



## **FFMA Board of Directors**

Conference Call Meeting  
October 21, 2009 - 3:00 pm

**1. Legislative Update**

Wayne Malaney

**2. Old Business**

- FFMA Operations Seminar
- IAAM District 5

Allen Johnson

Mickey Farrell

**3. New Business**

**4. Adjourn**

**Florida Facility Managers Association  
Board of Directors Conference Call Minutes  
October 21, 2009**

**Present:**

President Mickey Farrell, Kim Stone, Judy Joseph, Mary Bensel, Mark Striffler, Wayne Malaney, Roger Englert, Bill Becker, Allen Johnson CFE/CPM, Ron Spencer, Patrick McGrew,

**Absent:** Lionel Dubay, Rick Hamilton, Cherie Dubay, Barry Strafacci, Mike LaPan CPE,

**FFMA Operations Seminar**

Allen provided a review of the FFMA operations seminar held in Orlando this fall that was hosted by his team and Judy Joseph. Overall attendance was down slightly this year by about 40 people. The theme of the seminar focused on emerging technology. Attendees received a tour of the University of Central Florida and a hard-hat tour of the Amway Center, which is scheduled to open in 2011. The tour included a look at the mock up of the “suite of the future”. The program included a presentation by Ticketmaster on its emerging web technology as well as a town hall meeting about the state of the industry with executives from Broadway Across America and Wrestlemania. The seminar ended with a networking event.

**Legislative Update**

Wayne discussed his recent attempts to reinstate the tax exemptions with the Florida Legislature. He noted that Allen brought to his attention a bill that is being filed by Rep. Dilworth, who proposes making admission to the 2012 NBA All Star Game in Orlando tax exempt. There was a discussion among the board about attempting to reinstate the tax exemptions with this bill, especially given the expectation that it will be another very difficult year of budget issues by the Florida state legislature. Wayne explained that the legislature views the facility industry as a “solid business” and, therefore, it is not inclined to address our needs. Wayne stressed that we must prove to the legislators the harsh reality that our business model has changed dramatically and for the worst. In addition, a few promoters such as Feld and Broadway Across America have reached out to Wayne to discuss the possibility of working together to lobby for reinstating the tax exemptions. AEG’s involvement is pending.

Mickey then informed the board that Ron has hired Wayne with Mickey’s approval to get a TAA from the Florida department of revenue. It was deemed a justifiable expense because in this role, Wayne is handling legal issues instead of serving as a lobbyist. This expense is capped at \$10K. The purpose is to have the TAA to get the DOR to agree that their position of the last eight years, with respect to assessing rental or use tax on services that are a part of a rental agreement, is misguided. In 1999, the DOR gave facilities a TAA that stated services were not to be taxed. In a 2001 case involving AT&T, the court ruled that service inextricably intertwined to tangible personal property is taxable. The DOR took the position that this applied to the facilities industry rental agreements.

However, there is a strong argument that the DOR is comparing two distinctly different issues – tangible personal property versus rent charged by facilities. Wayne stated that a new case this year called US Cardiovascular speaks directly to rental and services issues, which is what DOR should be using. Therefore, Wayne seeks to use this to have DOR rescind their early ruling so that services are non-taxable.

Wayne asked the board for a decision on whether or not he can work with promoters on lobbying issues and whether to add our language to the exemption bill being submitted for the 2012 NBA All Star Game? There was some discussion about the concern of moving forward with promoters because we have not historically had the same interests at heart, however, this is a unique situation so was deemed worth exploring. Therefore, Judy made a motion to allow Wayne to have discussions with promoters concerning partnering on lobbying for tax exemptions. Patrick seconded it and the motion carried.

### **IAAM District 5**

Mickey mentioned a phone call he received from the IAAM about its District 5 region. Ron said he is aware that they are trying to keep their District 5 alive by asking if we would open our FFMA Annual Conference to members from district 5. Wayne said FFMA by laws state that the membership is for Florida facilities only and not others, but he encouraged that it be discussed. Roger noted that if we move forward with this option, District 5 members must cover all their expenses associated with attending FFMA.

Judy motioned to adjourn the meeting and it was seconded by Kim. The motion carried.