

IN THE SUPREME COURT OF FLORIDA

IN RE: Proposed Rule Amendment to Florida Rules
of Appellate Procedure.

Case No. SC08-147

COMMENTS OF ASSOCIATED INDUSTRIES OF FLORIDA
IN SUPPORT OF PROPOSED AMENDMENT
TO RULE 9.310(b)(2) – STAY PENDING REVIEW;
EXCEPTIONS; PUBLIC BODIES; PUBLIC OFFICERS.

Associated Industries of Florida (AIF) submits these comments in support of the proposed amendment to Rule 9.310(b)(2) to conform the rule to the Administrative Procedure Act (APA), and particularly Sections 120.68(3) and 120.56(4), Florida Statutes (2007).

1. Associated Industries of Florida (“AIF”) is a non-profit corporation organized and existing under the laws of Florida. AIF is the largest association of business, trade, commercial and professional organizations in the State of Florida. It represents the interests of over 10,000 employers, corporations, professional associations, partnerships and proprietorships. AIF has appeared as amicus curiae in numerous appeals filed within Florida and represents its members in critical matters before the Florida Legislature, the executive branch, regulatory agencies and courts in Florida.

2. AIF members cross a myriad of industries doing business in the State of Florida, including many requiring licensure and regulatory approval from state agencies. At times, the agency processes are complex, time consuming and expensive. They frequently involve litigation under the APA. Some such cases present situations of a government entity opposing a business's action or proposed action even if that entity is not the authorized to determine if regulatory approval of the proposed action is granted. Currently, when this occurs, additional delay and costs are incurred and the business operations of any given project are halted indefinitely.

3. AIF opines that the proposed amendment to Rule 9.310(b)(2) drafted by the Appellate Rules Committee governing automatic stays of final administrative orders challenged by governmental entities will correct this problem and help eliminate unnecessary and costly delay.

4. The Florida Home Builders Association has additionally files its comments in support of the proposed amendment to Rule 9.310(b)(2), and AIF concurs in its comments. Therefore, the FHBA's filing is incorporated herein by reference without the need for restating its contents. AIF additionally supports and applauds the work of the Appellate Rules Committee and the study and outcome report it issued addressing this issue

in administrative proceedings. The findings and reasoning of the committee's report are also incorporated herein by reference.

5. Historically, AIF has consistently lead the business community in advocating means of creating more fair and predictable outcomes in legal proceedings at each and every level of state government and the judiciary. The proposed amendment to Rule 9.310(b)(2) will further that objective and has the complete support of AIF.

Accordingly, AIF respectfully urges the Court to adopt the proposed amendment to Rule 9.310(b)(2).

Respectfully submitted,

/s/

Tamela I. Perdue
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY the original and 9 copies of the foregoing was hand delivered to the Clerk of Court, Supreme Court of Florida, 500 South Duval Street, Tallahassee, FL 32399-1927 and a true and correct copy of the foregoing was provided by electronic mail to Clerk of Court, e-file@flcourts.org, Steven L. Brannock, Chair Appellate Court Rules

Committee, Holland & Knight LLP, 100 North Tampa Street, Suite 400, Tampa, FL 33602, steve.brannock@hklaw.com, Lawrence E. Sellers, Jr., Holland & Knight LLP, Post Office Box 810, Tallahassee, Florida 32302-0810, larry.sellers@hklaw.com and to Keith Hetrick, General Counsel, Florida Home Builders Association, 201 E. Park Avenue, Tallahassee, FL 32301-1511, khetrick@fhba.com.

_____/s/
Tamela I. Perdue