

26 (1) This section may be cited as the "Sunrise Act."

27 (2) It is the intent of the Legislature:

28 (a) That no profession or occupation be subject to
 29 regulation by the state unless the regulation is necessary to
 30 protect the public health, safety, or welfare from significant
 31 and discernible harm or damage and that the police power of the
 32 state be exercised only to the extent necessary for that
 33 purpose; and

34 (b) That no profession or occupation be regulated by the
 35 state in a manner that unnecessarily restricts entry into the
 36 practice of the profession or occupation or adversely affects
 37 the availability of the professional or occupational services to
 38 the public.

39 (3) As used in this section, the term:

40 (a) "Substantial expansion of regulation" means to expand
 41 the scope of practice for current practitioners of a profession
 42 or occupation by regulating an activity that is not regulated by
 43 the state.

44 (b) "Transactional costs" means direct costs that are
 45 ascertainable based upon standard business practices, including
 46 filing fees, license fees, regulatory compliance costs,
 47 operating costs, monitoring and reporting costs, and any other
 48 costs necessary to comply with the proposed regulation.

49 (4) In determining whether to regulate a profession or
 50 occupation, the Legislature shall consider the following

51 factors:

52 (a) Whether the unregulated practice of the profession or
 53 occupation will substantially harm or endanger the public
 54 health, safety, or welfare, and whether the potential for harm
 55 is recognizable and not remote;

56 (b) Whether the practice of the profession or occupation
 57 requires specialized skill or training, and whether that skill
 58 or training is readily measurable or quantifiable so that
 59 examination or training requirements would reasonably assure
 60 initial and continuing professional or occupational ability;

61 (c) Whether the regulation will have an unreasonable
 62 effect on job creation or job retention in the state or will
 63 place unreasonable restrictions on the ability of individuals
 64 who seek to practice or who are practicing a given profession or
 65 occupation to find employment;

66 (d) Whether the public is or can be effectively protected
 67 by other means; and

68 (e) Whether the overall cost-effectiveness and economic
 69 impact of the proposed regulation, including the indirect costs
 70 to consumers, will be favorable.

71 (5) The requirements in this section must be met before
 72 the adoption of a regulation of a profession or occupation not
 73 already expressly subject to state regulation or the substantial
 74 expansion of regulation of a regulated profession or occupation
 75 in order to determine whether such regulation is necessary to

76 | protect the public and is the least restrictive regulatory
 77 | alternative consistent with the public interest.

78 | (6)-(4) The proponents of legislation, including any
 79 | individual, group, or entity, that proposes ~~provides for~~ the
 80 | regulation of an unregulated profession or occupation or the
 81 | substantial expansion of regulation of a regulated profession or
 82 | occupation ~~a profession or occupation not already expressly~~
 83 | ~~subject to state regulation~~ shall provide, ~~upon request,~~ the
 84 | following information in writing to the state agency that is
 85 | proposed to have jurisdiction over the regulation, the President
 86 | of the Senate, and the Speaker of the House of Representatives
 87 | at least 30 days before the regular session of the Legislature
 88 | in which the legislation is to be filed ~~and to the legislative~~
 89 | ~~committees to which the legislation is referred:~~

90 | (a) A copy of the draft legislation proposing to regulate
 91 | an unregulated profession or occupation or the substantial
 92 | expansion of regulation of a regulated profession or occupation;

93 | (b)-(a) The number of individuals or businesses that would
 94 | be subject to the regulation;

95 | (c)-(b) The name of each association that represents
 96 | members of the profession or occupation, together with a copy of
 97 | its codes of ethics or conduct;

98 | (d)-(e) Documentation of the nature and extent of the harm
 99 | to the public caused by the unregulated practice of the
 100 | profession or occupation, including a description of any

101 complaints that have been lodged against persons who have
102 practiced the profession or occupation in this state during the
103 preceding 3 years;

104 (e)~~(d)~~ A list of states that regulate the profession or
105 occupation, and the dates of enactment of each law providing for
106 such regulation and a copy of each law;

107 (f)~~(e)~~ A list and description of state and federal laws
108 that have been enacted to protect the public with respect to the
109 profession or occupation and a statement of the reasons why
110 these laws have not proven adequate to protect the public;

111 (g)~~(f)~~ A description of the voluntary efforts made by
112 members of the profession or occupation to protect the public
113 and a statement of the reasons why these efforts have not proven
114 ~~are not~~ adequate to protect the public;

115 (h)~~(g)~~ A copy of any federal legislation mandating
116 regulation;

117 (i)~~(h)~~ An explanation of the reasons why other types of
118 less restrictive regulation would not effectively protect the
119 public;

120 (j)~~(i)~~ The cost, availability, and appropriateness of
121 training and examination requirements;

122 (k)~~(j)~~ The cost of regulation, including the indirect cost
123 to consumers, and the method proposed to finance the regulation;

124 (l)~~(k)~~ The cost imposed on applicants or practitioners or
125 on employers of applicants or practitioners as a result of the

126 regulation;

127 (m)~~(l)~~ The details of any previous efforts in this state
128 to implement regulation of the profession or occupation,
129 including a summary of bills filed in the Legislature on the
130 same subject in the preceding 5 years; and

131 (n)~~(m)~~ Any other information the proponents of the
132 legislation consider ~~agency or the committee considers~~ relevant
133 to the analysis of the proposed legislation.

134 (7)~~(5)~~ The state agency proposed to have jurisdiction over
135 the regulation shall provide the President of the Senate and the
136 Speaker of the House of Representatives with the following
137 information within 25 days after the proponents of the
138 legislation submit the draft legislation to the state agency in
139 accordance with subsection (6) ~~The agency shall provide the~~
140 ~~Legislature with information concerning the effect of proposed~~
141 ~~legislation that provides for new regulation of a profession or~~
142 ~~occupation regarding:~~

143 (a) The departmental resources necessary to implement and
144 enforce the proposed regulation, including, but not limited to,
145 the anticipated costs to implement and enforce the proposed
146 regulation and any anticipated license fees necessary to cover
147 the anticipated costs.~~‡~~

148 (b) Whether additional statutory or rulemaking authority
149 is necessary to implement and enforce the proposed regulation.

150 (c) A comparison of similarly situated professions and

151 occupations regulated by the state agency.

152 (d) The anticipated impact on small businesses as defined
153 in s. 288.703 and small counties and small cities as defined in
154 s. 120.52.

155 (e) The anticipated impact on business competitiveness,
156 including the ability of persons doing business in the state to
157 compete with persons doing business in other states or domestic
158 markets.

159 (f) The anticipated impact on economic growth and private
160 sector job creation or employment.

161 (g) The technical sufficiency of the proposal for
162 regulation, including its consistency with the regulation of
163 other professions and occupations under existing law, ~~and~~

164 (h) ~~(e)~~ If applicable, any alternatives to the proposed
165 regulation which may result in a less restrictive or more cost-
166 effective regulatory scheme.

167 (i) A good faith estimate of the number of individuals or
168 businesses that would be subject to the proposed regulation.

169 (j) A good faith estimate of the transactional costs
170 likely to be incurred by individuals and entities, including
171 local government entities, that would be required to comply with
172 the proposed regulation.

173 (k) Any other information the state agency determines
174 relevant to the analysis of the proposed regulation.

175 (8) If the state agency that is proposed to have

176 | jurisdiction over the regulation is unable to provide the
177 | information required by subsection (7), such state agency shall
178 | notify the proponents of the legislation, the President of the
179 | Senate, and the Speaker of the House of Representatives that the
180 | agency was unable to acquire sufficient information to comply
181 | with that subsection.

182 | (9)~~(6)~~ When making a recommendation concerning proposed
183 | legislation providing for new regulation of a profession or
184 | occupation, a legislative committee shall determine:

185 | (a) Whether the regulation is justified based on the
186 | ~~criteria specified in subsection (3), the information submitted~~
187 | ~~pursuant to request under subsection (4), and the information~~
188 | provided under subsections (4), (6), and (7) ~~subsection (5);~~

189 | (b) The least restrictive and most cost-effective
190 | regulatory scheme that will adequately protect the public; and

191 | (c) The technical sufficiency of the proposed legislation,
192 | including its consistency with the regulation of other
193 | professions and occupations under existing law.

194 | Section 2. This act shall take effect July 1, 2019.