercover operatives. The underage, undercover operatives attempt to make a purchase of alcoholic beverages from the licensed establishments under the direct supervision of sworn law enforcement personnel at all times. If the illegal sale of any alcoholic beverages is made in the presence of a sworn law enforcement officer, the person making the sale is criminally charged with a misdemeanor offense and, in some circumstances, administrative charges are levied against the license.

The sworn law enforcement personnel record the results of the compliance checks on paper forms and logs immediately after they are performed. Subsequently the results are manually input into Versa: Regulation, the department's electronic database. Supervisors verify that information input into Versa: Regulation is accurate based upon the source documentation paper forms and logs.

This measure is calculated as follows:

The randomly selected licensed establishments that had a successful compliance check and the result of those compliance checks are obtained by querying Versa: Regulation. A successful compliance check means that the undercover, underage operative did attempt to purchase regulated alcohol products. The numerator for this measure is comprised of the number of randomly selected alcohol licensees that had a successful compliance check which had a negative result. A negative result means the establishment did not sell alcohol to the underage, undercover operative. The denominator for this measure encompasses all randomly selected licensees that had negative compliance check results and those that had positive compliance check results. A positive result means that the underage, undercover operative was sold alcohol products by a person at a licensed premise.

At the close of the fiscal year, the percentage of alcoholic beverage 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 beverage retailers tested found to be in compliance with underage persons' access.

**Validity:**

This measure is used because it addresses the division's efforts regarding the deterrence of underage persons' access to alcoholic beverage. Sale of alcoholic beverages to those under age 21 is prohibited in accordance with Section 562.11, Florida Statutes.

This measures the Bureau of Law Enforcement's effectiveness in promoting an increase in compliance with applicable laws and rules regarding underage access to alcohol. High compliance rates indicate that the bureau is successful in deterring underage access to alcohol.

**Reliability:**

This measure is reliable because supervisors verify that the data from which it is derived matches the source documentation on paper forms and logs by reviewing the forms and logs, then comparing them to the Versa: Regulation record. Additionally, compliance checks are randomly selected for review by a district office Captain as part of the Captain's Checklist process. The Versa: Regulation record can be reviewed directly from the Versa: Regulation inspection module or through use of the YSS - Surveys Detail List for County or YSS – Surveys Detail List for County Excel Extract reports which are located in Launch Pad under the AB&T Reports Folder\AB&T Enforcement\AB&T YSS Reports. These reports pull data from Versa: Regulation and list the establishments that had a compliance check and the results of those compliance checks. The reconciliation of the source documents to the data record is performed at least on a monthly basis.

In addition, this measure is reliable because reports are run on a monthly basis which identifies missing or incomplete data; these quality assurance steps reconcile reported information to source documents. The detail field office totals reconcile to summary reports run at the regional and division-wide levels. Discrepancies are noted and corrected. During the preparation stages of ABTSTAT (Alcoholic Beverage & Tobacco Statistics) Meetings, all correction reports are run to ensure all correction have been made.

This information is dependable because the compliance check results are captured on paper forms immediately after they are performed and the results are input into Versa: Regulation. The data pertaining to the results of the compliance checks are verified by comparing regularly promulgated reports to the sworn law enforcement agent's daily activity sheets, thereby, promoting the reliability of the data.

The official reported figures are derived from Versa: Regulation via SQL queries located at ABTSharedD02 on Bprtlfp01 in a folder titled LRPP Exhibit IV Queries\Enforcement\LRPP Enforcement\Percentage of Compliance. The query title is as follows:

Survey Compliance Rate YAM

## 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 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:**

This measure addresses the compliance rates of undercover compliance checks in order to ascertain the degree of compliance by retail tobacco licensees with applicable laws and rules regarding the unlawful sale of regulated tobacco products to persons who are not of a legal age to purchase or possess those products.

The Division of Alcoholic Beverages and Tobacco is charged with enforcing the laws and rules which regulate the retail sale of tobacco. The sale of tobacco products to those under age 18 is prohibited by Florida law in accordance with Section 569.14(1), Florida Statutes.

At the beginning of the fiscal year, the division generates a random sample of tobacco licensees. Each of these licensees is subject to an underage compliance check. The list is subdivided into district/office assignments based upon the licensees' county of location. In addition to the random list, underage compliance checks are conducted for other licensees as the result of selection by the division or the result of complaints received.

Sworn personnel within the Division of Alcoholic Beverages and Tobacco, Bureau of Law Enforcement conduct compliance checks of licensed retail establishments by utilizing underage, undercover operatives. The underage, undercover operatives attempt to make a purchase of tobacco from the licensed establishments under the direct supervision of sworn law enforcement personnel at all times. If the illegal sale of any tobacco is made in the presence of a sworn law enforcement officer, the person making the sale is criminally charged with a misdemeanor offense and, in some circumstances, administrative charges are levied against the license.

The sworn law enforcement personnel record the results of the compliance checks on paper forms and logs immediately after they are performed. Subsequently the results are input into Versa: Regulation, the department's electronic database. Supervisors verify that information input into Versa: Regulation is accurate based upon the source documentation paper forms and logs.

This measure is calculated as follows:

The randomly selected licensed establishments that had a successful compliance check and the result of those compliance checks are obtained by querying Versa: Regulation. A successful compliance check means that the undercover, underage operative did attempt to purchase regulated tobacco products. The numerator for this measure is comprised of the number of randomly selected tobacco licensees that had a successful compliance check which had a negative result. A negative result means the establishment did not sell tobacco to the underage, undercover operative. The denominator for this measure encompasses all randomly selected licensees that had negative compliance check results and those that had positive compliance check results. A positive result means that the underage, undercover operative was sold tobacco products by a person at a licensed premise.

At the close of the fiscal year, the percentage of 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 tobacco retailers tested found to be in compliance with underage persons' access.

**Validity:**

This measure is used because it addresses the division's efforts regarding the deterrence of underage persons' access to alcoholic beverages and tobacco products. Sale of tobacco products to those under age 18 is prohibited by Florida law in accordance with Section 569.14(1), Florida Statutes.

This measures the Bureau of Law Enforcement's effectiveness in promoting an increase in compliance with applicable laws and rules regarding underage access to tobacco. High compliance rates indicate that the Bureau is successful in deterring underage access to tobacco.

**Reliability:**

This measure is reliable because supervisors verify that the data from which it is derived matches the source documentation on paper forms and logs by reviewing the forms and logs, then comparing them to the Versa: Regulation record. Additionally, compliance checks are randomly selected for review by a district office Captain as part of the Captain's Checklist process. The Versa: Regulation record can be reviewed directly from the Versa: Regulation inspection module or through use of the YSS - Surveys Detail List for County or YSS – Surveys Detail List for County Excel Extract reports which are located in Launch Pad under the AB&T Reports Folder\AB&T Enforcement\AB&T YSS Reports. These reports pull data from Versa: Regulation and list the establishments that had compliance checks and the results of those compliance checks. The reconciliation of the source documents to the data record is performed at least on a monthly basis.

In addition, this measure is reliable because reports are run on a monthly basis which identifies missing or incomplete data; these quality assurance steps reconcile reported information to source documents. The detail field office totals reconcile to summary reports run at the regional and division-wide levels. Discrepancies are noted and corrected. During the preparation stages of ABTSTAT (Alcoholic Beverage & Tobacco Statistics) Meetings, all correction reports are run to ensure all correction have been made.

This information is dependable because the compliance check results are captured on paper forms immediately after they are performed and the results are input into Versa: Regulation. The data pertaining to the results of the compliance checks are verified by comparing regularly promulgated reports to the sworn law enforcement agent's daily activity sheets, thereby, promoting the reliability of the data.

The official reported figures are derived from Versa: Regulation via SQL queries located at ABTSharedD02 on Bprtlfp01 in a folder titled LRPP Exhibit IV Queries\Enforcement\LRPP Enforcement\Percentage of Compliance. The query title is as follows:

Survey Compliance Rate YTM

## 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 inspections resulting in licensees in compliance with 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 measure addresses the percentage of alcohol and tobacco licensees inspected where the licensee is found to be in compliance with all standards and laws. Holding all licensees to the same requirements and standards establishes a "level playing field" for the alcohol and tobacco industries, and promotes the health and safety of the public.

The Division of Alcoholic Beverages and Tobacco is charged with enforcing the laws pertaining to retail beverage and tobacco licensees and their physical establishments as outlined in Chapter 210, Chapters 561-565 and Chapters 567-569, Florida Statutes.

Division staff, within the Bureau of Law Enforcement, visits the licensed establishments or establishments seeking licensure and reviews the business practices regarding the handling of regulated products, the maintaining of appropriate records, the displaying of required signs, and other requirements outlined in the aforementioned statutes. In addition, the division staff ensures that the establishments continue to meet requirements as outlined in those statutes for the license category that has been issued. A person at the establishment is notified of the outcome of the inspection and, if applicable, is told how to come into compliance regarding any noted violations. The inspection findings are documented during the inspection either on a paper form or an electronic device.

Data pertaining to inspections documented on paper is collected and entered into Versa: Regulation, the department's electronic database, by inspection staff, which, each week, inputs data regarding the establishments that were inspected and the results of those inspections. Data, and an electronic rendering of an inspection form, for inspections that were documented through an electronic device, are uploaded to Versa: Regulation and OnBase, the department's electronic document management system, via synchronization software/hardware. The paper inspection forms are scanned into OnBase.

This measure is calculated as follows:

The numerator for this measure is comprised of the number of licensees that had an inspection result that indicates that the establishment is in compliance or, in cases in which a violation was noted, the violation was immediately corrected by the licensee. The denominator for this measure encompasses all inspections conducted.

At the close of the fiscal year the percentage of inspections resulting in a finding that the licensees are in compliance 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 inspections resulting in a finding that the licensees are in compliance.

### **Validity:**

This measure is used because it addresses the division's efforts regarding the identification and deterrence of violations of, and the assurance of compliance with, standards and laws by beverage and tobacco licensees as outlined in Chapter 210, Chapters 561-565 and Chapters 567-569, Florida Statutes.

This measures the Bureau of Law Enforcement's effectiveness in providing continuing education to licensees regarding statute and rule requirements, ensuring a "level playing field" for the alcohol and tobacco industries, and promoting the health and safety of the public. A high compliance rate indicates the bureau was successful in these endeavors.

**Reliability:**

This measure is reliable because the inspection results are documented during the course of the inspection and supervisors verify that the data from which it is derived matches the source documentation on paper forms by reviewing the forms and comparing them to the Versa: Regulation record. The Versa: Regulation record can be reviewed directly from the Versa: Regulation inspection module or through use of the AB&T Inspections Detail List for County report which is located in Business Objects (InfoView) under the AB&T Reports Folder\AB&T Enforcement\AB&T Inspection Reports. This report pulls data from Versa: Regulation and lists the establishments that had an inspection and the results of those inspections. The reconciliation of the source documents to the data record is performed at least on a monthly basis.

In addition, this measure is reliable because reports are run which identify missing or incomplete data; these quality assurance steps reconcile reported information to source documents. The detail field office totals reconcile to summary reports run at the regional and division-wide levels. Discrepancies are noted and corrected.

The official reported figures are derived from Versa: Regulation via SQL queries located at ABTSharedD02 on Bprt1fp01 in a folder titled LRPP Exhibit IV Queries\Enforcement\LRPP Enforcement\Percentage of Compliance for Inspections. The query title is "Inspection Dispositions Compliance Calc."



## 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:**

This measure addresses the Division of Alcoholic Beverages and Tobacco compliance with the statutory requirement to process applications for licensure within 90 days of receiving a completed application as delineated in Section 120.60(1), Florida Statutes.

The Division of Alcoholic Beverages and Tobacco processes applications for licensure for alcoholic beverages and tobacco establishments pursuant to Chapter 210, Chapters 561-565 and Chapters 567-569, Florida Statutes and the Florida Administrative Rules promulgated thereunder.

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 or omissions. An application is complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. An application for a license must be approved or denied within 90 days after receipt of a completed application.

Time for this measure is calculated from receipt (stamp date) of a completed application to the date of approval.

Applications are time stamped on the date they are received by the Bureau of Licensing. Thereafter, licensing staff create a data record in Versa: Regulation, the department's electronic database. The data record includes the date the application was received and the date that it was ultimately processed to completion. An application process is considered complete when either an invoice for payment is issued to the applicant or the application is approved or denied. Supervisors receive regular reports regarding pending applications and manage the assignment and progress of applications through "tickler" systems and OnBase, the department's document management system.

At the close of the fiscal year, the number of applications processed with and without an invoice and the time taken to process them is obtained via Versa: Regulation queries.

This measure is calculated as follows:

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, and the number of quota drawing applications. All 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 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 is used because it gauges the division's efforts in processing applications efficiently. A completed application must be approved or denied within 90 days pursuant to Section 120.60(1), Florida Statutes.

**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 by reviewing the applications and comparing them to the data records.

Reports pertaining to open applications are run in SQL Navigator (due to their complexity) and are provided to licensing supervisors who review the data and compare it to the application records scanned into OnBase. Any discrepancies are researched and corrected.

The official reported figures are derived from Versa: Regulation via SQL queries located at ABTSharedD02 on Bprtlfp01 in a folder titled LRPP Exhibit IV Queries\Licensing\LRPP Licensing\Applications Processed. The query titles are as follows:

Transactions Processed  
Transactions Processed (invoice)  
Pre-quota Allocations

## 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 Bureau of Auditing within the Division of Alcoholic Beverages and Tobacco is responsible for collecting all excise taxes and surcharge relating to the sale of cigarettes, tobacco products, and alcoholic beverages in Florida. This measure compares the funds spent by the bureau on collecting this revenue and shows a ratio of collections per dollar of auditing expenditure.

Each month, the licensed entities selling cigarettes, tobacco products, and alcoholic beverages in Florida at the wholesale level are required to collect applicable excise taxes and surcharges on the products they sell and report and pay those revenues to the division. The Bureau of Auditing is responsible for receiving those reports and payments; capturing the data from the reports and payments into various division and department systems; and, then performing audits and reviews to assure that the correct amount of monies were received. This tax and surcharge money can be received through electronic funds transfers or through payments to the bureau offices. Deposits of any funds received are performed on a daily basis into the state's treasury via bank deposits, with the deposit information being forwarded to the department's revenue office. These deposits are reconciled with the treasury office reports by the department's revenue office, and any discrepancies are forwarded to and corrected by the Bureau of Auditing each month. The total revenues are recorded in the state's FLAIR reports each month.

The bureau's expenses are reported to and reconciled by the Bureau of Auditing central office either monthly or quarterly. The expenditures are compared to the planned budget, and then compared to the state's report of expenditures. The total expenditures are recorded in the state's FLAIR reports each month.

The data sources for this measure are two sections from the FLAIR reports: "Statement of Revenue" and "Level 3 Summary Accrual Basis". The measure is calculated by comparing the total amount of revenue collected to the revenues expended to collect the revenue. The FLAIR Statement of Revenue gives the amount of money collected and deposited in each revenue category for any trust fund affected by the division's revenue collections. The revenues pertaining to taxes are identified on this report and recorded each month. The FLAIR Level 3 Summary Accrual Basis records all expenditures that the bureau makes from any trust fund, including distributions to other government agencies. All data is collected for this outcome measurement and maintained in Central Auditing on a monthly basis. The measurement results are calculated by dividing the total bureau expenditures into the total bureau collections, as reflected in the FLAIR reports.

### Validity:

The Department of Business and Professional Regulation has the mission of "License efficiently. Regulate fairly." In support of this mission, the agency has the continuing expectation of reducing costs associated with revenue collections. This measurement captures the monetary efficiency of the Bureau of Auditing in its tax collection activities, showing total auditing expenditures compared to total auditing collections. This measurement identifies the cost of collecting the tax revenues. Chapters 210 and 561-565, Florida Statutes, require the Division of Alcoholic Beverages and Tobacco to collect the taxes due the state on any cigarettes, tobacco products, and alcoholic beverages sold in the state. The Bureau of Auditing, within the division, is given a budget each year with which to collect those revenues and perform

their associated duties. The method of capturing the success of that collection process is a comparison of revenues collected to revenues spent, and has been in effect since the early days of the division. 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 tax collection process.

**Reliability:**

Collection entries into FLAIR can be verified by comparing the FLAIR reports to the monthly reports, audits, district deposits, and deposits by the Bureau of Revenue. Tax receipts are recorded in the department's licensing system and identified by code. These receipts are validated and captured in the licensing system on a daily basis. The daily deposits of money receipted reflect what was placed in the state's bank account each day. The department's revenue office compares the deposit amounts with the treasury office reports, and any discrepancies are sent to the Bureau of Auditing for corrections each month. These receipts are reconciled with the tax reports each month to verify that the reported payment has been made, and are recorded in the division's Electronic Data Submission system with the monthly tax and product movement report information.

Expenditures can be compared to lease agreements, travel vouchers, and purchase orders. Information from these documents is recorded in the Bureau of Auditing's central office. The amounts spent are rectified with the amounts approved for expenditure, and any differences are corrected. Each month, the amounts recorded in the FLAIR expenditure report are reconciled to the source documents and the budget spreadsheets to assure accurate reporting of the bureau's expenses.

The FLAIR reports capture both revenues coming into the agency and expenditures going out of the agency. With monthly reconciliations by bureau and department personnel, it is assured that these reports 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:** Percent of wholesale licensees providing timely and accurate tax reporting and remittance

**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 Alcoholic Beverages and Tobacco licenses entities who deal in cigarettes, tobacco products, and alcoholic beverage products within Florida. Each of these entities has specific requirements that must be met to obtain and maintain that license, including product movement and tax payment reporting. The Bureau of Auditing performs tax and regulatory compliance audits to ensure that the licensed entities are following the requirements for those licenses and paying the correct taxes. Audit performance covers the cigarette and tobacco surcharge and excise tax activity, and the alcoholic beverage excise tax activity, as well as compliance reviews at the wholesale level. The audit performance of the monthly reports is at the wholesale level. Audits are performed according to set procedures for each type of audit being performed to determine if the overall tax and regulatory requirements are being met, or if there are non-compliance issues that must be resolved through administrative action.

This measurement compares the number of licensed entities in each of the categories of cigarettes, tobacco products, and alcoholic beverages with the number of entities who are found through audit to be in compliance either with the tax payment and/or reporting requirements, or any regulatory requirements that their license holds. The number of complying entities is found by identifying the non-complying entities from audit results and comparing to the total applicable licensee population.

The data source for the number of non-complying wholesale licensees for monthly reports is from the monthly report activity captured in the electronic data submission (EDS) system. Reporting entities either submit their report electronically or on paper. The EDS system captures the submission date when the report is submitted or amended. As wholesalers' monthly paper reports are received in the appropriate district offices, personnel enter 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 recorded on the monthly report. The paper reports are then entered into the EDS system by field or central office staff. The EDS system uses the electronic reports as the source for capturing the report information for timely submission requirements. Any resulting issue from monthly report processing that is not rectified is referred to Enforcement as non-compliant and administrative action is taken.

Tax, compliance, and product movement audits are performed at licensed wholesale locations by field auditors. The information pertaining to these audits is currently captured in an audit tracking system. As audits are assigned, they are entered into this system and the progress and final results of the audit are captured for tracking purposes. If the audit has a finding, the entity is notified and given a specific timeframe to resolve the issue with the auditor. If the issue is not rectified, the audit results are referred to Enforcement as non-compliant and administrative action is taken.

The department's licensing system captures each license issued by the division, and the entities that are required to file a monthly report or to be audited can be determined from this system based on their license series.

AB&T obtains information from the EDS data source indicating the non-complying wholesale licensees reporting 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 received are compared to the licensing system's total population of licensees to indicate the number of complying licensees and the number of non-complying licensees for monthly report requirements. The audit tracking system and referrals to Enforcement is used to calculate the number of complying and non-complying licensees for field audits.

**Validity:**

The Department of Business and Professional Regulation has the mission of "License efficiently. Regulate fairly." Encompassed within this mission is the function to hold licensees and regulated entities accountable. We use this measure to reflect the overall level of industry compliance with cigarette, tobacco product, and alcoholic beverage requirements provided in chapters 210, 561-565, and 569, Florida Statutes. Within the Division of Alcoholic Beverages and Tobacco, the Bureau of Auditing performs audits to ensure the licensees' compliance with the laws and rules applicable to their licenses types. This measure indicates the number of complying wholesale and retail licensees, once the entities obtain a license to sell cigarettes, tobacco products, or alcoholic beverage in Florida.

The first measured 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 measured step in compliance is to report and remit the correct amount of taxes. This function is measured by audit assessments that are not paid and must be referred for administrative actions. The third measured step is compliance with regulatory requirements. This function is measured by audit assessments also, and referrals for administrative actions. By measuring all functions, the compliance level is captured.

Chapter 210, Part I, Florida Statutes, defines the reporting, tax payment, and regulatory requirements of the entities selling cigarettes in Florida. Chapter 210, Part II, and chapter 569, Florida Statutes, define the reporting, tax payment, and regulatory requirements of the entities selling other tobacco products in Florida. Chapters 561-565, 567-568, Florida Statutes, define the reporting, tax payment, and regulatory requirements of the entities selling alcoholic beverages in Florida. These statutes include who must be licensed, the particular license needed for specific activities, the regulatory requirements for obtaining and maintaining the license, the tax and reporting requirements for each license if applicable, the records requirements for each license type and level, the legal product flow into and through the state, as well as penalties for non-compliance of any of these categories.

By reviewing each licensed entities' activities for regulatory compliance, it can be assured that each entity is operating as the laws specify, and that the cigarette, tobacco, and alcoholic beverage industries are being regulated fairly.

**Reliability:**

The source data for this measurement is captured from various computer systems. The non-complying monthly reporting data can be verified by comparing the monthly report activity in the division's Electronic Data Submission system to the licenses in the department's licensing system that are required to report each month. The hand delivered date, postmark, and notification dates are noted on the paper monthly reports and in the electronic submission system. This reconciliation is performed on a monthly basis, and any non-compliance is identified and rectified.

Routine tax audits determine if the reported activities and applicable taxes were accurately received. These audits are generally performed on a six-month basis. Audit findings are related to the licensee, and the finding is assessed and paid.

Compliance or special audits then complete the compliance measurement by determining if the regulatory requirements are being met by each licensee. These audits are performed either as a component of the routine tax audits, or as a specific need arises such as a new special restaurant license being issued or

an enforcement action requiring an audit be conducted. Any non-compliance found is rectified with the licensee.

Once the Bureau of Auditing has performed their audits and reviews of the report, tax, and compliance requirements for each audited entity, any remaining non-compliance is referred to the Bureau of Enforcement for an administrative action. Referrals by the auditing staff to the enforcement staff for any non-compliance is also recorded in the various systems, and can be compared to the license, report, and audit systems.

A consistent and dependable picture of compliance by the licensees is captured by utilizing source data from the various information systems within the division and department which has been gathered from multiple sources including the licensed entities, division staff, and department staff. By comparing the resulting instances of non-compliance with the licensed entities in each category, the percentage of compliance can be reliably determined.

## 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, sections 718.1255 and 719.1255, F.S. The division tracks and monitors arbitration cases through the departmental database Versa Regulation. 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. Versa Regulation 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 Versa Regulation 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.

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); and the total time to complete each case less abatement (calculated 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 cases 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, as provided in sections 718.1255 and 719.1255, F.S. 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 and providing quality assistance to our customers.



**Reliability:**

The division is confident that reporting data is dependable and a consistent measure for determining the average number of days to resolve arbitration cases. The Chief of Arbitration randomly selects case files on a bimonthly basis and compares source data for the cases stored in OnBase with the data contained in Versa Regulation for that case. The Versa Regulation data is then used to generate the "Closed Arbitration Case PBB report". If errors are noted, they are corrected and additional training is provided to staff.

## 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 Condominium, Cooperative, Mobile Home, Timeshare, and Yacht & Ship program areas. 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, Versa Regulation. The opening date is determined by the date stamp indicating receipt of the consumer complaint by the division. Versa Regulation is utilized to track case history, including case number; case opening and closing dates, case status and status date; issues (allegations) and case dispositions; and the overall determination of how a case is resolved. The file is considered resolved for performance measurement purposes upon completion of the investigation (closing date). This date is determined by the date the section supervisor signs off on the case to proceed to Administrative Action (Status AA), the date we are awaiting action from a Warning Letter (WLAC) or when there is no administrative action proposed (Status 90). Data is entered in Versa Regulation by the investigator assigned to handle the case.

Data for this measure is taken from an ePortfolio report entitled "CTMH 200-Average Days to Close a Case" and run by program staff. 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. If a case is reopened, the interval days from initial closure to the date of the case is reopened are abated.

### **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 Condominiums (section 718.501(1)(m), F.S.) and Cooperatives (section 719.501(1)(m), F.S.) 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. If a case exceeds 90 days, the Division is tasked with providing the complainant updates on the status of the case every 30 days.

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 is confident that the compliance reporting data from Versa Regulation for this measure is dependable and a consistent measure for determining if cases are investigated within statutory timeframes and within division policies and procedures. Division investigative supervisors review various reports such as, "CTMH 200-Average Days to Close a Case" and "CTMH Open Complaints Inventory", on a weekly basis to ensure staff members are accurately entering data into Versa Regulation. Supervisors also randomly select cases on a monthly basis to compare data contained in Versa Regulation and

indexed into OnBase for accuracy and to ensure they match, and if they do not, corrections are made and additional training is provided.

## 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 review and issue Yacht and Ship broker and salesperson licenses

**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 and issues Yacht and Ship broker and salesperson licenses in accordance with the Yacht and Ship Brokers Act and Chapter 61B-60, Florida Administrative Code.

Upon receipt of an initial application, the division has 10 days to determine if the application is complete for form – meaning it includes the completed application, a complete set of fingerprints, the application fee, and a surety bond or letter of credit. If complete for form, the division is required to issue a 90-day temporary license while the Florida Department of Law Enforcement conducts the criminal history analysis. Upon receipt of the criminal history analysis, the division will complete a review for moral character. Once the application is complete and the applicant is determined to be of good moral character, the division approves the application and issues a permanent license.

If the application is incomplete, the division notifies the applicant in writing of the deficiency, and gives them 21 days from receipt of the deficiency notice to complete the application. Although not specifically identified by rule or statute, the division considers the expiration period of the temporary license (a 90-day period) as the deadline for issuing a permanent license.

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 approved within a specified date range and for each application selected, counts the number of days from the date of receipt of the completed application to the date the permanent license is approved for that applicant. The report provides the total number of days for all applications selected and divides that number by the total number of permanent licenses issued to determine the average number of days.

### **Validity:**

This measure represents the average number of days to review and issue a yacht salesperson’s/broker’s license. The measure indicates whether the division is performing its duties within statutorily and rule mandated timeframes and is removing barriers to doing business in this profession in Florida. The data is verifiable through review of division 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 background checks and may include delays for applicant actions such as responding to notices of deficiency for missing items or explanations regarding criminal history.

### **Reliability:**

The division is confident that reporting data is dependable and a consistent measure for determining if licenses are reviewed and approved within statutory timeframes. After license applications are indexed into OnBase and processed in Versa Regulation by regulatory specialist licensing staff, applications are forwarded to supervisory staff via OnBase for quality control. Application approvals are reviewed monthly to ensure accuracy of data in Versa Regulation, and incorrect entries are identified and corrected by this procedure.

## 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 Condominiums, Timeshare, and Mobile Home filings reviewed within statutory requirements

**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. Document reviews have a statutory or rule mandated time requirement for division action, as follows:

Condominiums/Cooperatives: Rules 61B-17.005, 61B-17.006, and 61B-24.002, Florida Administrative Code; Section 718.502, Florida Statutes.

Timeshares: Rule 61B-24.002, Florida Administrative Code; Sections 721.07, 721.11, and 721.12, Florida Statutes.

Mobile Homes: Rule 61B-30, Florida Administrative Code; Section 723.011, Florida Statutes.

The review period begins upon receipt of the filing with appropriate filing fees. The Division will either approve the filing, issue a deficiency letter requiring the filing entity to correct or supplement its filing, or if the Division does not take action within the allotted time, the filing is approved by operation of law (OPOL), indicating a missed deadline.

The current method for tracking review deadlines is through the "CTMH Standards Registration PBB Report" available as a crystal report in ePortfolio. A record is created in Versa Regulation for each filing received by the division. The record tracks, in addition to other information, filing receipt, the issuance of deficiency letter dates, and approval dates. Missed review deadlines are entered by the examiners directly into the Versa Regulation database, specifically by checking a box labeled "OPOL" on the deficiency approval screen. At the end of each reporting period, program staff run the "CTMH Standards Registration PBB Report" to show the number of filings reviewed by program area during the reporting period and the number of records containing a box checked as "OPOL", indicating a missed filing review deadline.

Performance data for the division is calculated by adding the number of filings reviewed from the "CTMH Standards Registration PBB Report". The number of division deadlines missed is calculated by totaling the number of missed deadlines from "CTMH Standards Registration PBB Report". The percent of filings reviewed as prescribed by law is calculated by subtracting the number of missed deadlines from total filings reviewed to arrive at the number of timely reviewed filings. The total number of reviewed filings is then divided by the number of timely reviewed filings.

### **Validity:**

The measure indicates whether the division is performing its duties within statutorily mandated timeframes (see citations to rule and statutorily mandated timeframes in Data Sources and Methodology section) and is providing quality assistance to our customers. The data is verifiable through review of division filings.

### **Reliability:**

The division is confident that reporting data is dependable and a consistent measure for determining if filings are reviewed within statutory timeframes. Division supervisory staff randomly selects filings on a bimonthly basis and compare source data for the filing stored in OnBase with the data contained in Versa

Regulation for that filing. The Versa Regulation data is then used to generate the "CTMH Standards Registration PBB Report". If errors are noted, they are corrected and additional training is provided to staff.

## Associated Activity Contributing to Performance Measures

<b>LRPP Exhibit V: Identification of Associated Activity Contributing to Performance Measures</b>		
Measure Number	<b>Approved Performance Measures for FY 2013-14</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 time information infrastructure, scheduled computer hours and access is available	Information technology
4	Percent of calls transferred to a call agent that are answered before call is abandoned	Call center
5	Percent of calls transferred to a call agent that are answered within 5 minutes	Call center
6	Percent of satisfied customers based on survey	Call center
7	Percent of complete applications approved or denied within 90 days	Central intake - initial applications
8	Percent of required inspections completed	Compliance and enforcement
9	Percent of licenses that correct violations through alternative means (notices of non-compliance, citations or alternative dispute resolution)	Compliance and enforcement

## Associated Activity Contributing to Performance Measures

10	Percent of complete board referred applications approved or denied within 90 days	Standards and licensure
11	Percent of licensees in compliance with inspection laws and regulations	Compliance and enforcement
12	Percent of complete license applications approved or denied within 90 days (Drugs, Devices, Cosmetics and Household Products Regulation)	Compliance and enforcement
13	Percentage of Florida resident prescription drug wholesale distributor permit holders inspected (Drugs, Devices, Cosmetics and Household Products Regulation)	Compliance and enforcement
14	Percent of complete applications approved or denied within 90 days	Protect boxers
15	Percent of complete provider and individual course applications approved or denied within 90 days	Testing
16	Percent of farm labor contractors inspected found to be in compliance with the law	Monitor employers for compliance with migrant farmworker labor laws
17	Percent of employers brought into compliance with child labor laws on follow-up investigations	Monitor employers for compliance with child labor laws
18	Percent of races and games that are in compliance with all laws and regulations	Compliance and enforcement
19	Percent of complete Pari-Mutuel Wagering applications approved or denied within 90 days	Standards and licensure
20	Pari-Mutuel Wagering collections per dollar of revenue unit expenditures	Tax collection and auditing



## **Associated Activity Contributing to Performance Measures**

21	Percent of compliance audits conducted	Tax collection and auditing
22	Percent of slot tax dollars collected compared to permitholder liability	Tax collection and auditing
23	Percent of complete slot applications approved or denied within 90 days	Pari-Mutuel slot applications
24	Slot tax collections per dollar of slot revenue unit expenditures	Tax collection and auditing
25	Percent of food establishments inspected according to statute	Compliance and enforcement
26	Percent of lodging establishments inspected according to statute	Compliance and enforcement
27	Percent of elevators, escalators and other vertical conveyance devices inspected according to statute	Compliance and enforcement
28	Percent of complete public food establishment license applications approved or denied within 90 days	Licensing and compliance
29	Percent of complete public lodging establishment license applications approved or denied within 90 days	Licensing and compliance
30	Percentage of elevator certificates of operation applications approved or denied within 90 days	Licensing activities
31	Percent of total retail alcohol and tobacco licensees and permit holders inspected	Compliance and enforcement

## Associated Activity Contributing to Performance Measures

32	Percent of alcoholic beverage retailers tested found to be in compliance with underage persons' access	Compliance and enforcement
33	Percent of tobacco retailers tested found to be in compliance with underage persons' access	Compliance and enforcement
34	Percent of inspections resulting in licensees in compliance with laws and regulations	Compliance and enforcement
35	Percent of complete license applications approved or denied within 90 days	Standards and licensure
36	Collections per dollar of auditing expenditure	Tax collection and auditing
37	Percent of wholesale licensees providing timely and accurate tax reporting and remittance as required by Florida Statute	Tax collection and auditing
38	Average number of days to resolve cases submitted for arbitration	Compliance and enforcement
39	Average number of days to resolve investigations of consumer complaints	Compliance and enforcement
40	Average number of days to review and issue yacht and ship broker and salesperson license	Compliance and enforcement
41	Percent of condominium, timeshare and mobile home filings reviewed within statutory requirements	Compliance and enforcement

# GLOSSARY OF TERMS AND ACRONYMS

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**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.

**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.

**Demand:** The number of output units that are eligible to benefit from a service or activity.

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

# GLOSSARY OF TERMS AND ACRONYMS

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**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.

**EOG** - Executive Office of the Governor

**Estimated Expenditures**: Includes the amount estimated to be expended during the current fiscal year. These amounts will be computer generated based on the current year appropriations adjusted for vetoes and special appropriations bills.

**FCO** - Fixed Capital Outlay

**Fixed Capital Outlay**: Real property (land, buildings including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property that materially extend its useful life or materially improve or change its functional use. Includes furniture and equipment necessary to furnish and operate a new or improved facility.

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

# GLOSSARY OF TERMS AND ACRONYMS

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**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.

**GAA** - General Appropriations Act

**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 & Restaurants, 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.

**Indicator:** A single quantitative or qualitative statement that reports information about the nature of a condition, entity or activity. This term is used commonly as a synonym for the word "measure."

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

**Input:** See Performance Measure.

**IOE - Itemization of Expenditure**

**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.

**Judicial Branch:** All officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, and the Judicial Qualifications Commission.

**LAS/PBS** - Legislative Appropriations System/Planning and Budgeting Subsystem. The statewide appropriations and budgeting system owned and maintained by the Executive Office of the Governor.

**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.

# GLOSSARY OF TERMS AND ACRONYMS

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**LBR** - Legislative Budget Request

**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.

**LRPP - Long Range Program Plan**

**Long Range Program Plan**: A plan developed on an annual basis by each state agency that is policy-based, priority-driven, accountable, and developed through careful examination and justification of all programs and their associated costs. Each plan is developed by examining the needs of agency customers and clients and proposing programs and associated costs to address those needs based on state priorities as established by law, the agency mission, and legislative authorization. The plan provides the framework and context for preparing the legislative budget request and includes performance indicators for evaluating the impact of programs and agency performance.

**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.

**Narrative**: Justification for each service and activity is required at the program component detail level. Explanation, in many instances, will be required to provide a full understanding of how the dollar requirements were computed.

**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.

**OPB** - Office of Policy and Budget, Executive Office of the Governor

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

**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.

# GLOSSARY OF TERMS AND ACRONYMS

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**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.

**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.

**Pass Through:** Funds the state distributes directly to other entities, e.g., local governments, without being managed by the agency distributing the funds. These funds flow through the agency's budget; however, the agency has no discretion regarding how the funds are spent, and the activities (outputs) associated with the expenditure of funds are not measured at the state level. NOTE: This definition of "pass through" applies ONLY for the purposes of long-range program planning.

**Performance 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.

# GLOSSARY OF TERMS AND ACRONYMS

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**Program Component**: An aggregation of generally related objectives which, because of their special character, related workload and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

**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.

**SWOT** - Strengths, Weaknesses, Opportunities and Threats.

**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.



# GLOSSARY OF TERMS AND ACRONYMS

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**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.

# UNIT COST SUMMARY

BUSINESS AND PROFESSIONAL REGULATION, DEPARTMENT OF		FISCAL YEAR 2014-15			
SECTION I: BUDGET		OPERATING		FIXED CAPITAL OUTLAY	
TOTAL ALL FUNDS GENERAL APPROPRIATIONS ACT			147,533,984	0	
ADJUSTMENTS TO GENERAL APPROPRIATIONS ACT (Supplementals, Vetoes, Budget Amendments, etc.)			1,297,294	0	
FINAL BUDGET FOR AGENCY			148,831,278	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 * <b>Number of transactions processed</b>		786,416	4.04	3,174,061	
Protect Boxers * <b>Number of scheduled boxing and kickboxing/mixed martial arts events.</b>		42	25,590.90	1,074,818	
Call Center * <b>Number of calls, emails, public contacts</b>		1,121,262	5.76	6,463,690	
Central Intake - Initial Applications * <b>Number of initial applications processed</b>		132,895	33.89	4,504,012	
Central Intake - Renewals * <b>Number of renewals processed</b>		559,727	1.53	853,717	
Testing * <b>Number of candidates tested</b>		96,598	20.43	1,973,873	
Continuing Education * <b>Number of non-deficient, complete provider and individual course applications processed within 90 days</b>		7,703	188.86	1,454,808	
Board Of Architecture And Interior Design * <b>Number of enforcement actions</b>		283	1,502.61	425,239	
Drug, Device And Cosmetic Regulation * <b>Licensure and Regulatory activities</b>		14,921	217.57	3,246,324	
Monitor Employers For Compliance With Migrant Farmworker Labor Laws * <b>Number of Investigations and Inspections</b>		3,344	498.64	1,667,448	
Monitor Employers For Compliance With Child Labor Laws * <b>Number of Investigations and Inspections</b>		8,161	77.09	629,155	
Compliance And Enforcement Activities * <b>Number of enforcement actions.</b>		107,479	134.54	14,460,211	
Laboratory Services * <b>Number of blood and urine samples tested.</b>		67,587	33.53	2,266,000	
Standards And Licensure Activities * <b>Number of licensees</b>		862,000	18.41	15,873,163	
Tax Collection And Auditing * <b>Number of audits conducted.</b>		60,233	27.24	1,640,585	
Cardrooms * <b>Number of audits conducted.</b>		24	4,964.04	119,137	
Pari-mutuel Number Of Slot Applications Processed * <b>Number of Slot Applications Processed</b>		4,146	1,192.63	4,944,637	
Compliance And Enforcement Activities For Hotels And Restaurants * <b>Inspections and enforcement actions</b>		173,304	124.49	21,575,319	
Compliance And Enforcement Activities For Elevators * <b>Inspections and enforcement actions</b>		8,491	179.93	1,527,766	
School-to-career-grant * <b>Students served through grant program.</b>		21,326	33.14	706,698	
Standards And Licensure Activities For Hotels And Restaurants * <b>Number of licensees for public lodging and food service establishments</b>		90,158	13.57	1,223,479	
Standards And Licensure Activities For Elevators * <b>Number of licensees for elevators, escalators and other vertical conveyance devices</b>		51,070	9.30	474,707	
Compliance And Enforcement Activities * <b>Number of enforcement actions for Alcoholic Beverages and Tobacco</b>		73,507	250.31	18,399,195	
Code Promulgation * <b>Code Amendments Promulgated</b>		769	2,713.47	2,086,655	
Regulation Of Manufactured Buildings * <b>Permits Issued for Manufactured Buildings</b>		27,448	9.85	270,361	
Standards And Licensure Activities * <b>Number of applications processed for Alcoholic Beverages and Tobacco</b>		21,149	227.04	4,801,621	
Tax Collection And Auditing * <b>Number of audits conducted for Alcoholic Beverages and Tobacco</b>		4,285	1,658.38	7,106,160	
Compliance And Enforcement Activities - General Regulation (yacht And Ship) * <b>Number of regulatory activities.</b>		4,314	53.75	231,890	
Compliance And Enforcement Activities - Timeshare * <b>Number of regulatory activities.</b>		4,072	288.83	1,176,129	
Compliance And Enforcement Activities - Condominiums * <b>Number of regulatory activities.</b>		67,384	86.63	5,837,435	
Compliance And Enforcement Activities - Mobile Homes * <b>Number of regulatory activities.</b>		5,780	73.49	424,780	
Homeowners' Associations * <b>Number of compliance actions.</b>		797	276.57	220,427	
Condominium Ombudsman * <b>Number of activities in fulfillment of statutory duties.</b>		17,718	26.96	477,663	
TOTAL				131,311,163	
SECTION III: RECONCILIATION TO BUDGET					
PASS THROUGHS					
TRANSFER - STATE AGENCIES					
AID TO LOCAL GOVERNMENTS					
PAYMENT OF PENSIONS, BENEFITS AND CLAIMS				5,724,462	
OTHER				2,163,764	
REVERSIONS				9,636,206	
TOTAL BUDGET FOR AGENCY (Total Activities + Pass Throughs + Reversions) - Should equal Section I above. (4)				148,835,595	

## 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.