

Florida Department of Business Professional Regulation



A Publication from the **OFFICE OF ATHLETE AGENTS**

SUMMER 2008



**FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION**

CHARLIE CRIST
Governor

CHUCK DRAGO
Interim Secretary

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BOARD STAFF

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MESSAGE FROM THE INTERIM SECRETARY **Chuck Drago**

Dear Friend:

It has been a distinct pleasure serving you as the Interim Secretary of the Department of Business and Professional Regulation since February of this year. In my time at the Department, both as the Interim Secretary and Deputy Secretary of Business Regulation, I have participated in great changes that have resulted in enhanced customer service.

We've made tremendous progress over the past year, and I'm dedicated to maintaining this momentum. We know that serving you is the first step to providing great service to the people of Florida. That's why we've focused on changes that improve customer service, streamline processes, open communications with licensees and the public, and lead to better business practices.

One of the most crucial adjustments to business practices at the Department was the implementation of the Document Imaging System. The project is in its final phases, and it ultimately provides for a more streamlined and centralized application process that results in faster licensing and better service for you. I thank Governor Charlie Crist and the Legislature for providing \$2.5 million to complete this project in Fiscal Year 2008/2009, which helps take care of businesses and professionals throughout Florida.

Our quest to improve customer service is never over. In an effort to reach our licensees who are located throughout the state, I'm taking our business on the road in the "On the Road to Better Business" tour this summer. This tour will provide the opportunity for you to meet with me and my staff to ask questions and provide input and suggestions. I will hold office hours for customers to come and meet with me at a Department office in their communities. Please look forward to more information to come.

I continue to uphold our mission to "License Efficiently. Regulate Fairly." I understand and value that licensees have unique insight into how we do business and ways we can build upon existing practices, and I look forward to hearing your feedback.

Thank you for all that you do for the people and economy of our great state.

Sincerely,

Chuck Drago
Interim Secretary





A thorough background investigation by the Florida Department of Law Enforcement and the Federal Bureau of Investigation is required to be licensed as an athlete agent in Florida. In an effort to save time and reduce paperwork in processing applications, the Department of Business and Professional Regulation (DBPR) will be revising its process in order to accept electronic fingerprints. This process will dramatically reduce the time it takes to process background checks while also reducing the amount of paper used in the application process. The groundwork for this process is already in place and is slated to be fully implemented by the Fall of 2008. A background check is completed to determine if an applicant has been convicted of a crime which relates to the practice or ability to practice as an athlete agent. The moral character of those who work as athlete agents in Florida is important because of the damage that unscrupulous practices can do to the careers of student athletes and the institutions they attend.

Richard "Rick" Morrison, *Executive Director*
Office of Athlete Agents

BOARD APPOINTMENTS

Are you interested in serving on a professional board or council?

Interested applicants may obtain a Gubernatorial Questionnaire by downloading the application from http://www.flgov.com/pdfs/appoint_questionnaire.pdf Once your application is complete, return the questionnaire for consideration to:

Governor's Appointments' Office
PL01 The Capitol
Tallahassee, Florida, 32399-0001

HELPFUL REMINDERS FOR LICENSEES

Please check the Department's online services to assure your mailing address is current. You can access this information by logging on to the Department Web site at <http://www.myfloridalicense.com> > direct to our division > contact us > update an account...More>change my address.

New National Football League Players Association (NFLPA) regulation regarding communication by NFLPA certified contract advisors with student-athletes who are not eligible for the National Football League (NFL) draft.

The NFLPA has passed a new regulation that prohibits any NFLPA certified contract advisor, or any of their representatives, from communicating with a prospective player, or any person in a position to influence a prospective player, who is ineligible for the NFL draft.

The Agent, Gambling and Amateurism Activities (AGA) staff of the NCAA has put together this question and answer document to help address questions that are certain to arise regarding this new regulation.

1. Does this prohibition apply to presentations on campus during "Agent Days"?

YES. A contract advisor, a representative of a contract advisor or any person affiliated with a contract advisor including "runners"/recruiters, financial advisors and marketing representatives are prohibited from speaking or presenting to groups of prospective players who are ineligible for the NFL draft. Therefore, this regulation would cover agents who come to campus to present at events such as "Agent Days," when student-athletes who are not eligible for the NFL draft will be present.

2. What types of communication are prohibited by this new regulation?

This new regulation prohibits any and all communication with student-athletes who are ineligible to be drafted, with the exception of general promotional brochures (see Question No. 3). Communication includes, but is not limited to, in-person contact, telephonic and electronic communication.

3. Can contract advisors send a prospective player, or his family, promotional brochures?

YES. A contract advisor may send any prospective player or prospective player's parent(s), relative(s) or legal guardian(s) promotional brochures as long as the information is general and not specifically directed to a particular player.

4. When does this rule go into effect?

This rule became effective April 4, 2007, for all NFLPA Certified Contract Advisors.

5. Whom does this rule apply to?

This rule applies to all NFLPA Certified Contract Advisors, any representatives of these contract advisors, or anyone acting on the behalf of such contract advisor.

6. What is the NFL's draft eligibility rule?

The NFL and NFLPA Collective Bargaining Agreement states that a player may apply for eligibility in the NFL Draft no earlier than three years after either his graduation from high school or graduation of the class with which he entered high school, whichever is earlier.

If a player chooses to enter the draft after three NFL regular seasons have begun and ended following his high school graduation or graduation of the class with which he entered, he must apply for early eligibility, i.e. "opt in."

7. What is an NFLPA Certified Contract Advisor?

The NFLPA has a required certification program that includes an examination for all people that want to act as agents for NFL players. No person is permitted to conduct contract negotiations on behalf of an NFL player unless he/she is certified as a contract advisor by the NFLPA.

8. Does this rule apply to communication with the family of a student-athlete?

YES. The rule prohibits communication by a contract advisor with any person in a position to influence a prospective player who is ineligible to be drafted.

9. Does this rule apply to communication with close friends of a student-athlete?

YES. The rule prohibits communication by a contract advisor with any person in a position to influence a prospective player who is ineligible to be drafted.

10. Can contract advisors contact underclassmen who have applied for special eligibility for their name to be entered into the NFL draft but have not yet received notification of their status?

NO. Contract advisors are prohibited from communicating with players who may have applied for special eligibility until the NFL has granted special permission and the player's name appears on the NFL's official published list of draft entries.

11. What penalties will be enforced for violation of this rule?

The NFLPA can undertake the following penalties for violation of this regulation:

- a. Issue an informal or formal letter of reprimand;
- b. Suspend agent's certification;
- c. Revoke agent's certification; and/or,
- d. Impose a fine.

12. Who will make determinations of the penalties for agents who violate this rule?

The NFLPA "CARD" - Committee on Agent Regulation and Discipline, a three- to five-person committee appointed by the president of the NFLPA, will be charged with reviewing any allegations and making determinations on the penalties for agents who violate the rule.

13. If a student-athlete communicates with a contract advisor prior to being eligible for the draft, will the student-athlete be subject to any penalties?

NO. Communication with a contract advisor, although a violation of NFLPA regulations by the contract advisor, does not subject the student-athlete to sanctions from the NCAA, NFLPA or NFL, provided that the student-athlete does not violate any of the provisions of Bylaw 12.3 currently in place.

14. Does this new regulation change any NCAA agent bylaws that are currently in place?

NO. This regulation was enacted by the NFLPA, and does not broaden or narrow any existing NCAA legislation regarding student-athlete contact with agents.

15. When can an agent contact a student-athlete who may have declared for early entry into the NFL draft?

An agent is not allowed to contact the student-athlete until he is listed as officially eligible for the NFL draft. For example, an institution who is not participating in a post-season bowl game has a student-athlete in his junior year that declares for the draft on December 1. An agent would not be permitted to communicate with this student-athlete or any person who is in a position to influence this student-athlete until the NFL has officially notified the student-athlete that he is eligible for the draft (typically 72 hours after the draft application date).

16. If you have any questions about this new regulation or witness any contact that would violate this rule, who should you contact?

You should contact the NFLPA at **1-800-372-2000**.

The State of Florida Partners with Google

The Department of Business and Professional Regulation's Web site provides information to the public about licensees. Consumers turn to the Department for information about professionals, and many look to the Web site for information about results of restaurant inspections. Although the Web site has tremendously useful information for consumers, it has not always been easy for consumers to find the information.

On December 3, 2007, Governor Crist announced an important partnership between the state of Florida and Google. Google has been helping DBPR and several other agencies catalog the information on their Web sites in order to make them more user-friendly.

The partnership between Google and Florida developed as officials from both entities recognized that the public is increasingly turning to search engines to access government services. However, a significant share of information on state agency Web sites could not be found using standard search engines because the information was stored behind a database, hindering citizens from easily finding online state government services. Now, with improved technology, search engines will access and index the records in online databases, making them available to anyone using a search engine.

Under the old system, if a consumer went to Google, Yahoo or MSN to search for a contractor using the name and location, the search results would not include information from the Department's Web site. While that search might return many results from the search engine,



"This public-private partnership is an innovative way to improve the accessibility of state information for all Floridians. I am grateful for this chance to join with Google to further develop Florida's leadership in delivering open government services to the people of Florida. By empowering Floridians with the tools they need for easier access to state agency Web sites, we are allowing them to truly take ownership of state government."

—Governor Charlie Crist

useful information from the Department would not be included even though meaningful information on the contractor exists.

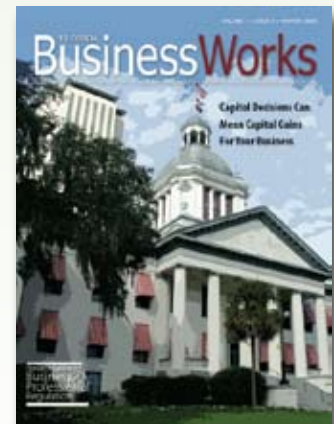
Under the new improved system, DBPR is working with Google to develop sitemaps that will allow search engines to more intelligently mine data from our Web site. Sitemaps are essentially spreadsheets for the Web site that prioritize the information on the DBPR Web site for the search engines. The Department is busy putting hundreds of thousands of records into sitemaps to make the information more useful.

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5. Click "**Subscribe.**"

When the newsletters you have subscribed to are available, you will receive an e-mail from the Department with a link to your newsletter.



REPORT UNLICENSED ACTIVITY

To report unlicensed activity, please call the Department's **UNLICENSED ACTIVITY HOTLINE** at **1.866.532.1440**, Monday–Friday, 8 a.m. to 6 p.m. (Eastern Time) or e-mail the information to ULA@dbpr.state.fl.us.