

Tab 1 SB 188 by Steube (CO-INTRODUCERS) Perry; (Identical to H 00425) Vacation Rentals						
613000	D	S	WD	RI, Hutson	Delete everything after	03/22 05:12 PM
222268	D	S	RCS	RI, Steube	Delete everything after	03/22 05:12 PM
Tab 2 SB 582 by Latvala; (Identical to H 01193) Regulatory Boards						
853344	D	S	RS	RI, Latvala	Delete everything after	03/23 07:14 AM
687208	SD	S	RCS	RI, Latvala	Delete everything after	03/23 07:14 AM
Tab 3 SB 1040 by Artiles; (Similar to H 00853) Beer or Malt Beverages						
511614	A	S	RCS	RI, Artiles	Delete L.27 - 38:	03/22 05:16 PM
654732	A	S	WD	RI, Hutson	Delete L.32 - 38:	03/22 05:16 PM
Tab 4 SB 1348 by Young; (Similar to CS/H 00987) Public Accountancy						
242912	A	S	RCS	RI, Young	Delete L.44 - 45:	03/22 01:52 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES

Senator Hutson, Chair
Senator Hukill, Vice Chair

MEETING DATE: Tuesday, March 21, 2017

TIME: 2:00—3:30 p.m.

PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Hutson, Chair; Senator Hukill, Vice Chair; Senators Benacquisto, Bracy, Brandes, Braynon, Gibson, Perry, Steube, Thurston, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 188 Steube (Identical H 425)	Vacation Rentals; Providing that local laws, ordinances, and regulations adopted after a certain date may not restrict the use of, prohibit, or regulate vacation rentals based solely on their classification, use, or occupancy, etc. RI 03/21/2017 Fav/CS CA RC	Fav/CS Yeas 7 Nays 3
2	SB 582 Latvala (Identical H 1193)	Regulatory Boards; Requiring the Department of Business and Professional Regulation to indemnify, defend, and hold harmless from claims, actions, demands, suits, investigations, damages, and liability all current and former board members and any companies or businesses with which they have or had specified affiliations, but only if their service meets a specified requirement, etc. RI 03/21/2017 Fav/CS JU AP	Fav/CS Yeas 9 Nays 0
3	SB 1040 Artiles (Similar H 853)	Beer or Malt Beverages; Authorizing a manufacturer or importer of beer or malt beverages to give or sell specified glassware to vendors licensed to sell beer or malt beverages for on-premises consumption, etc. RI 03/21/2017 Fav/CS CM RC	Fav/CS Yeas 10 Nays 0
4	SB 1348 Young (Similar CS/H 987)	Public Accountancy; Providing an exemption to the requirement for licensure of certain firms without an office in the state; providing that suspension or revocation of the right to practice before the Public Company Accounting Oversight Board is grounds for the imposition of penalties as provided by law, etc. RI 03/21/2017 Fav/CS CM RC	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Regulated Industries

Tuesday, March 21, 2017, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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: CS/SB 188

INTRODUCER: Regulated Industries Committee and Senators Steube and Perry

SUBJECT: Vacation Rentals

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 188 permits a local law, ordinance, or regulation that regulates activities that arise when a property is used as a vacation rental. However, such regulation must apply uniformly to all residential properties without regard to whether the property is used as a vacation rental or a long-term rental under ch. 83, F.S., or is rented by the property owner. The bill retains the current requirement that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacations rentals. The bill also retains the grandfather provision in current law that exempts from the prohibition any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011, and seeks to also permit a local government to amend a law, ordinance or regulation adopted on or before June 1, 2011, to be less restrictive.

The bill takes effect upon becoming law.

II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.¹ The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.
6. Any establishment inspected by the Department of Health and regulated by chapter 513.

¹ Section 509.013(4)(a), F.S.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.²

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The department licenses vacation rentals as condominiums, dwellings, or timeshare projects.³ The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively."⁴

The 40,341 public lodging establishments licensed by the division are distributed as follows:⁵

- Hotels – 1,834 licenses;
- Motels – 2,609 licenses;
- Nontransient apartments – 17,772 licenses;
- Transient apartments – 981 licenses;

² Section 509.242(1), F.S.

³ Fla. Admin. Code R. 61C-1.002(4)(a)1.

⁴ The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

⁵ *Division of Hotels and Restaurants Annual Report for FY 2015-2016*, Department of Business and Professional Regulation. A copy of the report is available at:

http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2015_16.pdf (Last visited March 22, 2017).

- Bed and Breakfast Inns – 256 licenses;
- Vacation rental condominiums – 4,402 licenses;
- Vacation rental dwellings – 12,539 licenses; and
- Vacation rental timeshare projects- 17 licenses.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but transient and nontransient apartments must be inspected at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division.⁶ The division inspects a vacation rental in response to a consumer complaint related to sanitation issues or unlicensed activity. In Fiscal Year 2015-2016, the division received 113 consumer complaints regarding vacation rentals and inspected the vacation rentals.⁷

Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance or regulation is required to be approved by the Department of Community Affairs (DCA) pursuant to an area of critical state concern designation.⁸

Legislative History

In 2011, the Legislature preempted vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.⁹

⁶ Section 509.032(2)(a), F.S.

⁷ See *supra* note 5, at 20.

⁸ This exemption relates to the Village of Islamorada. According to a representative for the village, its housing ordinance is regularly amended at the DCA's direction, and without this provision they were concerned that the grandfather provision in s. 509.032(7)(b), F.S., would not be sufficient.

⁹ Chapter 2011-119, Laws of Fla.

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.¹⁰

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.¹¹ Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use or occupancy.”¹²

Attorney General Opinion

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.¹³ According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

A second advisory opinion was issued by the Attorney General on November 13, 2014, for the City of Wilton Manors concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals which fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.¹⁴

In addition, the Attorney General issued a third advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals.¹⁵ The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.¹⁶

¹⁰ *Id.*

¹¹ Chapter 2014-71, Laws of Fla.; codified in s. 509.032(7)(b), F.S.

¹² *Id.*

¹³ Florida Attorney General, Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding “Vacation Rental Operation-Local Ordinances,” dated October 22, 2013.

¹⁴ Florida Attorney General, AGO 2014-09, Vacation Rentals - Municipalities - Land Use, November 13, 2014, available at: <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E>. (last visited March 16, 2017).

¹⁵ Florida Attorney General, AGO 2016-12, Municipalities - Vacation Rentals - Zoning, October 5, 2016, available at: <http://www.myfloridalegal.com/ago.nsf/printview/3AF7050D48068C10852580440051386C> (last visited March 16, 2017).

¹⁶ *Id.*

III. Effect of Proposed Changes:

The bill amends s. 509.032(7)(b), F.S., to permit a local law, ordinance, or regulation that regulates activities that arise when a property is used as a vacation rental. However, such regulation must apply uniformly to all residential properties without regard to whether the property is used as a vacation rental or a long-term rental under ch. 83, F.S.,¹⁷ or is rented by the property owner. The bill retains the current requirement that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacations rentals.

The bill also retains the grandfather provision in current law that exempts from the preemption any local law, ordinance, or regulation that was adopted by a local government on or before June 1, 2011, and seeks to also permit a local government to amend a law, ordinance or regulation adopted on or before June 1, 2011, to be less restrictive. *See* Section VI, Technical Deficiencies.

The bill takes effect upon becoming law.

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:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

¹⁷ Part II, of ch. 83, F.S., which relates to the rental of residential dwellings, does not define the term “long-term

VI. Technical Deficiencies:

The bill retains the grandfather provision in s. 509.032(7)(b), F.S., that exempts from the preemption in this paragraph any local law, ordinance, or regulation that was adopted by a local government on or before June 1, 2011, and seeks to permit a local government to amend a law, ordinance or regulation adopted on or before June 1, 2011.

As written, the bill language at line 26 provides that the grandfather clause applies “*except when*” the grandfathered law, ordinance, or regulation is amended to be less restrictive. Consideration should be given to replacing the text at lines 26-27 of the bill with “including any amendment of such law, ordinance, or regulation to be less restrictive.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 509.032 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 March 21, 2017:

The committee substitute:

- Permits a local law, ordinance, or regulation that regulates activities that arise when a property is used as a vacation rental. However, such regulation must apply uniformly to all residential properties without regard to whether the property is used as a vacation rental or a long-term rental under ch. 83, F.S., or is rented by the property owner.
- Removes from the bill a prohibition against a local law, ordinance, or regulation that restricts the use, prohibits, or regulates vacation rentals based solely on their classification, use, or occupancy.
- Retains the current requirement that local governments cannot prohibit vacation rentals or regulate the duration or frequency of vacations rentals.
- Retains the grandfather provision in current law that exempts from the preemption any local law, ordinance, or regulation that was adopted by a local government on or before June 1, 2011, and seeks to also permit a local government to amend a law, ordinance or regulation adopted on or before June 1, 2011, to be less restrictive. *See* Section VI, Technical Deficiencies.

B. Amendments:

None.

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

COMMITTEE: Regulated Industries
ITEM: SB 188
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 21, 2017
TIME: 2:00—3:30 p.m.
PLACE: 110 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



613000

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (7) of section
509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(b) A local law, ordinance, or regulation may regulate
activities that arise when a property is used as a vacation



613000

rental provided such regulation applies uniformly to all
residential properties without regard to whether the property is
used as a vacation rental as defined in s. 509.242 or a long-
term rental subject to the provisions of Chapter 83. However, a
local law, ordinance, or regulation may not prohibit vacation
rentals or regulate the duration or frequency of rentals of
vacation rentals. This paragraph does not apply to any local
law, ordinance or regulation adopted on or before June 1, 2011,
except when such law, ordinance or regulation is being amended
to be less restrictive ~~A local law, ordinance, or regulation may~~
~~not prohibit vacation rentals or regulate the duration or~~
~~frequency of rental of vacation rentals. This paragraph does not~~
~~apply to any local law, ordinance, or regulation adopted on or~~
~~before June 1, 2011.~~

Section 2. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to vacation rentals; amending s.
509.032, F.S.; authorizing local laws, ordinances, or
regulations to regulate activities relating to
vacation rentals only if such laws, ordinances, or
regulations apply uniformly to all properties;
providing applicability; providing an effective date.



222268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (7) of section
509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(b) A local law, ordinance, or regulation may regulate
activities that arise when a property is used as a vacation



222268

rental provided such regulation applies uniformly to all
residential properties without regard to whether the property is
used as a vacation rental as defined in s. 509.242 or a long-
term rental subject to the provisions of Chapter 83 or whether a
property owner chooses not to rent the property. However, a
local law, ordinance, or regulation may not prohibit vacation
rentals or regulate the duration or frequency of rentals of
vacation rentals. This paragraph does not apply to any local
law, ordinance or regulation adopted on or before June 1, 2011,
except when such law, ordinance or regulation is being amended
to be less restrictive ~~A local law, ordinance, or regulation may~~
~~not prohibit vacation rentals or regulate the duration or~~
~~frequency of rental of vacation rentals. This paragraph does not~~
~~apply to any local law, ordinance, or regulation adopted on or~~
~~before June 1, 2011.~~

Section 2. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to vacation rentals; amending s.
509.032, F.S.; authorizing local laws, ordinances, or
regulations to regulate activities relating to
vacation rentals only if such laws, ordinances, or
regulations apply uniformly to all properties;
providing applicability; providing an effective date.

By Senator Steube

23-00373-17

2017188__

1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 509.032, F.S.; providing that local laws, ordinances,
4 and regulations adopted after a certain date may not
5 restrict the use of, prohibit, or regulate vacation
6 rentals based solely on their classification, use, or
7 occupancy; providing an effective date.

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

10
11 Section 1. Paragraph (b) of subsection (7) of section
12 509.032, Florida Statutes, is amended to read:

13 509.032 Duties.—

14 (7) PREEMPTION AUTHORITY.—

15 (b) A local law, ordinance, or regulation may not restrict
16 the use of vacation rentals, prohibit vacation rentals, or
17 regulate ~~the duration or frequency of rental of~~ vacation rentals
18 based solely on their classification, use, or occupancy. This
19 paragraph does not apply to any local law, ordinance, or
20 regulation adopted on or before June 1, 2011.

21 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

SB 188

Bill Number (if applicable)

Topic VACATION RENTALS

Wants to speak

Amendment Barcode (if applicable)

Name MAYOR DAN MURPHY

on Amendment

Job Title MAYOR OF THE CITY OF ANNA MARIA

Address 127 - HAMMOCK RD

Street

Phone 941-538-8838

ANNA MARIA FL 34216

City

State

Zip

Email AMMAYOR@CITY
OF ANNA-MARIA.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing CITY OF ANNA MARIA ISLAND

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
APPEARANCE RECORD

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

3/21/17
Meeting Date

Topic Vacation Rentals

Name Cari Roth

Job Title _____

Address 215 S. Monroe Street Suite 115
Street

Tallahassee FL 32301
City State Zip

Phone 850-999-4100

Email Croth@cleanmead.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing City of Holmes Beach

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

3-21-17

Meeting Date

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

HB 188

Bill Number (if applicable)

Topic STUDIE AMEND TO HB 188

Name KE HARRISON

Job Title COUNTY ATTORNEY

Address 1762 E HOOVER BLVD. BLDG A-2

Street

BUNELL

City

FL

State

32110

Zip

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLAGLER COUNTY

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
APPEARANCE RECORD

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

3/21/17

Meeting Date

SB 188

Bill Number (if applicable)

Topic SPORT TEAM VACATION RENTALS

STEUBS

Amendment Barcode (if applicable)

Name AL HADDED

AMENDMENTS

Job Title COUNTY ATTORNEY

Address 1769 E MOODY BLVD BLDG 2

Phone 386-313-4005

Street

BUNNELL

FL

32110

City

State

Zip

Email ahaddeed@

phylis county, org

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FULTON COUNTY

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
APPEARANCE RECORD

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

3/21/2017
Meeting Date

222268
Bill Number (if applicable)
Amendment Barcode (if applicable)

Topic _____

Name Lauren Jackson

Job Title Lobbyist

Address 265 S. Adams St
Street
Tallahassee FL 32308
City State Zip

Phone 931-265-8999

Email lauren@ericksconsultants.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Ericks Consultants; City of Fort Lauderdale

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
APPEARANCE RECORD

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

MARCH 21, 2017
Meeting Date

SB 188
Bill Number (if applicable)

Topic SHORT-TERM VACATION RENTALS

Amendment Barcode (if applicable)

Name PAUL C. PERSHES

Job Title PRESIDENT - OCEAN HAMMOCK PROPERTY OWNERS ASSN

Address 14 HAMMOCK BEACH CIRCLES

Phone 917-340-6078

Street

PALM COAST

City

FLORIDA

State

32137

Zip

Email pcp10022@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing OCEAN HAMMOCK PROPERTY OWNERS ASSOCIATION

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
APPEARANCE RECORD

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

3/21/17

Meeting Date

SB1000

Bill Number (if applicable)

*

222268

Amendment Barcode (if applicable)

Topic VACATION RENTALS

Name JENNIFER GRAAN

Job Title CONSULTANT

Address P.O. BOX 390

Street

TUL, FL

City

State

32302

Zip

Phone 528-8809

Email _____

Speaking: ☒ For ☐ Against ☐ Information

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

Representing HOMELAWAY

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/17
Meeting Date

SB 188
Bill Number (if applicable)

Topic SB 188 - SHORT TERM VACATION RENTAL

Amendment Barcode (if applicable)

Name GREG HANSEN

Job Title FLAGLER COUNTY COMMISSIONER

Address 1769 EAST MOODY BLVD BLDG 2 Phone 386-267-3633
Street

BUNNEL FL 32110
City State Zip

Email G.HANSEN@FLAGLERCOUNTY.ORG

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FLAGLER COUNTY

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)

3/21/17

Meeting Date

188

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name KERRI MCNULTY

Job Title ASST. CITY ATTORNEY

Address 444 NW 2ND AVE
Street

Phone (305) 416-1800

MIAMI, FL 33130
City State Zip

Email kmcnulty@miamigov.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing CITY OF MIAMI, MAYOR TOMAS REGALADO

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

March 21, 2017
Meeting Date

188
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Jessica Fernandez

Job Title _____

Address 1674 Meridian Avenue
Street

Phone 305-785-5489

Miami Beach FL
City State Zip

Email jessica@airadvisory.co

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Greater Miami and the Beaches Hotel Association

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)

Mar 21, 2017
Meeting Date

SB 188
Bill Number (if applicable)

Topic Vacation rentals - SB 188

Amendment Barcode (if applicable)

Name James Ulsamer

Job Title _____

Address 19 Flagship Dr.
Street
Palm Coast FL 32137
City State Zip

Phone 386-235-0588

Email jimulsamer@me.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Ocean Hammock Property Owners Assn.

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

188

Bill Number (if applicable)

222268

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name Lori Killinger

Job Title Attorney/lobbyist

Address 315 S. Calhoun St.

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850 222 5702

Email lkillinge@lw-law.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Vacation Rental Managers Assn.

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21

Meeting Date

188

Bill Number (if applicable)

Topic Vacation Rental Regulation

Amendment Barcode (if applicable)

Name Prebble & Ramswell

Job Title Mayer Pro Tem / Councilwoman

Address 4200 Indian Bayou

Phone 850 8374242

Street

Destin FL 32541

City

State

Zip

Email pramswell@cityofdestin.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing City of Destin

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

188
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name ERIC POOLE

Job Title Asst. Leg Dir

Address 100 Monroe
Street

Phone 522 4300

City _____ State _____ Zip _____

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Assoc. Counties

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

188

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Natalee King

Job Title VP

Address 235 W Brandon Blvd 640
Street

Phone 813 924 8218

Brandon FL 33511
City State Zip

Email Natalee@nasaconsultingllc.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Tom Pepin, Pepin Distributing Co.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/17

Meeting Date

SB 188

Bill Number (if applicable)

Topic SB 188 Vacation Rentals

Amendment Barcode (if applicable)

Name Connie Leon Krepps

Job Title Mayor of North Bay Village

Address 1666 Kennedy Causeway
Street

Phone 305 756 7171

North Bay Village FL 33141
City State Zip

Email cleonkrepps@NBVillage.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing North Bay Village

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

SB 188

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Armando Ibarra

Job Title _____

Address 1674 Meridian Ave.

Street

Miami Beach

City

FL

State

Zip

Phone 786-514-2965

Email armando@aiadvisory.co

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Greater Miami and the Beaches Hotel Association

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-21-17

Meeting Date

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

188

Bill Number (if applicable)

Topic 188

Amendment Barcode (if applicable)

Name Casey Cook

Job Title Senior Legislative Advocate

Address Tallahassee PO Box 1757
Street

Phone 850 701 3701

Tallahassee FL 32302
City State Zip

Email ccook@flcities.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

SB 188

Bill Number (if applicable)

Topic SB 188 Vacation Rentals

Amendment Barcode (if applicable)

Name Linda Yates

Job Title MAYOR City of North Port

Address 4970 City Hall Blvd
Street

Phone _____

City

North Port FL 34287
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of North Port / Manasota League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

188

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Andrew Hosek

Job Title Policy Analyst

Address 200 W College Ave
Street

Phone 850-378-6291

Tallahassee
City State Zip

Email ahosek@afphg.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

188

Bill Number (if applicable)

613000

Amendment Barcode (if applicable)

Topic 188 amendment

Name Casey Cook

Job Title Senior Legislative Advocate

Address Po Box 1757
Street

Phone 850 701 3701

Tallahassee FL 32302
City State Zip

Email ccook@flcities.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.21.17

Meeting Date

188

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name TREY GOLDMAN

Job Title LEGISLATIVE COUNSEL

Address 200 SOUTH MONROE
Street

Phone 850/224-1400
224-1400

TALLAHASSEE FL 32301
City State Zip

Email treyg@floridarealtors.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA REALTORS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

3-21-17
Meeting Date

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

188
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Willie Charles Shaw

Job Title Mayor city of Sarasota

Address 156th 1st St
Street

Phone 941-954-4115

Sarasota FL 34236
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of Sarasota

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3.21.17

Meeting Date

SB 188

Bill Number (if applicable)

Topic

VACATION RENTALS

Amendment Barcode (if applicable)

Name

JAMES E. McDONALD

Job Title

COUNCIL MEMBER

Address

Street

PINECREST

City

FL

State

33156

Zip

Phone

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

PINECREST

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/21/17
Meeting Date

SB188
Bill Number (if applicable)

Topic Vacation Rental

Amendment Barcode (if applicable)

Name Peggy Bell

Job Title Mayor of Cutler Bay

Address 10720 Caribbean Bl
Street

Phone 305-234-4262

Cutler Bay FL 33189
City State Zip

Email pbell@cutlerbay-fl.gov

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-21-17

Meeting Date

SB 188

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Mary Ann Mixon

Job Title Council Member

Address 10720 Caribbean Blvd. #105
Street

Phone 305-234-4262

Cutler Bay FL 33189
City State Zip

Email mamixon@cutlerbay-fl.gov

Speaking: ☐ For ☒ Against ☐ Information

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

Representing _____

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/21/2017

Meeting Date

188

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Lauren Jackson

Job Title Lobbyist

Address 205 S. Adams St
Street

Phone 931-265-8999

Tallahassee FL 32305
City State Zip

Email lauren@erichsconsultants.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Ericks Consultants; City of Fort Lauderdale

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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/21

Meeting Date

STB 188

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name TOM GRIFFIN

Job Title Consultant

Address 311 East Park Ave

Phone 561-891-7122

Street

City Tully

State

Zip 32303

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

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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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/21/16
Meeting Date

SB 188/HB 425
Bill Number (if applicable)

Topic Short Term Rentals

Amendment Barcode (if applicable)

Name ~~Dr~~ Mitch Bierman

Job Title Town Attorney Cutler Bay / Village of Pinecrest

Address 2525 Ponce de Leon Blvd
Street

Phone 305 854 0808

Coral Gables 33134
City State Zip

Email mbierman@wsh-law.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Cutler Bay / Pinecrest

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)

3-21-17

Meeting Date

S188

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Lori Killinger

Job Title attorney/lobbyist

Bill

Address 315 S. Calhoun St.

Phone 8802225702

Street

Tauckessee

FL

32301

City

State

Zip

Email lkillingere@lw-law.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Vacation Rental Managers Assn.

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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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21/17

Meeting Date

SB 188

Bill Number (if applicable)

Topic VACATION RENTALS

[Signature]

Amendment Barcode (if applicable)

Name JENNIFER GREEN

Job Title CONSULTANT

Address P.O. BOX 390

Street

Phone

518-8809

TH

FL

City

32302

State

Email

Bill

Speaking: ☒ For ☐ Against ☐ Information

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

Representing HOMERAWAY

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Banking and Insurance, *Vice Chair*
Agriculture
Appropriations Subcommittee on Finance and Tax
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG STEUBE

23rd District

January 12, 2017

The Honorable Travis Hutson
Florida Senate
314 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Hutson,

I am writing this letter because my bill, SB 188 Vacation Rentals, has been referred to the Senate Regulated Industries Committee. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to be "W. Gregory Steube".

W. Gregory Steube, District 23

REPLY TO:

- ☐ 722 Apex Road, Unit A, Sarasota, Florida 34240 (941)342-9162
- ☐ 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
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 582

INTRODUCER: Regulated Industries Committee and Senator Latvala

SUBJECT: Regulatory Boards

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	McSwain	RI	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 582 requires the Department of Business and Professional Regulation (DBPR), the Department of Health (DOH), and the Department of Financial Services (DFS) (as to the Board of Funeral, Cemetery, and Consumer Services) (departments) to review final decisions of all regulatory boards under their jurisdiction. Each department must determine if final regulatory board decisions constitute anticompetitive conduct that does not:

- Promote state policy;
- Comport with the standards established by the Legislature; or
- Comport with the authority delegated to a board by the Legislature.

The bill requires the departments to review final disciplinary actions, rules, declaratory statements, actions concerning unlicensed activity, and licensure application decisions. Each department must approve, modify, or disapprove final board decisions based on its findings. The review of a final board decision is a limited legal review, subject to legal challenges only through state or federal antitrust legal actions.

Legal defense costs of a board or board members for antitrust actions must be paid from the:

- Professional Regulation Trust Fund, for boards within the DPBR;
- Regulatory Trust Fund, for the Board of Funeral, Cemetery, and Consumer Services within the DFS; and
- Medical Quality Assurance Trust Fund, for boards within the DOH.

Financial damages resulting from antitrust litigation against a regulatory board or board member must be paid from the State Risk Management Trust Fund by the Division of Risk Management in the DFS.

In 2015, the United States Supreme Court held that a state board on which a “controlling number” of decisionmakers (i.e. regulatory board members) are “active market participants” (i.e., members of the profession or occupation being regulated) must be “actively supervised” in order to seek immunity from federal antitrust laws. The requirement for active supervision is intended to avoid a divergence from a valid state policy caused by implementation of the policy by a board in an anticompetitive manner.¹ The case did not address the liability of regulatory board members for money damages. However, the Court noted that the states “may provide for the defense and indemnification of [board] members in the event of litigation.”²

The fiscal impact of CS/SB 582 is unknown. *See* Section V, Fiscal Impact Statement.

The bill is effective upon becoming law.

II. Present Situation:

Background

In 2015, the United States Supreme Court (Supreme Court) considered actions taken by the North Carolina State Board of Dental Examiners (*NC State Bd.*).³ The Supreme Court said:

In the 1990’s, dentists in North Carolina started whitening teeth. Many of those who did so, including 8 of the Board’s 10 members during the period at issue in this case, earned substantial fees for that service. By 2003, nondentists arrived on the scene. They charged lower prices for their services than the dentists did. Dentists soon began to complain to the Board about their new competitors. Few complaints warned of possible harm to consumers. Most expressed a principal concern with the low prices charged by nondentists.

Responding to these filings, the Board opened an investigation into nondentist teeth whitening. A dentist member was placed in charge of the inquiry. Neither the Board’s hygienist member nor its consumer member participated in this undertaking. The Board’s chief operations officer remarked that the Board was ‘going forth to do battle’ with nondentists. [Citation omitted]. The Board’s concern did not result in a formal rule or regulation reviewable by the independent [North Carolina] Rules Review Commission, even though the [North Carolina law] does not, by its terms, specify that teeth whitening is “the practice of dentistry.”

¹ *See N. Carolina State Bd. of Dental Exam’rs v. F.T.C., (NC State Bd.)*, 135 S. Ct. 1101, 1117, 191 L.Ed. 2d 35 (2015). *See also* E. Dylan Rivers, *Regulating Regulators: Active Supervision of State Regulatory Boards in the Wake of North Carolina State Board of Dental Examiners v. FTC*, Florida Bar Journal, Vol. 90, No. 10, at pp. 43-47 (Dec. 2016).

² *Id.* at page 1115.

³ *NC State Bd.*, *supra* note 1.

Starting in 2006, the Board issued at least 47 cease-and-desist letters on its official letterhead to nondentist teeth whitening service providers and product manufacturers. Many of those letters directed the recipient to cease ‘all activity constituting the practice of dentistry’; warned that the unlicensed practice of dentistry is a crime; and strongly implied (or expressly stated) that teeth whitening constitutes ‘the practice of dentistry.’ [Citation omitted.] In early 2007, the Board persuaded the North Carolina Board of Cosmetic Art Examiners to warn cosmetologists against providing teeth whitening services. Later that year, the Board sent letters to mall operators, stating that kiosk teeth whiteners were violating the Dental Practice Act and advising that the malls consider expelling violators from their premises.

These actions had the intended result. Nondentists ceased offering teeth whitening services in North Carolina.⁴

Federal Antitrust Laws

In *NC State Bd.*, the Supreme Court noted that the federal antitrust laws, including the Sherman Act,⁵ which safeguard the nation’s free market structures, were interpreted in a 1943 case styled *Parker v. Brown*,⁶ to confer immunity on anticompetitive conduct by the states when acting in their sovereign capacity (i.e. *Parker* state-action immunity). As stated by the Supreme Court, the federal antitrust laws “declare a considered and decisive prohibition by the Federal Government of cartels, price fixing, and other combinations or practices that undermine the free market.”⁷

The Sherman Act imposes severe penalties for violations⁸ and promotes robust competition to empower states and provide citizens with opportunities to pursue their own and the public’s welfare.⁹ The Supreme Court, noting that the states “need not adhere in all contexts to a model of unfettered competition,” acknowledged that states may impose restrictions on occupations, confer exclusive or shared rights to dominate a market, or otherwise limit competition to achieve public objectives.¹⁰ The Supreme Court stated:

⁴ *Id.*, at page 1108.

⁵ 15 U. S. C. §1 *et seq.*

⁶ See *Parker v. Brown*, 317 U. S. 341, 63 S. Ct. 307, 87 L.Ed. 315 (1943).

⁷ See *NC State Bd.*, *supra* note 1, at page 1109.

⁸ According to the Federal Trade Commission (FTC), the penalties for violating the Sherman Act can be severe. The FTC states that: (1) although most enforcement actions are civil, the Sherman Act is also a criminal law, and individuals and businesses that violate it may be prosecuted by the Department of Justice; (2) criminal prosecutions are typically limited to intentional and clear violations such as when competitors fix prices or rig bids; (3) the Sherman Act imposes criminal penalties of up to \$100 million for a corporation and \$1 million for an individual, along with up to 10 years in prison; and (4) under federal law, the maximum fine may be increased to twice the amount the conspirators gained from the illegal acts or twice the money lost by the victims of the crime, if either of those amounts is over \$100 million. See <https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws> (last visited Mar. 17, 2017).

⁹ See *NC State Bd.*, *supra* note 1, at page 1109.

¹⁰ *Id.*

If every duly enacted state law or policy were required to conform to the mandates of the Sherman Act, thus promoting competition at the expense of other values a State may deem fundamental, federal antitrust law would impose an impermissible burden on the States' power to regulate.

The Supreme Court then addressed the requirements for a person to invoke *Parker* state-action immunity. The anticompetitive conduct of those authorized by a state to regulate their own profession must result from a procedure that causes the conduct to be deemed state conduct shielded from the federal antitrust laws.¹¹

To determine whether the anticompetitive conduct is state conduct, the Supreme Court applied the two-part test set forth in *California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.*, (*Midcal*), a 1980 case arising from the delegation of price-fixing authority by the State of California to wine merchants.¹² Under *Midcal*, antitrust immunity cannot be invoked unless the state (1) articulates a clear policy to allow the anticompetitive conduct, and (2) provides active supervision of anticompetitive conduct.¹³

Midcal's clear articulation requirement is satisfied, stated the Supreme Court, "where the displacement of competition [is] the inherent, logical, or ordinary result of the exercise of authority delegated by the state legislature. In that scenario, the State must have foreseen and implicitly endorsed the anticompetitive effects as consistent with its policy goals."¹⁴

Further, the Court noted the active supervision requirement demands "that state officials have and exercise power to review particular anticompetitive acts of private parties and disapprove those that fail to accord with state policy,"¹⁵ and that the rule "stems from the recognition that '[w]here a private party is engaging in anticompetitive activity, there is a real danger that he is acting to further his own interests, rather than the governmental interests of the State.'"¹⁶

Midcal's supervision mandate, stated the Supreme Court, demands "realistic assurance that a private party's anticompetitive conduct promotes state policy, rather than merely the party's individual interests."¹⁷

In October 2015, the Federal Trade Commission issued a document titled "FTC Staff Guidance on Active Supervision of State Regulatory Boards Controlled by Market Participants," which sets out the views of the Staff of the Bureau of Competition on the active supervision requirement addressed in *NC State Bd.*¹⁸ The staff guidance indicates that even when the state

¹¹ See *NC State Bd.*, *supra* note 1, at page 1110.

¹² See *California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.*, 445 U.S. 97, 100 S. Ct. 937, 63 L.Ed. 2d 233 (1980).

¹³ See *NC State Bd.*, *supra* note 1, at page 1112, citing *Ticor*, *supra*, at 631, 112 S. Ct. 2169, 119 L.Ed. 2d 410 (1992) (citing *Midcal*, *supra*, at 105, 100 S. Ct. 937, 63 L.Ed. 2d 233 (1980).

NC State Bd. of Dental Exam'rs v. FTC, 135 S. Ct. 1101, 1112, 191 L.Ed. 2d 35, 49 (2015).

¹⁴ See *NC State Bd.*, *supra* note 1, at page 1112, citing *Phoebe Putney*, 568 U.S., at ___, 133 S. Ct. 1003, 185 L.Ed. 2d 43, 56 (2016).

¹⁵ *Id.*, at page 1112, citing *Patrick v. Burget*, 486 U.S. 94, at 101, 108 S. Ct. 1658, 100 L.Ed. 2d 83 (1988).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ The document includes a statement that the Federal Trade Commission is not bound by the Staff guidance and reserves the right to rescind it at a later date. In addition, staff of the Federal Trade Commission reserves the right to reconsider the views

Attorney General provides advice to the regulatory board on an ongoing basis (as occurs for various boards in Florida), that does not constitute active supervision of a state regulatory board that is controlled by active market participants.¹⁹

Delegation of Powers and Duties to Regulatory Agencies

The separation-of-powers doctrine prevents the Legislature from delegating its constitutional duties.²⁰ An invalid delegation of authority violates the principle of separation of powers mandated in the Florida Constitution.²¹ When delegating a regulatory responsibility, the Legislature must provide the agency with adequate standards and guidelines.²² The executive branch “must be limited and guided by an appropriately detailed legislative statement of the standards and policies to be followed.”²³

In *Askew v. Cross Key Waterways*,²⁴ the Florida Supreme Court acknowledged that “[w]here the Legislature makes the fundamental policy decision and delegates to some other body the task of implementing that policy under adequate safeguards, there is no violation of the [separation of powers] doctrine”²⁵ If legislation lacks guidelines, and “neither the agency nor the courts can determine whether the agency is carrying out the intent of the legislature in its conduct, then, in fact, the agency becomes the lawgiver rather than the administrator of the law.”²⁶

Agency Rulemaking

Florida’s Administrative Procedure Act, ch. 120, F.S., (APA) provides that rulemaking by agencies is limited in nature and is not a matter of agency discretion. Each agency statement defined as a rule²⁷ must be adopted by rulemaking as soon as feasible and practicable.

expressed therein, and to modify, rescind, or revoke the document if such action would be in the public interest. See https://www.ftc.gov/system/files/attachments/competition-policy-guidance/active_supervision_of_state_boards.pdf (last visited Mar. 17, 2017).

¹⁹ *Id.*, at page 13.

²⁰ See *Board of Architecture v. Wasserman*, 377 So. 2d 653 (Fla. 1979).

²¹ See FLA. CONST. art. II, s. 3, and *Gallagher v. Motors Insurance Corp.*, 605 So. 2d 62 (Fla. 1992).

²² *Askew v. Cross Key Waterways*, 372 So. 2d 913 (Fla. 1978); *Florida East Coast Industries, Inc. v. Dept. of Community Affairs*, 677 So. 2d 357 (Fla. 1st DCA 1996), review denied, 689 So. 2d 1069 (Fla. 1997).

²³ *Florida Home Builders Association v. Division of Labor*, 367 So. 219 (Fla. 1979).

²⁴ *Askew v. Cross Key Waterways*, 372 So. 2d 913 (Fla. 1978).

²⁵ *Id.* at 921 (quoting *CEEED v. California Coastal Zone Conservation Comm’n*, 43 Cal. App. 3d 306, 325 (Cal. App. 3 Dist. 1974)).

²⁶ *Id.* at 918-919. See generally James P. Rhea and Patrick L. “Booter” Imhof, *An Overview of the 1996 Administrative Procedure Act*, 48 U. Fla. L. Rev. 1 (1996); Dan R. Stengle and James P. Rhea, *Putting the Genie Back in the Bottle: The Legislature Struggles to Control Rulemaking by Executive Agencies*, 21 Fla. St. U. L. Rev. 415 (1993); Stephen T. Maher, *We’re No Angels: Rulemaking and Judicial Review in Florida*, 18 Fla. St. U. L. Rev. 767 (1991).

²⁷ Under s. 120.52(16), F.S., the term “rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy or describes an agency’s procedure or practice requirements. Also included is any form that imposes any requirement or solicits any information not specifically required by statute or by an existing rule, and the amendment or repeal of a rule. The term does not include: (a) internal management memoranda of an agency that do not affect either the private interests of any person or any plan or procedure important to the public, and that no application outside the agency; (b) legal memoranda or opinions to an agency by the Attorney General, or agency legal opinions prior to their use in connection with an agency action; or (c) the preparation or modification of: agency budgets, memoranda or instructions issued by the Chief Financial Officer or Comptroller about agencies’ submission of payment claims, collective

Rulemaking is presumed feasible, unless the agency proves that:

- The agency has not had sufficient time to acquire the knowledge and experience reasonably necessary to address a statement by rulemaking; or
- Related matters are not sufficiently resolved to enable the agency to address a statement by rulemaking.²⁸

Rulemaking is presumed practicable to the extent necessary to provide fair notice to affected persons of agency procedures and principles, criteria, or standards for agency decisions, unless the agency proves that:

- Detail or precision in the establishment of principles, criteria, or standards for agency decisions is not reasonable under the circumstances; or
- The particular questions addressed are of such a narrow scope that more specific resolution of the matter is impractical outside of an adjudication to determine the substantial interests of a party based on individual circumstances.²⁹

An agency action that goes beyond the powers, functions, and duties delegated by the Legislature is an “invalid exercise of delegated legislative authority” under the APA,³⁰ including a proposed or existing rule, if:

- The agency has materially failed to follow the applicable rulemaking procedures or requirements in ch. 120, F.S.;
- The agency has exceeded its grant of rulemaking authority, which must be cited as required by s. 120.54(3)(a)1., F.S.;
- The rule enlarges, modifies, or contravenes the specific provisions of law implemented, which must be cited as required by s. 120.54(3)(a)1., F.S.;
- The rule is vague, fails to establish adequate standards for agency decisions, or vests unbridled discretion in the agency;
- The rule is arbitrary or capricious; a rule is arbitrary if it is not supported by logic or the necessary facts and is capricious if it is adopted without thought or reason or is irrational; or
- The rule imposes regulatory costs on the regulated person, county, or city which could be reduced by the adoption of less costly alternatives that substantially accomplish the statutory objectives.

In addition to a grant of rulemaking authority from the Legislature, in order for an agency to adopt a rule, there must be a specific law to be implemented; an agency may adopt only rules that implement or interpret the specific powers and duties granted by statute.³¹

Agencies are not authorized to adopt a rule solely on the basis that it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency’s

bargaining contractual provisions, or memoranda issued by the Executive Office of the Governor relating to information resources management.

²⁸ See s. 120.54(1)(a)1., F.S.

²⁹ See s. 120.54(1)(a)2., F.S.

³⁰ See s. 120.52(8), F.S.

³¹ *Id.*

class of powers and duties.³² Further, agencies are not authorized to implement statutory provisions setting forth general legislative intent or policy.³³ Statutory language granting rulemaking authority or generally describing an agency's powers and functions must "be construed to extend no further than implementing or interpreting the specific powers and duties conferred by the enabling statute."³⁴

Rulemaking is a legislative function within the exclusive authority of the legislature, and it is not sufficient that the rule is "within the agency's class of powers and duties;" there must be a specific grant of rulemaking authority.³⁵ The requirements for agency rulemaking in s. 120.52(8), F.S., are intended to restrict and narrow the scope of agency rulemaking.³⁶ As stated by the First District Court of Appeal in *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Ass'n, Inc.*:

It is now clear, agencies have rulemaking authority only where the Legislature has enacted a specific statute, and authorized the agency to implement, and then only if the (proposed) rule implements or interprets specific powers or duties, as opposed to improvising in an area that can be said to fall only generally within some class or powers or duties the Legislature has conferred on the agency.³⁷

Furthermore, in *Southwest Florida Water Management District*, the First District Court of Appeal concluded that "[i]t follows that the authority for an administrative rule is not a matter of degree. The question is whether the statute contains a specific grant of legislative authority for the rule, not whether the grant of authority is specific enough."³⁸

Regulatory Boards within the Department of Business and Professional Regulation

Section 20.165(4)(a), F.S., establishes the following boards and programs within the Department of Business and Professional Regulation (DBPR), which are noted along with the applicable implementing statute in the Florida 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;

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ See *S.W. Fla. Water Mgmt. Dist. v. Save the Manatee Club, Inc.*, (Southwest Florida Water Management District), 773 So. 2d 594, 598-599 (Fla. 1st DCA 2000).

³⁶ See *Southwest Florida Water Management District*, at pages 597-600, and *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, (Day Cruise) 794 So. 2d 696, 704 (Fla. 1st DCA 2001).

³⁷ See *Day Cruise*, *supra* note 38, at page 700.

³⁸ See *Southwest Florida Water Management District*, at page 599.

- 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, F.S.

Current law requires that for the boards under its jurisdiction, the DBPR must:³⁹

- Adopt rules for biennial license renewal, and may issue to selected licensees up to a four-year license;
- Appoint an executive director of each board, subject to the board's approval;
- Submit an annual budget to the Legislature;
- Develop a training program for newly appointed members of a board relating to substantive and procedural laws and rules and fiscal information relating to the profession regulated by the board and the structure of the DBPR;
- Adopt rules to implement ch. 455, F.S., on Regulation of Professions and Occupations;
- Establish the procedures to be used by the DBPR for the use of a board's expert or technical advice for the purposes of investigation, inspection, evaluation of applications, other duties of the DBPR, or any other areas deemed appropriate by the DBPR;
- Require electronic recording of all board proceedings (or of any panel thereof) and all formal or informal proceedings conducted by the DBPR, an administrative law judge, or a hearing officer on licensing or discipline, in order to assure the accurate transcription of all recorded matters;
- Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of each of the boards; and
- Work cooperatively with the Department of Revenue to implement an automated method for disclosing DBPR licensee information to the Department of Revenue, for use in child support enforcement actions, including the denial, suspension, issuance, or reinstatement of a license after formal direction by a court or the Department of Revenue.

The DBPR also has authority to approve applications for professional licenses that meet all statutory and rule requirements and to close and terminate deficient license application files.⁴⁰

Regulatory Boards within the Department of Health

Pursuant to s. 456.001, F.S., the term “board” includes any board or commission, or other statutorily created entity, to the extent the entity is authorized to exercise regulatory or rulemaking functions, within the Department of Health (DOH); in other contexts,⁴¹ the term includes a board, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the Division of Medical Quality Assurance (DOH boards).

³⁹ See s. 455.203, F.S.

⁴⁰ See s. 455.203(10), F.S.

⁴¹ For ss. 456.003-456.018, 456.022, 456.023, 456.025-456.033, and 456.039-456.082, F.S., the term includes only those entities exercising regulatory or rulemaking functions that are within the Division of Medical Quality Assurance.

There are 22 DOH boards:

- Board of Acupuncture;
- Board of Athletic Trainers
- Board of Chiropractic Physicians;
- Board of Clinical Laboratory Personnel;
- Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling
- Board of Dentistry;
- Board of Hearing Aid Specialists;
- Board of Massage Therapy;
- Board of Medicine;
- Board of Nursing;
- Board of Nursing Home Administrators;
- Board of Occupational Therapy;
- Board of Opticianry;
- Board of Optometry;
- Board of Orthotists and Prosthetists;
- Board of Osteopathic Physicians;
- Board of Pharmacy;
- Board of Physical Therapy;
- Board of Podiatric Medicine;
- Board of Psychology;
- Board of Respiratory Care; and
- Board of Speech-Pathology and Audiology.⁴²

Regulatory boards under the jurisdiction of the DOH must:

- Adopt rules for biennial license renewal, and may issue to selected licensees up to a four-year license;
- Appoint an executive director of each board, subject to the board's approval;
- Submit an annual budget to the Legislature;
- Develop a training program for newly appointed members of a board relating to substantive and procedural laws and rules and fiscal information relating to the profession regulated by the board and the structure of the DOH;
- Adopt rules to implement ch. 456, F.S., on Regulation of Professions and Occupations;
- Establish the procedures to be used by the DOH for the use of a board's expert or technical advice for the purposes of investigation, inspection, evaluation of applications, other duties of the DBPR, or any other areas deemed appropriate by the DOH;
- Require electronic recording of all board proceedings (or of any panel thereof) and all formal or informal proceedings conducted by the DOH, an administrative law judge, or a hearing

⁴² Email from Tom Adams, Policy Chief, General Gov't Unit, Executive Office of the Governor, Office of Policy and Budget, to staff of the Senate Committee on Regulated Industries (Mar. 16, 2017) (on file with the Senate Committee on Regulated Industries), and *see* the Department of Health, Division of Medical Quality Assurance Annual Report and Long-Range Plan for Fiscal Year 2015-2016 at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1516.pdf> (last visited Mar. 21, 2107).

officer on licensing or discipline, in order to assure the accurate transcription of all recorded matters;

- Select only those investigators, or consultants who undertake investigations, who meet criteria established with the advice of each of the boards;
- Work cooperatively with the Department of Revenue to implement an automated method for disclosing DOH licensee information to the Department of Revenue, for use in child support enforcement actions, including the denial, suspension, issuance, or reinstatement of a license after formal direction by a court or the Department of Revenue;
- Set an examination fee that includes all costs to develop, purchase, validate, administer, and defend the examination, and that is certain to cover all administrative costs in addition to the actual per-applicant examination cost;
- Work cooperatively with the Agency for Health Care Administration and the judicial system to recover Medicaid overpayments by the Medicaid program; and
- Investigate and prosecute health care practitioners who have not remitted amounts owed to the state for an overpayment from the Medicaid program pursuant to a final order, judgment, stipulation, or settlement.⁴³

The Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services

The Board of Funeral, Cemetery, and Consumer Services (BFCCS) is housed within the Department of Financial Services.⁴⁴ Pursuant to s. 497.103, F.S., all authority expressly provided is vested solely in the BFCCS and all authority not expressly vested in the BFCCS is vested in the DFS,⁴⁵ such that:

- The DFS and the BFCCS each has standing to institute judicial or other proceedings against the other for the enforcement of s. 497.103, F.S.;
- The BFCCS has standing as a party litigant to challenge any rule proposed or adopted by the DFS under authority of ch. 497, F.S., upon any grounds enumerated in s. 120.52(8), F.S. concerning the invalid exercise of delegated legislative authority;
- The BFCCS must be represented by the Department of Legal Affairs in any such litigation by the BFCCS against the DFS, and the DFS must provide reasonable funds for the conduct of such litigation by the BFCCS; and
- No applicant, licensee, or person other than the BFCCS has standing in any proceeding under ch. 120, F.S., the Administrative Procedure Act, to assert that any rule adopted by the DFS under asserted authority of ch. 497, F.S., is invalid because it relates to a matter under the authority of the BFCCS.⁴⁶

⁴³ See s. 456.004, F.S.

⁴⁴ See s. 497.101, F.S.

⁴⁵ See s. 497.103(2), F.S.

⁴⁶ See s. 497.103(7), F.S.

Letter from Attorney General to President of the Senate and Speaker of the House of Representatives

In a letter dated December 9, 2015 to the President of the Senate and the Speaker of the House of Representatives,⁴⁷ the Attorney General addressed the United States Supreme Court's decision in *NC State Bd.* The Attorney General concluded that if the actions of regulatory boards in Florida are not subject to active state supervision, "they now face potential antitrust liability for any actions they take that may unreasonably burden competition as a result of the [United States] Supreme Court decision."⁴⁸

Florida Antitrust Laws

Chapter 542, F.S., the "Florida Antitrust Act of 1980," deals with combinations restricting trade or commerce. Such combinations and monopolizations of any trade or commerce are unlawful, unless the activity or conduct is exempt under Florida statutory or common law, or exempt under federal antitrust laws.⁴⁹ Penalties for violations include a civil penalty for natural persons of not more than \$100,000, and for corporate or other entities, a civil penalty of not more than \$1 million.⁵⁰ A person who "knowingly violates" the law by engaging in the unlawful conduct, or who "knowingly aids in or advises such violation," may be found guilty of a felony punishable by a fine not exceeding \$100,000 (or a fine of \$1 million if a corporation), or imprisonment not exceeding three years, or both.⁵¹

III. Effect of Proposed Changes:

CS/SB 582 provides a framework for active supervision of certain final decisions by all regulatory boards under the jurisdiction of the Department of Business and Professional Regulation (DBPR) and the Department of Health, (DOH), and the Department of Financial Services (DFS) as to the Board of Funeral, Cemetery, and Consumer Services (BFCCS).⁵²

The bill requires the DBPR, the DOH, and the DFS (as to the BFCCS) to review final decisions of regulatory boards under their jurisdiction, and requires each department to determine if final regulatory board decisions constitute anticompetitive conduct that does not:

- Promote state policy;
- Comport with the standards established by the Legislature; or
- Comport with the authority delegated to a board by the Legislature.

Each department, based on its findings, must approve, modify, or disapprove final board decisions. The final board decisions that require review include final disciplinary actions, rules,

⁴⁷ Letter to Andy Gardiner, President of the Senate, and Steven Crisafulli, Speaker of the House of Representatives from Attorney General Pam Bondi (December 9, 2015) (on file with the Senate Committee on Regulated Industries).

⁴⁸ *Id.* at page 2.

⁴⁹ See ss. 542.18, 542.19, and 542.20, F.S.

⁵⁰ See s. 542.21(1), F.S.

⁵¹ See s. 542.21(1), F.S.

⁵² *NC State Bd.* conditions state immunity from antitrust actions, in part, upon, active supervision by state agency officials (i.e., "that state officials have and exercise power to review particular anticompetitive acts of private parties and disapprove those that fail to accord with state policy"). See *NC State Bd.* *supra* note 1 at page 1112, citing *Patrick v. Burget*, 486 U.S. 94, at 101, 108 S.Ct. 1658, 100 L.Ed 2d 83 (1988).

declaratory statements, actions concerning unlicensed activity, and licensure application decisions. The review of a final board decision is a limited legal review, and is subject to legal challenges only through state or federal antitrust legal actions.

The bill requires any legal defense costs of a board or board members for antitrust actions be paid from the:

- Professional Regulation Trust Fund, for boards within the DPBR;
- Regulatory Trust Fund, for the BFCCSA within the DFS; and
- Medical Quality Assurance Trust Fund, for boards within the DOH.

Financial damages resulting from antitrust litigation against a regulatory board or board member must be paid from the State Risk Management Trust Fund by the Division of Risk Management in the DFS.

The bill is effective upon becoming law.

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:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of CS/SB 582 is unknown.

The committee substitute requires that legal defense costs of a board or board members for antitrust actions be paid from the Professional Regulation Trust Fund for boards within the DBPR, from the Regulatory Trust Fund for boards within the DOH, and from the Medical Quality Assistance Trust Fund for the BFCCSA within the DFS.

CS/SB 582 also requires payment of financial damages resulting from antitrust actions brought against boards and board members from the State Risk Management Trust Fund. At present the Division of Risk Management in the Department of Financial Services has a similar responsibility for the management and legal defense of certain legal claims (not including antitrust claims), reported by or against certain state agencies⁵³ for coverage under the State Risk Management Trust Fund.⁵⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 455.203, 456.004, and 497.103.

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 on March 21, 2017:

The committee substitute:

- Removes the requirement that Department of Business and Professional Regulation (DBPR) indemnify,⁵⁵ defend, and hold harmless⁵⁶ current and former members (and their associated businesses) of the numerous regulatory boards under its jurisdiction, in certain circumstances; such indemnification was required from all claims, investigations, lawsuits, damages, and liability incurred by a regulatory board member related to any action or inaction taken in the course of providing service to a regulatory board, but only if the action was taken in good faith and upon a reasonable belief that it complied with state and federal law;
- Expands the state agencies affected by the bill to include the Department of Health (DOH) and the Department of Financial Services (DFS);

⁵³ Section 768.28(2), F.S., provides that “state agencies or subdivisions” includes the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state (state university boards of trustees, counties and municipalities, and corporations primarily acting as agencies of the state, counties, or municipalities, including the Florida Space Authority.

⁵⁴ See <http://www.myfloridacfo.com/Division/Risk/> (last visited Mar. 17, 2017).

⁵⁵ The term “indemnify” means to compensate for loss or damage suffered by a person. See <https://www.merriam-webster.com/dictionary/indemnify> (last visited Mar. 17, 2017).

⁵⁶ The term “hold harmless” relates to an agreement between parties in which one party assumes the potential liability for injury that may arise from a situation and relieves the other party of that potential liability. See <https://www.merriam-webster.com/legal/hold%20harmless> (last visited Mar. 17, 2017).

- Requires the DBPR, the DOH, and the DFS (as to the Board of Funeral, Cemetery, and Consumer Services) to review final decisions of all regulatory boards under their jurisdiction.
- Requires each department to determine if final regulatory board decisions constitute anticompetitive conduct that does not:
 - Promote state policy;
 - Comport with the standards established by the Legislature; or
 - Comport with the authority delegated to a board by the Legislature.
- Requires each department, based on its findings, to approve, modify, or disapprove final board decisions;
- Provides that final board decisions requiring review include final disciplinary actions, rules, declaratory statements, actions concerning unlicensed activity, and licensure application decisions.
- Provides that the review of a final board decision is a limited legal review, and is subject to legal challenges only through state or federal antitrust legal actions.
- Requires any legal defense costs of a board or board members for antitrust actions be paid from the:
 - Professional Regulation Trust Fund, for boards within the DPBR;
 - Regulatory Trust Fund, for the Board of Funeral, Cemetery, and Consumer Services within the DFS; and
 - Medical Quality Assurance Trust Fund, for boards within the DOH; and
- Requires financial damages resulting from antitrust litigation against a regulatory board or board member to be paid from the State Risk Management Trust Fund by the Division of Risk Management in the DFS.

B. Amendments:

None.

COMMITTEE: Regulated Industries
ITEM: SB 582
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 21, 2017
TIME: 2:00—3:30 p.m.
PLACE: 110 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



853344

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/23/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) is added to section 381.0011,
Florida Statutes, to read:

381.0011 Duties and powers of the Department of Health.—It
is the duty of the Department of Health to:

(8) For the boards under its jurisdiction, indemnify,
defend, and hold harmless all current and former board members,



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11 and any companies or businesses in which they have or had an
12 equity interest or in which they serve or served as employees,
13 directors, officers, or representatives, from all claims,
14 actions, demands, suits, and investigations against, and damages
15 and liabilities incurred by, any board member in connection with
16 any action or inaction by a current or former board member in
17 the course and conduct of his or her service. However, this
18 subsection applies only if, in such action or inaction in the
19 course and conduct of his or her service, the current or former
20 board member acted in good faith and in a manner that he or she
21 reasonably believed to be in conformity with, or not contrary
22 to, the laws of this state and the United States.

23 Section 2. Subsection (11) is added to section 455.203,
24 Florida Statutes, to read:

25 455.203 Department; powers and duties.—The department, for
26 the boards under its jurisdiction, shall:

27 (11) Indemnify, defend, and hold harmless all current and
28 former board members, and any companies or businesses in which
29 they have or had an equity interest or in which they serve or
30 served as employees, directors, officers, or representatives,
31 from all claims, actions, demands, suits, and investigations
32 against, and damages and liabilities incurred by, any board
33 member in connection with any action or inaction by a current or
34 former board member in the course and conduct of his or her
35 service. However, this subsection applies only if, in such
36 action or inaction in the course and conduct of his or her
37 service, the current or former board member acted in good faith
38 and in a manner that he or she reasonably believed to be in
39 conformity with, or not contrary to, the laws of this state and



853344

the United States.

Section 3. Paragraph (e) is added to subsection (7) of section 497.103, Florida Statutes, to read:

497.103 Authority of board and department; Chief Financial Officer recommendations.—

(7) ACTIONS BY BOARD AND DEPARTMENT.—

(e) The department shall indemnify, defend, and hold harmless all current and former board members, and any companies or businesses in which they have or had an equity interest or in which they serve or served as employees, directors, officers, or representatives, from all claims, actions, demands, suits, and investigations against, and damages and liabilities incurred by, any board member in connection with any action or inaction by a current or former board member in the course and conduct of his or her service. However, this paragraph applies only if, in such action or inaction in the course and conduct of his or her service, the current or former board member acted in good faith and in a manner that he or she reasonably believed to be in conformity with, or not contrary to, the laws of this state and the United States.

Section 4. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to regulatory boards; amending ss.

381.0011, 455.203, and 497.103, F.S.; requiring the



853344

69 Department of Health, the Department of Business and
70 Professional Regulation, and the Department of
71 Financial Services, respectively, to indemnify,
72 defend, and hold harmless from claims, actions,
73 demands, suits, investigations, damages, and
74 liabilities all current and former board members and
75 any companies or businesses with which they have or
76 had specified affiliations, but only if their service
77 meets a specified requirement; providing an effective
78 date.



687208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2017	.	
	.	
	.	
	.	

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

Senate Substitute for Amendment (853344) (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (11) is added to section 455.203,
Florida Statutes, to read:

455.203 Department; powers and duties.—The department, for
the boards under its jurisdiction, shall:

(11) (a) Determine whether final board decisions constitute



687208

11 anticompetitive conduct that does not promote state policy, does
12 not comport with the standards established by the Legislature,
13 or does not comport with the authority delegated to a board by
14 the Legislature. The department shall review each final board
15 decision for anticompetitive conduct and, based on its findings,
16 shall issue an order approving, modifying, or disapproving the
17 decision. The department's anticompetitive review constitutes a
18 limited legal review and its resulting determination is subject
19 to legal challenge only through state or federal antitrust
20 causes of action. For purposes of this paragraph, the term
21 "final board decisions" includes final disciplinary actions,
22 rules, declaratory statements, actions concerning unlicensed
23 activity, and licensure application decisions.

24 (b) Legal costs for defense of antitrust actions brought
25 against boards or board members shall be paid out of the
26 Professional Regulation Trust Fund. Financial damages resulting
27 from antitrust litigation shall be paid from the State Risk
28 Management Trust Fund by the Division of Risk Management within
29 the Department of Financial Services.

30 Section 2. Subsection (12) is added to section 456.004,
31 Florida Statutes, to read:

32 456.004 Department; powers and duties.—The department, for
33 the professions under its jurisdiction, shall:

34 (12) (a) Determine whether final board decisions constitute
35 anticompetitive conduct that does not promote state policy, does
36 not comport with the standards established by the Legislature,
37 or does not comport with the authority delegated to a board by
38 the Legislature. The department shall review each final board
39 decision for anticompetitive conduct and, based on its findings,



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shall issue an order approving, modifying, or disapproving the decision. The department's anticompetitive review constitutes a limited legal review and its resulting determination is subject to legal challenge only through state or federal antitrust causes of action. For purposes of this paragraph, the term "final board decisions" includes final disciplinary actions, rules, declaratory statements, actions concerning unlicensed activity, and licensure application decisions.

(b) Legal costs for defense of antitrust actions brought against boards or board members shall be paid out of the Medical Quality Assurance Trust Fund. Financial damages resulting from antitrust litigation shall be paid from the State Risk Management Trust Fund by the Division of Risk Management within the Department of Financial Services.

Section 3. Paragraph (e) is added to subsection (7) of section 497.103, Florida Statutes, to read:

497.103 Authority of board and department; Chief Financial Officer recommendations.—

(7) ACTIONS BY BOARD AND DEPARTMENT.—

(e)1. The department shall determine whether final board decisions constitute anticompetitive conduct that does not promote state policy, does not comport with the standards established by the Legislature, or does not comport with the authority delegated to a board by the Legislature. The department shall review each final board decision for anticompetitive conduct and, based on its findings, shall issue an order approving, modifying, or disapproving the decision. The department's anticompetitive review constitutes a limited legal review and its resulting determination is subject to legal



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challenge only through state or federal antitrust causes of action. For purposes of this paragraph, the term "final board decisions" includes final disciplinary actions, rules, declaratory statements, actions concerning unlicensed activity, and licensure application decisions.

2. Legal costs for defense of antitrust actions brought against boards or board members shall be paid out of the Regulatory Trust Fund. Financial damages resulting from antitrust litigation shall be paid from the State Risk Management Trust Fund by the Division of Risk Management within the Department of Financial Services.

Section 4. This act shall take effect upon becoming a law.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to regulatory boards; amending ss.
455.203, 456.004, and 497.103, F.S.; requiring the
Department of Business and Professional Regulation,
the Department of Health, and the Department of
Financial Services, respectively, to determine whether
final board decisions constitute certain
anticompetitive conduct; requiring the departments to
review final board decisions for anticompetitive
conduct and issue orders approving, modifying, or
disapproving each decision; specifying that the
departments' anticompetitive review constitutes a



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98 limited legal review and its resulting determination
99 is subject only to certain legal challenges;
100 specifying actions that are considered final board
101 decisions; requiring that legal costs for defense of
102 antitrust actions and financial damages be paid from
103 specified accounts or by a specified entity; providing
104 an effective date.

By Senator Latvala

16-00221A-17

2017582__

A bill to be entitled
An act relating to regulatory boards; amending s.
455.203, F.S.; requiring the Department of Business
and Professional Regulation to indemnify, defend, and
hold harmless from claims, actions, demands, suits,
investigations, damages, and liability all current and
former board members and any companies or businesses
with which they have or had specified affiliations,
but only if their service meets a specified
requirement; providing an effective date.

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

Section 1. Subsection (11) is added to section 455.203,
Florida Statutes, to read:

455.203 Department; powers and duties.—The department, for
the boards under its jurisdiction, shall:

(11) Indemnify, defend, and hold harmless all current and
former board members and any companies or businesses in which
they have or had an equity interest or in which they serve or
served as an employee, director, officer, or representative,
against all claims, actions, demands, suits, investigations,
damages, and liability incurred by any board member in
connection with any action or inaction by a current or former
board member in the course and conduct of his or her service.
However, this subsection applies only if, in providing such
service, the current or former board members acted in good faith
and in a manner they reasonably believed to be in conformity
with, or not contrary to, the laws of this state and the United
States.

Section 2. This act shall take effect upon becoming a law.

APPEARANCE RECORD

2:00 pm
11053/21/17

Meeting Date

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

582

Bill Number (if applicable)

Topic ch. 381.0011/ch. 455.203

Amendment Barcode (if applicable)

Name Stephen WinnJob Title Executive DirectorAddress 2544 Blairstone Pines Dr.Phone 878-7364

Street

TallahasseeFL32301

City

State

Zip

Email winnsv@earthlink.netSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing Florida Osteopathic Medical AssociationAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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
APPEARANCE RECORD

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

3/21/17

Meeting Date

513582

Bill Number (if applicable)

Topic ANTI TRUST LAWSUITS & REGULATORY BOARDS

Amendment Barcode (if applicable)

Name DAVID DANIEL

Job Title _____

Address 311 EAST PARK AVENUE

Street

Phone 224-5081

TALLAHASSEE

City

FL

State

32301

Zip

Email daniel@smithbryanand
myers.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing FLORIDA ASSOCIATION OF PROFESSIONAL EMPLOYERS ORGANIZATION

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

3/27/17

Meeting Date

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

582

Bill Number (if applicable)

Topic PROFESSIONS

Amendment Barcode (if applicable)

Name JENNIFER GREENJob Title CONSULTANTAddress P.O. BOX 390Phone 578-88009

Street

TH FL 32302

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)Representing THE FLORIDA INSTITUTE OF CPAsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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
APPEARANCE RECORD

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

3/21/17
Meeting Date

SB 582
Bill Number (if applicable)

Topic Regulatory Boards

Amendment Barcode (if applicable)

Name Casey Stamatire

Job Title Director of Third Party Payer & Professional Affairs

Address 118 E Jefferson St.
Street

Phone 850-224-1089

Tallahassee FL 32301
City State Zip

Email cstamatire@floridadental.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Dental Association

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
APPEARANCE RECORD

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

21 Mch 17
Meeting Date

582
Bill Number (if applicable)

Topic Regulatory Boards

Amendment Barcode (if applicable)

Name Barney Bishop II

Job Title Pres & CEO

Address 204 So. Monroe

Phone 850.510.9922

Street

Tall

City

FL

State

32301

Zip

barney@smart

Email justicealliance.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Fla. Smart Justice Alliance

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
APPEARANCE RECORD

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

3/21

Meeting Date

582

Bill Number (if applicable)

687208

Amendment Barcode (if applicable)

Topic Support SB 582 Amendment

Name Chris Hansen

Job Title Ballard Partners

Address 403 E. Park Ave

Street

Phone 577-0444

Tallahassee FL 32301

City

State

Zip

Email Chansen@ballardfl.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Podiatric Medical Association

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
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 1040

INTRODUCER: Regulated Industries Committee and Senator Artiles

SUBJECT: Beer or Malt Beverages

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1040 creates an exception to the alcoholic beverage tied-house evil prohibitions to permit a malt beverage distributor to give or sell malt beverage branded glassware to a vendor licensed to sell beer or malt beverages for on-premises consumption. The bill prohibits the distributor from giving more than five cases that include up to 24 pieces per case of single-service glassware per brand, per licensed premises, per calendar year, and prohibits the vendor from selling the glassware or returning it to the distributor for cash or credit.

The “tied house evil” statute in s. 561.42, F.S., prohibits a member of the alcoholic beverages industry, including a manufacturer, distributor, or importer, from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer, distributor, or importer from giving gifts, loans or property, or rebates to retail vendors.

The bill provides an effective date of July 1, 2017.

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law,¹ which regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and

¹ Section 561.01(6), F.S., provides that the “The Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

vendors.² The Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation administers and enforces the Beverage Law.³

“Alcoholic beverages” are defined in s. 561.01, F.S., as “distilled spirits and all beverages containing one-half of 1 percent or more alcohol by volume.” “Malt beverages” are brewed alcoholic beverages containing malt.⁴

Section 561.14, F.S., specifies the license and registration classifications used in the Beverage Law.

- “Manufacturers” are those “licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.”⁵
- “Distributors” are those “licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.”⁶
- “Importers” are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state; provided that ss. 564.045 and 565.095, F.S., relating to primary American source of supply licensure, are in no way violated by such imports.⁷
- “Vendors” are those “licensed to sell alcoholic beverages at retail only” and may not “purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law.”⁸

Three-Tier System

In the United States, the regulation of alcohol since the repeal of Prohibition has traditionally been based upon a “three-tier system.” The system requires separation of the manufacture, distribution, and sale of alcoholic beverages. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.⁹ A manufacturer, distributor, or exporter may not be licensed as a vendor to sell directly to consumers.¹⁰

Generally, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.¹¹ Licensed manufacturers, distributors, and registered exporters are

² See s. 561.14, F.S.

³ Section 561.02, F.S.

⁴ Section 563.01, F.S.

⁵ Section 561.14(1), F.S.

⁶ Section 561.14(2), F.S.

⁷ Section 561.01(5), F.S.

⁸ Section 561.14(3), F.S.

⁹ Section 561.14, F.S.

¹⁰ Section 561.22(1), F.S.

¹¹ Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.

prohibited from also being licensed as vendors.¹² Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.¹³

Tied House Evil Prohibitions

The three-tier system is deeply rooted in the perceived evils of the “tied house” in which a bar is owned or operated by a manufacturer or the manufacturer exercises undue influence over the retail vendor.¹⁴

Section 561.42, F.S., known as the “tied house evil” statute, regulates the permitted and prohibited relationships and interactions of manufacturers and distributors with vendors in order to prevent a manufacturer or distributor from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and to prevent a manufacturer or distributor from giving a vendor gifts, loans or property, or rebates.¹⁵ The prohibitions apply to a manufacturer, distributor, importer, primary American source of supply,¹⁶ brand owner or registrant, broker, and sales agent, or sales person thereof (industry members).

The tied house evil statute also prohibits any distributor or vendor from receiving any financial incentives from any manufacturer. It further prohibits manufacturers or distributors from assisting retail vendors by gifts or loans of money or property or by the giving of rebates. These prohibitions do not, however, apply to any bottles, barrels, or other containers necessary for the legitimate transportation of such beverages, to advertising materials, or to the extension of credit,¹⁷ for liquors sold, made strictly in compliance with the provisions of s. 561.42, F.S.¹⁸

Section 561.42, F.S., also prohibits licensed manufactures and distributors from:

- Making further sales to vendors that the division has certified as not having fully paid for all liquors previously purchased;¹⁹
- Directly or indirectly giving, lending, renting, selling, or in any other manner furnishing to a vendor any outside sign, printed, painted, electric, or otherwise;²⁰ and
- Providing neon or electric signs, window painting and decalcomanias, posters, placards, and other advertising material herein authorized to be used or displayed by the vendor in the interior of his or her licensed premises.²¹

Section 561.42(14), F.S., prohibits industry members from providing expendable retail advertising specialties, unless sold to the vendor at not less than the actual cost to the industry

¹² Section 561.22, F.S.

¹³ Sections 563.022(14) and 561.14(1), F.S.

¹⁴ Erik D. Price, *Time to Untie the House? Revisiting the Historical Justifications of Washington’s Three-Tier System Challenged by Costco v. Washington State Liquor Control Board*, (June 2004) available at: http://www.lanepowell.com/wp-content/uploads/2009/04/pricee_001.pdf (last visited March 13, 2017).

¹⁵ Section 561.42(1), F.S.

¹⁶ See s. 564.045, F.S.

¹⁷ Section 561.42(2), F.S., permits distributors to extend credit for the sale of liquors to any vendor up to, but not including, the 10th day after the calendar week within which such sale was made.

¹⁸ Section 561.42(1), F.S.

¹⁹ Section 561.42(4), F.S.

²⁰ Section 561.42(10), F.S.

²¹ Section 561.42(12), F.S.

member who initially purchased them. A member of the malt beverage industry may provide a vendor with expendable retailer advertising specialties such as trays, coasters, mats, menu cards, napkins, cups, glasses, thermometers, and the like. The industry member must sell these items to a vendor only at a price not less than the actual cost to the industry member who initially purchased the items, without limitation in total dollar value of such items sold to a vendor. Industry members may not engage in cooperative advertising with a vendor.²²

III. Effect of Proposed Changes:

The bill amends s. 561.42(14), F.S., to permit a malt beverage distributor to give or sell malt beverage branded glassware to a vendor licensed to sell malt beverages for on-premises consumption. The bill prohibits the distributor from giving more than five cases that include up to 24 pieces per case of single-service glassware per brand, per licensed premises, per calendar year, and prohibits the vendor from selling the glassware or returning it to the distributor for cash or credit.

Other industry members would continue to be subject to the restriction of selling non-branded glassware to a vendor for a price not less than the actual cost to the industry member who initially purchased the items.

The effective date of the bill is July 1, 2017.

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:

None.

B. Private Sector Impact:

None.

²² Section 561.42(14)(e), F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 561.42 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 on March 21, 2017:

The committee substitute:

- Removes from the bill the provision that permits a beer industry member to sell expendable advertising specialties to a vendor at not less than the actual cost to the industry member who initially purchased the items.
- Permits only malt beverage distributors to give or sell branded glassware to vendors licensed for consumption on the premises, and removes the provision that grants that authority to manufacturers and importers of malt beverages.
- Prohibits the distributor from giving more than five cases that include up to 24 pieces per case of single-service glassware per brand, per licensed premises, per calendar year, and prohibits the vendor from selling the glassware or returning it to the distributor for cash or credit.

B. Amendments:

None.

COMMITTEE: Regulated Industries
ITEM: SB 1040
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 21, 2017
TIME: 2:00—3:30 p.m.
PLACE: 110 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



511614

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 27 - 38
and insert:
or brand registrant of malt beverages ~~beverage~~, or any sales
agent or sales person thereof, provides a vendor with expendable
retailer advertising specialties such as trays, coasters, mats,
menu cards, napkins, cups, glassware ~~glasses~~, thermometers, and
the like, such items may be sold only at a price not less than
the actual cost to the industry member who initially purchased



511614

them, without limitation in total dollar value of such items sold to a vendor.

(15) Notwithstanding paragraph (14) (a), a distributor of malt beverages may give or sell malt beverage branded single-service glassware to a vendor licensed to sell malt beverages for on-premises consumption. A distributor may not give more than 5 cases that include up to 24 pieces per case of single-service glassware per brand, per licensed premises, per calendar year, and a vendor may not sell any such glassware that is given by a distributor or return such glassware to the distributor for cash or credit.

===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 12

and insert:

561.42, Florida Statutes, is amended, and subsection (15) is added to that section, to read:

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

And the title is amended as follows:

Delete lines 2 - 6

and insert:

An act relating to malt beverages; amending s. 561.42, F.S.; authorizing a distributor of malt beverages to give or sell specified glassware to vendors licensed to sell malt beverages for on-premises consumption; providing an annual limit on such glassware that may be given by a distributor to a vendor; prohibiting a



511614

40 vendor from selling single-service glassware or
41 returning it to a distributor for cash or credit under
42 certain circumstances; providing an



654732

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 32 - 38
and insert:
furnished by a distributor, may be sold only at a price not less
than the actual cost to the industry member who initially
purchased them, without limitation in total dollar value of such
items sold to a vendor. A distributor may give or sell beer or
malt beverage branded glassware to a vendor licensed to sell
beer or malt beverages for on-premises consumption. It shall be



654732

unlawful for a vendor to sell any branded glassware given to it
by a distributor.

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

And the title is amended as follows:

Delete lines 3 - 7

and insert:

561.42, F.S.; authorizing a distributor of beer or
malt beverages to give or sell specified glassware to
vendors licensed to sell beer or malt beverages for
on-premises consumption; prohibiting a vendor from
selling branded glassware given to it; providing an
effective date.

By Senator Artiles

40-01042-17

20171040__

A bill to be entitled
An act relating to beer or malt beverages; amending s.
561.42, F.S.; authorizing a manufacturer or importer
of beer or malt beverages to give or sell specified
glassware to vendors licensed to sell beer or malt
beverages for on-premises consumption; providing an
effective date.

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

Section 1. Paragraph (a) of subsection (14) of section
561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to
vendor by manufacturer, distributor, importer, primary American
source of supply, brand owner or registrant, or any broker,
sales agent, or sales person thereof, prohibited; procedure for
enforcement; exception.—

(14) The division shall adopt reasonable rules governing
promotional displays and advertising, which rules shall not
conflict with or be more stringent than the federal regulations
pertaining to such promotional displays and advertising
furnished to vendors by distributors, manufacturers, importers,
primary American sources of supply, or brand owners or
registrants, or any sales agent or sales person thereof;
however:

(a) If a manufacturer, distributor, importer, brand owner,
or brand registrant of beer or malt beverages ~~beverage~~, or any
sales agent or sales person thereof, provides a vendor with
expendable retailer advertising specialties such as trays,

40-01042-17

20171040__

coasters, mats, menu cards, napkins, cups, glassware ~~glasses~~,
thermometers, and the like, such items, except branded glassware
furnished by a manufacturer or importer, may be sold only at a
price not less than the actual cost to the industry member who
initially purchased them, without limitation in total dollar
value of such items sold to a vendor. A manufacturer or importer
may give or sell beer or malt beverage branded glassware to a
vendor licensed to sell beer or malt beverages for on-premises
consumption.

Section 2. This act shall take effect July 1, 2017.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/21
Meeting Date

1040
Bill Number (if applicable)

Topic Malt Beverages

Name Jeff Hartley

Job Title _____

Address 311 East Park
Street

Tall
City State Zip

Phone 850-228-8950

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Diageo / Guinness

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
APPEARANCE RECORD

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

3/21/17

Meeting Date

SB 1040

Bill Number (if applicable)

Topic Beer or Malt Bev

Name Brewster Bevis

Amendment Barcode (if applicable)

Job Title Senior Vice President

Address 516 N. Adans St

Street

Tallahassee

City

FL

State

32301

Zip

Phone 224-7173

Email bbevis@aif.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

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)

March 21, 2017
Meeting Date

1040
Bill Number (if applicable)

Topic Malt Beverages

Amendment Barcode (if applicable)

Name Josh Aubuchon

Job Title attorney

Address 315 S. Calhoun St. Suite 600
Street

Phone 224-7000

Tallahassee FL 32301
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Brewers Guild

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)

3/21/17
Meeting Date

SB 1040
Bill Number (if applicable)

Topic Beer or Malt Beverages

Name Jonathan Rees

Job Title Senior Manager, State Affairs

Address 204 South Monroe St
Street

Tallahassee FL
City State Zip

Phone (850) 670-0043

Email Jonathan.Rees@anheuser-busch.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Anheuser-Busch, Inc.

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
APPEARANCE RECORD

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

3/21/17
Meeting Date

1090
Bill Number (if applicable)

Topic Malt Beverage Glassware

Name Mitch Rubin

Job Title Executive Director

Address 215 S. Monroe St. #210
Street

Phone (850) 224-2337

Tallahassee, FL 32301
City State Zip

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida Beer Wholesalers Assn

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
APPEARANCE RECORD

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

Meeting Date _____

3B1040
Bill Number (if applicable)

Topic Glassware

Amendment Barcode (if applicable) _____

Name Max Herule

Job Title ~~Tallahassee Bar & Hospitality Association~~ President

Address _____
Street Phone 850-508-5841

City _____ State _____ Zip _____ Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Tallahassee Bar & Hospitality Association

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
APPEARANCE RECORD

MARCH 21st 2017
Meeting Date

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

SB 1040
Bill Number (if applicable)

Topic Beer & Malt Beverages

Name RICHARD TURNER

Job Title General Counsel

Address 230 S. ADAMS
Street

Tallahassee FL 32309
City State Zip

Phone 850 224-2250

Email RTurner@FRLA.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Restaurant & Lodging Assn.

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
APPEARANCE RECORD

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

3/21/17

Meeting Date

SB 1040

Bill Number (if applicable)

Topic Beer/Glassware

Name Eric Criss

Job Title President

Address 110 S. Monroe

Street

Phone 850.491.3903

Tallahassee

City

FL

State

32301

Zip

Email eric@floridabeer.org

Speaking: ☐ For ☒ Against ☐ Information
on the bill

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

Representing Beer Industry of Florida, Inc.

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

APPEARANCE RECORD

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

3-21-17

Meeting Date

1040

Bill Number (if applicable)

Topic Beer or Malt Beverages

Amendment Barcode (if applicable)

Name Jon Costello

Job Title lobbyist

Address 118 S. Monroe
Street

Phone 766-8654

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

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

Representing MillerCoors

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 Agenda Request

To: Senator Travis Hutson, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: March 15, 2017

I respectfully request that **Senate Bill #1040**, relating to Beer and Malt Beverages, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Frank Artiles", is written over a horizontal line.

Senator Frank Artiles
Florida Senate, District 40

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 1348

INTRODUCER: Regulated Industries Committee and Senator Young

SUBJECT: Public Accountancy

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	Fav/CS
2.			CM	
3.			RC	

Please see Section IX. for Additional Information:

PLEASE MAKE SELECTION

I. Summary:

CS/SB 1348 extends the privilege of “practice mobility” to a certified public accountancy firm or public accountancy firm (CPA firm) that does not have an office in Florida or a Florida license to allow the firm to practice public accountancy in the state without a license, notice, or payment of any fee. Current law provides the privilege of practice mobility to out-of-state certified public accountants (CPAs), but not to CPA *firms*. To qualify for practice mobility, a firm must comply with the practice mobility requirements in current law, be enrolled in a peer review program, perform services through a Florida-licensed CPA, and lawfully perform services in a state where a CPA with practice mobility privileges has his or her principal place of business.

The bill:

- Updates the professional standards for CPAs to reference the current edition of the Uniform Accountancy Act, which is a model act designed to advance the goal of uniformity in accountancy practice.
- Revises the definition of “client” to provide that the term means a person who agrees with an accountant or accountant’s employer to receive professional service; and
- Authorizes the Florida Board of Accounting (board) in the Department of Business and Professional Regulation (DBPR) to discipline a licensed CPA who has been disciplined by the Public Company Accounting Oversight Board, which is a private-sector nonprofit corporation established by Congress in the Sarbanes-Oxley Act of 2002 to oversee the audits of public companies.

The bill has no fiscal impact on state government.

The effective date of the bill is July 1, 2017.

II. Present Situation:

The board is responsible for regulating and licensing more than 34,000 active and inactive CPAs and more than 5,400 accounting firms in Florida.¹ The Division of Certified Public Accounting provides administrative support to the nine-member board, which consists of seven CPAs and two laypersons.²

A certified public accountant is a person who holds a license to practice public accounting in this state under ch. 473, F.S., or an individual who is practicing public accounting in this state pursuant to the practice privilege granted in s. 473.3141, F.S.³

The practice of public accounting includes offering to the public the performance of services involving audits, reviews, compilations, tax preparation, management advisory or consulting services, or preparation of financial statements.⁴ To engage in the practice of public accounting, as defined in s. 473.302(8)(a), F.S., an individual or firm must be licensed pursuant to ss. 473.308 or 473.3101, F.S.

Definitions

The terms “practice of,” “practicing public accountancy,” or “public accounting” mean:

- (a) Offering to perform or performing for the public one or more types of services involving the expression of an opinion on financial statements, the attestation as an expert in accountancy to the reliability or fairness of presentation of financial information, the utilization of any form of opinion or financial statements that provide a level of assurance, the utilization of any form of disclaimer of opinion which conveys an assurance of reliability as to matters not specifically disclaimed, or the expression of an opinion on the reliability of an assertion by one party for the use by a third party;
- (b) Offering to perform or performing for the public one or more types of services involving the use of accounting skills, or one or more types of tax, management advisory, or consulting services, by any person who is a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141, including the performance

¹ Florida Department of Business and Professional Regulation, Fiscal Year 2013-2014 Annual Report, page 14, available at http://www.myfloridalicense.com/dbpr/os/documents/ProfessionsAnnualReportFY2015-2016_Final.pdf (last visited March 16, 2017).

² Section 473.303, F.S.

³ See s. 473.302(4), F.S. Section 473.3141, F.S., permits a person who does not have an office in Florida to practice public accountancy in this state without obtaining a license under ch. 473, F.S., notifying or registering with the board, or paying a fee if the person meets the required criteria.

⁴ Section 473.302(8), F.S.

of such services by a certified public accountant in the employ of a person or firm; or

(c) Offering to perform or performing for the public one or more types of service involving the preparation of financial statements not included within paragraph (a), by a certified public accountant who holds an active license, issued pursuant to this chapter, or who is authorized to practice public accounting pursuant to the practice privileges granted in s. 473.3141; by a firm of certified public accountants; or by a firm in which a certified public accountant has an ownership interest, including the performance of such services in the employ of another person. The board shall adopt rules establishing standards of practice for such reports and financial statements; provided, however, that nothing in this paragraph shall be construed to permit the board to adopt rules that have the result of prohibiting Florida certified public accountants employed by unlicensed firms from preparing financial statements as authorized by this paragraph.

A “client” is defined in s. 473.316, F.S., as any person, public officer, corporation, association, or other organization or entity, either public or private (person), who consults an accountant with the purpose of obtaining accounting services.

Uniform Accountancy Act

The Uniform Accountancy Act (UAA) is defined in s. 473.302(9), F.S., as “the Uniform Accountancy Act, Fourth Edition, dated December of 2007 and published by the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy.” The UAA is a model act designed to advance the goal of uniformity in accountancy laws, protect the public interest, facilitate consumer choice, and support the efficient operation of the capital markets.⁵ The current edition of the UAA is the Seventh Edition.⁶

Practice Mobility

Section 473.3141, F.S., provides the privilege of practice mobility to permit a CPA who is licensed in another state, but not licensed in Florida, to perform limited accounting services in Florida without obtaining a Florida license, notifying or registering with the board, or paying a fee. According to the Florida Institute of Certified Public Accountants, 49 states, the District of Columbia, and the U.S. Virgin Islands have adopted practice mobility statutes.

An out-of-state CPA who practices in Florida under practice mobility, as a condition for the privilege, consents to personal and subject matter jurisdiction and the disciplinary authority of the board. The CPA must comply with ch. 473, F.S., and the applicable board rules, and

⁵ See American Institute of CPAs, *What is the Uniform Accountancy Act?*, at: <http://www.aicpa.org/ADVOCACY/STATE/STATECONTACTINFO/UAA/Pages/default.aspx> (last visited March 16, 2017).

⁶ *Id.*

have a current, valid CPA license in another state that has adopted standards substantially equivalent to s. 5 of the Uniform Accountancy Act.⁷

The types of accounting services that an out-of-state CPA may provide are limited to the services described in s. 473.302(8)(b) and (c), F.S. If the CPA provides the opinion and attestation services described in s. 473.302(8)(a), F.S., the CPA must obtain a Florida license. An individual who provides accountancy services described in s. 473.302(8)(a), F.S., also must obtain a firm license as required by s. 473.3101, F.S.⁸

Practice mobility is limited to individuals; the privilege does not extend to firms.

Firm License Requirement

A CPA firm is a legal entity that is engaged in the practice of public accounting.⁹ A firm must hold a Florida license if it:

- Has an office in this state which performs the accounting services in s. 473.302(8)(a), F.S. (i.e., opinion and attestation services);
- Has an office in this state which uses the title “CPA,” “CPA firm,” or any other title, designation, words, letters, abbreviations, or device tending to indicate that it is a CPA firm; or
- Does not have an office in this state but performs the services described in s. 473.3141(4), F.S.,¹⁰ for a client having its home office in this state.¹¹

Each sole proprietor, partnership, corporation, or limited liability company must apply for licensure with the board. An application for a firm license must be made upon the affidavit of a sole proprietor, general partner, shareholder, or member of the firm who is a CPA.

Peer and Quality Review

A CPA firm engages in peer reviews to protect the quality and effectiveness of the accounting, auditing, and attestation services provided by public accounting firms.¹² Licensed public accounting firms that provide accounting services in s. 473.302(8)(a), F.S., must enroll in a peer review program.¹³ A peer review is the study, appraisal, or review by one or more independent certified public accountants of one or more aspects of a licensee’s professional work.¹⁴

⁷ Section 473.3141(3), F.S.

⁸ Section 473.3141(4), F.S.

⁹ Section 473.302(5), F.S.

¹⁰ Section 473.3141(4), F.S., permits a person who does not have a Florida license or an office in this state to practice as a CPA in Florida and perform the services identified in s. 473.302(8)(a), F.S., through a Florida-licensed firm.

¹¹ Section 473.3101(1)(a), F.S.

¹² PRP Section 1000 AICPA Standards for Performance and Reporting on Peer Reviews (March 2013) page 5, available at: <http://www.aicpa.org/Research/Standards/PeerReview/DownloadableDocuments/PeerReviewStandards.pdf> (last visited March 17, 2017).

¹³ Section 473.3125(4), F.S.

¹⁴ Section 473.3125(1)(b), F.S.

The board has adopted the American Institute of Certified Public Accountants minimum standards for administering, performing, and reporting on peer reviews,¹⁵ and has established a peer review oversight committee to oversee and monitor implementation of the peer review requirement.¹⁶

A quality review is a study, appraisal, or review of one or more aspects of the professional work of an accountant in the practice of public accountancy which is conducted by a professional organization for the purpose of evaluating quality assurance required by professional standards, including a quality assurance review.¹⁷ The quality review is conducted by a “review committee” composed of any person or persons who are not owners or employees of the accountant or firm that is the subject of a quality review and who carry out, administer, or oversee a quality review.¹⁸

Public Company Accounting Oversight Board

The Public Company Accounting Oversight Board (PCAOB) is a private-sector nonprofit corporation established by Congress in the Sarbanes-Oxley Act of 2002 to oversee the audits of public companies in order to protect investors and the public interest.¹⁹ The PCAOB has the authority to investigate and discipline registered public accounting firms and persons associated with those firms for noncompliance with the Sarbanes-Oxley Act of 2002, the rules of the PCAOB and the Securities and Exchange Commission, and other laws, rules, and professional standards governing the audits of public companies, brokers, and dealers.²⁰

The board does not have the authority to discipline a CPA based solely on any disciplinary action taken by the PCAOB.

III. Effect of Proposed Changes:

Uniform Accountancy Act

The bill updates the definition of the Uniform Accountancy Act in s. 473.302(9), F.S., to reference the current Seventh Edition, dated May 2014.

Practice Mobility

The bill amends s. 473.3101(1)(c), F.S., to allow a firm or public accountancy firm to qualify for practice mobility and practice in this state without a license if it does not have an office in this state, but complies with the practice mobility requirements in s. 473.3141, F.S. To qualify for practice mobility, the firm must also:

- Be enrolled in a peer review program pursuant to s. 473.3125(4), F.S.;
- Perform services through a CPA licensed under s. 473.308, F.S.; and

¹⁵ Section 473.3125(2), F.S., and Fla. Admin. Code Rule 61H1-39.002 (2016).

¹⁶ Section 473.3125(3), F.S., and Fla. Admin. Code Rule 61H1-39.004 (2016).

¹⁷ Section 473.316(1)(d), F.S.

¹⁸ *Id.*

¹⁹ 15 U.S.C. s. 7211 (2010).

²⁰ 15 U.S.C. 7202 and 15 U.S.C. s. 7211(c) (2010).

- Lawfully perform services in a state where an individual with practice privileges under s. 473.3141, F.S., has his or her principal place of business.

Definition of “Client”

The bill amends s. 473.316(1)(b), F.S., to revise the definition of “client” to provide that the term means a person who agrees with an accountant or accountant’s employer to receive professional services rather than a person “who consults an accountant with the purpose of obtaining accounting services.”

Disciplinary Proceedings

The bill amends s. 473.323(1)(j), F.S., to authorize the board to discipline a licensee who has been disciplined by the PCAOB.

Effective Date

The bill provides an effective date of July 1, 2017.

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:**

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 the following sections of the Florida Statutes: 473.302, 473.3101, 473.316, and 473.323.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Regulated Industries on March 21, 2017:

The committee substitute amends s. 473.3101(1)(c), F.S., to replace the requirement that a firm must comply with s. 473.309, F.S., with a requirement that a firm must comply with s. 473.3141, F.S., in order to exercise the practice mobility privilege.

B. Amendments:

None.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Regulated Industries
ITEM: SB 1348
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 21, 2017
TIME: 2:00—3:30 p.m.
PLACE: 110 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



242912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 44 - 45

and insert:

c. Performs services through an individual with practice
privileges under s. 473.3141.

By Senator Young

18-01645A-17

20171348__

1 A bill to be entitled
2 An act relating to public accountancy; amending s.
3 473.302, F.S.; revising a definition; amending s.
4 473.3101, F.S.; providing an exemption to the
5 requirement for licensure of certain firms without an
6 office in the state; amending s. 473.316, F.S.;
7 revising a definition; amending s. 473.323, F.S.;
8 providing that suspension or revocation of the right
9 to practice before the Public Company Accounting
10 Oversight Board is grounds for the imposition of
11 penalties as provided by law; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (9) of section 473.302, Florida
17 Statutes, is amended to read:

18 473.302 Definitions.—As used in this chapter, the term:
19 (9) "Uniform Accountancy Act" means the Uniform Accountancy
20 Act, Seventh ~~Fourth~~ Edition, dated May 2014 ~~December 2007~~ and
21 published by the American Institute of Certified Public
22 Accountants and the National Association of State Boards of
23 Accountancy.

24
25 However, these terms shall not include services provided by the
26 American Institute of Certified Public Accountants or the
27 Florida Institute of Certified Public Accountants, or any full
28 service association of certified public accounting firms whose
29 plans of administration have been approved by the board, to

18-01645A-17

20171348__

their members or services performed by these entities in reviewing the services provided to the public by members of these entities.

Section 2. Paragraph (c) of subsection (1) of section 473.3101, Florida Statutes, is amended to read:

473.3101 Licensure of firms or public accounting firms.—

(1) The following must hold a license issued under this section:

(c)1. Any firm that does not have an office in this state but performs the services described in s. 473.3141(4) for a client having its home office in this state, unless it:

a. Complies with the requirements described in s. 473.309.

b. Is enrolled in a peer review program pursuant to s. 473.3125(4).

c. Performs services through a certified public accountant licensed under s. 473.308.

d. Lawfully performs services in a state where an individual with practice privileges granted under s. 473.3141 has his or her principal place of business.

2. The board shall define by rule what constitutes an office.

Section 3. Paragraph (b) of subsection (1) of section 473.316, Florida Statutes, is amended to read:

473.316 Communications between the accountant and client privileged.—

(1) For purposes of this section:

(b) A "client" is any person, public officer, corporation, association, or other organization or entity, either public or private, who agrees with an accountant or accountant's employer

18-01645A-17

20171348__

59 to receive professional services ~~who consults an accountant with~~
60 ~~the purpose of obtaining accounting services.~~

61 Section 4. Paragraph (j) of subsection (1) of section
62 473.323, Florida Statutes, is amended to read:

63 473.323 Disciplinary proceedings.—

64 (1) The following acts constitute grounds for which the
65 disciplinary actions in subsection (3) may be taken:

66 (j) Suspension or revocation of the right to practice
67 before any state or federal agency or the Public Company
68 Accounting Oversight Board.

69 Section 5. This act shall take effect July 1, 2017.

THE FLORIDA SENATE

APPEARANCE RECORD

3-21-17

Meeting Date

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

1348

Bill Number (if applicable)

242912

Amendment Barcode (if applicable)

Topic Public Accountancy

Name Justin Thomas

Job Title Director of Governmental Affairs

Address 325 W. College Ave

Street

Tallahassee FL

City

State

Zip

Phone

Email jthomasj@fipa.org

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.

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

THE FLORIDA SENATE
APPEARANCE RECORD

3-21-17 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
Meeting Date

1348

Bill Number (if applicable)

242912

Amendment Barcode (if applicable)

Topic Public Accountancy

Name Justin Thames

Job Title Director of Governmental Affairs

Address 325 W. College Ave
Street

Phone 850-528-2209

Tallahassee FL 32301
City State Zip

Email thamesj@fzpa.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing _____

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)

Koon, Lynn

From: Floyd, Matthew
Sent: Wednesday, March 15, 2017 9:58 AM
To: Senate District 07 (Hutson); McSwain, Ross; Koon, Lynn
Subject: Regulated Industries Committee Agenda Request - Senator Young

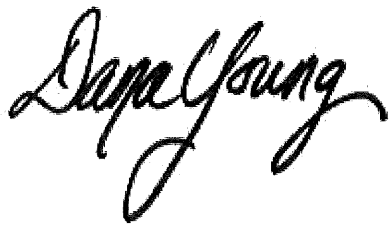
Please find the attached committee agenda request on behalf of Senator Young:

Dear Chairman Hutson,

My Senate Bill 1348, Pubic Accountancy has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Thank you for your consideration of this request. If I need to provide you with more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Dana Young". The signature is written in a cursive, flowing style.

Dana Young
State Senator – 18th District

cc: Ross McSwain, Staff Director – Senate Regulated Industries Committee

CourtSmart Tag Report

Room: EL 110
Caption: Senate Regulated Industries

Case No.:
Judge:

Type:

Started: 3/21/2017 2:01:35 PM

Ends: 3/21/2017 3:27:12 PM

Length: 01:25:38

2:01:35 PM	Call to order
2:01:59 PM	Roll call
2:02:03 PM	Quorum is present
2:02:24 PM	Senator Hukill is excused
2:02:44 PM	SB 582 by Senator Latvala
2:02:52 PM	Sen. Latvala to explain the bill
2:03:14 PM	Substitute amendment barcode 687208
2:03:43 PM	Sen. Latvala to explain the substitute amendment
2:06:04 PM	Sen. Thurston with a series of questions
2:06:57 PM	Chris Hansen waives in support
2:07:09 PM	Amendment passes
2:07:15 PM	Discussion on the bill as amended
2:07:20 PM	Barney Bishop waives in support
2:07:30 PM	Casey Stoutamire waives in support
2:07:42 PM	Jennifer Green waives in support
2:07:48 PM	David Daniel waives in support
2:07:56 PM	Stephen Wynn waives in support
2:08:01 PM	Sen. Latvala waives to close
2:08:11 PM	CS for SB 582 is reported favorably
2:08:33 PM	SB 1040 by Senator Artilles
2:08:43 PM	Sen. Artilles to explain the bill
2:10:26 PM	Amendment barcode 511614 by Sen. Artilles
2:10:38 PM	Sen. Artilles to explain the amendment
2:11:47 PM	Questions on the amendment
2:11:49 PM	Sen. Thurston with a series of questions
2:14:07 PM	Sen. Gibson with a series of questions
2:14:57 PM	Amendment is adopted
2:15:00 PM	Questions on the bill as amended
2:15:05 PM	Sen. Gibson with a series of questions
2:17:08 PM	Sen. Young with a question
2:17:37 PM	Chair Hutson with a question
2:18:23 PM	Jon Costello with MillerCoors speaks in opposition
2:20:09 PM	Sen. Young with a series of questions
2:22:39 PM	Sen. Thurston with a series of questions
2:25:20 PM	Eric Criss waives in opposition
2:25:38 PM	Richard Turner waives in support
2:25:51 PM	Mitch Rubin with Florida Beer Wholesalers Association speaks in opposition
2:28:43 PM	Chair Hutson with a question
2:30:09 PM	Sen. Young with a series of questions
2:30:28 PM	Sen. Thurston with a series of questions
2:32:37 PM	Sen. Young with a question
2:35:27 PM	Sen. Gibson with a question
2:39:04 PM	Max Herrle waives in support
2:39:14 PM	Jonathan Rees waives in support
2:39:23 PM	Josh Aubuchon with Florida Brewers Guild speaking in opposition
2:40:45 PM	Brewster Bevis waives in support
2:40:54 PM	Jeff Hartley waives in support
2:41:07 PM	Debate on the bill
2:41:10 PM	Sen. Gibson in debate
2:42:24 PM	Sen. Artilles to close on the bill
2:43:58 PM	CS for SB 1040 is reported favorably
2:44:27 PM	SB 1348 by Senator Young

2:44:32 PM Sen. Young to explain the bill
2:45:16 PM Amendment barcode 242912 by Sen. Young
2:45:36 PM Amendment is adopted
2:45:49 PM Justin Thames waives in support
2:46:03 PM Sen. Young waives close on the bill
2:46:13 PM CS for SB 1348 is reported favorably
2:46:36 PM SB 188 by Senator Steube
2:46:50 PM Sen. Steube to explain the bill
2:47:01 PM Amendment 613000 by Sen. Hutson
2:47:52 PM Sen. Hutson withdraws amendment barcode 613000
2:48:53 PM Amendment barcode 222268 by Sen. Steube
2:50:12 PM Sen. Thurston with a series of questions
2:53:25 PM Mayor Dan Murphy from City of Anna Maria Island speaking in opposition of the bill
2:56:28 PM Sen. Steube with a series of questions
2:57:59 PM Chair Hutson with a question
2:59:22 PM Sen. Thurston with a series of questions
3:00:10 PM Cari Roth with City of Holmes Beach speaks in opposition
3:01:39 PM Chair Hutson with a question
3:02:48 PM Al Hadeed with Flagler County speaking in opposition to the amendment
3:05:22 PM Chair Hutson with a question
3:06:57 PM Sen. Thurston with a series of questions
3:07:40 PM Sen. Steube with a series of questions
3:10:54 PM Sen. Braynon moves for a time-certain vote at 3:29 p.m.
3:11:11 PM Motion passes
3:11:48 PM Lauren Jackson waives in opposition
3:11:58 PM Jennifer Green with Homeaway speaking in support
3:13:00 PM Paul Pershes with Ocean Hammock Property Owners Association speaks in opposition
3:15:26 PM Chair Hutson with a question
3:16:01 PM Greg Hansen waives in opposition
3:16:14 PM James Ulsamer from Ocean Hammock Property Owners Association speaks in opposition
3:17:55 PM Debate on the amendment
3:18:00 PM Sen. Steube waives close on the amendment
3:18:14 PM Amendment is adopted
3:18:17 PM Public comments on the bill as adopted
3:18:27 PM Jessica Fernandez waives in opposition
3:18:41 PM Kerri McNulty waives in opposition
3:18:52 PM Natalie King waives in support
3:18:58 PM Eric Poole waives in opposition
3:19:06 PM Prebble Ramswell speaks in opposition
3:21:11 PM Lori Killinger waives in support
3:21:27 PM Mayor Connie Leon Krepps of North Bay Village speaks in opposition
3:22:57 PM Mitch Bierman waives in opposition
3:23:02 PM Tom Griffin waives in support
3:23:07 PM Lauren Jackson waives in opposition
3:23:12 PM Mary Ann Mixon waives in opposition
3:23:16 PM Peggy Fell waives in opposition
3:23:21 PM Willie Shaw waives in opposition
3:23:26 PM James McDonald waives in opposition
3:23:33 PM Waives in opposition
3:23:36 PM Armanda Ibarra waives in opposition
3:23:45 PM Casey Coole waives in opposition
3:24:01 PM Peggy Bell waives in opposition
3:24:13 PM Andrew Hosek waives in support
3:24:22 PM Linda yates waives in opposition
3:24:30 PM Terry Goldman waives in support
3:24:37 PM No debate on the bill
3:24:40 PM Sen. Steube to close on the bill
3:26:33 PM CS for SB 188 is reported favorably
3:27:03 PM Meeting adjourned