

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Margolis, Vice Chair

MEETING DATE: Wednesday, November 18, 2015
TIME: 3:00—4:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Bradley, Chair; Senator Margolis, Vice Chair; Senators Abruzzo, Bean, Braynon, Diaz de la Portilla, Flores, Latvala, Negron, Richter, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 394 Hays (Identical H 303)	Unlicensed Activity Fees; Prohibiting the Department of Business and Professional Regulation from imposing a specified fee in certain circumstances, etc. RI 11/18/2015 Favorable AGG AP	Favorable Yeas 11 Nays 0
2	SB 578 Hutson (Similar H 381)	Public Records/Florida State Boxing Commission; Providing an exemption from public records requirements for proprietary confidential business information provided by a promoter to the Florida State Boxing Commission; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act, etc. RI 11/18/2015 Fav/CS GO RC	Fav/CS Yeas 11 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Secretary of Business and Professional Regulation			
3	Lawson, Kenneth E. (Tallahassee)	Pleasure of Governor	Recommend Confirm Yeas 11 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 394

INTRODUCER: Senator Hays

SUBJECT: Unlicensed Activity Fees

DATE: November 18, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	Favorable
2.			AGG	
3.			AP	

I. Summary:

SB 394 mandates that a special unlicensed activity fee of \$5 charged to all professionals renewing a license issued by the Department of Business and Professional Regulation (department) be waived for a profession if certain benchmarks for the profession's operating account and unlicensed activity account are met. The waiver applies to all licensees in a renewal cycle for the duration of that cycle. The waiver does not apply if a profession has a deficit in its operating account or be projected to have a deficit within five fiscal years. There will be a reduction in unlicensed activity fee revenue of approximately \$1,588,300 in Fiscal Year 2016-2017. There is a corresponding reduction in the 8 percent service charge to the General Revenue Fund of approximately \$127,064 in Fiscal Year 2016-2017.

II. Present Situation:

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (department). There are 12 divisions, which include:

- Administration;
- Alcoholic Beverages and Tobacco;
- Certified Public Accounting;
- Drugs, Devices, and Cosmetics;
- Florida Condominiums, Timeshares, and Mobile Homes;
- Hotels and Restaurants;
- Pari-mutuel Wagering;
- Professions;
- Real Estate;
- Regulation;
- Service Operations; and
- Technology.

There are 15 boards and programs established within the Division of Professions,¹ two boards within the Division of Real Estate,² and one board within the Division of Certified Public Accounting.³ The Florida State Boxing Commission (boxing commission) is also assigned to the department for administrative and fiscal accountability purposes only.⁴ The department also administers the Child Labor Law and Farm Labor Contractor Registration Law pursuant to parts I and III of ch. 450, F.S.

Chapter 455, F.S., applies to the regulation of professions constituting “any activity, occupation, profession, or vocation regulated by the department in the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.”⁵

Regulation of professions is limited under Florida law, to be undertaken “only for the preservation of the health, safety, and welfare of the public under the police powers of the state.”⁶ Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.⁷

However, “neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention,” or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.⁸

Chapter 455, F.S., provides the general powers of the department and sets forth the procedural and administrative framework for all of the professional boards housed under the department as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.⁹ When a person is authorized to engage in a profession or occupation in Florida by the department, the department issues a “permit, registration, certificate, or license” to the licensee.¹⁰

¹ Section 20.165(4)(a), F.S., establishes the following boards and programs which are noted with the implementing statutes: Board of Architecture and Interior Design, part I of ch. 481; Florida Board of Auctioneers, part VI of ch. 468; Barbers’ Board, ch. 476; Florida Building Code Administrators and Inspectors Board, part XII of ch. 468; Construction Industry Licensing Board, part I of ch. 489; Board of Cosmetology, ch. 477; Electrical Contractors’ Licensing Board, part II of ch. 489; Board of Employee Leasing Companies, part XI of ch. 468; Board of Landscape Architecture, part II of ch. 481; Board of Pilot Commissioners, ch. 310; Board of Professional Engineers, ch. 471; Board of Professional Geologists, ch. 492; Board of Veterinary Medicine, ch. 474; Home Inspection Services Licensing Program, part XV of ch. 468; and Mold-related Services Licensing Program, part XVI of ch. 468.

² See s. 20.165(4)(b), F.S. Florida Real Estate Appraisal Board, created under part II of ch. 475, F.S., and Florida Real Estate Commission, created under part I of ch. 475, F.S.

³ See s. 20.165(4)(c), F.S., which establishes the Board of Accountancy, created under ch. 473, F.S.

⁴ See s. 548.003(1), F.S.

⁵ See s. 455.01(6), F.S.

⁶ See s. 455.201(2), F.S.

⁷ *Id.*

⁸ See s. 455.201(4)(b), F.S.

⁹ See s. 455.203, F.S. The department must also provide legal counsel for boards within the department by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing department staff counsel. See s. 455.221(1), F.S.

¹⁰ See s. 455.01(4) and (5), F.S.

In Fiscal Year 2013-2014, the Division of Accountancy had 37,513 licensees, the Division of Real Estate had 312,715 licensees, and the Board of Professional Engineers had 57,653 licensees.¹¹ In Fiscal Year 2013-2014, there were 413,401 licensees in the Division of Professions,¹² including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers;
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors;
- Cosmetologists;
- Electrical contractors;
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Landscape architects;
- Harbor pilots;
- Mold-related services;
- Talent agencies; and
- Veterinarians.¹³

Sections 455.203, F.S., and 455.213, F.S., establish general licensing provisions for the department, including the authority to charge license fees and license renewal fees. Each board within the department must determine by rule the amount of license fees for its profession, based on estimates of the required revenue to implement regulatory laws.¹⁴

The department may adopt rules to implement a waiver of renewal fees, when the department determines that a profession's trust fund moneys exceed the amount required to cover the necessary functions of the board (or of the department, when there is no board). However, the waiver period may not exceed 2 years.¹⁵

¹¹ See Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2013-2014*, <http://www.myfloridalicense.com/dbpr/os/documents/FY2013-2014AnnualReportProRegCPARE.pdf> (last accessed 2015) at 22.

¹² Of the total 413,401 licensees in the Division of Professions, 22,859 are inactive, but all licensees, whether or not active, must pay the \$5 unlicensed activity fee. *Id.* at 21-22.

¹³ *Id.* at 13.

¹⁴ See s. 455.219(1), F.S.

¹⁵ *Id.* Each board (or the department when there is no board) must ensure that license fees will cover all anticipated costs and a reasonable cash balance will be maintained. If sufficient action is not taken by a board within one year of notification by the department that license fees are projected to be inadequate, the department must set license fees for the board, in order to cover anticipated costs and to maintain the required cash balance.

Section 455.2281, F.S., requires that persons who are issued licenses by the department pay a special fee of \$5 to fund efforts to combat unlicensed activity. The fee is imposed on all initial licenses and renewed licenses, including inactive licenses. The funds of a profession regulated by the department are held in an unlicensed activity account and an operating fund account.

A transfer from the profession's operating fund account to its unlicensed activity account may be authorized if the operating fund account for the profession is not in a deficit and has a reasonable cash balance,¹⁶ in order to inform the public about the consequences of obtaining services from professionals who are not properly licensed.

The department's Unlicensed Activity Program consists of public outreach and education, thorough investigation of complaints, and enforcement and prosecution.¹⁷ The department maintains an educational campaign to inform consumers and licensees about the danger of hiring unlicensed individuals, with an emphasis on compliance rather than discipline of unlicensed offenders. In Fiscal Year 2014-2015, the department received over 5,000 complaints of unlicensed activity. More than 3,300 complaints that met requirements to be pursued resulted in the issuance of more than more than 200 citations¹⁸ and more than 2,300 Notices to Cease and Desist.

Administrative action is taken on those cases not resolved by issuance of a citation or a notice to discontinue the unlicensed activity. The number of fines and administrative actions against unlicensed offenders increased in Fiscal Year 2014-2015 over the prior fiscal year, from 317 to 543 fines and from 168 to 433 actions.¹⁹

The department's administrative rules include disciplinary guidelines for the imposition of penalties against unlicensed persons.²⁰ Practicing a profession without holding the required license may result in a fine of \$3,000 for a first violation.²¹ Various circumstances may be considered in order to reduce or increase fine amounts.²²

Recently, the department engaged in a media campaign to increase awareness of unlicensed activity and the threat to consumers and to professionals who are properly licensed.²³ In addition to promoting the "Report Unlicensed Activity" mobile telephone application, the campaign's objectives were to increase the number of Florida consumers and licensed professionals exposed to information about:

- The professional services that require a license;
- How to verify a license; and
- How to report unlicensed activity.

¹⁶ See s. 455.2281, F.S.

¹⁷ See Department of Business and Professional Regulation, *Unlicensed Activity Program, Fiscal Year 2014-2015* <http://www.myfloridalicense.com/dbpr/reg/documents/ULA14-15FINALAnnualReport.pdf> (last accessed Nov. 18, 2015).

¹⁸ See s. 455.228(3)(a), F.S., which states the penalty for the unlicensed practice of a profession is a fine of not less than \$500 or more than \$5,000, or other conditions as established by rule.

¹⁹ See *supra* note 17, at 1-2.

²⁰ See Rule 61-5.007, F.A.C.

²¹ *Id.* A second violation may result in a \$2,500 fine; third and subsequent violations may result in fines of \$5,000.

²² *Id.* These include the severity of the offense, the number of repetitions of the unlicensed activity, and complaints filed, among others.

²³ See *supra* note 17, at 20-27.

III. Effect of Proposed Changes:

SB 394 mandates that the special unlicensed activity fee of \$5 charged to professionals renewing a license issued by the department be waived for all licensees in a renewal cycle for the duration of that cycle if:

- The unlicensed activity account balance for the profession at the beginning of the fiscal year before the renewal is more than twice the expenditures for unlicensed activity enforcement in the previous two fiscal years; and
- The profession does not have a deficit in its operating account or is not projected to have a deficit in the next five fiscal years.

The bill revises language to meet bill drafting conventions.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Fees payable by professionals renewing a license issued by the department may be reduced by \$5, if the special unlicensed activity fee of \$5 authorized in s. 455.2281, F.S., is required to be waived during a profession's qualified license renewal cycle. In order for a profession to qualify for the waiver of the unlicensed activity fee for all licensees in that renewal cycle:

- The unlicensed activity account balance for the profession at the beginning of the fiscal year before the renewal must be more than twice the expenditures for unlicensed activity enforcement in the previous two fiscal years; and
- The profession may not have a deficit in its operating account or be projected to have a deficit in the next five fiscal years.

According to the department, as of July 1, 2015, eight of the 22 professions for which it issues licenses meet the proposed criteria for waiver of the unlicensed activity fee of \$5

upon license renewal.²⁴ The total reduction in renewal fees payable by licensees in a single two-year renewal cycle for all eight professions eligible for the waiver is estimated by the department as \$3,193,450.

The department estimates there will be a reduction in unlicensed activity fee revenue of approximately \$1,588,300 in Fiscal Year 2016-2017, \$1,603,935 in Fiscal Year 2017-2018 and \$1,588,300 in Fiscal Year 2018-2019. There will be a corresponding reduction in the 8% service charge sent to General Revenue of approximately \$127,064 in Fiscal Year 2016-2017, \$128,315 in Fiscal Year 2017-2018 and \$127,064 in Fiscal Year 2018-2019.²⁵

B. Private Sector Impact:

If a profession qualifies for waiver of a special unlicensed activity fee of \$5 during a renewal cycle, the renewal fees payable by affected licensees in that profession will be reduced by \$5. The waiver applies to all licensees in a renewal cycle for that profession for the duration of that cycle. If a profession has a deficit in its operating account or is projected to have a deficit within five fiscal years, the waiver is not applicable, and renewal fees will not be reduced.

C. Government Sector Impact:

The bill requires the department to determine whether a profession qualifies for the waiver of the unlicensed activity fee for all licensees in a license renewal cycle. The department must calculate, for each profession:

- The expenditures made for enforcement against unlicensed activity in the previous two fiscal years; and
- Whether the profession has a deficit in its operating account, or is projected to have a deficit in the next five fiscal years.

The department will be required to modify license renewal information provided to licensees, based on whether a renewal cycle qualifies for a reduction in the special unlicensed activity fee, reducing the renewal fees by \$5 for each professional renewing during that cycle.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

²⁴ See Email from C. Madill, Legislative Coordinator, Department of Business and Professional Regulation, to A. Nicotra, Office of Senator D. Alan Hays and *Professional Board Unlicensed Activity Fee Holiday Projections* chart attached thereto (Oct. 21, 2015)(on file with the Senate Committee on Regulated Industries).

²⁵ See *2016 Department of Business and Professional Regulation Legislative Bill Analysis for SB 394*, October 23, 2015 (on file with Senate Committee on Regulated Industries) at 3.

VIII. Statutes Affected:

This bill substantially amends section 455.2281 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Hays

11-00555-16

2016394__

1 A bill to be entitled
2 An act relating to unlicensed activity fees; amending
3 s. 455.2281, F.S.; prohibiting the Department of
4 Business and Professional Regulation from imposing a
5 specified fee in certain circumstances; providing for
6 applicability of the waiver; providing an effective
7 date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 455.2281, Florida Statutes, is amended
12 to read:

13 455.2281 Unlicensed activities; fees; disposition.—In order
14 to protect the public and to ensure a consumer-oriented
15 department, it is the intent of the Legislature that vigorous
16 enforcement of regulation for all professional activities is a
17 state priority. All enforcement costs should be covered by
18 professions regulated by the department. Therefore, the
19 department shall impose, upon initial licensure and each
20 subsequent renewal thereof, a special fee of \$5 per licensee,~~,-~~
21 ~~Such fee shall be~~ in addition to all other fees imposed,
22 ~~collected from each licensee to and shall~~ fund efforts to combat
23 unlicensed activity. However, the department may not impose this
24 special fee on a license renewal for any profession whose
25 unlicensed activity account balance, at the beginning of the
26 fiscal year before the renewal, totals more than twice the total
27 of the expenditures for unlicensed activity enforcement efforts
28 in the preceding 2 fiscal years. This waiver applies to all
29 licensees within the profession, and assessment of the special

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30 fee may not begin or resume until the renewal cycle subject to
31 the waiver has ended for all of the licensees in that
32 profession. This waiver does not apply to a profession that has
33 a deficit in its operating account or that is projected to have
34 such a deficit in the next 5 fiscal years. Any profession
35 regulated by the department which offers services that are not
36 subject to regulation when provided by an unlicensed person may
37 use funds in its unlicensed activity account to inform the
38 public of such situation. The board with concurrence of the
39 department, or the department when there is no board, may
40 earmark \$5 of the current licensure fee for this purpose, if
41 such board, or profession regulated by the department, is not in
42 a deficit and has a reasonable cash balance. A board or
43 profession regulated by the department may authorize the
44 transfer of funds from the operating fund account to the
45 unlicensed activity account of that profession if the operating
46 fund account is not in a deficit and has a reasonable cash
47 balance. The department shall make direct charges to this fund
48 by profession and may ~~shall~~ not allocate indirect overhead. The
49 department shall seek board advice regarding enforcement methods
50 and strategies prior to expenditure of funds; however, the
51 department may, without board advice, allocate funds to cover
52 the costs of continuing education compliance monitoring under s.
53 455.2177. The department shall directly credit, by profession,
54 revenues received from the department's efforts to enforce
55 licensure provisions. The department shall include all financial
56 and statistical data resulting from unlicensed activity
57 enforcement and from continuing education compliance monitoring
58 as separate categories in the quarterly management report

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2016394__

59 provided for in s. 455.219. The department may ~~shall~~ not charge
60 the account of any profession for the costs incurred on behalf
61 of any other profession. With the concurrence of the applicable
62 board and the department, any balance that remains in ~~For an~~
63 ~~unlicensed activity account, a balance which remains~~ at the end
64 of a renewal cycle may, ~~with concurrence of the applicable board~~
65 ~~and the department,~~ be transferred to the operating fund account
66 of that profession.

67 Section 2. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

SENATOR ALAN HAYS

11th District

MEMORANDUM

To: Senator Rob Bradley, Chair
Regulated Industries
CC: Patrick L. "Booter" Imhof, Staff Director
Lynn Koon, Committee Administrative Assistant

From: Senator D. Alan Hays

Subject: Request to agenda SB 394- Unlicensed Activity Fees

Date: October 9, 2015

I respectfully request that you agenda the above referenced bill at your earliest convenience. If you have any questions regarding this legislation, I welcome the opportunity to meet with you one-on-one to discuss it in further detail. Thank you so much for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD
State Senator, District 11

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

PROFESSIONAL BOARD UNLICENSED ACTIVITY FEE HOLIDAY PROJECTIONS

BOARD	EXPENDITURES: 6/30/2014	EXPENDITURES: 6/30/2015	TOTAL EXPENDITURES	ACCOUNT BALANCE: 7/1/2015	Operating Account Deficit? ***	Quality for ULA Fee Waiver?	Renewal Date	Current License Count*	Estimated Savings (per biennium)**	Estimated Savings: 7/1/2015 - 6/30/ 2017
Board of Accountancy	94,300.00	107,289.00	201,589.00	42,064.00	No	No	Dec. 31 Odd/Even	42,146	210,730.00	0.00
Board of Architecture and Interior Design	23,318.00	226,824.00	250,142.00	321,933.00	No	No	Feb. 28 Odd	18,164	90,820.00	0.00
Asbestos Unit	582.00	1,292.00	1,874.00	9,160.00	No	Yes	Nov. 30 Odd/Even	495	2,475.00	2,475.00
Athlete Agents	99.00	34.00	133.00	4,782.00	No	Yes	May 31 Even	364	1,820.00	1,820.00
Board of Auctioneers	4,915.00	10,137.00	15,052.00	30,356.00	Yes	No	Nov. 30 Odd	3,326	16,630.00	0.00
Barbers' Board	70,658.00	87,865.00	158,523.00	250,636.00	No	No	Jul. 31 Even (Individual) Nov. 30 Even (Business)	20,626	103,130.00	0.00
Building Code Admin & Inspectors	4,729.00	2,332.00	7,061.00	362,794.00	No	Yes	Nov. 30 Odd	9,156	45,780.00	45,780.00
Community Association Managers	61,321.00	49,185.00	110,506.00	157,543.00	Yes	No	Sept. 30 Even	21,365	106,825.00	0.00
Construction Industry Licensing Board	695,495.00	1,448,170.00	2,143,665.00	(1,011,121.00)	Yes	No	Aug. 31 Odd/Even	160,622	803,110.00	0.00
Board of Cosmetology	335,846.00	202,684.00	538,530.00	2,749,983.00	No	Yes	Oct. 31 Odd/Even	268,088	1,340,440.00	1,340,440.00
Electrical Contractors Licensing Board	89,817.00	276,298.00	366,115.00	(682,477.00)	Yes	No	Aug. 31 Even	13,587	67,935.00	0.00
Board of Employee Leasing	1,103.00	3,609.00	4,712.00	34,741.00	Yes	No	Apr. 30 Even	542	2,710.00	0.00
Board of Professional Engineers	102,184.00	57,321.00	159,505.00	276,545.00	No	No	Feb. 28 Odd	42,261	211,305.00	0.00
Board of Professional Geologists	891.00	2,332.00	3,223.00	72,962.00	Yes	No	Jul. 31 Even	2,441	12,205.00	0.00
Board of Pilot Commissioners	2.00	1,079.00	1,081.00	1,277.00	No	Yes	Jan. 30 Odd	93	465.00	465.00
Home Inspections	28,553.00	11,160.00	39,713.00	52,106.00	No	No	Jul. 31 Even	8,373	41,865.00	0.00
Board of Landscape Architects	2,465.00	1,921.00	4,386.00	35,245.00	No	Yes	Nov. 30 Odd	1,691	8,455.00	8,455.00
Mold Related Services	25,125.00	24,597.00	49,722.00	2,401.00	No	No	Jul. 31 Even	4,366	21,830.00	0.00
Real Estate Appraisal Board	9,086.00	4,979.00	14,065.00	138,473.00	No	Yes	Nov. 30 Even	7,739	38,695.00	38,695.00
Real Estate Commission	443,941.00	525,664.00	969,605.00	2,984,588.00	No	Yes	Mar 31 Odd/Even Sept. 30 Odd/Even	351,064	1,755,320.00	1,755,320.00
Talent Agents	9,196.00	34,759.00	43,955.00	(62,864.00)	Yes	No	May 31 Even	463	2,315.00	0.00
Board of Veterinary Medicine	15,908.00	17,761.00	33,669.00	204,277.00	Yes	No	May 31 Even	8,527	42,635.00	0.00
TOTAL:									4,927,495.00	3,193,450.00

PROFESSIONAL BOARD UNLICENSED ACTIVITY FEE HOLIDAY PROJECTIONS

* License counts as of August 12, 2015.

** Estimated savings formula = renewing licensees x \$5 unlicensed activity fee. The amount assumes that the professions would otherwise be eligible for waiving of the fee under the proposed amendment to s. 455.2281, F.S.

*** Operating Account deficit indicates that the board or program's operating account is currently in a deficit or is projected to be in a deficit within the next 5 fiscal years.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/18/2015
Meeting Date

SB394
Bill Number (if applicable)

Topic Unlicensed Activities

Amendment Barcode (if applicable)

Name Drew Winters

Job Title Deputy of Professions

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Dept. of Business + Professional Regulation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/18/15

Meeting Date

394

Bill Number (if applicable)

Topic UNLICENSED ACTIVITY Fees

Amendment Barcode (if applicable)

Name JENNIFER GREEN

Job Title _____

Address P.O. BOX 390

Phone 841-1726

Street

TUH, FL 32302

Email JENNIFER@LIBERTYPARTNERSFL.COM

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA INSTITUTE OF CPAs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/18
Meeting Date

SB 394
Bill Number (if applicable)

Topic Unlicensed Activity fees

Amendment Barcode (if applicable)

Name DAVID MICA, Jr

Job Title Director Legislative Affairs

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DBPR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ALAN HAYS

11th District

November 17, 2015

Senator Rob Bradley, Chairman
Regulated Industries Committee
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

RE: SB 394- Unlicensed Activity Fee Holiday

Dear Chairman Bradley,

It is my intention to present the above referenced bill in committee tomorrow. However, if for some reason I am unable to leave the Environmental Preservation committee in time to present this legislation, please all my aide Amy Nicotra to present the bill on my behalf.

Thank you in advance for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD
State Senator District 11

CC: Booter Imhoff, Staff Director
Lynn Koon, Administrative Assistant

COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*
Governmental Oversight and Accountability, *Vice Chair*
Appropriations
Environmental Preservation and Conservation
Ethics and Elections
Fiscal Policy

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: CS/SB 578

INTRODUCER: Regulated Industries Committee and Senator Hutson

SUBJECT: Public Records/Florida State Boxing Commission

DATE: November 18, 2015 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 578 the public records exemption in s. 548.062(2), F.S., related to propriety confidential business information maintained by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation. The bill provides that propriety confidential business information provided by a promoter to the commission or obtained through an audit is confidential and exempt from s. 119.07 (1), F.S., and s. 24(a), Art. I of the State Constitution. The bill expands the public records exemption to include all proprietary confidential business information provided by the promoter to the commission by deleting the provision that the exemption applies to the promoter's written report required to be filed with the commission after a match.

II. Present Situation:

Florida's Public Records Law

Florida has a long history of providing public access to the records of governmental and other public entities. The first law affording access to public records was enacted by the Florida Legislature in 1909.

In 1992, Floridians voted to adopt an amendment to the Florida Constitution that raised the statutory right of public access to public records to a constitutional level. Article I, s. 24(a), of the State Constitution provides:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created there under; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

In addition to the Florida Constitution, the Public Records Law,¹ which predates the constitutional provisions, specifies conditions under which public access must be provided to governmental records of the executive branch and other governmental agencies. Section 119.07(1) (a), F.S., states:

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.

Unless specifically exempted, all agency² records are available for public inspection. The term “public records” is defined in s. 119.011(12), F.S., to include:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of the official business by any agency.

This definition of “public records” has been interpreted by the Florida Supreme Court to include all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge.³

There is a difference between records that the Legislature has made exempt from public inspection and those that are *confidential* and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other

¹Chapter 119, F.S.

²The term “agency” is defined in s. 119.011(2), F.S., as “any state, county district, authority, or municipal officer, department, division, board, bureau, commission or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

³ *Shevin v. Byron, Harless, Schaffer, Reid, and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

than to the persons or entities designated in the statute.⁴ If a record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances.⁵

Only the Legislature is authorized to create exemptions to open government requirements.⁶ Exemptions must be created by general law and such law must specifically state the public necessity justifying the exemption. Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law.⁷ A bill enacting an exemption⁸ may not contain other substantive provisions, although it may contain multiple exemptions that relate to one subject.⁹

Open Government Sunset Review Act

The Open Government Sunset Review Act (the act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁰ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature, reenacts the exemption prior to that time.¹¹

The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.¹² An exemption serves an identifiable purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- It protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- It protects trade or business secrets.¹³

The act also requires specified questions to be considered during the review process.¹⁴

⁴ Attorney General Opinion 85-62.

⁵ *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA), review denied, 589 So.2d 289 (Fla. 1991).

⁶ FLA. CONST., art I, s. 24(c).

⁷ FLA. CONST. art I, s. 24(c).

⁸ Under s. 119.15, F.S., an existing exemption may be considered a new exemption if the exemption is expanded to cover additional records.

⁹ FLA. CONST. art I, s. 24(c).

¹⁰ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records pursuant to s. 119.15(4)(b), F.S. The requirements of the act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

¹¹ Section 119.15(3), F.S.

¹² Section 119.15(6)(b), F.S.

¹³ *Id.*

¹⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?

If, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.¹⁵ If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote for passage are not required.

Florida State Boxing Commission

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing, and mixed martial arts by the Florida State Boxing Commission (commission) within the Department of Business and Professional Regulation (department).

Section 548.006(3), F.S., provides the commission with exclusive jurisdiction over every professional boxing match and professional mixed martial arts and kickboxing matches. Professional matches held in this state must meet the requirements for holding the match pursuant to ch. 548, F.S., and the rules adopted by the commission.

The commission's jurisdiction over amateur matches is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for boxing and kickboxing matches held in the state.¹⁶ Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.¹⁷ This jurisdiction does not extend to amateur sanctioning organizations for mixed martial arts.

Public Records Exemption – Proprietary Confidential Business Information

Section 548.062, F.S., provides that the proprietary confidential business information provided in the written report after a match or obtained by the commission in an audit of the promoter's books and records, is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

Section 548.062, F.S., defines "proprietary confidential business information" as information that is owned and controlled by the promoter, which a promoter intends to be and treats as private, and the disclosure of the information would cause harm to the promoter or its business operations. If a promoter discloses information pursuant to a statutory provision or an order of a court or administrative body, the disclosed information is still considered proprietary confidential business information. In addition, a private agreement providing that information will not be released to the public will give it proprietary confidential business information status.

-
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 - Is the record or meeting protected by another exemption?
 - Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

¹⁵ FLA. CONTS., art. I, s. 24(c). An existing exemption may be treated as a new exemption if the exemption is expanded to cover additional records (s. 119.15(4), F.S.).

¹⁶ Section 548.006(3), F.S.

¹⁷ Section 548.002(2), F.S.

Proprietary confidential business information includes any of the following information:

- (a) The number of ticket sales for a match.
- (b) The amount of gross receipts after a match.
- (c) Trade secrets as defined by s. 688.002, F.S.
- (d) Business plans.
- (e) Internal auditing controls and reports of internal auditors
- (f) External auditors' reports.

Information made confidential and exempt by this subsection may be disclosed to another governmental entity in the performance of its duties and responsibilities.

The public records exemption in s. 548.062, F.S., is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and is repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 548.062, F.S., was enacted in s. 1, ch. 2014-129, L.O.F., which expressed the required Statement of Public Necessity for the public records exemption.

The public necessity statement provides that the disclosure of proprietary confidential business information that could injure a promoter in the marketplace by giving the promoter's competitors insight into its financial status and business plan, thereby putting the promoter at a competitive disadvantage. The bill also provides that the Legislature's finding that the harm to a promoter in disclosing proprietary confidential business information significantly outweighs any public benefit derived from disclosure of the information.

Bill Proponent

Ultimate Fighting Championship (UFC),¹⁸ a promotion company for professional mixed martial arts, produces a reality television series called "The Ultimate Fighter" in which participants compete in a series of matches until the ultimate champion is determined. Although this program has been produced in Las Vegas, Nevada for its first 20 seasons (two seasons per year),¹⁹ in 2015 the 21st season of the series was filmed in Coconut Creek and Boca Raton, Florida. As professional mixed martial arts matches, these events are attended by representatives of the commission and a public record of the event is maintained by the commission. This record includes the identity of the match participants and results of the match. The matches for the program were filmed in January and February 2015, but the first match for the program did not air until April 2015, and subsequent matches were aired over the following weeks. According to a representative for UFC, the public records exemption for proprietary confidential business information is needed because of the delay between the actual matches and the airing of the matches. The UFC is concerned that a public records request for the information may harm promoter's financial interests by prematurely revealing the results of the matches.

¹⁸ See Ultimate Fighting Championship at: <http://www.ufc.com/discover/ufc> (last visited November 10, 2015).

¹⁹ See https://en.wikipedia.org/wiki/The_Ultimate_Fighter (last visited November 10, 2015).

III. Effect of Proposed Changes:

The bill amends s. 548.062(2), F.S., to provide that propriety confidential business information provided by a promoter to the commission or obtained through an audit is confidential and exempt from s. 119.07 (1), F.S., and s. 24(a), Art. I of the State Constitution. The bill expands the public records exemption to include all proprietary confidential business information provided by the promoter to the commission and deletes the provision that the exemption applies to the promoter's written report required to be filed with the commission after a match.

Section 2 of the bill provides that it is a public necessity to protect proprietary confidential business information from public disclosure to protect the interests of the promoter. This section of the bill provides that the harm to a promoter in disclosing proprietary confidential business information significantly outweighs any public benefit derived from the disclosure of such information. It further provides that any proprietary confidential business information provided to the commission by a promoter to the commission is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. As with Section 1 of the bill, this statement of public necessity no longer limits the exemption to proprietary confidential business information provided by a promoter in the written report required to be filed with the commission pursuant to s. 548.06, F.S. The bill expands the public exemption to all proprietary confidential business information provided by the promoter to the commission regardless of when it is provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement - Section 24(c), Art. I, of the State Constitution requires a two-thirds vote of each house of the Legislature for passage of a newly created or expanded public-records or public-meetings exemption. Since SB 578 creates a new public-records exemption, it will require a two-thirds vote of each house of the Legislature for passage.

Statement of Public Necessity - Section 24(c), Art. I, of the State Constitution requires a statement of public necessity for a newly-created or expanded public-records or public-meetings exemption. Section 2 of this bill provides a statement of public necessity for the new public record exemptions proposed therein.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 548.062 of the Florida Statutes.

IX. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Regulated Industries Committee on November 18, 2015:**

The committee substitute (CS) revises the statement of public necessity in section 2 of the bill to delete the reference to proprietary confidential business information provided to the commission by a promoter after the match or obtained by the commission through an audit of the promoter's books and records. Instead the CS amends to the statement of public necessity to reference any proprietary confidential information provided by the promoter to the commission.

B. Amendments:

None.

By Senator Hutson

6-00429-16

2016578__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 548.062, F.S.; providing an exemption from public
4 records requirements for proprietary confidential
5 business information provided by a promoter to the
6 Florida State Boxing Commission; providing for future
7 legislative review and repeal of the exemption under
8 the Open Government Sunset Review Act; providing a
9 statement of public necessity; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Subsections (2) and (3) of section 548.062,
15 Florida Statutes, are amended to read:

16 548.062 Public records exemption.—

17 (2) Proprietary confidential business information provided
18 by a promoter ~~in the written report required to be filed with~~
19 ~~the commission after a match~~ or obtained by the commission
20 through an audit of the promoter's books and records pursuant to
21 s. 548.06 is confidential and exempt from s. 119.07(1) and s.
22 24(a), Art. I of the State Constitution. Information made
23 confidential and exempt by this subsection may be disclosed to
24 another governmental entity in the performance of its duties and
25 responsibilities.

26 (3) This section is subject to the Open Government Sunset
27 Review Act in accordance with s. 119.15 and shall stand repealed
28 on October 2, 2021 ~~2019~~, unless reviewed and saved from repeal
29 through reenactment by the Legislature.

6-00429-16

2016578__

30 Section 2. The Legislature finds that it is a public
31 necessity that proprietary confidential business information be
32 protected from disclosure. The disclosure of proprietary
33 confidential business information could injure a promoter in the
34 marketplace by giving the promoter's competitors insights into
35 the promoter's financial status and business plan, thereby
36 putting the promoter at a competitive disadvantage. The
37 Legislature also finds that the harm to a promoter in disclosing
38 proprietary confidential business information significantly
39 outweighs any public benefit derived from the disclosure of such
40 information. For these reasons, the Legislature declares that
41 any proprietary confidential business information provided to
42 the Florida State Boxing Commission by a promoter after a match
43 or obtained by the commission through an audit of the promoter's
44 books and records pursuant to s. 548.06, Florida Statutes, is
45 confidential and exempt from s. 119.07(1), Florida Statutes, and
46 s. 24(a), Article I of the State Constitution.

47 Section 3. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice
Children, Families, and Elder Affairs
Commerce and Tourism
Communications, Energy, and Public Utilities
Community Affairs
Environmental Preservation and Conservation

SENATOR TRAVIS HUTSON
6th District

November 4, 2015

The Honorable Rob Bradley
Chair
Committee on Regulated Industries
330 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Bradley:

I would like to respectfully request that my bill, SB 578 – Public Records/Florida State Boxing Commission – be placed on the Committee on Regulated Industries agenda.

SB 578 seeks to ensure the intent of a public records exemption passed in 2011. Currently, the potential exists for anyone to request the results of fights associated with reality television competition programs and thereby undercut the winner reveal and a show's viability. The bill would close this loophole and also protect the State of Florida and the Boxing Commission from any potential law suits that could be filed if there was not an immediate concession to release the proprietary information requested.

Thank you in advance for your consideration of this request. If you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Hutson".

Senator Travis Hutson
District 6

REPLY TO:

- 4875 Palm Coast Parkway, NW, Suite 5, Palm Coast, Florida 32137 (386) 446-7610 FAX: (888) 263-3475
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/18/2015

Meeting Date

578

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name BRIAN PITTS

Job Title Trustee

Address 1119 Newton Ave S
Street

Phone 727/897-9291

St Petersburg FL 33705
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Justice-2-Jesus

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 578
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Wednesday, November 18, 2015
TIME: 3:00—4:00 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE		SENATORS	11/18/2015 Amendment 453432 Flores		1				
Yea	Nay		Yea	Nay		Yea	Nay	Yea	Nay
X		Abruzzo							
X		Bean							
X		Braynon							
X		Diaz de la Portilla							
X		Flores							
X		Latvala							
		Negron							
X		Richter							
X		Sachs							
X		Stargel							
X		Margolis, VICE CHAIR							
X		Bradley, CHAIR							
11	0		RCS	-					
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay	

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting



453432

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/19/2015	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Negron) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 44
and insert:
any proprietary confidential business information provided by a promoter to the Florida State Boxing Commission is

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 4 - 10



453432

11 and insert:
12 records requirements with respect to certain
13 proprietary confidential business information obtained
14 by the Florida State Boxing Commission; extending the
15 period for legislative review and repeal of the
16 exemption; providing a statement of public necessity;
17 providing an effective date.

CERTIFICATION

STATE OF FLORIDA
COUNTY OF Leon

RECEIVED
DEPARTMENT OF STATE
2015 MAY 26 AM 11:29
DIVISION OF ELECTIONS
TALLAHASSEE, FL

Before me, the undersigned Notary Public of Florida, personally appeared Kenneth Erik Lawson, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 26th day of May, 2015.

Dixie Irene Parker
Signature of Notary Public-State of Florida



Dixie Irene Parker
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: April 13, 2019

Personally Known OR Produced Identification

Type of Identification Produced _____

(seal)



RICK SCOTT RECEIVED
GOVERNOR DEPARTMENT OF STATE
2015 MAY -8 PM 4:17

DEPARTMENT OF STATE
DIVISION OF ELECTIONS

May 4, 2015

Secretary Kenneth W. Detzner
Department of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 20.165, Florida Statutes:

Secretary Kenneth Eric Lawson
412 Shephard Street
Tallahassee, Florida 32303

as Secretary of the Department of Business and Professional Regulation, subject to confirmation by the Senate. This appointment is effective May 4, 2015, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to be "Rick Scott", written over a large, stylized circular mark.

Rick Scott
Governor

RS/vh

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2015 MAY 26 AM 11:28

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

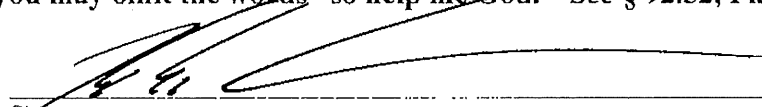
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary, Department of Business & Professional Regulation

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]


Signature

Sworn to and subscribed before me this 26th day of May, 2015.

Dixie Irene Parker
Signature of Officer Administering Oath or of Notary Public

Dixie Irene Parker
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

1940 N. Monroe Street

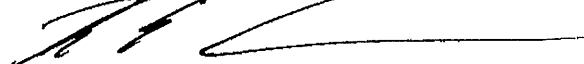
Street or Post Office Box

Tallahassee, FL 32399

City, State, Zip Code

Ken Lawson

Print name as you desire commission issued


Signature

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Kenneth E. Lawson

ANSWER: I DO

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Regulated Industries

DATE: November 18, 2015

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11-18-15 Meeting Date

Bill Number (if applicable)

Topic Confirmation

Amendment Barcode (if applicable)

Name Ken Lawson

Job Title Secretary, DBPR

Address 1940 N. Monroe St

Phone 850-413-0755

Tallahassee FL 32303

Email Ken.Lawson@myfloridalicense.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing DBPR

Appearing at request of Chair: [X] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

COMMITTEE VOTE RECORD – EXECUTIVE APPOINTMENT

COMMITTEE: Regulated Industries
NAME: Lawson, Kenneth E.
BOARD: Secretary of Business and Professional Regulation
FINAL ACTION: Recommend Confirm
MEETING DATE: Wednesday, November 18, 2015
TIME: 3:00—4:00 p.m.
PLACE: 110 Senate Office Building

FINAL VOTE		SENATORS	11/18/2015 1 Motion to Recommend Confirm Margolis					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Abruzzo						
X		Bean						
X		Braynon						
X		Diaz de la Portilla						
X		Flores						
X		Latvala						
		Negron						
X		Richter						
X		Sachs						
X		Stargel						
X		Margolis, VICE CHAIR						
X		Bradley, CHAIR						
11	0	TOTALS	FAV	-				
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered VC=Vote Change After Roll Call AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal and
Civil Justice, *Chair*
Appropriations
Banking and Insurance
Ethics and Elections
Higher Education
Regulated Industries
Rules

SENATOR JOE NEGRON

32nd District

November 18, 2015

Senator Rob Bradley
Chair, Committee on Regulated Industries
330 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: Excused Absence Request

Dear Chair Bradley:

This letter will serve as my formal request for an excused absence from the Senate Committee on Regulated Industries Meeting on Wednesday, November 18, 2015. I am requesting this excused absence to tend to other Senate business.

Thank you for your consideration of this request.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Joe Negron".

Joe Negron
State Senator
District 32

JN/hd

c: Patrick L. "Booter" Imhof, Staff Director

REPLY TO:

- 3500 SW Corporate Parkway, Suite 204, Palm City, Florida 34990 (772) 219-1665 FAX: (772) 219-1666
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Regulated Industries Committee

Judge:

Started: 11/18/2015 3:01:53 PM

Ends: 11/18/2015 3:27:42 PM

Length: 00:25:50

3:02:20 PM Roll call
3:03:16 PM Tab 2 SB 578 Senator Hutson
3:04:52 PM Amendment Barcode 453432
3:06:00 PM Amendment adopted
3:06:24 PM Brian Pitts - Justice-2-Jesus
3:11:41 PM SB 578 as amended - favorable
3:13:03 PM Tab 1 SB 394 Senator Hays
3:16:32 PM Drew Winters, Deputy Secretary for Professions, DBPR
3:19:31 PM Jennifer Green, Florida Institute of CPA's
3:21:36 PM SB 394 - favorable
3:22:33 PM Tab 3 - Confirmation of Ken Lawson, Secretary of DBPR
3:23:15 PM Oath
3:23:23 PM Mr. Lawson addressed the committee
3:26:21 PM Motion by Senator Margolis to confirm Mr. Lawson
3:27:00 PM Confirmation favorable
3:27:22 PM Motion by Senator Braynon to rise