

Finance and Tax Committee

Wednesday, January 27, 2016 12:00 p.m. – 3:00 p.m. Morris Hall

ACTION PACKET

Finance & Tax Committee

1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Summary:

Finance & Tax Committee

Wednesday January 27, 2016 12:00 pm

CS/HB 707 Favorable With Committee Substitute

Yeas: 15

Nays: 3

HB 1297 Favorable

Yeas: 15

Nays: 1

PCS for HB 1297 Temporarily Postponed

Finance & Tax Committee

1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	Present	Absent	Excused
Matt Gaetz (Chair)	X		
Frank Artiles	X		
Lori Berman	X		
Randolph Bracy	X		
Jason Brodeur	X		
Matt Caldwell	X		
Robert Cortes	X		
Jay Fant	X		
Jared Moskowitz	X		
Ray Rodrigues	X		
José Rodríguez	X		
Hazelle Rogers	X		
Richard Stark	X		
Jennifer Sullivan	X		
John Tobia	X		
Jay Trumbull	X		
Charles Van Zant	X		
Ritch Workman	X		
Totals:	18	O	0

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB) **CS/HB 707:** Fantasy Contests

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Lori Berman	X				
Randolph Bracy	X				
Jason Brodeur	X				
Matt Caldwell	X				·
Robert Cortes	X				
Jay Fant	X				
Jared Moskowitz	X				
Ray Rodrigues		X			
José Rodríguez	X				
Hazelle Rogers	X				
Richard Stark	X				
Jennifer Sullivan		X			
John Tobia	X				
Jay Trumbull	X				
Charles Van Zant		X			
Ritch Workman	X				
Matt Gaetz (Chair)	X				
	Total Yeas: 15	Total Nays: 3	3		

Appearances:

Courtney Gager (Lobbyist) - Opponent Florida Family Action 4853 South Orange Avenue Orlando FL 32806

Phone: 407-418-0250

Jennifer Green (Lobbyist) - Opponent No Casion's President, Liberty Partners P.O. Box 390

Tallahassee FL 32301 Phone: 850-841-1726

Dan Russell (Lobbyist) - Information Only

The Stronach Group 215 South Monroe Street Tallahassee FL 32301 Phone: 850-425-7800

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

CS/HB 707 : Fantasy Contests (continued)

Appearances: (continued)

Bill Bunkley (Lobbyist) - Waive In Opposition Florida Ethics and Religion Liberty Commission President P.O. Box 341644 Tampa FL 33694

Phone: 813-264-2977

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read:

546.12 LEGISLATIVE INTENT. - It is the intent of the Legislature to ensure public confidence in the integrity of fantasy contests and fantasy contest operators. This act is designed to regulate the operators, individuals, and consumer protections related to fantasy contests. Furthermore, the Legislature finds that fantasy contests conducted as defined

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19	constit	tute gaml	olina.	gami	na.	or ga	mes of	chance.			

Section 546.13, Florida Statutes, is created to Section 3. read:

- 546.13 DEFINITIONS.— As used in ss. 546.11-546.19, the term:
- "Confidential information" means information related to the playing of fantasy contests by contest participants which is obtained solely as a result of a person's employment with or work as an agent for a contest operator.
- "Entry fee" means cash or cash equivalent that is (2) required to be paid by a contest participant to a contest operator to participate in a fantasy contest.
- "Fantasy contest" means any fantasy or simulation sports game or contest offered by a contest operator or a noncommercial contest operator in which a contest participant manages a fantasy or simulated sports team made up of athletes of an amateur or professional sports organization and that meets all of the following conditions:
- (a) All prizes and awards offered to winning participants are established and made known to the contest participants in advance of the game or contest and their value is not determined by the number of contest participants or the amount of any fees paid by those contest participants.
- All winning outcomes reflect the relative knowledge and skill of the contest participants and are determined

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predominantly by accumulated statistical results of the performance of the athletes participating in multiple real-world sporting or other events. No winning outcome may be based:

- 1. On the score, point-spread, or any performance or performances of any single real-world team or any combination of such teams;
- 2. Solely on any single performance of an individual athlete in any single real-world sporting or other event; or
- 3. On any live pari-mutuel event as defined by ch. 550, F.S..
- "Contest operator" means a person or entity that offers fantasy contests for a cash prize to members of the public.
- (5) "Contest participant" means a person who pays a fee for the ability to participate in a fantasy contest offered by a contest operator.
- (6) "Division" means the Division of Regulation within the Department of Business and Professional Regulation.
- "Net revenues" means an amount equal to the total entry fees collected from contest participants in this state by a contest operator during a 12-month period, less the amount of cash or cash equivalents paid to contest participants in this state during the same period.
- "Noncommercial contest operator" means a person who organizes and conducts a fantasy contest whereby contest participants are charged entry fees for the right to participate

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therein and	the entry fe	ees are	collected,	maintain	ed and
distributed	by the same	person,	provided	all entry	fees are
returned to	the players	in the	form of pr	izes or o	ther
equivalent.					

Section 4. Section 546.14, Florida Statutes, is created to read:

546.14 LICENSING.-

- (1) A contest operator offering fantasy contests to be played by persons in this state must complete a license application with the division to conduct fantasy contests within this state.
 - The initial application fee shall be the lesser of: (2)
 - (a) \$500,000; or
- (b) 10 percent of the contest operator's net revenues during the 12 months after the license has been granted.
 - (3) The annual license renewal fee shall be the lesser of:
 - (a) \$100,000; or
- 10 percent of the contest operator's net revenues (b) during the 12 months after the license has been renewed.
- (4) At the time of initial application for licensure, the contest operator shall provide the division with an estimate of its application fee calculated pursuant to subsection (2), along with written evidence supporting the estimate, and shall remit such amount to the division. No license may be granted unless such fee has been remitted.

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(5) At the time of application for renewal of licensure,
the contest operator shall provide the division with evidence of
the actual net revenues during the previous period of licensure,
an estimate of its license renewal fee calculated pursuant to
subsection (3), and written evidence supporting the estimate.
The contest operator shall remit to the department an amount
equal to the difference between its actual required application
or renewal fee for the previous period of licensure and the
estimated fee it paid at the time of the previous application,
plus its estimated license renewal fee for the upcoming
licensure period. No license may be renewed unless such amount
has been remitted.

- (6) Applications for a contest operator's license are exempt from the 90-day licensing requirement of s. 120.60.

 Within 120 days after receipt of a complete application, the division shall grant or deny the license. A completed application that is not acted upon within 120 days after receipt is deemed approved, and the division shall grant the license.
- (7) The division shall require that each applicant submit an application setting forth:
 - (a) The full name of the applicant.
- (b) If a corporation, the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding 5 percent or more equity or, if a business entity other than a corporation, the names and

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addresses of the principals, partners, or shareholders holding 5 percent or more equity.

- (c) The names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under paragraph (b), unless the securities of the corporation or entity are registered pursuant to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. ss. 78a-78kk; and if such corporation or entity files with the United States Securities and Exchange Commission the reports required by s. 13 of that act or if the securities of the corporation or entity are regularly traded on an established securities market in the United States.
- (d) The estimated number of fantasy contests to be conducted annually.
- (e) A statement of the assets and liabilities of the applicant.
- The names and addresses of the officers and directors (f) of any debtor of the applicant, and of those stockholders who hold more than 10 percent of the stock of the debtor, if the division requires.
- (g) For each individual listed in the application as an officer or director, a complete set of fingerprints that has been taken by an authorized law enforcement officer. These sets of fingerprints must be submitted to the Federal Bureau of Investigation for processing. Foreign nationals shall submit such documents as necessary to allow the division to conduct

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criminal history records checks in the individual's home country. The applicant must pay the cost of processing. The division may charge a \$2 handling fee for each set of fingerprint records.

- (8) A person or entity is not eliqible for licensure as a contest operator or the renewal of a license if the person or an officer or director of the entity has been convicted of a felony in this state, a felony in any other state which would be a felony if committed in this state under the laws of this state, or a felony under the laws of the United States or has been determined by the division after investigation not to be of good moral character. For the purposes of this subsection, the term "convicted" means having been found quilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of quilty or nolo contendere.
- The contest operator shall provide evidence of a surety bond in the amount of \$1 million, payable to the state, furnished by a corporate surety authorized to do business in the state in such a form as established by division rule. Such bond shall be kept in full force and effect by the contest operator during the term of the license and any renewal thereof.
- The division may suspend, revoke or deny the license of a contest operator for violation of the rules promulgated by the division or for violation of any provision of this section.

Section 5. Section 546.15, Florida Statutes, is created to read:

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546.15 CONSUMER PROTECTION.-

- A contest operator must implement procedures for fantasy contests with an entry fee that are intended to:
- (a) Prevent employees of the fantasy contest operator, and relatives living in the same household as such employees, from competing in any such public fantasy contest in which a cash prize is offered.
- (b) Prohibit the contest operator from being a contest participant in such a fantasy contest that he or she offers.
- Prevent the employees or agents of the contest operator from sharing confidential information that could affect such fantasy contest play with third parties until the information is made publicly available.
- (d) Verify that all contest participants are 18 years of age or older.
- (e) Restrict an individual who is a player, game official, coach, owner, or other participant in a real-world game or competition from participating in such a fantasy contest that is determined in whole or in part on the performance of that individual, the individual's real-world team, or the accumulated statistical results of the sport or competition in which he or she is a player, game official, or other participant.
- (f) Allow individuals to restrict or prevent their own access to such a fantasy contest and take reasonable steps to prevent those individuals from entering a fantasy contest.

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	(g)	Discl	se the	numl	oer o	of ent	ries a	single	e cont	test
parti	cipa	nt may	submit	to e	each	such	fantasy	conte	est ar	nd take
reasc	nable	e steps	to pre	event	COI	ntest	partici	pants	from	submittin
more	than	the al	lowable	e nun	nber.	•				

- Segregate funds of contest participants in fantasy (h) contests from operational funds and maintain a reserve in the form of cash, cash equivalents, an irrevocable letter of credit, a bond, or a combination thereof in the total amount of deposits in contest participant accounts for the benefit and protection of authorized contest participants' funds held in fantasy contest accounts.
- (2) A contest operator offering fantasy contests with an entry fee in this state must annually contract with a third party to perform an independent audit, consistent with the standards established by the Public Company Accounting Oversight Board, to ensure compliance with this chapter. The contest operator must submit the results of the independent audit to the division.
- The contest operator shall offer training to employees (3) on responsible play and shall work with a compulsive or addictive behavior prevention program to recognize problem situations, to implement responsible play and practices, and to implement underage player protections.
- The division shall, subject to competitive bidding, contract for provision of services related to the prevention of compulsive and addictive play. The contract shall provide for an

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advertising program to encourage responsible practices and to
publicize a telephone help line. The terms of any contract for
the provision of such services shall include accountability
standards that must be met by any private provider. The failure
of any private provider to meet any material terms of the
contract, including the accountability standards, shall
constitute a breach of contract or grounds for nonrenewal.

- The compulsive or addictive play prevention program (b) shall be funded by the allocation of 7.5% of the initial registration fee and any subsequent renewal registration fee paid by a contest operator to the division.
- The division may promulgate rules regarding the procedures required to comply with this section.
- Section 6. Section 546.16, Florida Statutes, is created to read:

546.16 AUTHORITY OF THE DIVISION.-

- (1) The duties of the division shall include, but are not limited to, administering and enforcing sections 546.11-546.19, the rules adopted under those parts, and any other duties authorized by the Secretary. The division may work with such Department personnel as needed to assist in the carrying out of its duties.
- (2) The division shall administer this section and the rules adopted pursuant thereto, and is hereby authorized to:
 - (a) Adopt rules, including, but not limited to:
 - The operation of fantasy contests;

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249		2.	Recordkeeping	and	repo	orting	require	emer	its; a	and
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250	-	3	The collection	of	all	fees	imposed	bv	this	sect

- 3. The collection of all fees imposed by this section.
- (b) Conduct investigations and monitor the operation of fantasy contests and their play.
- (C) Review the books, accounts, and records of any current or former contest operator.
- (d) Suspend or revoke any license, after hearing, for any violation of Florida law or the administrative rules adopted pursuant thereto.
- Take testimony, issue summons and subpoenas for any witness, and issue subpoenas duces tecum in connection with any matter within its jurisdiction.
- Monitor and ensure the proper collection and (f)safeguarding of contest entry fees and the payment of contest prizes in accordance with the mandated consumer protection procedures.
- (g) The division is authorized to adopt rules for the administration of this Act.
- Section 7. Section 546.17, Florida Statutes, is created to read:

546.17 RECORDS AND REPORTS.-

(1) Each contest operator shall keep and maintain permanent daily records of its operation and shall maintain such records for a period of not less than 3 years. These records shall include all financial transactions and contain sufficient detail to determine compliance with the requirements of this

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section. All records shall be available for audit and inspection by the division or other law enforcement agencies during the contest operator's regular business hours. The information required in such records shall be determined by division rule.

Each contest operator shall file with the division a report containing the required records of such operation and any additional information deemed necessary by the division. Such report shall be filed quarterly by contest operators. The required reports shall be submitted on forms prescribed by the division, and the reports and required records shall be deemed public records once filed.

Section 8. Section 546.18, Florida Statutes, is created to read:

546.18 PENALTIES.— A contest operator, or an employee or agent thereof, who violates this chapter is subject to a civil penalty not to exceed \$5,000 for each violation, not to exceed \$100,000 in the aggregate, which shall accrue to the state and may be brought by the division or the Department of Legal Affairs in the circuit courts in the name and on behalf of the state; the same to be applied when collected as all other penal forfeitures are disposed of.

Section 9. Section 546.19, Florida Statutes, is created to read:

546.19 EXEMPTION. - Fantasy contests conducted in accordance with this Act by a contest operator licensed pursuant

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to this Act or a noncommercial contest operator are not subject to ss. 849.01, 849.08, 849.09, 849.11, 849.14, or 849.25.

Section 10. This act shall become effective upon becoming law, provided however that the penalty provisions established by section 8 shall not apply to a contest operator who applied for a license within 90 days of the effective date of this act and receives a license within 240 days of the effective date of this act.

TITLE AMENDMENT

Remove everything before the enacting clause and insert: An act relating to fantasy contests; creating s. 546.11, F.S.; providing a short title; creating s. 546.12, F.S.; providing legislative intent; creating s. 546.13, F.S.; providing definitions; creating s. 546.14, F.S.; requiring contest operators to obtain a license from the Division of Regulation within the Department of Business and Professional Regulation; requiring payment of an initial application fee and an annual license renewal fee; providing a limit on the amount of the application fee and annual license renewal fee; requiring contest operators to provide as estimate of the size of their required fees and evidence to support the estimates; requiring contest operators to pay the difference between the previous year's estimated fee was insufficient; requiring the division to

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grant or deny a license within 120 days or receipt of an application; providing requirements for the contents of license applications; requiring applicants to submit fingerprints for criminal background checks; prohibiting convicted felons from being granted a license; providing a definition of "convicted"; requiring payment of a surety bond to the state; authorizing the division to suspend, revoke, or deny a license after violation of statute or rule by a licensee or applicant; creating s. 546.15, F.S.; requiring contest operators to prevent employees and certain family members from participating in contests; prohibiting contest operators from participating in certain fantasy contests; requiring contest operators to prohibit employees or agents of a contest operator from distributing confidential information; requiring contest operators to verify that participants are 18 years of age or older; requiring contest operators to prohibit players, officials, coaches, or other participants in live games or competitions from participating in certain fantasy contests; requiring contest operators to allow participants to restrict their own access to fantasy contests; requiring contest operators to disclose the number of contests in which an individual may participate and to restrict individuals from participating in more than that number of fantasy contests; requiring contest operators to segregate operational funds from participant funds and to maintain a reserve; requiring certain contest operators to contract with a third party to audit the contest operator and to submit the

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results to the division; requiring contest operators to provide training to employees on responsible play; requiring contest operators to work with a compulsive or addictive behavior prevention program; requiring the division to contract for services related to prevention of compulsive play; providing requirements for such contract; providing that a portion of revenues from application fees and annual license renewal fees shall be used to fund the compulsive play prevention program; providing rulemaking authority; creating s. 546.16, F.S.; requiring the division to enforce the provisions of this act; providing rulemaking authority; authorizing the division to conduct investigations, review books and records, suspend or revoke a contest operator's license after hearing, take testimony, issue summons and subpoenas, and ensure proper collection and safeguarding of participant funds and contest prizes; creating s. 546.17, F.S.; requiring contest operators to maintain books and records and to make them available for inspection by the division; requiring contest operators to file a quarterly report with the division containing information as required by the division; creating s. 546.18, F.S.; providing that a contest operator or employee thereof who violates the provisions of this act is subject to a penalty of \$5,000 per violation; providing a cap on penalties of \$100,000; providing that civil action to impose such penalties may be brought by the division or the Department of Legal Affairs; creating s. 546.19, F.S.; providing that contest operators and noncommercial contest

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C380545.∈ COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. CS/HB 707 (2016)

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operators are exempt from regulation under certain gambling 378 statutes; providing an effective date. 379

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Finance & Tax Committee

1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

HB 1297: Discretionary Sales Surtaxes

X Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Frank Artiles	X				
Lori Berman	X				
Randolph Bracy	X				
Jason Brodeur	X				
Matt Caldwell	X				
Robert Cortes	X				
Jay Fant	X				
Jared Moskowitz			X		
Ray Rodrigues	X				
José Rodríguez	X				
Hazelle Rogers	X				
Richard Stark	X				
Jennifer Sullivan	X				
John Tobia		х			
Jay Trumbull	X				
Charles Van Zant	X				
Ritch Workman			X		
Matt Gaetz (Chair)	X				
	Total Yeas: 15	Total Nays:	1		

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

PCS for HB 1297 : Discretionary Sales Surtaxes

X Temporarily Postponed

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Workshop

House Tax Reduction Package

Finance & Tax Committee

1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances:

Suggs, Davin (Lobbyist) - Information Only Florida Association of Counties 100 South Monroe Street Tallahassee Florida 32301 Phone: 850-320-2635

Woodall, Karen (Lobbyist) - Opponent Florida Center for Fiscal & Economic Policy 579 E Call St Tallahassee FL 32301 Phone: (850) 321-9386

Gary Jarvis - Opponent Destin Charter Boat Association President P.O. Box 1185 Destin FL 32540 Phone: 850-259-5482

Danielle Scoggins (Lobbyist) - Information Only Florida Realtors Sr. Public Policy Representative Tallahassee FL

Andy Palmer - Information Only Microsoft 119 South Monroe Street #200 Tallahassee FL 32309

Leon Rog IV - Opponent VTW 4125 Heniard Drive Tallahassee FL 32303 Phone: 850-562-2291

Mary Nielson - Information Only 613 Ridge Road Santa Rosa Beach FL 32459 Phone: 850-974-0654

Rubin, Michael (Lobbyist) - Proponent Florida Ports Council 502 E Jefferson St Tallahassee FL 32301 Phone: (850)222-8028

Thomas Patterson - Opponent Pensacola Yacht Club 107 Seamarge Circle Pensacola FL 32507 Phone: 205-907-1977

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances: (continued)

Carol Patterson - Opponent Pensacola Yacht Club 107 Seamarge Circle Pensacola FL 32507 Phone: 205-907-1977

Stephens, Nancy (Lobbyist) - Information Only Manufacturers Association of Florida 1625 Summit Lake Dr Ste 300 Tallahassee FL 32317 Phone: 8504022954

Carline Joiner - Proponent TechNet Executive Director, Southeast 208 West 14th Street Austin TX 78701 Phone: 512-410-9456

Walter Armistead - Information Only Franklin County TDC Island Drive St. George Island FL

Suzanne Harris - Information Only 291 Scenic Gulf Drive Mirimar Beach FL 32550 Phone: 850-837-1550

Mary Frances Baird - Opponent Hernando Beach Suites & Condos 4493 Haiti Drive Hernando Beach FL 34607 Phone: 352-650-9213

Mark L. Alvarez - Proponent Veterans of Foreign Wars 1149 Corby Court East Tallahassee FL 32317 Phone: 850-402-4133

Richard Turner (Lobbyist) - Opponent Florida Restaurant & Lodging Association General Counsel 230 South Adams Street Tallahassee FL 32301 Phone: 850-224-2250

Dr. Dandine Gibson - Proponent EcoTech Visions

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances: (continued)

Natalie Kahler - Opponent Cinsegut Hill Retreat Manager 941 Cedar Drive Brooksville FL 34601

Phone: 352-345-8003

Eric King - Opponent VFW Adjutant 6119 Ox Bottom Tallahassee FL 32312 Phone: 850-894-8055

Rusty Buchanan - Information Only 37 N. Brevard Avenue Cocoa Beach FL 32931 Phone: 321-863-2189

Mark Jackson - Opponent Central FL Tourism & Sports Marketing Director 2701 Lake Myrtle Park Road Auburndale FL 33801 Phone: 863-559-9239

Bruce Craul - Information Only FRLA - NW Florida 42 Terra Cotta Way Destin FL 32541 Phone: 850-598-9090

Sherri Cox - Opponent FRLA - EM Coast Sports Commission 573 Santa Rosa Boulevard Ft. Walton Beach FL 32548 Phone: 850-621-7355

Tammy Heon - Opponent Florida's Venture Caost Manager 15800 Flight Path Drive Brooksville FL 34604 Phone: 352-540-6232

Sarah Busk (Lobbyist) - Proponent TechNiet 215 S. Monroe Street #602 Tallahassee FL 32301 Phone: 850-222-8900

Finance & Tax Committee 1/27/2016 12:00:00PM

Location: Morris Hall (17 HOB)

Presentation/Workshop/Other Business Appearances: (continued)

Lino Maldonado - Opponent

FRLA

Chairman

200 Birdsong Creek Circle

Niceville FL 32578

Phone: 850-678-3665

Lee Daniels - Information Only 106 East Jefferson Street

Tallahassee FL 32302 Phone: 850-606-2310

Robert Skrob - Opponent

Florida Association of Destination Marketing Organizations

Executive Director

1390 Timberlane Road

Tallahassee FL 32312

Phone: 850-222-6000

HB 1297 - Only

Charlie Latham - Information Only

City of Jacksonville Beach

Mayor

11 North Third Street

Jacksonville Beach FL 32250

Phone: 904-910-4004

HB 1297 - Only

Suggs, Davin (Lobbyist) - Proponent

Florida Association of Counties

100 South Monroe Street

Tallahassee Florida 32301

Phone: 850-320-2635

HB 1297 - Only

Hughes, Amber (Lobbyist) - Proponent

Legislative Advocate

PO Box 7156

Tallahassee Florida 32301

Phone: 701-3621

HB 1297 - Only

Lenny Curry - Proponent

City of Jacksonville

Mayor

Jacksonville FL

Phone: 561-891-7122

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