

# ***Department of Business and Professional Regulation***

**by Reginald D. Dixon and Garnett W. Chisenhall**

The Department of Business and Professional Regulation (DBPR) licenses and regulates one million professionals and businesses across some 200 license types. The Department licenses 1 in 16 Floridians ranging from talent agents, real estate agents, and construction contractors to alcohol and tobacco manufacturers and professional boxers. The Department's mission is to "License Efficiently, Regulate Fairly."

## **The Structure of the Department**

The Department's regulatory functions are divided between two major areas: Business Regulation and Professions. Under the direction and leadership of Deputy Secretary, Scott Ross, the Business Regulation side of the Department is responsible for licensing and regulating four major industries: (1) Alcoholic Beverages & Tobacco; (2) Condominiums, Timeshares, & Mobile Homes; (3) Hotels & Restaurants (including elevator safety); and (4) Pari-Mutuel Wagering.

The Division of Alcoholic Beverages and Tobacco licenses the alcoholic beverage and tobacco industries, enforces the laws and regulations governing those industries, and collects taxes and fees paid by the licensees. The Division of Florida Condominiums, Timeshares, and Mobile Homes provides protection for residents living in those communities through education, complaint resolution, mediation/arbitration and developer disclosure. The Division of Hotels and Restaurants oversees compliance and licensure, sanitation and safety inspectors and elevator safety. The Division of Pari-Mutuel Wagering regulates activities such as jai alai, horseracing, dog racing, card rooms and the slot machine gaming industry.

Under the direction and leadership of Deputy Secretary, Maureen Olson, the Professions side of the Department is responsible for licensing and regulating individual professional licenses primarily through regulatory boards administratively housed within the Department. This side of the Department is responsible for licensing a very diverse group of professions, including certified public accountants, boxers, community association managers, construction and electrical contractors, child and farm labor contractors, cosmetologists, geologists, real estate appraisers, brokers and sales associates and veterinary physicians.

Each side of the Department has internal units that: (1) process applications for initial licensure and renewal; (2) investigate allegations of misconduct by licensees; and (3) monitor licensee compliance. The Department is very proactive in the regulation of its licensees. This is accomplished by proactively monitoring professionals and related businesses, aggressively pursuing and investigating complaints of wrongdoing and utilizing compliance mechanisms such as a mediation program, educational outreach, notices of noncompliance, citations and statutorily mandated inspections.

## **The Agency Head**

On July 31, 2008, Charles W. Drago succeeded Holly Benson as the Department's Secretary. Prior to that appointment, Secretary Drago had served since January of 2007 as the Department's Interim Secretary and as the Deputy Secretary of Business Regulation.

Before joining the Department, Secretary Drago enjoyed a successful, 32-year career in law enforcement in the State of Florida. He served in the Fort Lauderdale Police Department for nearly 30 years and rose through the ranks to the position of Assistant Chief of Police. During that time, he worked in the areas of organized crime investigation, narcotics enforcement, vice, tactical operations and stalking.

In 1989, Secretary Drago was honored with the Officer of the Year Award for the Fort Lauderdale Police Department and was the runner-up for the State of Florida Officer of the Year. In addition, he received dozens of departmental and public commendations for his community work and accomplishments in major criminal investigations.

## **The General Counsel**

Reginald D. Dixon joined the Department in December of 2007 as one of the Department's three Deputy General Counsels. After serving as the Department's Acting General Counsel for three months, Mr. Dixon was selected as the Department's General Counsel in May of 2009.

Prior to joining the Department, Mr. Dixon practiced administrative law for more than 11 years. From October of 2005 through December of 2007, he worked in the Administrative Law Section of the Florida Attorney General's Office providing legal counsel to professional boards under DBPR and the Florida Department of Health. Prior to that time, Mr. Dixon spent over nine years accumulating a great deal of litigation and supervisory experience at the Florida Agency or Health Care Administration and the Department of Health.

Mr. Dixon earned his Juris Doctorate and Bachelors degrees from Florida State University. It is also worth noting that Mr. Dixon was a three-year letterman on Tallahassee's beloved Seminoles football team.

## **The Agency Clerk**

Sarah Wachman has been the Department's Clerk since 1993. Ms. Wachman's dedication to the Department was recognized on May 6, 2009 when she received the Chief of Staff's Award of Merit as "the employee who does not pass the buck, takes responsibility for his/her work, and puts the Department first."

Documents can be filed with the Clerk's Office via facsimile (850-488- 5761), electronic mail (*Sarah.Wachman@dbpr.state.fl.us*), and regular mail. The mailing address is: 1940 North Monroe Street, Suite 33, Tallahassee, Florida 32399-2203. Also, Ms. Wachman can be reached by phone at 850) 921-0342.

## **Practice Tips**

If representing an individual licensee subject to regulation by the Department, it is very important to be familiar with the structure of the Department and the specific statutes pertaining to that client's license. Legal practitioners should be very aware of the distinct differences between the two sides of the Department. On the Business Regulation side, the Division Directors are delegated the authority to take final agency action. On the Professions side, most final agency action is taken by the regulatory boards housed within the Department.

Legal practitioners should also be aware of the nuances associated with practicing before a Division Director versus practicing before a collegial body. The professional boards under the Division of Professions are subject to the public meetings requirement of Chapter 286, Florida Statutes, and must hold public meetings to conduct board business. Those public meetings occur over the phone or in-person at locations throughout Florida. The meetings are noticed in advance in the Florida Administrative Weekly. Department attorneys typically handle the prosecution of licensees and the professional boards are usually advised by independent counsel retained from the Florida Attorney General's Office.

## **Number of Attorneys on Staff**

The Department employs approximately 43 attorneys. Most of those attorneys are based in Tallahassee, but a small number are based in Orlando and Miami. The Department's legal staff is supplemented by approximately 24 law clerks.

## **Typical Cases**

The majority of the Department's litigation involves the discipline of licensees, and the Department initiates those cases through administrative complaints. Other cases pertain to rule challenges and licensure denials in which the Department is the respondent.