

Bill No. CS for SB 2210

Amendment No.      Barcode 690828

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

Section 1. Subsection (7) is repealed and paragraph (d) of subsection (2), paragraph (a) of subsection (4), and subsection (6) of section 20.165, Florida Statutes, are amended to read:

20.165 Department of Business and Professional Regulation.--There is created a Department of Business and Professional Regulation.

(2) The following divisions of the Department of Business and Professional Regulation are established:

(d) Division of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile Homes.

(4)(a) The following boards are established within the Division of Professions:

1. Board of Architecture and Interior Design, created under part I of chapter 481.



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1 Each board with seven or fewer ~~than five~~ members shall have at  
2 least one consumer member who is not, and has never been, a  
3 member or practitioner of the profession regulated by such  
4 board or of any closely related profession.

5 ~~(7) No board, with the exception of joint~~  
6 ~~coordinatorships, shall be transferred from its present~~  
7 ~~location unless authorized by the Legislature in the General~~  
8 ~~Appropriations Act.~~

9 Section 2. Section 326.001, Florida Statutes, is  
10 amended to read:

11 326.001 Short title.--This chapter Sections  
12 ~~326.001-326.006~~ may be cited as the "Yacht and Ship Brokers'  
13 Act."

14 Section 3. Section 326.002, Florida Statutes, is  
15 amended to read:

16 326.002 Definitions.--As used in this chapter ss.  
17 ~~326.001-326.006~~, the term:

18 (1) "Broker" means a person who, for or in expectation  
19 of compensation: sells, offers, or negotiates to sell; buys,  
20 offers, or negotiates to buy; solicits or obtains listings of;  
21 or negotiates the purchase, sale, or exchange of, yachts for  
22 other persons.

23 (2) "Department" ~~"Division"~~ means the ~~Division of~~  
24 ~~Florida Land Sales, Condominiums, and Mobile Homes of the~~  
25 Department of Business and Professional Regulation.

26 (3) "Salesperson" means a person who, for or in  
27 expectation of compensation, is employed by a broker to  
28 perform any acts of a broker.

29 (4) "Yacht" means any vessel which is propelled by  
30 sail or machinery in the water which exceeds 32 feet in  
31 length, and which weighs less than 300 gross tons.

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1           (5) "Person" means an individual, partnership, firm,  
2 corporation, association, or other entity.

3           Section 4. Section 326.003, Florida Statutes, is  
4 amended to read:

5           326.003 Administration.--The department ~~division~~  
6 shall:

7           (1) Administer ~~ss. 326.001-326.006~~ and collect fees  
8 sufficient to administer this chapter ~~ss. 326.001-326.006~~.

9           (2) Adopt rules pursuant to ss. 120.536(1) and 120.54  
10 necessary to administer this chapter ~~implement ss.~~  
11 ~~326.001-326.006~~ and to classify brokers and salespersons and  
12 regulate their activities.

13           (3) Enforce the provisions of this chapter ~~ss.~~  
14 ~~326.001-326.006~~ against any person who operates as a broker or  
15 salesperson without a license.

16           Section 5. Section 326.004, Florida Statutes, is  
17 amended to read:

18           326.004 Licensing.--

19           (1) A person may not act as a broker or salesperson  
20 unless licensed under the Yacht and Ship Brokers' Act. The  
21 department ~~division~~ shall adopt rules establishing a procedure  
22 for the biennial renewal of licenses.

23           (2) A broker may not engage in business as a broker  
24 under a fictitious name unless his or her license is issued in  
25 such name.

26           (3) A license is not required for:

27           (a) A person who sells his or her own yacht.

28           (b) An attorney at law for services rendered in his or  
29 her professional capacity.

30           (c) A receiver, trustee, or other person acting under  
31 a court order.

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1 (d) A transaction involving the sale of a new yacht.

2 (e) A transaction involving the foreclosure of a  
3 security interest in a yacht.

4 (4) Any person who purchases a used yacht for resale  
5 must transfer title to such yacht into his or her name and  
6 maintain the title or bill of sale in his or her possession to  
7 be exempt from licensure.

8 (5) The department ~~division~~ by rule shall establish  
9 fees for application, initial licensing, biennial renewal, and  
10 reinstatement of licenses in an amount not to exceed \$500.  
11 The fees must be set in an amount that is adequate to  
12 proportionately fund the expenses of the department ~~division~~  
13 in this chapter ~~ss. 326.001-326.006~~.

14 (6) The department ~~division~~ may deny a license or  
15 license renewal to any applicant who does not:

16 (a) Furnish proof satisfactory to the department  
17 ~~division~~ that he or she is of good moral character.

18 (b) Certify that he or she has never been convicted of  
19 a felony.

20 (c) Post the bond required by the Yacht and Ship  
21 Brokers' Act.

22 (d) Demonstrate that he or she is a resident of this  
23 state or that he or she conducts business in this state.

24 (e) Furnish a full set of fingerprints taken within  
25 the 6 months immediately preceding the submission of the  
26 application.

27 (f) Have a current license and has operated as a  
28 broker or salesperson without a license.

29 (7)(a) Before any license may be issued to a yacht or  
30 ship broker, he or she must deliver to the department ~~division~~  
31 a good and sufficient surety bond or irrevocable letter of

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1 credit, executed by the broker as principal, in the sum of  
2 \$25,000.

3 (b) Surety bonds and irrevocable letters of credit  
4 must be in a form to be approved by the department ~~division~~  
5 and must be conditioned upon the broker complying with the  
6 terms of any written contract made by such broker in  
7 connection with the sale or exchange of any yacht or ship and  
8 not violating any of the provisions of the Yacht and Ship  
9 Brokers' Act in the conduct of the business for which he or  
10 she is licensed. The bonds and letters of credit must be  
11 delivered to the department ~~division~~ and in favor of any  
12 person in a transaction who suffers any loss as a result of  
13 any violation of the conditions in this chapter ~~ss.~~

14 ~~326.001-326.006~~. When the department ~~division~~ determines that  
15 a person has incurred a loss as a result of a violation of the  
16 Yacht and Ship Brokers' Act, it shall notify the person in  
17 writing of the existence of the bond or letter of credit. The  
18 bonds and letters of credit must cover the license period, and  
19 a new bond or letter of credit or a proper continuation  
20 certificate must be delivered to the department ~~division~~ at  
21 the beginning of each license period. However, the aggregate  
22 liability of the surety in any one year may not exceed the sum  
23 of the bond or, in the case of a letter of credit, the  
24 aggregate liability of the issuing bank may not exceed the sum  
25 of the credit.

26 (c) Surety bonds must be executed by a surety company  
27 authorized to do business in the state as surety, and  
28 irrevocable letters of credit must be issued by a bank  
29 authorized to do business in the state as a bank.

30 (d) Irrevocable letters of credit must be engaged by a  
31 bank as an agreement to honor demands for payment as specified

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1 in this section.

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3 The security for a broker must remain on deposit for a period  
4 of 1 year after he or she ceases to be a broker.

5 (8) A person may not be licensed as a broker unless he  
6 or she has been a salesperson for at least 2 consecutive  
7 years, and may not be licensed as a broker after October 1,  
8 1990, unless he or she has been licensed as a salesperson for  
9 at least 2 consecutive years.

10 (9) An applicant for a salesperson's license or its  
11 renewal must deposit with the department ~~division~~ a bond or  
12 equivalent securities in the sum of \$10,000 subject to the  
13 conditions in subsection (7).

14 (10) Upon a final judgment being rendered against a  
15 yacht broker or salesperson for a violation of this chapter  
16 ~~ss. 326.001-326.006~~ which results in any action being  
17 commenced on the bond or letter of credit, the department  
18 ~~division~~ may require the filing of a new bond or letter of  
19 credit and immediately on the recovery in any action on such  
20 bond or letter of credit, the broker or salesperson involved  
21 must file a new bond or letter of credit. His or her failure  
22 to do so within 10 days constitutes grounds for the suspension  
23 or revocation of his or her license.

24 (11) Any person injured by the fraud, deceit, or  
25 willful negligence of any broker or salesperson or by the  
26 failure of any broker or salesperson to comply with the Yacht  
27 and Ship Brokers' Act or other law may file an action for  
28 damages upon the respective bonds against the principals and  
29 the surety.

30 (12) If a surety notifies the department ~~division~~ that  
31 it is no longer the surety for a licensee, the department

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1 ~~division~~ shall notify the licensee of such withdrawal by  
2 certified mail, return receipt requested, addressed to the  
3 licensee's principal office. Upon the termination of such  
4 surety the licensee's license is automatically suspended until  
5 he or she files a new bond with the department ~~division~~.

6 (13) Each broker must maintain a principal place of  
7 business in this state and may establish branch offices in the  
8 state. A separate license must be maintained for each branch  
9 office. The department ~~division~~ shall establish by rule a fee  
10 not to exceed \$100 for each branch office license.

11 (14)(a) Each license must be prominently displayed in  
12 the office of the broker.

13 (b) Each salesperson's license must remain in the  
14 possession of the employing broker until canceled or until the  
15 salesperson leaves such employment. Immediately upon a  
16 salesperson's withdrawal from the employment of a broker, the  
17 broker must return the salesperson's license to the department  
18 ~~division~~ for cancellation.

19 (15) The department ~~division~~ shall provide by rule for  
20 the issuance of a temporary 90-day license to an applicant  
21 while the Florida Department of Law Enforcement and the  
22 Federal Bureau of Investigation ~~conduct~~ ~~conducts~~ a national  
23 criminal history analysis of the applicant by means of  
24 fingerprint identification.

25 Section 6. Section 326.006, Florida Statutes, is  
26 amended to read:

27 326.006 Powers and duties of department ~~division~~.--

28 (1) Proceedings under the Yacht and Ship Brokers' Act  
29 shall be conducted pursuant to chapter 120.

30 (2) The department ~~may~~ ~~division~~ ~~has the power to~~  
31 enforce and ensure compliance with the provisions of this



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1 chapter and rules adopted under this chapter relating to the  
2 sale and ownership of yachts and ships. In performing its  
3 duties, the department ~~division~~ has the following powers and  
4 duties:

5 (a) The department ~~division~~ may make necessary public  
6 or private investigations within or outside this state to  
7 determine whether any person has violated this chapter or any  
8 rule or order issued under this chapter, to aid in the  
9 enforcement of this chapter, or to aid in the adoption of  
10 rules or forms under this chapter.

11 (b) The department ~~division~~ may require or permit any  
12 person to file a statement in writing, under oath or  
13 otherwise, as the department ~~division~~ determines, as to the  
14 facts and circumstances concerning a matter to be  
15 investigated.

16 (c) For the purpose of any investigation under this  
17 chapter, the secretary of the department ~~division director~~ or  
18 any officer or employee designated by the secretary ~~division~~  
19 ~~director~~ may administer oaths or affirmations, subpoena  
20 witnesses and compel their attendance, take evidence, and  
21 require the production of any matter that is relevant to the  
22 investigation, including the existence, description, nature,  
23 custody, condition, and location of any books, documents, or  
24 other tangible things and the identity and location of persons  
25 having knowledge of relevant facts or any other matter  
26 reasonably calculated to lead to the discovery of material  
27 evidence. Upon the failure by a person to obey a subpoena or  
28 to answer questions propounded by the department ~~investigating~~  
29 ~~officer~~ and upon reasonable notice to all persons affected  
30 thereby, the department ~~division~~ may apply to the circuit  
31 court for an order compelling compliance, may impose a civil

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1 penalty, and may suspend or revoke the licensee's license.

2 (d) Notwithstanding any remedies available to a yacht  
3 or ship purchaser, if the department division has reasonable  
4 cause to believe that a violation of any provision of this  
5 chapter or rule adopted under this chapter has occurred, the  
6 department division may institute enforcement proceedings in  
7 its own name against any broker or salesperson or any of his  
8 or her assignees or agents, or against any unlicensed person  
9 or any of his or her assignees or agents, as follows:

10 1. The department division may permit a person whose  
11 conduct or actions are under investigation to waive formal  
12 proceedings and enter into a consent proceeding whereby  
13 orders, rules, or letters of censure or warning, whether  
14 formal or informal, may be entered against the person.

15 2. The department division may issue an order  
16 requiring the broker or salesperson or any of his or her  
17 assignees or agents, or requiring any unlicensed person or any  
18 of his or her assignees or agents, to cease and desist from  
19 the unlawful practice and take such affirmative action as in  
20 the judgment of the department division will carry out the  
21 purposes of this chapter.

22 3. The department division may bring an action in  
23 circuit court on behalf of a class of yacht or ship purchasers  
24 for declaratory relief, injunctive relief, or restitution.

25 4. The department division may impose a civil penalty  
26 against a broker or salesperson or any of his or her assignees  
27 or agents, or against an unlicensed person or any of his or  
28 her assignees or agents, for any violation of this chapter or  
29 a rule adopted under this chapter. A penalty may be imposed  
30 for each day of continuing violation, but in no event may the  
31 penalty for any offense exceed \$10,000. All amounts collected

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1 must be deposited with the Treasurer to the credit of the  
2 Professional Regulation Division of Florida Land Sales,  
3 Condominiums, and Mobile Homes Trust Fund. If a broker,  
4 salesperson, or unlicensed person working for a broker, fails  
5 to pay the civil penalty, the department division shall  
6 thereupon issue an order suspending the broker's license until  
7 such time as the civil penalty is paid or may pursue  
8 enforcement of the penalty in a court of competent  
9 jurisdiction. The order imposing the civil penalty or the  
10 order of suspension may not become effective until 20 days  
11 after the date of such order. Any action commenced by the  
12 department division must be brought in the county in which the  
13 department division has its executive offices or in the county  
14 where the violation occurred.

15 (e) The department division may suspend or revoke the  
16 license of a broker or salesperson who:

17 1. Makes a substantial and intentional  
18 misrepresentation, with respect to a transaction involving a  
19 yacht, upon which any person has relied.

20 2. Makes a false warranty, with respect to a  
21 transaction involving a yacht, of a character likely to  
22 influence, persuade, or induce any person with whom business  
23 is transacted.

24 3. Engages in continued misrepresentation or makes  
25 false warranties with respect to transactions involving a  
26 yacht, whether or not relied upon by another person.

27 4. Acts for both the buyer and seller in a transaction  
28 involving a yacht without the knowledge and written consent of  
29 both parties.

30 5. Commingles the money or other property of his or  
31 her principal with his or her own.

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1           6. Commits fraud or dishonest acts in the conduct of  
2 any transaction involving a yacht.

3           7. Allows an unlicensed person to use his or her name  
4 to evade the provisions of the Yacht and Ship Brokers' Act.

5           8. Violates any law governing the transactions  
6 involving a yacht, including any provision relating to the  
7 collection or payment of sales or use taxes.

8           9. Engages in acts that are evidence of a lack of good  
9 moral character.

10          10. Is convicted of a felony.

11          (f) The department ~~division~~ may suspend or revoke the  
12 license of a broker or salesperson who has:

13           1. Procured a license for himself or herself or  
14 another by fraud, misrepresentation, falsification, or deceit.

15           2. Been found guilty of a felony or a crime of moral  
16 turpitude.

17           3. Had a license or registration revoked, suspended,  
18 or sanctioned in another state.

19          (3) All fees must be deposited in the Professional  
20 Regulation ~~Division of Florida Land Sales, Condominiums, and~~  
21 ~~Mobile Homes~~ Trust Fund as provided by law.

22          Section 7. The regulation of yacht and ship brokers  
23 and salespersons is reassigned within the Department of  
24 Business and Professional Regulation from the Division of  
25 Florida Land Sales, Condominiums, and Mobile Homes to the  
26 Division of Professions. All funds collected by the department  
27 pursuant to the regulation of yacht and ship brokers and  
28 salespersons and all funds in the account created within the  
29 Florida Land Sales, Condominiums, and Mobile Homes Trust Fund  
30 for such regulation shall be deposited in an account created  
31 within the Professional Regulation Trust Fund for the same

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1 purpose.

2 Section 8. Effective upon this act becoming a law,  
3 section 399.061, Florida Statutes, is amended to read:

4 399.061 Inspections; correction of deficiencies.--

5 (1)(a) All elevators or other conveyances subject to  
6 this chapter must be annually inspected by a certified  
7 elevator inspector through a third-party inspection service,  
8 or by a municipality or county under contract with the  
9 division pursuant to s. 399.13. If the elevator or other  
10 conveyance is by a third-party inspection service certified as  
11 ~~a qualified elevator inspector or maintained pursuant to a~~  
12 ~~service maintenance contract continuously in force, it shall~~  
13 ~~be inspected at least once every two years by a certified~~  
14 ~~elevator inspector not employed by or otherwise associated~~  
15 ~~with the maintenance company; however, if the elevator is not~~  
16 ~~an escalator or a dumbwaiter and the elevator serves only two~~  
17 ~~adjacent floors and is covered by a service maintenance~~  
18 ~~contract, no inspection shall be required so long as the~~  
19 ~~service contract remains in effect. A statement verifying the~~  
20 ~~existence, performance, and cancellation of each service~~  
21 ~~maintenance contract must be filed annually with the division~~  
22 ~~as prescribed by rule. All elevators covered by a service~~  
23 ~~maintenance contract shall be inspected by a~~  
24 ~~certificate-of-competency holder at least once every 2 years;~~  
25 ~~however, if the elevator is not an escalator or a dumbwaiter~~  
26 ~~and the elevator serves only two adjacent floors and is~~  
27 ~~covered by a service maintenance contract, no inspection shall~~  
28 ~~be required so long as the service contract remains in effect.~~  
29 (b) The division may inspect an elevator whenever  
30 necessary to ensure its safe operation or when a third-party  
31 inspection service is not available for routine inspection.



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1 signature notarization, photographs, performance periods,  
2 reciprocity, local government approvals, supporting  
3 documentation, periodic reporting requirements, fingerprint  
4 requirements, continuing education requirements, and ongoing  
5 education monitoring.The application shall be supplemented as  
6 needed to reflect any material change in any circumstance or  
7 condition stated in the application which takes place between  
8 the initial filing of the application and the final grant or  
9 denial of the license and which might affect the decision of  
10 the department. In order to further the economic development  
11 goals of the state, and notwithstanding any law to the  
12 contrary, the department may enter into an agreement with the  
13 county tax collector for the purpose of appointing the county  
14 tax collector as the department's agent to accept applications  
15 for licenses and applications for renewals of licenses. The  
16 agreement must specify the time within which the tax collector  
17 must forward any applications and accompanying application  
18 fees to the department. In cases where a person applies or  
19 schedules directly with a national examination organization or  
20 examination vendor to take an examination required for  
21 licensure, any organization- or vendor-related fees associated  
22 with the examination may be paid directly to the organization  
23 or vendor.

24 (11) Any submission required to be in writing may be  
25 made by electronic means.

26 (12) The department may not issue or renew a license  
27 to any person who is not in compliance with all provisions of  
28 a final order of a board or the department until that person  
29 is in compliance with all terms and conditions of the final  
30 order. The department may not issue or renew a license to any  
31 person who is not in compliance with all legal obligations

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1 under this chapter or the relevant practice act, including,  
2 but not limited to, the obligation to pay all fees and  
3 assessments that are owed and to complete all continuing  
4 education requirements. This subsection applies to all  
5 divisions within the department.

6 Section 10. Section 455.224, Florida Statutes, is  
7 amended to read:

8 455.224 Authority to issue citations.--

9 (1) Notwithstanding s. 455.225, the board or the  
10 department shall adopt rules to permit the issuance of  
11 citations. The citation shall be issued to the subject and  
12 shall contain the subject's name and address, the subject's  
13 license number if applicable, a brief factual statement, the  
14 sections of the law allegedly violated, and the penalty  
15 imposed. The citation must clearly state that the subject may  
16 choose, in lieu of accepting the citation, to follow the  
17 procedure under s. 455.225. If the subject disputes the matter  
18 in the citation, the procedures set forth in s. 455.225 must  
19 be followed. However, if the subject does not dispute the  
20 matter in the citation with the department within 30 days  
21 after the citation is served, the citation becomes a final  
22 order and constitutes discipline. The penalty shall be a fine  
23 or other conditions as established by rule.

24 (2) The board, or the department when there is no  
25 board, shall adopt rules designating violations for which a  
26 citation may be issued. Such rules shall designate as  
27 citation violations those violations for which there is no  
28 substantial threat to the public health, safety, and welfare.

29 (3) The department shall be entitled to recover the  
30 costs of investigation, in addition to any penalty provided  
31 according to board or department rule, as part of the penalty



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1 levied pursuant to the citation.

2 (4) A citation must be issued within 6 months after  
3 the filing of the complaint that is the basis for the  
4 citation.

5 (5) Service of a citation may be made by personal  
6 service or certified mail, restricted delivery, to the subject  
7 at the subject's last known address.

8 (6) Within its jurisdiction, the department has  
9 exclusive authority to, and shall adopt rules to, designate  
10 those violations for which the licensee is subject to the  
11 issuance of a citation and designate the penalties for those  
12 violations if any board fails to incorporate this section into  
13 rules by January 1, 1992. A board created on or after January  
14 1, 1992, has 6 months in which to enact rules designating  
15 violations and penalties appropriate for citation offenses.  
16 Failure to enact such rules gives the department exclusive  
17 authority to adopt rules as required for implementing this  
18 section. A board has continuous authority to amend its rules  
19 adopted pursuant to this section.

20 (7) Notwithstanding s. 455.017, any division within  
21 the department may establish a citation program pursuant to  
22 the provisions of this section in the enforcement of its  
23 regulatory provisions. Any citation issued by a division  
24 pursuant to this section must clearly state that the subject  
25 may choose, in lieu of accepting the citation, to follow the  
26 existing procedures established by law. If the subject does  
27 not dispute the matter in the citation with the division  
28 within 30 days after the citation is served, the citation  
29 becomes a final order and constitutes discipline. The penalty  
30 shall be a fine or other conditions as established by rule of  
31 the appropriate division.

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1           Section 11. Subsections (10) and (11) of section  
2 468.401, Florida Statutes, are amended to read:

3           468.401 Regulation of talent agencies;  
4 definitions.--As used in this part or any rule adopted  
5 pursuant hereto:

6           (10) "Registration"~~"License"~~means a registration  
7 ~~license~~ issued by the department ~~of Business and Professional~~  
8 ~~Regulation~~ to carry on the business of a talent agency under  
9 this part.

10           (11) "Registrant"~~"Licensee"~~means a talent agency  
11 ~~that~~ ~~which~~ holds a valid unrevoked and unforfeited  
12 registration license issued under this part.

13           Section 12. Section 468.402, Florida Statutes, is  
14 amended to read:

15           468.402 Operation of a talent agency ~~Duties of the~~  
16 ~~department; authority to issue and revoke license;~~ adoption of  
17 rules.--

18           (1) It is unlawful to have ~~The department may take any~~  
19 ~~one or more of the actions specified in subsection (5) against~~  
20 ~~any person who has:~~

21           (a) Obtained or attempted to obtain a registration ~~any~~  
22 ~~license~~ by means of fraud, misrepresentation, or concealment.

23           (b) Violated any provision of this part, chapter 455,  
24 any lawful disciplinary order of the department, or any rule  
25 of the department.

26           (c) Been found guilty of, or entered a plea of nolo  
27 contendere to, regardless of adjudication, a crime involving  
28 moral turpitude or dishonest dealings under the laws of this  
29 state or any other state or government.

30           (d) Made, printed, published, distributed, or caused,  
31 authorized, or knowingly permitted the making, printing,

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1 publication, or distribution of any false statement,  
2 description, or promise of such a character as to reasonably  
3 induce any person to act to his or her damage or injury, if  
4 such statement, description, or promises were purported to be  
5 performed by the talent agency and if the owner or operator  
6 then knew, or by the exercise of reasonable care and inquiry,  
7 could have known, of the falsity of the statement,  
8 description, or promise.

9 (e) Knowingly committed or been a party to any  
10 material fraud, misrepresentation, concealment, conspiracy,  
11 collusion, trick, scheme, or device whereby any other person  
12 lawfully relying upon the work, representation, or conduct of  
13 the talent agency acts or has acted to his or her injury or  
14 damage.

15 (f) Failed or refused upon demand to disclose any  
16 information, as required by this part, within his or her  
17 knowledge, or failed or refused to produce any document, book,  
18 or record in his or her possession for inspection as required  
19 ~~by to the department or any authorized agent thereof acting~~  
20 ~~within its jurisdiction or by authority of law.~~

21 (g) Established the talent agency within any place  
22 where intoxicating liquors are sold, any place where gambling  
23 is permitted, or any house of prostitution.

24 (h) Charged, collected, or received compensation for  
25 any service performed by the talent agency greater than  
26 specified in its schedule of maximum fees, charges, and  
27 commissions ~~previously filed with the department.~~

28 (i) Had a license or registration to operate a talent  
29 agency revoked, suspended, or otherwise acted against,  
30 including, but not limited to, having been denied a license or  
31 registration for good cause by the licensing authority of

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1 another state, territory, or country.

2 (j) Willfully made or filed a report or record that  
3 the registrant licensee knew to be false, failed to file a  
4 report or record required by state or federal law, impeded or  
5 obstructed such filing, or induced another person to impede or  
6 obstruct such filing. Such reports or records shall include  
7 only those that are signed in the registrant's licensee's  
8 capacity as a registered licensed talent agency.

9 (k) Advertised goods or services in a manner that was  
10 fraudulent, false, deceptive, or misleading in form or  
11 content.

12 (l) Advertised, operated, or attempted to operate  
13 under a name other than the name appearing on the registration  
14 license.

15 (m) Been found guilty of fraud or deceit in the  
16 operation of a talent agency.

17 (n) Operated with a revoked, suspended, inactive, or  
18 delinquent registration license.

19 (o) Permitted, aided, assisted, procured, or advised  
20 any unlicensed person to operate a talent agency contrary to  
21 this part or other law to a rule of the department.

22 (p) Failed to perform any statutory or legal  
23 obligation placed on a licensed talent agency.

24 (q) Practiced or offered to practice beyond the scope  
25 permitted by law or has accepted and performed professional  
26 responsibilities that the registrant licensee knows or has  
27 reason to know that he or she is not competent to perform.

28 (r) Conspired with ~~another licensee or with~~ any other  
29 person to commit an act, or has committed an act, that would  
30 tend to coerce, intimidate, or preclude another registrant  
31 licensee from advertising his or her services.

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1           (s) Solicited business, either personally or through  
2 an agent or through any other person, through the use of fraud  
3 or deception or by other means; through the use of misleading  
4 statements; or through the exercise of intimidation or undue  
5 influence.

6           (t) Exercised undue influence on the artist in such a  
7 manner as to exploit the artist for financial gain of the  
8 registrant licensee or a third party, which includes, but is  
9 not limited to, the promoting or selling of services to the  
10 artist.

11           ~~(2) The department may revoke any license that is~~  
12 ~~issued as a result of the mistake or inadvertence of the~~  
13 ~~department.~~

14           ~~(2)(3) The department may~~ has authority to adopt rules  
15 pursuant to ss. 120.536(1) and 120.54 necessary to administer  
16 ~~implement the provisions of this part.~~

17           ~~(3)(4) A revoked or suspended registration license~~  
18 must be returned to the department within 7 days after the  
19 time for appeal has elapsed.

20           ~~(4)(5) Upon a finding of a violation of any one or~~  
21 more of the grounds enumerated in subsection (1) or any other  
22 section of this part, the department may ~~take the following~~  
23 ~~actions:~~

24           (a) Deny an application for registration licensure as  
25 a talent agency.

26           (b) ~~Permanently~~ Revoke or suspend the registration  
27 ~~license~~ of a talent agency.

28           ~~(c) Impose an administrative fine, not to exceed~~  
29 ~~\$5,000, for each count or separate offense.~~

30           ~~(d) Require restitution.~~

31           ~~(e) Issue a public reprimand.~~

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1           ~~(f) Place the licensee on probation, subject to such~~  
2 ~~conditions as the department may specify.~~

3           ~~(6) A person shall be subject to the disciplinary~~  
4 ~~actions specified in subsection (5) for violations of~~  
5 ~~subsection (1) by that person's agents or employees in the~~  
6 ~~course of their employment with that person.~~

7           ~~(5)(7)~~ The department may deny a registration license  
8 if any owner or operator listed on the application has been  
9 associated with a talent agency whose registration license has  
10 been revoked or otherwise disciplined.

11           Section 13. Section 468.403, Florida Statutes, is  
12 amended to read:

13           468.403 Registration License requirements.--

14           (1) A person may not own, operate, solicit business,  
15 or otherwise engage in or carry on the occupation of a talent  
16 agency in this state unless such person first registers with  
17 ~~procures a license for the talent agency from~~ the department.  
18 However, a registration license is not required for a person  
19 who acts as an agent for herself or himself, a family member,  
20 or exclusively for one artist.

21           (2) Each application for a registration license must  
22 be accompanied by an application fee set by the department not  
23 to exceed \$300, ~~plus the actual cost for fingerprint analysis~~  
24 ~~for each owner application, to cover the costs of~~  
25 ~~investigating the applicant.~~ Each application for a change of  
26 operator must be accompanied by an application fee of \$150.  
27 These fees are not refundable.

28           ~~(3)(a) Each owner of a talent agency if other than a~~  
29 ~~corporation and each operator of a talent agency shall submit~~  
30 ~~to the department with the application for licensure of the~~  
31 ~~agency a full set of fingerprints and a photograph of herself~~

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1 ~~or himself taken within the preceding 2 years. The department~~  
2 ~~shall conduct an examination of fingerprint records and police~~  
3 ~~records.~~

4 ~~(b) Each owner of a talent agency that is a~~  
5 ~~corporation shall submit to the department, with the~~  
6 ~~application for licensure of the agency, a full set of~~  
7 ~~fingerprints of the principal officer signing the application~~  
8 ~~form and the bond form, and a full set of fingerprints of each~~  
9 ~~operator, and a photograph of each taken within the preceding~~  
10 ~~2 years. The department shall conduct an examination of~~  
11 ~~fingerprint records and police records.~~

12 ~~(3)(4) Each application must include:~~

13 ~~(a) The name and address of the owner of the talent~~  
14 ~~agency.~~

15 ~~(b) Proof of at least 1 year of direct experience or~~  
16 ~~similar experience of the operator of such agency in the~~  
17 ~~talent agency business or as a subagent, casting director,~~  
18 ~~producer, director, advertising agency, talent coordinator, or~~  
19 ~~musical booking agent.~~

20 ~~(b)(c) The street and number of the building or place~~  
21 ~~where the talent agency is to be located.~~

22 ~~(5) The department shall investigate the owner of an~~  
23 ~~applicant talent agency only to determine her or his ability~~  
24 ~~to comply with this part and shall investigate the operator of~~  
25 ~~an applicant talent agency to determine her or his employment~~  
26 ~~experience and qualifications.~~

27 ~~(4)(6) If the applicant is other than a corporation,~~  
28 ~~the application shall also include the names and addresses of~~  
29 ~~all persons, except bona fide employees on stated salaries,~~  
30 ~~financially interested, either as partners, associates, or~~  
31 ~~profit sharers, in the operation of the talent agency in~~

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1 question, together with the amount of their respective  
2 interest.

3 ~~(5)(7)~~ If the applicant is a corporation, the  
4 application shall include the corporate name and the names,  
5 residential addresses, and telephone numbers of all persons  
6 actively participating in the business of the corporation and  
7 shall include the names of all persons exercising managing  
8 responsibility in the applicant's or registrant's licensee's  
9 office.

10 ~~(8)~~ ~~The application must be accompanied by affidavits~~  
11 ~~of at least five reputable persons, other than artists, who~~  
12 ~~have known or have been associated with the applicant for at~~  
13 ~~least 3 years, stating that the applicant is a person of good~~  
14 ~~moral character or, in the case of a corporation, has a~~  
15 ~~reputation for fair dealing.~~

16 ~~(6)(9)~~ If any information in the application supplied  
17 to the department by the applicant or registrant licensee  
18 changes in any manner whatsoever, the applicant or registrant  
19 licensee shall submit such changes to the department within 30  
20 days after the date of such change or after the date such  
21 change is known or should have been known to the applicant or  
22 registrant licensee.

23 Section 14. Section 468.404, Florida Statutes, is  
24 amended to read:

25 468.404 Registration License; fees; renewals.--

26 (1) The department by rule shall establish biennial  
27 fees for initial registration licensing, renewal of  
28 registration license, and reinstatement of registration  
29 license, none of which fees shall exceed \$400. The department  
30 may by rule establish a delinquency fee of no more than \$50.  
31 The fees shall be adequate to proportionately fund the



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1 expenses of the department which are allocated to the  
2 registering ~~regulation~~ of talent agencies and shall be based  
3 on the department's estimate of the revenue required to  
4 administer this part.

5 (2) If one or more individuals on the basis of whose  
6 qualifications a talent agency registration ~~license~~ has been  
7 obtained cease to be connected with the agency for any reason,  
8 the agency business may be carried on for a temporary period,  
9 not to exceed 90 days, under such terms and conditions as the  
10 department provides by rule for the orderly closing of the  
11 business or the replacement and qualifying of a new owner or  
12 operator. The registrant's ~~licensee's~~ good standing under this  
13 part shall be contingent upon the department's approval of any  
14 such new owner or operator.

15 (3) No registration ~~license~~ shall be valid to protect  
16 any business transacted under any name other than that  
17 designated on ~~in~~ the registration ~~license~~, unless consent is  
18 first obtained from the department, ~~unless written consent of~~  
19 ~~the surety or sureties on the original bond required by s.~~  
20 ~~468.408 is filed with the department, and unless the~~  
21 registration ~~license~~ is returned to the department for the  
22 recording thereon of such changes. A charge of \$25 shall be  
23 made by the department for the recording of authorization for  
24 each change of name or change of location.

25 (4) No registration ~~license~~ issued under this part  
26 shall be assignable.

27 Section 15. Section 468.406, Florida Statutes, is  
28 amended to read:

29 468.406 Fees to be charged by talent agencies; rates;  
30 display.--

31 (1) Each talent agency ~~applicant for a license~~ shall

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1 maintain and provide to its artists or potential clients file  
2 ~~with the application~~ an itemized schedule of maximum fees,  
3 charges, and commissions which it intends to charge and  
4 collect for its services. This schedule may thereafter be  
5 raised only by notifying its artists filing with the  
6 ~~department an amended or supplemental schedule~~ at least 30  
7 days before the change is to become effective. The schedule  
8 shall be posted in a conspicuous place in each place of  
9 business of the agency and shall be printed in not less than a  
10 30-point boldfaced type, except that an agency that uses  
11 written contracts containing maximum fee schedules need not  
12 post such schedules.

13 (2) All money collected by a talent agency from an  
14 employer for the benefit of an artist shall be paid to the  
15 artist, less the talent agency's fee, within 5 business days  
16 after the receipt of such money by the talent agency. No  
17 talent agency is required to pay money to an artist until the  
18 talent agency receives payment from the employer or buyer.

19 Section 16. Section 468.407, Florida Statutes, is  
20 amended to read:

21 468.407 Registration License; content; posting.--

22 (1) The talent agency registration license shall be  
23 valid for the biennial period in which issued and shall be in  
24 such form as may be determined by the department, but shall at  
25 least specify the name under which the applicant is to  
26 operate, the address of the place of business, the expiration  
27 date of the registration license, the full names and titles of  
28 the owner and the operator, and the number of the registration  
29 license.

30 (2) The talent agency registration license shall at  
31 all times be displayed conspicuously in the place of business

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1 in such manner as to be open to the view of the public and  
2 subject to the inspection of all duly authorized officers of  
3 the state and county.

4 (3) If a registrant licensee desires to cancel his or  
5 her registration license, he or she must notify the department  
6 and forthwith return to the department the registration  
7 license so canceled. No registration license fee may be  
8 refunded upon cancellation of the registration license.

9 Section 17. Subsection (3) of section 468.410, Florida  
10 Statutes, is amended to read:

11 468.410 Prohibition against registration fees;  
12 referral.--

13 (3) A talent agency shall give each applicant a copy  
14 of a contract which lists the services to be provided and the  
15 fees to be charged. The contract shall state that the talent  
16 agency is registered with ~~regulated by~~ the department and  
17 shall list the address and telephone number of the department.

18 Section 18. Section 468.412, Florida Statutes, is  
19 amended to read:

20 468.412 Talent agency requirements ~~regulations~~.--

21 (1) A talent agency shall maintain a record sheet for  
22 each booking. This shall be the only required record of  
23 placement and shall be kept for a period of 1 year after the  
24 date of the last entry in the buyer's file.

25 (2) Each talent agency shall keep records in which  
26 shall be entered:

27 (a) The name and address of each artist employing such  
28 talent agency;

29 (b) The amount of fees received from each such artist;  
30 and

31 (c) The employment in which each such artist is

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1 engaged at the time of employing such talent agency and the  
2 amount of compensation of the artist in such employment, if  
3 any, and the employments subsequently secured by such artist  
4 during the term of the contract between the artist and the  
5 talent agency and the amount of compensation received by the  
6 artist pursuant thereto. ~~and~~

7 ~~(d) Other information which the department may require~~  
8 ~~from time to time.~~

9 ~~(3) All books, records, and other papers kept pursuant~~  
10 ~~to this act by any talent agency shall be open at all~~  
11 ~~reasonable hours to the inspection of the department and its~~  
12 ~~agents. Each talent agency shall furnish to the department,~~  
13 ~~upon request, a true copy of such books, records, and papers,~~  
14 ~~or any portion thereof, and shall make such reports as the~~  
15 ~~department may prescribe from time to time.~~

16 ~~(3)(4)~~ Each talent agency shall post in a conspicuous  
17 place in the office of such talent agency a printed copy of  
18 this part ~~and of the rules adopted under this part. Such~~  
19 ~~copies shall also contain the name and address of the officer~~  
20 ~~charged with enforcing this part. The department shall~~  
21 furnish to talent agencies printed copies of any statute ~~or~~  
22 ~~rule~~ required to be posted under this subsection.

23 ~~(4)(5)~~ No talent agency may knowingly issue a contract  
24 for employment containing any term or condition which, if  
25 complied with, would be in violation of law, or attempt to  
26 fill an order for help to be employed in violation of law.

27 ~~(5)(6)~~ No talent agency may publish or cause to be  
28 published any false, fraudulent, or misleading information,  
29 representation, notice, or advertisement. All advertisements  
30 of a talent agency by means of card, circulars, or signs, and  
31 in newspapers and other publications, and all letterheads,

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1 receipts, and blanks shall be printed and contain the  
2 registered licensed name, department registration license  
3 number, and address of the talent agency and the words "talent  
4 agency." No talent agency may give any false information or  
5 make any false promises or representations concerning an  
6 engagement or employment to any applicant who applies for an  
7 engagement or employment.

8 (6)~~(7)~~ No talent agency may send or cause to be sent  
9 any person as an employee to any house of ill fame, to any  
10 house or place of amusement for immoral purposes, to any place  
11 resorted to for the purposes of prostitution, to any place for  
12 the modeling or photographing of a minor in the nude in the  
13 absence of written permission from the minor's parents or  
14 legal guardians, the character of which places the talent  
15 agency could have ascertained upon reasonable inquiry.

16 (7)~~(8)~~ No talent agency may divide fees with anyone,  
17 including, but not limited to, an agent or other employee of  
18 an employer, a buyer, a casting director, a producer, a  
19 director, or any venue that uses entertainment.

20 (8)~~(9)~~ If a talent agency collects from an artist a  
21 fee or expenses for obtaining employment for the artist, and  
22 the artist fails to procure such employment, or the artist  
23 fails to be paid for such employment if procured, such talent  
24 agency shall, upon demand therefor, repay to the artist the  
25 fee and expenses so collected. Unless repayment thereof is  
26 made within 48 hours after demand therefor, the talent agency  
27 shall pay to the artist an additional sum equal to the amount  
28 of the fee.

29 (9)~~(10)~~ Each talent agency must maintain a permanent  
30 office and must maintain regular operating hours at that  
31 office.

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1           Section 19. Section 468.413, Florida Statutes, is  
2 amended to read:

3           468.413 Unlawful acts ~~Legal requirements~~; penalties.--

4           (1) Each of the following acts constitutes a felony of  
5 the third degree, punishable as provided in s. 775.082, s.  
6 775.083, or s. 775.084:

7           (a) Owning or operating, or soliciting business as, a  
8 talent agency in this state without first registering with  
9 ~~procuring a license from~~ the department.

10           (b) Obtaining or attempting to obtain a registration  
11 ~~license~~ by means of fraud, misrepresentation, or concealment.

12           (2) Each of the following acts constitutes a  
13 misdemeanor of the second degree, punishable as provided in s.  
14 775.082 or s. 775.083:

15           (a) Relocating a business as a talent agency, or  
16 operating under any name other than that designated on the  
17 registration license, ~~unless written notification is given to~~  
18 ~~the department and to the surety or sureties on the original~~  
19 ~~bond, and unless the registration license is returned to the~~  
20 department for the recording thereon of such changes.

21           (b) Assigning or attempting to assign a registration  
22 ~~license~~ issued under this part.

23           (c) Failing to show on a registration license  
24 application whether or not the agency or any owner of the  
25 agency is financially interested in any other business of like  
26 nature and, if so, failing to specify such interest or  
27 interests.

28           (d) Failing to maintain the records required by s.  
29 468.409 or knowingly making false entries in such records.

30           (e) Requiring as a condition to registering or  
31 obtaining employment or placement for any applicant that the

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1 applicant subscribe to, purchase, or attend any publication,  
2 postcard service, advertisement, resume service, photography  
3 service, school, acting school, workshop, or acting workshop.

4 (f) Failing to give each applicant a copy of a  
5 contract which lists the services to be provided and the fees  
6 to be charged, which states that the talent agency is  
7 registered with ~~regulated by~~ the department, ~~and which lists~~  
8 ~~the address and telephone number of the department.~~

9 (g) Failing to maintain a record sheet as required by  
10 s. 468.412(1).

11 (h) Knowingly sending or causing to be sent any artist  
12 to a prospective employer or place of business, the character  
13 or operation of which employer or place of business the talent  
14 agency knows to be in violation of the laws of the United  
15 States or of this state.

16 (3) The court may, in addition to other punishment  
17 provided for in subsection (1) or subsection (2), suspend or  
18 revoke the registration license of any person licensee under  
19 this part who has been found guilty of any violation of  
20 subsection (1) or misdemeanor listed in subsection (2).

21 (4) ~~If a~~ ~~in the event the department or any state~~  
22 ~~attorney finds shall have~~ probable cause to believe that a  
23 talent agency or other person has violated any provision of  
24 subsection (1) or subsection (2), an action may be brought by  
25 the department or any state attorney to enjoin such talent  
26 agency or any person from continuing such violation, or  
27 engaging therein or doing any acts in furtherance thereof, and  
28 for such other relief as to the court seems appropriate. In  
29 addition to this remedy, the department may permanently  
30 prohibit a person from operating or working for a talent  
31 agency ~~assess a penalty against any talent agency or any~~

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1 ~~person in an amount not to exceed \$1,000.~~

2       (5) Any person injured by a prohibited act or practice  
3 in violation of this part may bring a civil action in circuit  
4 court for temporary or permanent injunctive relief and may  
5 seek appropriate civil relief, including, but not limited to,  
6 a civil penalty not to exceed \$5,000 for each violation,  
7 restitution and treble damages for injured parties, and court  
8 costs and reasonable attorney's fees.

9           Section 20. Section 468.414, Florida Statutes, is  
10 amended to read:

11           468.414 Collection and deposit of moneys;  
12 appropriation.--Proceeds from the ~~finest, fees, and penalties~~  
13 imposed pursuant to this part shall be deposited in the  
14 Professional Regulation Trust Fund, created by s. 215.37.

15           Section 21. Section 468.415, Florida Statutes, is  
16 amended to read:

17           468.415 Sexual misconduct in the operation of a talent  
18 agency.--The talent agent-artist relationship is founded on  
19 mutual trust. Sexual misconduct in the operation of a talent  
20 agency means violation of the talent agent-artist relationship  
21 through which the talent agent uses the relationship to induce  
22 or attempt to induce the artist to engage or attempt to engage  
23 in sexual activity. Sexual misconduct is prohibited in the  
24 operation of a talent agency. If any agent, owner, or operator  
25 of a registered licensed talent agency is found to have  
26 committed sexual misconduct in the operation of a talent  
27 agency, the agency registration license shall be permanently  
28 revoked. Such agent, owner, or operator shall be permanently  
29 disqualified from present and future registration licensure as  
30 owner or operator of a Florida talent agency.

31           Section 22. Sections 468.405 and 468.408, Florida



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1 Statutes, are repealed.

2 Section 23. Subsection (7) of section 468.609, Florida  
3 Statutes, is amended to read:

4 468.609 Administration of this part; standards for  
5 certification; additional categories of certification.--

6 (7)(a) The board may provide for the issuance of  
7 provisional certificates valid for such period, not less than  
8 3 years nor more than 5 years, as specified by board rule, to  
9 any newly employed or promoted building code inspector or  
10 plans examiner who meets the eligibility requirements  
11 described in subsection (2) and any newly employed or promoted  
12 building code administrator who meets the eligibility  
13 requirements described in subsection (3).

14 (b) No building code administrator, plans examiner, or  
15 building code inspector may have a provisional certificate  
16 extended beyond the specified period by renewal or otherwise.

17 (c) The board may provide for appropriate levels of  
18 provisional certificates and may issue these certificates with  
19 such special conditions or requirements relating to the place  
20 of employment of the person holding the certificate, the  
21 supervision of such person on a consulting or advisory basis,  
22 or other matters as the board may deem necessary to protect  
23 the public safety and health.

24 (d)1. A newly employed or hired person may perform the  
25 duties of a plans examiner or building code inspector for 90  
26 days if a provisional certificate application has been  
27 submitted, provided such person is under the direct  
28 supervision of a certified building code administrator who  
29 holds a standard certification and who has found such person  
30 qualified for a provisional certificate. ~~However,~~

31 2. Direct supervision and the determination of

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1 qualifications under this paragraph may be provided by a  
 2 building code administrator who holds a limited or provisional  
 3 certificate in any county with a population of less than  
 4 75,000 and in any municipality located within such a county.

5 3. Direct supervision under this paragraph may be  
 6 provided in any county with a population of less than 75,000  
 7 and in any municipality within such county by  
 8 telecommunication devices if the supervision is appropriate  
 9 for the facts surrounding the performance of the duties being  
 10 supervised.

11 Section 24. Subsection (4) of section 468.627, Florida  
 12 Statutes, is amended to read:

13 468.627 Application; examination; renewal; fees.--

14 (4) Employees of local government agencies having  
 15 responsibility for building code inspection, building  
 16 construction regulation, and enforcement of building,  
 17 plumbing, mechanical, electrical, gas, fire prevention,  
 18 energy, accessibility, and other construction codes shall pay  
 19 no application fees or examination fees. However, the fee  
 20 charged by the examination contract vendor to the department  
 21 for scheduling an examination of an employee of a local  
 22 government shall be recovered from any employee who does not  
 23 report for the scheduled examination. The department shall  
 24 have the final approval for excusing applicants from a  
 25 scheduled examination and may waive recovery of the fee in  
 26 case of hardship.

27 Section 25. Subsection (1) of section 471.025, Florida  
 28 Statutes, is amended to read:

29 471.025 Seals.--

30 (1) The board shall prescribe, by rule, the forms ~~a~~  
 31 ~~form~~ of seals ~~seal~~ to be used by registrants holding valid

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1 certificates of registration. Each registrant shall obtain at  
 2 least one ~~an impression-type metal~~ seal in the form approved  
 3 by board rule ~~aforesaid~~ and may, in addition, register his or  
 4 her seal electronically in accordance with ss. 282.70-282.75.  
 5 All final drawings, specifications, plans, reports, or  
 6 documents prepared or issued by the registrant and being filed  
 7 for public record and all final bid documents provided to the  
 8 owner or the owner's representative shall be signed by the  
 9 registrant, dated, and stamped with said seal. Such signature,  
 10 date, and seal shall be evidence of the authenticity of that  
 11 to which they are affixed. Drawings, specifications, plans,  
 12 reports, final bid documents, or documents prepared or issued  
 13 by a registrant may be transmitted electronically and may be  
 14 signed by the registrant, dated, and stamped electronically  
 15 with said seal in accordance with ss. 282.70-282.75.

16 Section 26. Section 472.001, Florida Statutes, is  
 17 amended to read:

18 472.001 Purpose.--The Legislature deems it necessary  
 19 to regulate surveyors and mappers as provided in this chapter  
 20 ~~ss. 472.001-472.041~~.

21 Section 27. Section 472.003, Florida Statutes, is  
 22 amended to read:

23 472.003 Exemptions ~~Persons not affected by ss.~~  
 24 ~~472.001-472.041~~.--This chapter does ~~Sections 472.001-472.041~~  
 25 ~~do~~ not apply to:

26 (1) Any surveyor and mapper working as a salaried  
 27 employee of the United States Government when engaged in work  
 28 solely for the United States Government.

29 (2) A registered professional engineer who takes or  
 30 contracts for professional surveying and mapping services  
 31 incidental to her or his practice of engineering and who

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1 delegates such surveying and mapping services to a registered  
2 professional surveyor and mapper qualified within her or his  
3 firm or contracts for such professional surveying and mapping  
4 services to be performed by others who are registered  
5 professional surveyors and mappers under this chapter ~~the~~  
6 ~~provisions of ss. 472.001-472.041.~~

7 (3) The following persons when performing construction  
8 layout from boundary, horizontal, and vertical controls that  
9 have been established by a registered professional surveyor  
10 and mapper:

11 (a) Contractors performing work on bridges, roads,  
12 streets, highways, or railroads, or utilities and services  
13 incidental thereto, or employees who are subordinates of such  
14 contractors provided that the employee does not hold herself  
15 or himself out for hire or engage in such contracting except  
16 as an employee;

17 (b) Certified or registered contractors licensed  
18 pursuant to part I of chapter 489 or employees who are  
19 subordinates of such contractors provided that the employee  
20 does not hold herself or himself out for hire or engage in  
21 contracting except as an employee; and

22 (c) Registered professional engineers licensed  
23 pursuant to chapter 471 and employees of a firm, corporation,  
24 or partnership who are the subordinates of the registered  
25 professional engineer in responsible charge.

26 (4) Persons employed by county property appraisers, as  
27 defined at s. 192.001(3), and persons employed by the  
28 Department of Revenue, to prepare maps for property appraisal  
29 purposes only, but only to the extent that they perform  
30 mapping services which do not include any surveying activities  
31 as described in s. 472.005(4) ~~(a) and (b).~~

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1           (5)(a) Persons who are employees of any state, county,  
 2 municipal, or other governmental unit of this state and who  
 3 are the subordinates of a person in responsible charge  
 4 registered under this chapter, to the extent that the  
 5 supervision meets standards adopted by rule of the board, if  
 6 any.

7           (b) Persons who are employees of any employee leasing  
 8 company licensed pursuant to part XI of chapter 468 and who  
 9 work as subordinates of a person in responsible charge  
 10 registered under this chapter.

11           (c) Persons who are employees of an individual  
 12 registered or legal entity certified under this chapter and  
 13 who are the subordinates of a person in responsible charge  
 14 registered under this chapter, to the extent that the  
 15 supervision meets standards adopted by rule of the board, if  
 16 any.

17           Section 28. Section 472.005, Florida Statutes, is  
 18 amended to read:

19           472.005 Definitions.--As used in this chapter ~~ss.~~  
 20 ~~472.001-472.041~~:

21           (1) "Board" means the Board of Professional Surveyors  
 22 and Mappers.

23           (2) "Department" means the Department of Business and  
 24 Professional Regulation.

25           (3) "Surveyor and mapper" includes the term  
 26 "professional surveyor and mapper" and means a person who is  
 27 registered to engage in the practice of surveying and mapping  
 28 under this chapter ~~ss. 472.001-472.041~~. For the purposes of  
 29 this subsection ~~statute~~, a surveyor and mapper means a person  
 30 who determines and displays the facts of size, shape,  
 31 topography, tidal datum planes, legal or geodetic location or

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1 relation, and orientation of improved or unimproved real  
2 property through direct measurement or from certifiable  
3 measurement through accepted photogrammetric procedures.  
4 (4)(a) "Practice of surveying and mapping" means,  
5 among other things, any professional service or work, the  
6 adequate performance of which involves the application of  
7 special knowledge of the principles of mathematics, the  
8 related physical and applied sciences, and the relevant  
9 requirements of law for adequate evidence of the act of  
10 measuring, locating, establishing, or reestablishing lines,  
11 angles, elevations, natural and manmade features in the air,  
12 on the surface and immediate subsurface of the earth, within  
13 underground workings, and on the beds or surface of bodies of  
14 water, for the purpose of determining, establishing,  
15 describing, displaying, or interpreting the facts of size,  
16 shape, topography, tidal datum planes, legal or geodetic  
17 location or relocation, and orientation of improved or  
18 unimproved real property and appurtenances thereto, including  
19 acreage and condominiums.

20 (b) The practice of surveying and mapping also  
21 includes, but is not limited to, photogrammetric control; the  
22 monumentation and remonumentation of property boundaries and  
23 subdivisions; the measurement of and preparation of plans  
24 showing existing improvements after construction; the layout  
25 of proposed improvements; the preparation of descriptions for  
26 use in legal instruments of conveyance of real property and  
27 property rights; the preparation of subdivision planning maps  
28 and record plats, as provided for in chapter 177; the  
29 determination of, but not the design of, grades and elevations  
30 of roads and land in connection with subdivisions or divisions  
31 of land; and the creation and perpetuation of alignments

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1 related to maps, record plats, field note records, reports,  
2 property descriptions, and plans and drawings that represent  
3 them.

4 (5) ~~The term~~ "Surveyor and mapper intern" includes ~~the~~  
5 ~~term~~ "surveyor-mapper-in-training" and means a person who  
6 complies with the requirements of this chapter ~~provided by ss.~~  
7 ~~472.001-472.041~~ and who has passed an examination as provided  
8 by rules adopted by the board.

9 (6) ~~The term~~ "Responsible charge" means direct control  
10 and personal supervision of surveying and mapping work, but  
11 does not include experience as a chainperson, rodperson,  
12 instrumentperson, ordinary draftsperson, digitizer, scribe,  
13 photo lab technician, ordinary stereo plotter operator, aerial  
14 photo pilot, photo interpreter, and other positions of routine  
15 work.

16 (7) ~~The term~~ "License" means the registration of  
17 surveyors and mappers or the certification of businesses to  
18 practice surveying and mapping in this state.

19 (8) "Photogrammetric mapper" means any person who  
20 engages in the practice of surveying and mapping using aerial  
21 or terrestrial photography or other sources of images.

22 (9) "Employee" means a person who receives  
23 compensation from and is under the supervision and control of  
24 an employer who regularly deducts the F.I.C.A. and withholding  
25 tax and provides workers' compensation, all as prescribed by  
26 law.

27 (10) "Subordinate" means an employee who performs work  
28 under the direction, supervision, and responsible charge of a  
29 person who is registered under this chapter.

30 (11) "Monument" means an artificial or natural object  
31 that is permanent or semipermanent and used or presumed to

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1 occupy any real property corner, any point on a boundary line,  
2 or any reference point or other point to be used for  
3 horizontal or vertical control.

4 (12) "Legal entity" means a corporation, partnership,  
5 association, or person practicing under a fictitious name who  
6 is certified under s. 472.021.

7 Section 29. Subsection (1) of section 472.011, Florida  
8 Statutes, is amended to read:

9 472.011 Fees.--

10 (1) The board, by rule, may establish fees to be paid  
11 for applications, examination, reexamination, licensing and  
12 renewal, inactive status application and reactivation of  
13 inactive licenses, recordmaking and recordkeeping, and  
14 applications for providers of continuing education. The board  
15 may also establish by rule a delinquency fee. The board shall  
16 establish fees that are adequate to ensure the continued  
17 operation of the board. Fees shall be based on department  
18 estimates of the revenue required to implement this chapter  
19 ~~ss. 472.001-472.041~~ and the provisions of law with respect to  
20 the regulation of surveyors and mappers.

21 Section 30. Subsection (4) of section 472.015, Florida  
22 Statutes, is amended to read:

23 472.015 Licensure.--

24 (4) The department shall not issue a license by  
25 endorsement to any applicant who is under investigation in  
26 another state for any act that would constitute a violation of  
27 this chapter ~~ss. 472.001-472.041~~ or chapter 455 until such  
28 time as the investigation is complete and disciplinary  
29 proceedings have been terminated.

30 Section 31. Subsection (1) of section 472.021, Florida  
31 Statutes, is amended to read:





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1 relationship with a corporation or partnership.

2 Section 32. Section 472.027, Florida Statutes, is  
3 amended to read:

4 472.027 Minimum technical standards for surveying and  
5 mapping.--The board shall adopt rules relating to the practice  
6 of surveying and mapping which establish minimum technical  
7 standards to ensure the achievement of no less than minimum  
8 degrees of accuracy, completeness, and quality in order to  
9 assure adequate and defensible real property boundary  
10 locations and other pertinent information provided by  
11 surveyors and mappers under the authority of this chapter ss.  
12 ~~472.001-472.041.~~

13 Section 33. Section 472.029, Florida Statutes, is  
14 amended to read:

15 472.029 Authorization ~~Surveyors and mappers authorized~~  
16 ~~to enter lands of third parties; under certain~~  
17 conditions.--Surveyors and mappers and their subordinates may  
18 go on, over, and upon the lands of others when necessary to  
19 make surveys and maps or to search for, uncover, locate, or  
20 set monuments, and, in so doing, may carry with them their  
21 agents and employees necessary for that purpose. Entry under  
22 the right hereby granted does not constitute trespass, and  
23 surveyors and mappers and their subordinates and duly  
24 authorized agents or employees so entering are not liable to  
25 arrest or to a civil action by reason of such entry as long as  
26 the entering is in compliance with all federal, state, and  
27 local regulations pertaining to premises security,  
28 agricultural protections, and other health and safety  
29 requirements. However, this section does not give authority  
30 to registrants, subordinates, agents, or employees to destroy,  
31 injure, damage, or otherwise move any physical improvements

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1 anything on lands of another without the written permission of  
2 the landowner. No landowner shall be liable to any third party  
3 for any civil or criminal act, or any damages, which result in  
4 whole or in part through the negligent or intentional conduct  
5 of any person regulated by this section. If written notice is  
6 delivered to a landowner or the landowner's registered agent  
7 three business days prior to entry on a parcel containing more  
8 than 160 acres classified as agricultural land, the duty of  
9 care owed to those regulated by this section shall be that due  
10 to a licensee under this chapter; however, if no such notice  
11 is given, the landowner's duty of care shall be that due to an  
12 unforeseen trespasser.

13 Section 34. Subsection (5) of section 810.12, Florida  
14 Statutes, is amended to read:

15 810.12 Unauthorized entry on land; prima facie  
16 evidence of trespass.--

17 (5) However, this section shall not apply to any  
18 official or employee of the state or a county, municipality,  
19 or other governmental agency now authorized by law to enter  
20 upon lands or to registered engineers, ~~and~~ surveyors and  
21 mappers, and other persons authorized to enter lands pursuant  
22 to ss. 471.027 and 472.029. The provisions of this section  
23 shall not apply to the trimming or cutting of trees or timber  
24 by municipal or private public utilities, or their employees,  
25 contractors, or subcontractors, when such trimming is required  
26 for the establishment or maintenance of the service furnished  
27 by any such utility.

28 Section 35. Subsection (1) of section 472.031, Florida  
29 Statutes, is amended to read:

30 472.031 Prohibitions; penalties.--

31 (1) No person shall:

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1 (a) Practice surveying and mapping unless such person  
2 is registered under this chapter ~~pursuant to ss.~~  
3 ~~472.001-472.041~~;

4 (b) Use the name or title "registered surveyor and  
5 mapper" when such person has not registered under this chapter  
6 ~~pursuant to ss. 472.001-472.041~~;

7 (c) Present as his or her own the registration of  
8 another;

9 (d) Knowingly give false or forged evidence to the  
10 board or a member thereof; or

11 (e) Use or attempt to use a registration that has been  
12 suspended or revoked.

13 Section 36. Section 472.037, Florida Statutes, is  
14 amended to read:

15 472.037 Application of chapter ~~ss. 472.001-472.041~~.--

16 (1) Nothing contained in this chapter ~~ss.~~  
17 ~~472.001-472.041~~ shall be construed to repeal, amend, limit, or  
18 otherwise affect any local building code or zoning law or  
19 ordinance, now or hereafter enacted, which is more restrictive  
20 with respect to the services of registered surveyors and  
21 mappers than the provisions of this chapter ~~ss.~~  
22 ~~472.001-472.041~~.

23 (2) In counties or municipalities that issue building  
24 permits, such permits shall not be issued in any case where it  
25 is apparent from the application for such building permit that  
26 the provisions of this chapter ~~ss. 472.001-472.041~~ have been  
27 violated. However, this shall not authorize the withholding of  
28 building permits in any cases within the exempt classes set  
29 forth in this chapter ~~ss. 472.001-472.041~~.

30 Section 37. A new subsection (4) is added to section  
31 475.01, Florida Statutes, to read:

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1           475.01 Definitions.--

2           (4) A broker acting as a trustee or in a fiduciary  
3 capacity is subject to the provisions of this chapter.

4           Section 38. Section 476.014, Florida Statutes, is  
5 amended to read:

6           476.014 Short title.--This chapter act may be cited as  
7 the "Barbers' Act."

8           Section 39. Section 476.034, Florida Statutes, is  
9 amended to read:

10          476.034 Definitions.--As used in this chapter act:

11          (1) "Barber" means a person who is licensed to engage  
12 in the practice of barbering in this state under the authority  
13 of this chapter.

14          (2) "Barbering" means any of the following practices  
15 when done for remuneration and for the public, but not when  
16 done for the treatment of disease or physical or mental  
17 ailments: shaving, cutting, trimming, coloring, shampooing,  
18 arranging, dressing, curling, or waving the hair or beard or  
19 applying oils, creams, lotions, or other preparations to the  
20 face, scalp, or neck, either by hand or by mechanical  
21 appliances.

22          (3) "Barbershop" means any place of business wherein  
23 the practice of barbering is carried on.

24          (4) "Board" means the ~~Barbers~~ Board of Barbering and  
25 Cosmetology.

26          (5) "Department" means the Department of Business and  
27 Professional Regulation.

28          Section 40. Section 476.054, Florida Statutes, is  
29 amended to read:

30          476.054 ~~Barbers~~ Board of Barbering and Cosmetology--

31          (1) There is created within the department the

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1 ~~Barbers'~~Board of Barbering and Cosmetology, consisting of  
2 seven members who shall be appointed by the Governor, subject  
3 to confirmation by the Senate.

4 (2) ~~Two~~ Five members of the board ~~must~~ shall be  
5 licensed barbers who have practiced the occupation of  
6 barbering in this state for at least 5 years. Three members  
7 must be licensed cosmetologists who have practiced cosmetology  
8 in this state for at least 5 years, and one member must be a  
9 registered cosmetology specialist who has practiced his or her  
10 specialty in this state for a least 5 years. The remaining  
11 member must ~~two members of the board shall~~ be a resident  
12 citizens of the state who ~~is~~ are not presently a licensed  
13 barber or cosmetologist ~~barbers~~. No person ~~may~~ shall be  
14 appointed to the board who is ~~in any way~~ connected with the  
15 manufacture, rental, or wholesale distribution of barber or  
16 cosmetology equipment and supplies.

17 (3) As the terms of the members expire, the Governor  
18 shall appoint successors for terms of 4 years; and such  
19 members shall serve until their successors are appointed and  
20 qualified. The Governor may remove any member for cause.

21 (4) No person ~~may~~ shall be appointed to serve more  
22 than two consecutive terms. Any vacancy shall be filled by  
23 appointment by the Governor for the unexpired portion of the  
24 term.

25 (5) Each board member shall receive \$50 per day, up to  
26 a maximum of \$2,000 per year, for time spent on board  
27 business, plus per diem and mileage allowances as provided in  
28 s. 112.061 from the place of her or his residence to the place  
29 of meeting and the return therefrom.

30 (6) Before beginning duties as a board member, each  
31 appointee must take the constitutional oath of office and file

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1 it with the Department of State, which shall issue to such  
2 member a certificate of appointment.

3 (7) The board shall, each January, elect from among  
4 its members a chair and a vice chair.

5 (8) The board shall hold such meetings during the year  
6 as necessary, one of which shall be the annual meeting. The  
7 chair may call other meetings. A quorum shall consist of not  
8 fewer than four members.

9 (9)(6) Each board member shall be held accountable to  
10 the Governor for the proper performance of all duties and  
11 obligations of such board member's office. The Governor shall  
12 cause to be investigated any complaints or unfavorable reports  
13 received concerning the actions of the board or its individual  
14 members and shall take appropriate action thereon, which may  
15 include removal of any board member for malfeasance,  
16 misfeasance, neglect of duty, commission of a felony,  
17 drunkenness, incompetency, or permanent inability to perform  
18 her or his official duties.

19 Section 41. Section 476.064, Florida Statutes, is  
20 amended to read:

21 476.064 Organization; headquarters; personnel;  
22 meetings.--

23 ~~(1) The board shall annually elect a chair and a vice~~  
24 ~~chair from its number.~~The board shall maintain its  
25 headquarters in Tallahassee.

26 (2) The department shall appoint or employ such  
27 personnel as ~~may be~~ necessary to assist the board in  
28 exercising the powers and performing the duties and  
29 obligations set forth in this chapter ~~act~~. Such personnel need  
30 not be licensed barbers or cosmetologists and shall not be  
31 members of the board. Such personnel shall be authorized to

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1 do and perform such duties and work as may be assigned by the  
2 board.

3 ~~(3) The board shall hold an annual meeting and such~~  
4 ~~other meetings during the year as it may determine to be~~  
5 ~~necessary. The chair of the board may call other meetings at~~  
6 ~~her or his discretion. A quorum of the board shall consist of~~  
7 ~~not less than four members.~~

8 ~~(3)(4)~~ The board has authority to adopt rules pursuant  
9 to ss. 120.536(1) and 120.54 necessary to administer ~~implement~~  
10 ~~the provisions of this chapter.~~

11 Section 42. Subsections (1) and (2) of section  
12 476.074, Florida Statutes, are amended to read:

13 476.074 Legal, investigative, and inspection  
14 services.--

15 (1) The department shall provide all legal services  
16 needed to carry out the provisions of this chapter act.

17 (2) The department shall provide all investigative  
18 services required by the board or the department in carrying  
19 out the provisions of this chapter act.

20 Section 43. Subsection (2) of section 476.154, Florida  
21 Statutes, is amended to read:

22 476.154 Biennial renewal of licenses.--

23 (2) Any license or certificate of registration issued  
24 pursuant to this chapter act for a period less than the  
25 established biennial issuance period may be issued for that  
26 lesser period of time, and the department shall adjust the  
27 required fee accordingly. The board shall adopt rules  
28 providing for such partial period fee adjustments.

29 Section 44. Paragraphs (a) and (b) of subsection (1)  
30 of section 476.194, Florida Statutes, are amended to read:

31 476.194 Prohibited acts.--



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1 (1) It is unlawful for any person to:

2 (a) Engage in the practice of barbering without an  
3 active license as a barber issued pursuant to the provisions  
4 of this chapter act by the department.

5 (b) Engage in willful or repeated violations of this  
6 chapter act or of any of the rules adopted by the board.

7 Section 45. Subsections (1) and (3) of section  
8 476.214, Florida Statutes, are amended to read:

9 476.214 Grounds for suspending, revoking, or refusing  
10 to grant license or certificate.--

11 (1) The board shall have the power to revoke or  
12 suspend any license, registration card, or certificate of  
13 registration issued pursuant to this chapter act, or to  
14 reprimand, censure, deny subsequent licensure of, or otherwise  
15 discipline any holder of a license, registration card, or  
16 certificate of registration issued pursuant to this chapter  
17 act, for any of the following causes:

18 (a) Gross malpractice or gross incompetency in the  
19 practice of barbering;

20 (b) Practice by a person knowingly having an  
21 infectious or contagious disease; or

22 (c) Commission of any of the offenses described in s.  
23 476.194.

24 (3) The board shall keep a record of its disciplinary  
25 proceedings against holders of licenses or certificates of  
26 registration issued pursuant to this chapter act.

27 Section 46. Section 476.234, Florida Statutes, is  
28 amended to read:

29 476.234 Civil proceedings.--In addition to any other  
30 remedy, the department may file a proceeding in the name of  
31 the state seeking issuance of a restraining order, injunction,

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1 or writ of mandamus against any person who is or has been  
2 violating any of the provisions of this chapter act or the  
3 lawful rules or orders of the board, commission, or  
4 department.

5 Section 47. Subsection (1) of section 477.013, Florida  
6 Statutes, is amended to read:

7 477.013 Definitions.--As used in this chapter:

8 (1) "Board" means the Board of Barbering and  
9 Cosmetology.

10 Section 48. Section 477.015, Florida Statutes, is  
11 repealed.

12 Section 49. The Barbers' Board created pursuant to  
13 section 476.054, Florida Statutes, and the Board of  
14 Cosmetology created pursuant to section 477.015, Florida  
15 Statutes, are abolished. All rules of the Barbers' Board and  
16 the Board of Cosmetology in effect on the effective date of  
17 this act shall remain in full force and shall become rules of  
18 the Board of Barbering and Cosmetology.

19 Section 50. The Board of Barbering and Cosmetology is  
20 created by this act by the amendment of section 476.054,  
21 Florida Statutes, and the repeal of section 477.015, Florida  
22 Statutes. Appointments to this board are new and shall be made  
23 by the Governor, subject to confirmation by the Senate, for  
24 initial terms of 4 years or less so that no more than two  
25 terms expire in any one year. The board shall assume  
26 responsibilities for the regulation of barbering pursuant to  
27 chapter 476, Florida Statutes, and the regulation of  
28 cosmetology pursuant to chapter 477, Florida Statutes, as  
29 provided in those chapters.

30 Section 51. The Board of Barbering and Cosmetology  
31 shall be replaced as the party of interest for any legal

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1 actions naming the Barbers' Board or the Board of Cosmetology  
2 as a party.

3 Section 52. Subsection (7) of section 477.019, Florida  
4 Statutes, is amended to read:

5 477.019 Cosmetologists; qualifications; licensure;  
6 supervised practice; license renewal; endorsement; continuing  
7 education.--

8 (7)(a) The board shall prescribe by rule continuing  
9 education requirements intended to ensure protection of the  
10 public through updated training of licensees and registered  
11 specialists, not to exceed 16 hours biennially, as a condition  
12 for renewal of a license or registration as a specialist under  
13 this chapter. Continuing education courses shall include, but  
14 not be limited to, the following subjects as they relate to  
15 the practice of cosmetology: human immunodeficiency virus and  
16 acquired immune deficiency syndrome; Occupational Safety and  
17 Health Administration regulations; workers' compensation  
18 issues; state and federal laws and rules as they pertain to  
19 cosmetologists, cosmetology, salons, specialists, specialty  
20 salons, and booth renters; chemical makeup as it pertains to  
21 hair, skin, and nails; and environmental issues. ~~Courses given~~  
22 ~~at cosmetology conferences may be counted toward the number of~~  
23 ~~continuing education hours required if approved by the board.~~

24 (b) Any person whose occupation or practice is  
25 confined solely to hair braiding, hair wrapping, or body  
26 wrapping is exempt from the continuing education requirements  
27 of this subsection.

28 (c) The board shall by rule establish criteria for the  
29 approval of continuing education courses and providers. ~~The~~  
30 ~~board may, by rule, require any licensee in violation of a~~  
31 ~~continuing education requirement to take a refresher course or~~

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1 ~~refresher course and examination in addition to any other~~  
2 ~~penalty. The number of hours for the refresher course may not~~  
3 ~~exceed 48 hours.~~

4 (d) The department shall approve all continuing  
5 education courses and providers as set forth in this  
6 subsection. The board may not approve any course which does  
7 not substantially and exclusively relate to the practice of  
8 cosmetology and serve to ensure the protection of the public.  
9 Courses given at cosmetology conferences may be counted toward  
10 the number of continuing education hours required if approved  
11 by the department.

12 (e) Correspondence courses may be approved if offered  
13 by a provider approved by the board under paragraph (d) and  
14 meet all relevant course criteria established by the board.  
15 Correspondence courses must include a written post course  
16 examination developed and graded by the course provider which  
17 demonstrates the licensee's understanding of the subject  
18 matter taught by the course. The board may, by rule, set the  
19 minimum allowed passing score for such examinations.

20 Section 53. Subsection (1) of section 477.026, Florida  
21 Statutes, is amended to read:

22 477.026 Fees; disposition.--

23 (1) The board shall set fees according to the  
24 following schedule:

25 (a) For cosmetologists, fees for original licensing,  
26 license renewal, and delinquent renewal shall not exceed \$25.

27 (b) For cosmetologists, fees for endorsement  
28 application, examination, and reexamination shall not exceed  
29 \$50.

30 (c) For cosmetology and specialty salons, fees for  
31 license application, original licensing, license renewal, and

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1 delinquent renewal shall not exceed \$50.

2 (d) For specialists, fees for application and  
3 endorsement registration shall not exceed \$30.

4 (e) For specialists, fees for initial registration,  
5 registration renewal, and delinquent renewal shall not exceed  
6 \$50.

7 (f) For hair braiders, hair wrappers, and body  
8 wrappers, fees for initial registration, registration renewal,  
9 and delinquent renewal shall not exceed \$25.

10 Section 54. Subsection (1) of section 481.209, Florida  
11 Statutes, is amended to read:

12 481.209 Examinations.--

13 (1) A person desiring to be licensed as a registered  
14 architect shall apply to the department to take the licensure  
15 examination. The department shall administer the licensure  
16 examination for architects to each applicant who the board  
17 certifies:

18 (a) Has completed the application form and remitted a  
19 nonrefundable application fee and an examination fee which is  
20 refundable if the applicant is found to be ineligible to take  
21 the examination;

22 (b)1. ~~Has successfully completed all architectural~~  
23 ~~curriculum courses required by and~~ Is a graduate of a school  
24 or college of architecture accredited by the National  
25 Architectural Accreditation Board; or

26 2. Is a graduate of an approved architectural  
27 curriculum, evidenced by a degree from an unaccredited school  
28 or college of architecture approved by the board. The board  
29 shall adopt rules providing for the review and approval of  
30 unaccredited schools and colleges of architecture and courses  
31 of architectural study based on a review and inspection by the

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1 board of the curriculum of accredited schools and colleges of  
 2 architecture in the United States, ~~including those schools and~~  
 3 ~~colleges accredited by the National Architectural~~  
 4 ~~Accreditation Board; and~~

5 (c) Has completed, prior to examination, 1 year of the  
 6 internship experience required by s. 481.211(1).

7 Section 55. Section 481.223, Florida Statutes, is  
 8 amended to read:

9 481.223 Prohibitions; penalties; injunctive relief.--

10 (1) A person may not knowingly:

11 (a) Practice architecture unless the person is an  
 12 architect or a registered architect;

13 (b) Practice interior design unless the person is a  
 14 registered interior designer unless otherwise exempted herein;

15 (c) Use the name or title "architect" or "registered  
 16 architect," or "interior designer" or "registered interior  
 17 designer," or words to that effect, when the person is not  
 18 then the holder of a valid license issued pursuant to this  
 19 part;

20 (d) Present as his or her own the license of another;

21 (e) Give false or forged evidence to the board or a  
 22 member thereof;

23 (f) Use or attempt to use an architect or interior  
 24 designer license that has been suspended, revoked, or placed  
 25 on inactive or delinquent status;

26 (g) Employ unlicensed persons to practice architecture  
 27 or interior design; or

28 (h) Conceal information relative to violations of this  
 29 part.

30 (2) Any person who violates any provision of  
 31 subsection (1) ~~this section~~ commits a misdemeanor of the first

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1 degree, punishable as provided in s. 775.082 or s. 775.083.

2 (3)(a) Notwithstanding chapter 455 or any other  
3 provision of law to the contrary, an affected person may  
4 maintain an action for injunctive relief to restrain or  
5 prevent a person from violating paragraph (1)(a), paragraph  
6 (1)(b), or paragraph (1)(c). The prevailing party shall be  
7 entitled to actual costs and attorney's fees.

8 (b) For purposes of this subsection, "affected person"  
9 means a person directly affected by the actions of a person  
10 suspected of violating paragraph (1)(a), paragraph (1)(b), or  
11 paragraph (1)(c) and includes, but is not limited to, the  
12 department, any person who received services from the alleged  
13 violation, or any private association composed primarily of  
14 members of the profession the alleged violator is practicing  
15 or offering to practice or holding himself or herself out as  
16 qualified to practice.

17 Section 56. Effective July 1, 2001, subsections (2)  
18 and (4) of section 489.107, Florida Statutes, are amended to  
19 read:

20 489.107 Construction Industry Licensing Board.--

21 (2) The board shall consist of 16 ~~18~~ members, of whom:

22 (a) Four are primarily engaged in business as general  
23 contractors;

24 (b) Three are primarily engaged in business as  
25 building contractors or residential contractors, however, at  
26 least one building contractor and one residential contractor  
27 shall be appointed;

28 (c) One is primarily engaged in business as a roofing  
29 contractor;

30 (d) One is primarily engaged in business as a sheet  
31 metal contractor;

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1 (e) One is primarily engaged in business as an  
2 air-conditioning contractor;

3 (f) One is primarily engaged in business as a  
4 mechanical contractor;

5 (g) One is primarily engaged in business as a pool  
6 contractor;

7 (h) One is primarily engaged in business as a plumbing  
8 contractor;

9 (i) One is primarily engaged in business as an  
10 underground utility and excavation contractor;

11 (j) Notwithstanding the provisions of s. 20.165(6),  
12 one is a ~~Two are~~ consumer member ~~members~~ who is ~~are~~ not, and  
13 has ~~have~~ never been, a member ~~members~~ or practitioner  
14 ~~practitioners~~ of a profession regulated by the board or a  
15 member ~~members~~ of any closely related profession; and

16 (k) One is a ~~Two are~~ building official ~~officials~~ of a  
17 municipality or county.

18 (l) On the date the reduction of the number of members  
19 on the board made by this act becomes effective, the affected  
20 appointments shall be those in the reduced membership class  
21 whose terms next expire.

22 (4) The board shall be divided into two divisions,  
23 Division I and Division II.

24 (a) Division I is comprised of the general contractor,  
25 building contractor, and residential contractor members of the  
26 board; ~~one of the members appointed pursuant to paragraph~~  
27 ~~(2)(j) and one of the member members~~ appointed pursuant to  
28 paragraph (2)(k). Division I has jurisdiction over the  
29 regulation of general contractors, building contractors, and  
30 residential contractors.

31 (b) Division II is comprised of the roofing



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1 contractor, sheet metal contractor, air-conditioning  
2 contractor, mechanical contractor, pool contractor, plumbing  
3 contractor, and underground utility and excavation contractor  
4 members of the board; ~~and one of the member members~~ appointed  
5 pursuant to paragraph (2)(j); ~~and one of the members appointed~~  
6 ~~pursuant to paragraph (2)(k)~~. Division II has jurisdiction  
7 over the regulation of contractors defined in s.  
8 489.105(3)(d)-(p).

9 (c) Jurisdiction for the regulation of specialty  
10 contractors defined in s. 489.105(3)(q) shall lie with the  
11 division having jurisdiction over the scope of work of the  
12 specialty contractor as defined by board rule.

13 Section 57. Section 489.1133, Florida Statutes, is  
14 created to read:

15 489.1133 Temporary certificate or registration.--The  
16 department may issue a temporary certificate or registration  
17 to any applicant who has submitted a completed application and  
18 who appears to meet all qualifications for certification or  
19 registration, pending final approval of the application and  
20 the granting of a permanent certificate or registration by the  
21 board. If the board determines that the applicant does not  
22 meet all of the requirements for certification or registration  
23 under this part, the board shall, upon notifying the applicant  
24 of his or her failure to qualify, revoke the applicant's  
25 temporary certificate or registration.

26 Section 58. Paragraph (b) of subsection (4) of section  
27 489.115, Florida Statutes, as amended by chapters 98-287 and  
28 2000-141, Laws of Florida, is amended to read:

29 489.115 Certification and registration; endorsement;  
30 reciprocity; renewals; continuing education.--

31 (4)

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1 (b)1. Each certificateholder or registrant shall  
2 provide proof, in a form established by rule of the board,  
3 that the certificateholder or registrant has completed at  
4 least 14 classroom hours of at least 50 minutes each of  
5 continuing education courses during each biennium since the  
6 issuance or renewal of the certificate or registration. The  
7 board shall establish by rule that a portion of the required  
8 14 hours must deal with the subject of workers' compensation,  
9 business practices, and workplace safety. The board shall by  
10 rule establish criteria for the approval of continuing  
11 education courses and providers, including requirements  
12 relating to the content of courses and standards for approval  
13 of providers, and may by rule establish criteria for accepting  
14 alternative nonclassroom continuing education on an  
15 hour-for-hour basis. The board shall prescribe by rule the  
16 continuing education, if any, which is required during the  
17 first biennium of initial licensure. A person who has been  
18 licensed for less than an entire biennium must not be required  
19 to complete the full 14 hours of continuing education.

20 2. In addition, the board may approve specialized  
21 continuing education courses on compliance with the wind  
22 resistance provisions for one and two family dwellings  
23 contained in the Florida Building Code and any alternate  
24 methodologies for providing such wind resistance which have  
25 been approved for use by the Florida Building Commission.  
26 Contractors defined in s. 489.105(3)(a)-(c) Division F  
27 ~~certificateholders or registrants~~ who demonstrate proficiency  
28 upon completion of such specialized courses may certify plans  
29 and specifications for one and two family dwellings to be in  
30 compliance with the code or alternate methodologies, as  
31 appropriate, except for dwellings located in floodways or

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1 coastal hazard areas as defined in ss. 60.3D and E of the  
2 National Flood Insurance Program.

3           3. Each certificateholder or registrant shall provide  
4 to the board proof of completion of the core curriculum  
5 courses, or passing the equivalency test of the Building Code  
6 Training Program established under s. 553.841, specific to the  
7 licensing category sought, within 2 years after commencement  
8 of the program or of initial certification or registration,  
9 whichever is later. Classroom hours spent taking core  
10 curriculum courses shall count toward the number required for  
11 renewal of certificates or registration. A certificateholder  
12 or registrant who passes the equivalency test in lieu of  
13 taking the core curriculum courses shall receive full credit  
14 for core curriculum course hours.

15           4. The board shall require, by rule adopted pursuant  
16 to ss. 120.536(1) and 120.54, a specified number of hours in  
17 specialized or advanced module courses, approved by the  
18 Florida Building Commission, on any portion of the Florida  
19 Building Code, adopted pursuant to part VII of chapter 553,  
20 relating to the contractor's respective discipline.

21           Section 59. Subsection (1) of section 489.118, Florida  
22 Statutes, is amended to read:

23           489.118 Certification of registered contractors;  
24 grandfathering provisions.--The board shall, upon receipt of a  
25 completed application and appropriate fee, issue a certificate  
26 in the appropriate category to any contractor registered under  
27 this part who makes application to the board and can show that  
28 he or she meets each of the following requirements:

29           (1) Currently holds a valid registered local license  
30 in one of the contractor categories defined in s.

31 489.105(3)(a)-(p) or holds a valid registered local specialty

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1 license which substantially corresponds to a type of specialty  
2 contractor recognized for state certification pursuant to  
3 board rule under s. 489.113(6).

4 Section 60. Subsection (6) of section 489.507, Florida  
5 Statutes, is repealed.

6 Section 61. The Electrical Contractors' Licensing  
7 Board shall review its operations and its regular board  
8 meeting lengths and locations and develop a plan to reduce its  
9 annual operating budget by \$25,000, and shall submit the plan  
10 to the Department of Business and Professional Regulation by  
11 January 1, 2002.

12 Section 62. Subsection (6) of section 489.511, Florida  
13 Statutes, is amended to read:

14 489.511 Certification; application; examinations;  
15 endorsement.--

16 (6) The board shall certify as qualified for  
17 certification by endorsement any individual who applies from a  
18 state that has a mutual reciprocity endorsement agreement with  
19 the board and ~~applying for certification who+~~

20 ~~(a)~~ meets the requirements for certification ~~as set~~  
21 ~~forth~~ in this section; has passed a national, regional, state,  
22 or United States territorial licensing examination that is  
23 substantially equivalent to the examination required by this  
24 part; and has satisfied the requirements set forth in s.  
25 489.521. ~~+~~ ~~or~~

26 ~~(b)~~ ~~Holds a valid license to practice electrical or~~  
27 ~~alarm system contracting issued by another state or territory~~  
28 ~~of the United States, if the criteria for issuance of such~~  
29 ~~license was substantially equivalent to the certification~~  
30 ~~criteria that existed in this state at the time the~~  
31 ~~certificate was issued.~~

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1           Section 63. Paragraph (f) is added to subsection (3)  
2 of section 489.537, Florida Statutes, to read:

3           489.537 Application of this part.--

4           (3) Nothing in this act limits the power of a  
5 municipality or county:

6           (f) To require that one electrical journeyman, who is  
7 a graduate of the Institute of Applied Technology in  
8 Construction Excellence or licensed pursuant to s. 489.5335,  
9 be present on an industrial or commercial new construction  
10 site with a facility of 50,000 gross square feet or more when  
11 electrical work in excess of 77 volts is being performed in  
12 order to supervise or perform such work, except as provided in  
13 s. 489.503.

14           Section 64. Subsection (5) of section 498.005, Florida  
15 Statutes, is amended to read:

16           498.005 Definitions.--As used in this chapter, unless  
17 the context otherwise requires, the term:

18           (5) "Division" means the Division of Real Estate  
19 ~~Florida Land Sales, Condominiums, and Mobile Homes~~ of the  
20 Department of Business and Professional Regulation.

21           Section 65. Section 498.019, Florida Statutes, is  
22 amended to read:

23           498.019 Professional Regulation ~~Division of Florida~~  
24 ~~Land Sales, Condominiums, and Mobile Homes~~ Trust Fund.--

25           ~~(1) There is created within the State Treasury the~~  
26 ~~Division of Florida Land Sales, Condominiums, and Mobile Homes~~  
27 ~~Trust Fund to be used for the administration and operation of~~  
28 ~~this chapter and chapters 718, 719, 721, and 723 by the~~  
29 ~~division.~~

30           ~~(2)~~ All moneys collected by the division from fees,  
31 fines, or penalties or from costs awarded to the division by a

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1 court shall be paid into the Professional Regulation Division  
2 ~~of Florida Land Sales, Condominiums, and Mobile Homes Trust~~  
3 ~~Fund to be used to administer and enforce this chapter and~~  
4 ~~rules adopted thereunder. The department shall maintain a~~  
5 ~~separate account in the trust fund and shall administer the~~  
6 ~~account pursuant to s. 455.219. The Legislature shall~~  
7 ~~appropriate funds from this trust fund sufficient to carry out~~  
8 ~~the provisions of this chapter and the provisions of law with~~  
9 ~~respect to each category of business covered by this trust~~  
10 ~~fund. The division shall maintain separate revenue accounts~~  
11 ~~in the trust fund for each of the businesses regulated by the~~  
12 ~~division. The division shall provide for the proportionate~~  
13 ~~allocation among the accounts of expenses incurred by the~~  
14 ~~division in the performance of its duties with respect to each~~  
15 ~~of these businesses. As part of its normal budgetary process,~~  
16 ~~the division shall prepare an annual report of revenue and~~  
17 ~~allocated expenses related to the operation of each of these~~  
18 ~~businesses which may be used to determine fees charged by the~~  
19 ~~division. This subsection shall operate pursuant to the~~  
20 ~~provisions of s. 215.20.~~

21 Section 66. Subsection (5) of section 498.049, Florida  
22 Statutes, is amended to read:

23 498.049 Suspension; revocation; civil penalties.--

24 (5) Each person who materially participates in any  
25 offer or disposition of any interest in subdivided lands in  
26 violation of this chapter or relevant rules involving fraud,  
27 deception, false pretenses, misrepresentation, or false  
28 advertising or the disposition, concealment, or diversion of  
29 any funds or assets of any person which adversely affects the  
30 interests of a purchaser of any interest in subdivided lands,  
31 and who directly or indirectly controls a subdivider or is a

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1 general partner, officer, director, agent, or employee of a  
2 subdivider shall also be liable under this subsection jointly  
3 and severally with and to the same extent as the subdivider,  
4 unless that person did not know, and in the exercise of  
5 reasonable care could not have known, of the existence of the  
6 facts creating the alleged liability. Among these persons a  
7 right of contribution shall exist, except that a creditor of a  
8 subdivider shall not be jointly and severally liable unless  
9 the creditor has assumed managerial or fiduciary  
10 responsibility in a manner related to the basis for the  
11 liability of the subdivider under this subsection. Civil  
12 penalties shall be limited to \$10,000 for each offense, and  
13 all amounts collected shall be deposited with the Treasurer to  
14 the credit of the Professional Regulation ~~Division of Florida~~  
15 ~~Land Sales, Condominiums, and Mobile Homes~~ Trust Fund. No  
16 order requiring the payment of a civil penalty shall become  
17 effective until 20 days after the date of the order, unless  
18 otherwise agreed in writing by the person on whom the penalty  
19 is imposed.

20 Section 67. Subsection (2) of section 190.009, Florida  
21 Statutes, is amended to read:

22 190.009 Disclosure of public financing.--

23 (2) The Division of Real Estate ~~Florida Land Sales,~~  
24 ~~Condominiums, and Mobile Homes~~ of the Department of Business  
25 and Professional Regulation shall ensure that disclosures made  
26 by developers pursuant to chapter 498 meet the requirements of  
27 subsection (1).

28 Section 68. The regulation of land sales pursuant to  
29 chapter 498, Florida Statutes, shall remain under the  
30 Department of Business and Professional Regulation but is  
31 reassigned from the Division of Florida Land Sales,

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1 Condominiums, and Mobile Homes to the Division of Real Estate.  
 2 All funds collected by the department pursuant to this  
 3 regulation and all funds in the account created within the  
 4 Florida Land Sales, Condominiums, and Mobile Homes Trust Fund  
 5 for the purpose of this regulation shall be deposited in an  
 6 account created within the Professional Regulation Trust Fund  
 7 for this same purpose.

8 Section 69. Subsection (17) of section 718.103,  
 9 Florida Statutes, is amended to read:

10 718.103 Definitions.--As used in this chapter, the  
 11 term:

12 (17) "Division" means the Division of ~~Florida Land~~  
 13 ~~Sales, Condominiums, Timeshare,~~ and Mobile Homes of the  
 14 Department of Business and Professional Regulation.

15 Section 70. Paragraph (c) of subsection (4) of section  
 16 718.105, Florida Statutes, is amended to read:

17 718.105 Recording of declaration.--

18 (4)

19 (c) If the sum of money held by the clerk has not been  
 20 paid to the developer or association as provided in paragraph  
 21 (b) by 3 years after the date the declaration was originally  
 22 recorded, the clerk in his or her discretion may notify, in  
 23 writing, the registered agent of the association that the sum  
 24 is still available and the purpose for which it was deposited.  
 25 If the association does not record the certificate within 90  
 26 days after the clerk has given the notice, the clerk may  
 27 disburse the money to the developer. If the developer cannot  
 28 be located, the clerk shall disburse the money to the division  
 29 ~~of Florida Land Sales, Condominiums, and Mobile Homes~~ for  
 30 deposit in the Division of ~~Florida Land Sales, Condominiums,~~  
 31 Timeshare, and Mobile Homes Trust Fund.



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1           Section 71. Section 718.1255, Florida Statutes, is  
2 amended to read:

3           718.1255 Alternative dispute resolution; ~~voluntary~~  
4 ~~mediation;~~ mandatory nonbinding arbitration and mediation;  
5 local resolution; exemptions; legislative findings.--

6           (1) APPLICABILITY DEFINITIONS.--

7           (a) The provisions of subsection (3) apply to ~~As used~~  
8 ~~in this section, the term "dispute" means any disagreement~~  
9 ~~between two or more parties that involves+~~

10          ~~(a) The authority of the board of directors, under~~  
11 ~~this chapter or association document to+~~

12           1. ~~Require any owner to take any action, or not to~~  
13 ~~take any action, involving that owner's unit or the~~  
14 ~~appurtenances thereto.~~

15           2. ~~Alter or add to a common area or element.~~

16          ~~(b) the failure of a governing body, when required by~~  
17 ~~this chapter or an association document, to+~~

18           1. properly conduct elections or to recall a board  
19 member.

20          (b) The provisions of paragraph (3)(f)-(n) apply to  
21 any disagreement between two or more parties that involves:

22           1. The authority of the board of directors, under this  
23 chapter or an association document, to:

24           a. Require any owner to take any action, or not to  
25 take any action, involving that owner's unit or the  
26 appurtenances thereto; or

27           b. Alter or add to a common area or element.

28           2. The failure of a governing body, when required by  
29 this chapter or an association document, to:

30           a. ~~2.~~ Give adequate notice of meetings or other  
31 actions;+

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- 1            ~~b.3.~~ Properly conduct meetings; or.
- 2            ~~c.4.~~ Allow inspection of books and records.

3

4 ~~"Dispute" does not include any disagreement that primarily~~  
5 ~~involves: title to any unit or common element; the~~  
6 ~~interpretation or enforcement of any warranty; the levy of a~~  
7 ~~fee or assessment, or the collection of an assessment levied~~  
8 ~~against a party; the eviction or other removal of a tenant~~  
9 ~~from a unit; alleged breaches of fiduciary duty by one or more~~  
10 ~~directors; or claims for damages to a unit based upon the~~  
11 ~~alleged failure of the association to maintain the common~~  
12 ~~elements or condominium property.~~

13            ~~(2) VOLUNTARY MEDIATION.--Voluntary mediation through~~  
14 ~~Citizen Dispute Settlement Centers as provided for in s.~~  
15 ~~44.201 is encouraged.~~

16            ~~(2)(3)~~ LEGISLATIVE FINDINGS.--

17            (a) The Legislature finds that unit owners are  
18 frequently at a disadvantage when litigating against an  
19 association. Specifically, a condominium association, with its  
20 statutory assessment authority, is often more able to bear the  
21 costs and expenses of litigation than the unit owner who must  
22 rely on his or her own financial resources to satisfy the  
23 costs of litigation against the association.

24            (b) The Legislature finds that the courts are becoming  
25 overcrowded with condominium and other disputes, and further  
26 finds that alternative dispute resolution has been making  
27 progress in reducing court dockets and trials and in offering  
28 a more efficient, cost-effective option to court litigation.  
29 However, the Legislature also finds that alternative dispute  
30 resolution should not be used as a mechanism to encourage the  
31 filing of frivolous or nuisance suits.

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1           (c) There exists a need to develop a flexible means of  
2 alternative dispute resolution that directs disputes to the  
3 most efficient means of resolution.

4           (d) The high cost and significant delay of circuit  
5 court litigation faced by unit owners in the state can be  
6 alleviated by requiring nonbinding arbitration and mediation  
7 in appropriate cases, thereby reducing delay and attorney's  
8 fees while preserving the right of either party to have its  
9 case heard by a jury, if applicable, in a court of law.

10           (3)(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION  
11 OF DISPUTES.--The division of Florida Land Sales,  
12 Condominiums, and Mobile Homes of the Department of Business  
13 and Professional Regulation shall provide employ full-time  
14 attorneys to act as arbitrators to conduct the arbitration  
15 hearings as required provided by this chapter. The department  
16 may employ attorneys to act as arbitrators, and the division  
17 may also certify attorneys who are not employed by the  
18 division to act as arbitrators to conduct the arbitration  
19 hearings provided by this chapter section. No person may be  
20 employed by the department as an a full-time arbitrator unless  
21 he or she is a member in good standing of The Florida Bar. The  
22 department shall promulgate rules of procedure to govern such  
23 arbitration hearings including mediation incident thereto.  
24 The decision of an arbitrator shall be final; however, such a  
25 decision shall not be deemed final agency action. Nothing in  
26 this provision shall be construed to foreclose parties from  
27 proceeding in a trial de novo unless the parties have agreed  
28 that the arbitration is binding. If such judicial proceedings  
29 are initiated, the final decision of the arbitrator shall be  
30 admissible in evidence in the trial de novo.

31           (a) Prior to the institution of court litigation, a

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1 party to a dispute shall petition the division for nonbinding  
2 arbitration. The petition must be accompanied by a filing fee  
3 in the amount of \$50. Filing fees collected under this  
4 section must be used to defray the expenses of the alternative  
5 dispute resolution program.

6 (b) The petition must recite, and have attached  
7 thereto, supporting proof that the petitioner gave the  
8 respondents:

9 1. Advance written notice of the specific nature of  
10 the dispute;

11 2. A demand for relief, and a reasonable opportunity  
12 to comply or to provide the relief; and

13 3. Notice of the intention to file an arbitration  
14 petition or other legal action in the absence of a resolution  
15 of the dispute.

16  
17 Failure to include the allegations or proof of compliance with  
18 these prerequisites requires dismissal of the petition without  
19 prejudice.

20 (c) Upon receipt, the petition shall be promptly  
21 reviewed by the division to determine the existence of a  
22 dispute and compliance with the requirements of paragraphs (a)  
23 and (b). If emergency relief is required and is not available  
24 through arbitration, a motion to stay the arbitration may be  
25 filed. The motion must be accompanied by a verified petition  
26 alleging facts that, if proven, would support entry of a  
27 temporary injunction, and if an appropriate motion and  
28 supporting papers are filed, the division may abate the  
29 arbitration pending a court hearing and disposition of a  
30 motion for temporary injunction.

31 (d) Upon determination by the division that a dispute

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1 exists and that the petition substantially meets the  
2 requirements of paragraphs (a) and (b) and any other  
3 applicable rules, a copy of the petition shall forthwith be  
4 served by the division upon all respondents.

5 (e) Either before or after the filing of the  
6 respondents' answer to the petition, any party may request  
7 that the arbitrator refer the case to mediation under this  
8 section and any rules adopted by the division. Upon receipt  
9 of a request for mediation, the division shall promptly  
10 contact the parties to determine if there is agreement that  
11 mediation would be appropriate. If all parties agree, the  
12 dispute must be referred to mediation. Notwithstanding a lack  
13 of an agreement by all parties, the arbitrator may refer a  
14 dispute to mediation at any time.

15 (f) The arbitrator or the division may refer the  
16 parties to a Citizens Dispute Settlement Center under s.  
17 44.201 in the county in which the dispute arose ~~Upon referral~~  
18 ~~of a case to mediation, or the parties may agree on must~~  
19 ~~select~~ a mutually acceptable mediator. To assist in the  
20 selection, the arbitrator shall provide the parties with a  
21 list of both volunteer and paid mediators that have been  
22 certified by the division under s. 718.501. If the parties  
23 are unable to agree on a mediator within the time allowed by  
24 the arbitrator or the division, the arbitrator or the division  
25 shall appoint a mediator from the list of certified mediators.  
26 If a case is referred to mediation, the parties shall attend a  
27 mediation conference, as scheduled by the parties and the  
28 mediator. If any party fails to attend a duly noticed  
29 mediation conference, without the permission or approval of  
30 the arbitrator or mediator, the arbitrator or the division may  
31 ~~must~~ impose sanctions against the party, including the

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1 striking of any pleadings filed, the entry of an order of  
2 dismissal or default if appropriate, and the award of costs  
3 and attorneys' fees incurred by the other parties. Unless  
4 otherwise agreed to by the parties or as provided by order of  
5 the arbitrator, a party is deemed to have appeared at a  
6 mediation conference by the physical presence of the party or  
7 its representative having full authority to settle without  
8 further consultation, provided that an association may comply  
9 by having one or more representatives present with full  
10 authority to negotiate a settlement and recommend that the  
11 board of administration ratify and approve such a settlement  
12 within 5 days from the date of the mediation conference. The  
13 mediator or Citizens Dispute Settlement Center may charge fees  
14 for handling these cases.The parties shall share equally the  
15 expense of mediation, unless they agree otherwise.

16 (g) The purpose of mediation as provided for by this  
17 section is to present the parties with an opportunity to  
18 resolve the underlying dispute ~~in good faith, and~~ with a  
19 minimum expenditure of time and resources.

20 (h) Mediation proceedings must generally be conducted  
21 in accordance with the Florida Rules of Civil Procedure, and  
22 these proceedings are privileged and confidential to the same  
23 extent as court-ordered mediation. Persons who are not parties  
24 to the dispute are not allowed to attend the mediation  
25 conference without the consent of all parties, with the  
26 exception of counsel for the parties and corporate  
27 representatives designated to appear for a party. If the case  
28 was referred to mediation by an arbitrator and the mediator  
29 ~~declares an impasse after a~~ mediation conference ends in an  
30 impasse has been held, the arbitration proceeding terminates,  
31 unless all parties agree in writing to continue the

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1 arbitration proceeding, in which case the arbitrator's  
2 decision shall be either binding or nonbinding, as agreed upon  
3 by the parties; in the arbitration proceeding, the arbitrator  
4 shall not consider any evidence relating to the unsuccessful  
5 mediation except in a proceeding to impose sanctions for  
6 failure to appear at the mediation conference. If the parties  
7 do not agree to continue arbitration, the arbitrator shall  
8 enter an order of dismissal, and either party may institute a  
9 suit in a court of competent jurisdiction. If the case was  
10 referred to mediation by the division and ends in an impasse,  
11 either party may institute a suit in a court of competent  
12 jurisdiction.The parties may seek to recover any costs and  
13 attorneys' fees incurred in connection with arbitration and  
14 mediation proceedings under this section as part of the costs  
15 and fees that may be recovered by the prevailing party in any  
16 subsequent litigation.

17 (i) Arbitration shall be conducted according to rules  
18 promulgated by the division. The filing of a petition for  
19 arbitration shall toll the applicable statute of limitations.

20 (j) At the request of any party to the arbitration,  
21 such arbitrator shall issue subpoenas for the attendance of  
22 witnesses and the production of books, records, documents, and  
23 other evidence and any party on whose behalf a subpoena is  
24 issued may apply to the court for orders compelling such  
25 attendance and production. Subpoenas shall be served and shall  
26 be enforceable in the manner provided by the Florida Rules of  
27 Civil Procedure. Discovery may, in the discretion of the  
28 arbitrator, be permitted in the manner provided by the Florida  
29 Rules of Civil Procedure. Rules adopted by the division may  
30 authorize any reasonable sanctions except contempt for a  
31 violation of the arbitration procedural rules of the division

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1 or for the failure of a party to comply with a reasonable  
2 nonfinal order issued by an arbitrator which is not under  
3 judicial review.

4 (k) The arbitration decision shall be presented to the  
5 parties in writing. An arbitration decision is final in those  
6 disputes in which the parties have agreed to be bound. An  
7 arbitration decision is also final if a complaint for a trial  
8 de novo is not filed in a court of competent jurisdiction in  
9 which the condominium is located within 30 days. The right to  
10 file for a trial de novo entitles the parties to file a  
11 complaint in the appropriate trial court for a judicial  
12 resolution of the dispute. The prevailing party in an  
13 arbitration proceeding shall be awarded the costs of the  
14 arbitration and reasonable attorney's fees in an amount  
15 determined by the arbitrator. Such an award shall include the  
16 costs and reasonable attorney's fees incurred in the  
17 arbitration proceeding as well as the costs and reasonable  
18 attorney's fees incurred in preparing for and attending any  
19 scheduled mediation.

20 (l) The party who files a complaint for a trial de  
21 novo shall be assessed the other party's arbitration costs,  
22 court costs, and other reasonable costs, including attorney's  
23 fees, investigation expenses, and expenses for expert or other  
24 testimony or evidence incurred after the arbitration hearing  
25 if the judgment upon the trial de novo is not more favorable  
26 than the arbitration decision. If the judgment is more  
27 favorable, the party who filed a complaint for trial de novo  
28 shall be awarded reasonable court costs and attorney's fees.

29 (m) Any party to an arbitration proceeding may enforce  
30 an arbitration award by filing a petition in a court of  
31 competent jurisdiction in which the condominium is located. A



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1 petition may not be granted unless the time for appeal by the  
2 filing of a complaint for trial de novo has expired. If a  
3 complaint for a trial de novo has been filed, a petition may  
4 not be granted with respect to an arbitration award that has  
5 been stayed. If the petition for enforcement is granted, the  
6 petitioner shall recover reasonable attorney's fees and costs  
7 incurred in enforcing the arbitration award. A mediation  
8 settlement may also be enforced through the county or circuit  
9 court, as applicable, by the filing of a court case.and Any  
10 costs and fees incurred in the enforcement of a settlement  
11 agreement reached at mediation must be awarded to the  
12 prevailing party in any enforcement action.

13 (n) In the resolution of these cases on the local  
14 level, past precedent of prior division arbitration decisions  
15 shall be considered and followed where appropriate.

16 (4) EXEMPTIONS.--A dispute is not subject to  
17 resolution under this section if it includes any disagreement  
18 that primarily involves:

19 (a) Title to any unit or common element;

20 (b) The interpretation or enforcement of any warranty;

21 (c) The levy of a fee or assessment or the collection  
22 of an assessment levied against a party;

23 (d) The eviction or other removal of a tenant from a  
24 unit;

25 (e) Alleged breaches of fiduciary duty by one or more  
26 directors; or

27 (f) Claims for damages to a unit based upon the  
28 alleged failure of the association to maintain the common  
29 elements or condominium property.

30 (5) DISPUTES INVOLVING ELECTION IRREGULARITIES.--Every  
31 arbitration petition received by the division and required to

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1 be filed under this section challenging the legality of the  
2 election of any director of the board of administration shall  
3 be handled on an expedited basis in the manner provided by  
4 division rules for recall arbitration disputes.

5 Section 72. The Division of Condominiums, Timeshare,  
6 and Mobile Homes of the Department of Business and  
7 Professional Regulation shall continue the arbitration of any  
8 cases which qualified for arbitration on the date the case was  
9 filed with the division and which were filed with the division  
10 prior to the date on which this act becomes law.

11 Section 73. There is appropriated 1 FTE and \$440,626  
12 from the Division of Condominiums, Timeshare, and Mobile Homes  
13 Trust Fund to the Department of Business and Professional  
14 Regulation for the purpose of investigating and resolving  
15 disputes and dealing with compliance issues relating to  
16 condominiums and cooperatives. This appropriation shall not  
17 take effect if a similar amount of funding is included in the  
18 various appropriations for compliance and enforcement in the  
19 Florida Condominiums, Timeshare, and Mobile Homes program in  
20 the fiscal year 2001-2002 General Appropriations Act.

21 Section 74. Section 718.501, Florida Statutes, is  
22 amended to read:

23 718.501 Powers and duties of Division of ~~Florida Land~~  
24 ~~Sales, Condominiums, Timeshare, and Mobile Homes.~~--

25 (1) The Division of ~~Florida Land Sales, Condominiums,~~  
26 ~~Timeshare, and Mobile Homes~~ of the Department of Business and  
27 Professional Regulation, referred to as the "division" in this  
28 part, in addition to other powers and duties prescribed by  
29 chapter 498, has the power to enforce and ensure compliance  
30 with the provisions of this chapter and rules adopted  
31 ~~promulgated~~ pursuant hereto relating to the development,

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1 construction, sale, lease, ownership, operation, and  
2 management of residential condominium units. In performing its  
3 duties, the division has the following powers and duties:

4 (a) The division may make necessary public or private  
5 investigations within or outside this state to determine  
6 whether any person has violated this chapter or any rule or  
7 order hereunder, to aid in the enforcement of this chapter, or  
8 to aid in the adoption of rules or forms hereunder.

9 (b) The division may require or permit any person to  
10 file a statement in writing, under oath or otherwise, as the  
11 division determines, as to the facts and circumstances  
12 concerning a matter to be investigated.

13 (c) For the purpose of any investigation under this  
14 chapter, the division director or any officer or employee  
15 designated by the division director may administer oaths or  
16 affirmations, subpoena witnesses and compel their attendance,  
17 take evidence, and require the production of any matter which  
18 is relevant to the investigation, including the existence,  
19 description, nature, custody, condition, and location of any  
20 books, documents, or other tangible things and the identity  
21 and location of persons having knowledge of relevant facts or  
22 any other matter reasonably calculated to lead to the  
23 discovery of material evidence. Upon the failure by a person  
24 to obey a subpoena or to answer questions propounded by the  
25 investigating officer and upon reasonable notice to all  
26 persons affected thereby, the division may apply to the  
27 circuit court for an order compelling compliance.

28 (d) Notwithstanding any remedies available to unit  
29 owners and associations, if the division has reasonable cause  
30 to believe that a violation of any provision of this chapter  
31 or rule promulgated pursuant hereto has occurred, the division

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1 may institute enforcement proceedings in its own name against  
2 any developer, association, officer, or member of the board of  
3 administration, or its assignees or agents, as follows:

4         1. The division may permit a person whose conduct or  
5 actions may be under investigation to waive formal proceedings  
6 and enter into a consent proceeding whereby orders, rules, or  
7 letters of censure or warning, whether formal or informal, may  
8 be entered against the person.

9         2. The division may issue an order requiring the  
10 developer, association, officer, or member of the board of  
11 administration, or its assignees or agents, to cease and  
12 desist from the unlawful practice and take such affirmative  
13 action as in the judgment of the division will carry out the  
14 purposes of this chapter. Such affirmative action may include,  
15 but is not limited to, an order requiring a developer to pay  
16 moneys determined to be owed to a condominium association.

17         3. The division may bring an action in circuit court  
18 on behalf of a class of unit owners, lessees, or purchasers  
19 for declaratory relief, injunctive relief, or restitution.

20         4. The division may impose a civil penalty against a  
21 developer or association, or its assignee or agent, for any  
22 violation of this chapter or a rule promulgated pursuant  
23 hereto. The division may impose a civil penalty individually  
24 against any officer or board member who willfully and  
25 knowingly violates a provision of this chapter, a rule adopted  
26 pursuant hereto, or a final order of the division. The term  
27 "willfully and knowingly" means that the division informed the  
28 officer or board member that his or her action or intended  
29 action violates this chapter, a rule adopted under this  
30 chapter, or a final order of the division and that the officer  
31 or board member refused to comply with the requirements of

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1 this chapter, a rule adopted under this chapter, or a final  
2 order of the division. The division, prior to initiating  
3 formal agency action under chapter 120, shall afford the  
4 officer or board member an opportunity to voluntarily comply  
5 with this chapter, a rule adopted under this chapter, or a  
6 final order of the division. An officer or board member who  
7 complies within 10 days is not subject to a civil penalty. A  
8 penalty may be imposed on the basis of each day of continuing  
9 violation, but in no event shall the penalty for any offense  
10 exceed \$5,000. By January 1, 1998, the division shall adopt,  
11 by rule, penalty guidelines applicable to possible violations  
12 or to categories of violations of this chapter or rules  
13 adopted by the division. The guidelines must specify a  
14 meaningful range of civil penalties for each such violation of  
15 the statute and rules and must be based upon the harm caused  
16 by the violation, the repetition of the violation, and upon  
17 such other factors deemed relevant by the division. For  
18 example, the division may consider whether the violations were  
19 committed by a developer or owner-controlled association, the  
20 size of the association, and other factors. The guidelines  
21 must designate the possible mitigating or aggravating  
22 circumstances that justify a departure from the range of  
23 penalties provided by the rules. It is the legislative intent  
24 that minor violations be distinguished from those which  
25 endanger the health, safety, or welfare of the condominium  
26 residents or other persons and that such guidelines provide  
27 reasonable and meaningful notice to the public of likely  
28 penalties that may be imposed for proscribed conduct. This  
29 subsection does not limit the ability of the division to  
30 informally dispose of administrative actions or complaints by  
31 stipulation, agreed settlement, or consent order. All amounts

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1 collected shall be deposited with the Treasurer to the credit  
2 of the Division of ~~Florida Land Sales~~, Condominiums,  
3 Timeshare, and Mobile Homes Trust Fund. If a developer fails  
4 to pay the civil penalty, the division shall thereupon issue  
5 an order directing that such developer cease and desist from  
6 further operation until such time as the civil penalty is paid  
7 or may pursue enforcement of the penalty in a court of  
8 competent jurisdiction. If an association fails to pay the  
9 civil penalty, the division shall thereupon pursue enforcement  
10 in a court of competent jurisdiction, and the order imposing  
11 the civil penalty or the cease and desist order will not  
12 become effective until 20 days after the date of such order.  
13 Any action commenced by the division shall be brought in the  
14 county in which the division has its executive offices or in  
15 the county where the violation occurred.

16 (e) The division is authorized to prepare and  
17 disseminate a prospectus and other information to assist  
18 prospective owners, purchasers, lessees, and developers of  
19 residential condominiums in assessing the rights, privileges,  
20 and duties pertaining thereto.

21 (f) The division has authority to adopt rules pursuant  
22 to ss. 120.536(1) and 120.54 to implement and enforce the  
23 provisions of this chapter.

24 (g) The division shall establish procedures for  
25 providing notice to an association when the division is  
26 considering the issuance of a declaratory statement with  
27 respect to the declaration of condominium or any related  
28 document governing in such condominium community.

29 (h) The division shall furnish each association which  
30 pays the fees required by paragraph (2)(a) a copy of this act,  
31 subsequent changes to this act on an annual basis, an amended

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1 version of this act as it becomes available from the Secretary  
2 of State's office on a biennial basis, and the rules  
3 promulgated pursuant thereto on an annual basis.

4 (i) The division shall annually provide each  
5 association with a summary of declaratory statements and  
6 formal legal opinions relating to the operations of  
7 condominiums which were rendered by the division during the  
8 previous year.

9 (j) The division shall provide training programs for  
10 condominium association board members and unit owners.

11 (k) The division shall maintain a toll-free telephone  
12 number accessible to condominium unit owners.

13 (l) The division shall develop a program to certify  
14 both volunteer and paid mediators to provide mediation of  
15 condominium disputes. The division shall provide, upon  
16 request, a list of such mediators to any association, unit  
17 owner, or other participant in arbitration proceedings under  
18 s. 718.1255 requesting a copy of the list. The division shall  
19 include on the list of volunteer mediators only the names of  
20 persons who have received at least 20 hours of training in  
21 mediation techniques or who have mediated at least 20  
22 disputes. In order to become initially certified by the  
23 division, paid mediators must be certified by the Supreme  
24 Court to mediate court cases in either county or circuit  
25 courts. However, the division may adopt, by rule, additional  
26 factors for the certification of paid mediators, which factors  
27 must be related to experience, education, or background. Any  
28 person initially certified as a paid mediator by the division  
29 must, in order to continue to be certified, comply with the  
30 factors or requirements imposed by rules adopted by the  
31 division.

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1 (m) When a complaint is made, the division shall  
2 conduct its inquiry with due regard to the interests of the  
3 affected parties. Within 30 days after receipt of a complaint,  
4 the division shall acknowledge the complaint in writing and  
5 notify the complainant whether the complaint is within the  
6 jurisdiction of the division and whether additional  
7 information is needed by the division from the complainant.  
8 The division shall conduct its investigation and shall, within  
9 90 days after receipt of the original complaint or of timely  
10 requested additional information, take action upon the  
11 complaint. However, the failure to complete the investigation  
12 within 90 days does not prevent the division from continuing  
13 the investigation, accepting or considering evidence obtained  
14 or received after 90 days, or taking administrative action if  
15 reasonable cause exists to believe that a violation of this  
16 chapter or a rule of the division has occurred. If an  
17 investigation is not completed within the time limits  
18 established in this paragraph, the division shall, on a  
19 monthly basis, notify the complainant in writing of the status  
20 of the investigation. When reporting its action to the  
21 complainant, the division shall inform the complainant of any  
22 right to a hearing pursuant to ss. 120.569 and 120.57.

23 (2)(a) Effective January 1, 1992, each condominium  
24 association which operates more than two units shall pay to  
25 the division an annual fee in the amount of \$4 for each  
26 residential unit in condominiums operated by the association.  
27 If the fee is not paid by March 1, then the association shall  
28 be assessed a penalty of 10 percent of the amount due, and the  
29 association will not have standing to maintain or defend any  
30 action in the courts of this state until the amount due, plus  
31 any penalty, is paid.



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1 (b) All fees shall be deposited in the Division of  
2 ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~  
3 Trust Fund as provided by law.

4 Section 75. Paragraph (a) of subsection (2) of section  
5 718.502, Florida Statutes, is amended to read:

6 718.502 Filing prior to sale or lease.--

7 (2)(a) Prior to filing as required by subsection (1),  
8 and prior to acquiring an ownership, leasehold, or contractual  
9 interest in the land upon which the condominium is to be  
10 developed, a developer shall not offer a contract for purchase  
11 of a unit or lease of a unit for more than 5 years. However,  
12 the developer may accept deposits for reservations upon the  
13 approval of a fully executed escrow agreement and reservation  
14 agreement form properly filed with the division of ~~Florida~~  
15 ~~Land Sales, Condominiums, and Mobile Homes~~. Each filing of a  
16 proposed reservation program shall be accompanied by a filing  
17 fee of \$250. Reservations shall not be taken on a proposed  
18 condominium unless the developer has an ownership, leasehold,  
19 or contractual interest in the land upon which the condominium  
20 is to be developed. The division shall notify the developer  
21 within 20 days of receipt of the reservation filing of any  
22 deficiencies contained therein. Such notification shall not  
23 preclude the determination of reservation filing deficiencies  
24 at a later date, nor shall it relieve the developer of any  
25 responsibility under the law. The escrow agreement and the  
26 reservation agreement form shall include a statement of the  
27 right of the prospective purchaser to an immediate unqualified  
28 refund of the reservation deposit moneys upon written request  
29 to the escrow agent by the prospective purchaser or the  
30 developer.

31 Section 76. Section 718.504, Florida Statutes, is

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1 amended to read:

2           718.504 Prospectus or offering circular.--Every  
3 developer of a residential condominium which contains more  
4 than 20 residential units, or which is part of a group of  
5 residential condominiums which will be served by property to  
6 be used in common by unit owners of more than 20 residential  
7 units, shall prepare a prospectus or offering circular and  
8 file it with the division of ~~Florida Land Sales, Condominiums,~~  
9 ~~and Mobile Homes~~ prior to entering into an enforceable  
10 contract of purchase and sale of any unit or lease of a unit  
11 for more than 5 years and shall furnish a copy of the  
12 prospectus or offering circular to each buyer. In addition to  
13 the prospectus or offering circular, each buyer shall be  
14 furnished a separate page entitled "Frequently Asked Questions  
15 and Answers," which shall be in accordance with a format  
16 approved by the division and a copy of the financial  
17 information required by s. 718.111. This page shall, in  
18 readable language, inform prospective purchasers regarding  
19 their voting rights and unit use restrictions, including  
20 restrictions on the leasing of a unit; shall indicate whether  
21 and in what amount the unit owners or the association is  
22 obligated to pay rent or land use fees for recreational or  
23 other commonly used facilities; shall contain a statement  
24 identifying that amount of assessment which, pursuant to the  
25 budget, would be levied upon each unit type, exclusive of any  
26 special assessments, and which shall further identify the  
27 basis upon which assessments are levied, whether monthly,  
28 quarterly, or otherwise; shall state and identify any court  
29 cases in which the association is currently a party of record  
30 in which the association may face liability in excess of  
31 \$100,000; and which shall further state whether membership in

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1 a recreational facilities association is mandatory, and if so,  
2 shall identify the fees currently charged per unit type. The  
3 division shall by rule require such other disclosure as in its  
4 judgment will assist prospective purchasers. The prospectus or  
5 offering circular may include more than one condominium,  
6 although not all such units are being offered for sale as of  
7 the date of the prospectus or offering circular. The  
8 prospectus or offering circular must contain the following  
9 information:

10 (1) The front cover or the first page must contain  
11 only:

12 (a) The name of the condominium.

13 (b) The following statements in conspicuous type:

14 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS  
15 IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM  
16 UNIT.

17 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN  
18 NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL  
19 REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND  
20 SALES MATERIALS.

21 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS  
22 CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER  
23 TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR  
24 CORRECT REPRESENTATIONS.

25 (2) Summary: The next page must contain all  
26 statements required to be in conspicuous type in the  
27 prospectus or offering circular.

28 (3) A separate index of the contents and exhibits of  
29 the prospectus.

30 (4) Beginning on the first page of the text (not  
31 including the summary and index), a description of the

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1 condominium, including, but not limited to, the following  
2 information:

3 (a) Its name and location.

4 (b) A description of the condominium property,  
5 including, without limitation:

6 1. The number of buildings, the number of units in  
7 each building, the number of bathrooms and bedrooms in each  
8 unit, and the total number of units, if the condominium is not  
9 a phase condominium, or the maximum number of buildings that  
10 may be contained within the condominium, the minimum and  
11 maximum numbers of units in each building, the minimum and  
12 maximum numbers of bathrooms and bedrooms that may be  
13 contained in each unit, and the maximum number of units that  
14 may be contained within the condominium, if the condominium is  
15 a phase condominium.

16 2. The page in the condominium documents where a copy  
17 of the plot plan and survey of the condominium is located.

18 3. The estimated latest date of completion of  
19 constructing, finishing, and equipping. In lieu of a date,  
20 the description shall include a statement that the estimated  
21 date of completion of the condominium is in the purchase  
22 agreement and a reference to the article or paragraph  
23 containing that information.

24 (c) The maximum number of units that will use  
25 facilities in common with the condominium. If the maximum  
26 number of units will vary, a description of the basis for  
27 variation and the minimum amount of dollars per unit to be  
28 spent for additional recreational facilities or enlargement of  
29 such facilities. If the addition or enlargement of facilities  
30 will result in a material increase of a unit owner's  
31 maintenance expense or rental expense, if any, the maximum

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1 increase and limitations thereon shall be stated.

2 (5)(a) A statement in conspicuous type describing  
3 whether the condominium is created and being sold as fee  
4 simple interests or as leasehold interests. If the condominium  
5 is created or being sold on a leasehold, the location of the  
6 lease in the disclosure materials shall be stated.

7 (b) If timeshare estates are or may be created with  
8 respect to any unit in the condominium, a statement in  
9 conspicuous type stating that timeshare estates are created  
10 and being sold in units in the condominium.

11 (6) A description of the recreational and other  
12 commonly used facilities that will be used only by unit owners  
13 of the condominium, including, but not limited to, the  
14 following:

15 (a) Each room and its intended purposes, location,  
16 approximate floor area, and capacity in numbers of people.

17 (b) Each swimming pool, as to its general location,  
18 approximate size and depths, approximate deck size and  
19 capacity, and whether heated.

20 (c) Additional facilities, as to the number of each  
21 facility, its approximate location, approximate size, and  
22 approximate capacity.

23 (d) A general description of the items of personal  
24 property and the approximate number of each item of personal  
25 property that the developer is committing to furnish for each  
26 room or other facility or, in the alternative, a  
27 representation as to the minimum amount of expenditure that  
28 will be made to purchase the personal property for the  
29 facility.

30 (e) The estimated date when each room or other  
31 facility will be available for use by the unit owners.

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1 (f)1. An identification of each room or other facility  
2 to be used by unit owners that will not be owned by the unit  
3 owners or the association;

4 2. A reference to the location in the disclosure  
5 materials of the lease or other agreements providing for the  
6 use of those facilities; and

7 3. A description of the terms of the lease or other  
8 agreements, including the length of the term; the rent  
9 payable, directly or indirectly, by each unit owner, and the  
10 total rent payable to the lessor, stated in monthly and annual  
11 amounts for the entire term of the lease; and a description of  
12 any option to purchase the property leased under any such  
13 lease, including the time the option may be exercised, the  
14 purchase price or how it is to be determined, the manner of  
15 payment, and whether the option may be exercised for a unit  
16 owner's share or only as to the entire leased property.

17 (g) A statement as to whether the developer may  
18 provide additional facilities not described above; their  
19 general locations and types; improvements or changes that may  
20 be made; the approximate dollar amount to be expended; and the  
21 maximum additional common expense or cost to the individual  
22 unit owners that may be charged during the first annual period  
23 of operation of the modified or added facilities.

24  
25 Descriptions as to locations, areas, capacities, numbers,  
26 volumes, or sizes may be stated as approximations or minimums.

27 (7) A description of the recreational and other  
28 facilities that will be used in common with other  
29 condominiums, community associations, or planned developments  
30 which require the payment of the maintenance and expenses of  
31 such facilities, either directly or indirectly, by the unit

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1 owners. The description shall include, but not be limited to,  
2 the following:

3 (a) Each building and facility committed to be built.

4 (b) Facilities not committed to be built except under  
5 certain conditions, and a statement of those conditions or  
6 contingencies.

7 (c) As to each facility committed to be built, or  
8 which will be committed to be built upon the happening of one  
9 of the conditions in paragraph (b), a statement of whether it  
10 will be owned by the unit owners having the use thereof or by  
11 an association or other entity which will be controlled by  
12 them, or others, and the location in the exhibits of the lease  
13 or other document providing for use of those facilities.

14 (d) The year in which each facility will be available  
15 for use by the unit owners or, in the alternative, the maximum  
16 number of unit owners in the project at the time each of all  
17 of the facilities is committed to be completed.

18 (e) A general description of the items of personal  
19 property, and the approximate number of each item of personal  
20 property, that the developer is committing to furnish for each  
21 room or other facility or, in the alternative, a  
22 representation as to the minimum amount of expenditure that  
23 will be made to purchase the personal property for the  
24 facility.

25 (f) If there are leases, a description thereof,  
26 including the length of the term, the rent payable, and a  
27 description of any option to purchase.

28

29 Descriptions shall include location, areas, capacities,  
30 numbers, volumes, or sizes and may be stated as approximations  
31 or minimums.

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1           (8) Recreation lease or associated club membership:  
2           (a) If any recreational facilities or other facilities  
3 offered by the developer and available to, or to be used by,  
4 unit owners are to be leased or have club membership  
5 associated, the following statement in conspicuous type shall  
6 be included: THERE IS A RECREATIONAL FACILITIES LEASE  
7 ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB  
8 MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM. There shall be a  
9 reference to the location in the disclosure materials where  
10 the recreation lease or club membership is described in  
11 detail.

12           (b) If it is mandatory that unit owners pay a fee,  
13 rent, dues, or other charges under a recreational facilities  
14 lease or club membership for the use of facilities, there  
15 shall be in conspicuous type the applicable statement:

16           1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS  
17 MANDATORY FOR UNIT OWNERS; or

18           2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF  
19 OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES  
20 LEASE; or

21           3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE  
22 COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP,  
23 REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES  
24 LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

25           4. A similar statement of the nature of the  
26 organization or the manner in which the use rights are  
27 created, and that unit owners are required to pay.

28  
29 Immediately following the applicable statement, the location  
30 in the disclosure materials where the development is described  
31 in detail shall be stated.



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1 (c) If the developer, or any other person other than  
 2 the unit owners and other persons having use rights in the  
 3 facilities, reserves, or is entitled to receive, any rent,  
 4 fee, or other payment for the use of the facilities, then  
 5 there shall be the following statement in conspicuous type:  
 6 THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND  
 7 USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES.  
 8 Immediately following this statement, the location in the  
 9 disclosure materials where the rent or land use fees are  
 10 described in detail shall be stated.

11 (d) If, in any recreation format, whether leasehold,  
 12 club, or other, any person other than the association has the  
 13 right to a lien on the units to secure the payment of  
 14 assessments, rent, or other exactions, there shall appear a  
 15 statement in conspicuous type in substantially the following  
 16 form:

17 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO  
 18 SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE  
 19 RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE  
 20 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

21 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO  
 22 SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING  
 23 DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE  
 24 RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S  
 25 FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF  
 26 THE LIEN.

27  
 28 Immediately following the applicable statement, the location  
 29 in the disclosure materials where the lien or lien right is  
 30 described in detail shall be stated.

31 (9) If the developer or any other person has the right

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1 to increase or add to the recreational facilities at any time  
2 after the establishment of the condominium whose unit owners  
3 have use rights therein, without the consent of the unit  
4 owners or associations being required, there shall appear a  
5 statement in conspicuous type in substantially the following  
6 form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED  
7 WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S).  
8 Immediately following this statement, the location in the  
9 disclosure materials where such reserved rights are described  
10 shall be stated.

11 (10) A statement of whether the developer's plan  
12 includes a program of leasing units rather than selling them,  
13 or leasing units and selling them subject to such leases. If  
14 so, there shall be a description of the plan, including the  
15 number and identification of the units and the provisions and  
16 term of the proposed leases, and a statement in boldfaced type  
17 that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

18 (11) The arrangements for management of the  
19 association and maintenance and operation of the condominium  
20 property and of other property that will serve the unit owners  
21 of the condominium property, and a description of the  
22 management contract and all other contracts for these purposes  
23 having a term in excess of 1 year, including the following:

- 24 (a) The names of contracting parties.  
25 (b) The term of the contract.  
26 (c) The nature of the services included.  
27 (d) The compensation, stated on a monthly and annual  
28 basis, and provisions for increases in the compensation.  
29 (e) A reference to the volumes and pages of the  
30 condominium documents and of the exhibits containing copies of  
31 such contracts.

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1  
2 Copies of all described contracts shall be attached as  
3 exhibits. If there is a contract for the management of the  
4 condominium property, then a statement in conspicuous type in  
5 substantially the following form shall appear, identifying the  
6 proposed or existing contract manager: THERE IS (IS TO BE) A  
7 CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH  
8 (NAME OF THE CONTRACT MANAGER). Immediately following this  
9 statement, the location in the disclosure materials of the  
10 contract for management of the condominium property shall be  
11 stated.

12 (12) If the developer or any other person or persons  
13 other than the unit owners has the right to retain control of  
14 the board of administration of the association for a period of  
15 time which can exceed 1 year after the closing of the sale of  
16 a majority of the units in that condominium to persons other  
17 than successors or alternate developers, then a statement in  
18 conspicuous type in substantially the following form shall be  
19 included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO  
20 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE  
21 UNITS HAVE BEEN SOLD. Immediately following this statement,  
22 the location in the disclosure materials where this right to  
23 control is described in detail shall be stated.

24 (13) If there are any restrictions upon the sale,  
25 transfer, conveyance, or leasing of a unit, then a statement  
26 in conspicuous type in substantially the following form shall  
27 be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS  
28 RESTRICTED OR CONTROLLED. Immediately following this  
29 statement, the location in the disclosure materials where the  
30 restriction, limitation, or control on the sale, lease, or  
31 transfer of units is described in detail shall be stated.

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1 (14) If the condominium is part of a phase project,  
2 the following information shall be stated:

3 (a) A statement in conspicuous type in substantially  
4 the following form: THIS IS A PHASE CONDOMINIUM. ADDITIONAL  
5 LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM. Immediately  
6 following this statement, the location in the disclosure  
7 materials where the phasing is described shall be stated.

8 (b) A summary of the provisions of the declaration  
9 which provide for the phasing.

10 (c) A statement as to whether or not residential  
11 buildings and units which are added to the condominium may be  
12 substantially different from the residential buildings and  
13 units originally in the condominium. If the added residential  
14 buildings and units may be substantially different, there  
15 shall be a general description of the extent to which such  
16 added residential buildings and units may differ, and a  
17 statement in conspicuous type in substantially the following  
18 form shall be included: BUILDINGS AND UNITS WHICH ARE ADDED TO  
19 THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER  
20 BUILDINGS AND UNITS IN THE CONDOMINIUM. Immediately following  
21 this statement, the location in the disclosure materials where  
22 the extent to which added residential buildings and units may  
23 substantially differ is described shall be stated.

24 (d) A statement of the maximum number of buildings  
25 containing units, the maximum and minimum numbers of units in  
26 each building, the maximum number of units, and the minimum  
27 and maximum square footage of the units that may be contained  
28 within each parcel of land which may be added to the  
29 condominium.

30 (15) If the condominium is or may become part of a  
31 multicondominium, the following information must be provided:

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1 (a) A statement in conspicuous type in substantially  
2 the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A  
3 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL  
4 (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately  
5 following this statement, the location in the prospectus or  
6 offering circular and its exhibits where the multicondominium  
7 aspects of the offering are described must be stated.

8 (b) A summary of the provisions in the declaration,  
9 articles of incorporation, and bylaws which establish and  
10 provide for the operation of the multicondominium, including a  
11 statement as to whether unit owners in the condominium will  
12 have the right to use recreational or other facilities located  
13 or planned to be located in other condominiums operated by the  
14 same association, and the manner of sharing the common  
15 expenses related to such facilities.

16 (c) A statement of the minimum and maximum number of  
17 condominiums, and the minimum and maximum number of units in  
18 each of those condominiums, which will or may be operated by  
19 the association, and the latest date by which the exact number  
20 will be finally determined.

21 (d) A statement as to whether any of the condominiums  
22 in the multicondominium may include units intended to be used  
23 for nonresidential purposes and the purpose or purposes  
24 permitted for such use.

25 (e) A general description of the location and  
26 approximate acreage of any land on which any additional  
27 condominiums to be operated by the association may be located.

28 (16) If the condominium is created by conversion of  
29 existing improvements, the following information shall be  
30 stated:

31 (a) The information required by s. 718.616.

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1 (b) A caveat that there are no express warranties  
2 unless they are stated in writing by the developer.

3 (17) A summary of the restrictions, if any, to be  
4 imposed on units concerning the use of any of the condominium  
5 property, including statements as to whether there are  
6 restrictions upon children and pets, and reference to the  
7 volumes and pages of the condominium documents where such  
8 restrictions are found, or if such restrictions are contained  
9 elsewhere, then a copy of the documents containing the  
10 restrictions shall be attached as an exhibit.

11 (18) If there is any land that is offered by the  
12 developer for use by the unit owners and that is neither owned  
13 by them nor leased to them, the association, or any entity  
14 controlled by unit owners and other persons having the use  
15 rights to such land, a statement shall be made as to how such  
16 land will serve the condominium. If any part of such land  
17 will serve the condominium, the statement shall describe the  
18 land and the nature and term of service, and the declaration  
19 or other instrument creating such servitude shall be included  
20 as an exhibit.

21 (19) The manner in which utility and other services,  
22 including, but not limited to, sewage and waste disposal,  
23 water supply, and storm drainage, will be provided and the  
24 person or entity furnishing them.

25 (20) An explanation of the manner in which the  
26 apportionment of common expenses and ownership of the common  
27 elements has been determined.

28 (21) An estimated operating budget for the condominium  
29 and the association, and a schedule of the unit owner's  
30 expenses shall be attached as an exhibit and shall contain the  
31 following information:

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1 (a) The estimated monthly and annual expenses of the  
2 condominium and the association that are collected from unit  
3 owners by assessments.

4 (b) The estimated monthly and annual expenses of each  
5 unit owner for a unit, other than common expenses paid by all  
6 unit owners, payable by the unit owner to persons or entities  
7 other than the association, as well as to the association,  
8 including fees assessed pursuant to s. 718.113(1) for  
9 maintenance of limited common elements where such costs are  
10 shared only by those entitled to use the limited common  
11 element, and the total estimated monthly and annual expense.  
12 There may be excluded from this estimate expenses which are  
13 not provided for or contemplated by the condominium documents,  
14 including, but not limited to, the costs of private telephone;  
15 maintenance of the interior of condominium units, which is not  
16 the obligation of the association; maid or janitorial services  
17 privately contracted for by the unit owners; utility bills  
18 billed directly to each unit owner for utility services to his  
19 or her unit; insurance premiums other than those incurred for  
20 policies obtained by the condominium; and similar personal  
21 expenses of the unit owner. A unit owner's estimated payments  
22 for assessments shall also be stated in the estimated amounts  
23 for the times when they will be due.

24 (c) The estimated items of expenses of the condominium  
25 and the association, except as excluded under paragraph (b),  
26 including, but not limited to, the following items, which  
27 shall be stated either as an association expense collectible  
28 by assessments or as unit owners' expenses payable to persons  
29 other than the association:

- 30 1. Expenses for the association and condominium:  
31 a. Administration of the association.

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- 1           b. Management fees.
- 2           c. Maintenance.
- 3           d. Rent for recreational and other commonly used
- 4 facilities.
- 5           e. Taxes upon association property.
- 6           f. Taxes upon leased areas.
- 7           g. Insurance.
- 8           h. Security provisions.
- 9           i. Other expenses.
- 10          j. Operating capital.
- 11          k. Reserves.
- 12          l. Fees payable to the division.
- 13          2. Expenses for a unit owner:
- 14           a. Rent for the unit, if subject to a lease.
- 15           b. Rent payable by the unit owner directly to the
- 16 lessor or agent under any recreational lease or lease for the
- 17 use of commonly used facilities, which use and payment is a
- 18 mandatory condition of ownership and is not included in the
- 19 common expense or assessments for common maintenance paid by
- 20 the unit owners to the association.
- 21           (d) The estimated amounts shall be stated for a period
- 22 of at least 12 months and may distinguish between the period
- 23 prior to the time unit owners other than the developer elect a
- 24 majority of the board of administration and the period after
- 25 that date.
- 26           (22) A schedule of estimated closing expenses to be
- 27 paid by a buyer or lessee of a unit and a statement of whether
- 28 title opinion or title insurance policy is available to the
- 29 buyer and, if so, at whose expense.
- 30           (23) The identity of the developer and the chief
- 31 operating officer or principal directing the creation and sale



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1 of the condominium and a statement of its and his or her  
2 experience in this field.

3 (24) Copies of the following, to the extent they are  
4 applicable, shall be included as exhibits:

5 (a) The declaration of condominium, or the proposed  
6 declaration if the declaration has not been recorded.

7 (b) The articles of incorporation creating the  
8 association.

9 (c) The bylaws of the association.

10 (d) The ground lease or other underlying lease of the  
11 condominium.

12 (e) The management agreement and all maintenance and  
13 other contracts for management of the association and  
14 operation of the condominium and facilities used by the unit  
15 owners having a service term in excess of 1 year.

16 (f) The estimated operating budget for the condominium  
17 and the required schedule of unit owners' expenses.

18 (g) A copy of the floor plan of the unit and the plot  
19 plan showing the location of the residential buildings and the  
20 recreation and other common areas.

21 (h) The lease of recreational and other facilities  
22 that will be used only by unit owners of the subject  
23 condominium.

24 (i) The lease of facilities used by owners and others.

25 (j) The form of unit lease, if the offer is of a  
26 leasehold.

27 (k) A declaration of servitude of properties serving  
28 the condominium but not owned by unit owners or leased to them  
29 or the association.

30 (l) The statement of condition of the existing  
31 building or buildings, if the offering is of units in an

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1 operation being converted to condominium ownership.

2 (m) The statement of inspection for termite damage and  
3 treatment of the existing improvements, if the condominium is  
4 a conversion.

5 (n) The form of agreement for sale or lease of units.

6 (o) A copy of the agreement for escrow of payments  
7 made to the developer prior to closing.

8 (p) A copy of the documents containing any  
9 restrictions on use of the property required by subsection  
10 (16).

11 (25) Any prospectus or offering circular complying,  
12 prior to the effective date of this act, with the provisions  
13 of former ss. 711.69 and 711.802 may continue to be used  
14 without amendment or may be amended to comply with the  
15 provisions of this chapter.

16 (26) A brief narrative description of the location and  
17 effect of all existing and intended easements located or to be  
18 located on the condominium property other than those described  
19 in the declaration.

20 (27) If the developer is required by state or local  
21 authorities to obtain acceptance or approval of any dock or  
22 marina facilities intended to serve the condominium, a copy of  
23 any such acceptance or approval acquired by the time of filing  
24 with the division under s. 718.502(1) or a statement that such  
25 acceptance or approval has not been acquired or received.

26 (28) Evidence demonstrating that the developer has an  
27 ownership, leasehold, or contractual interest in the land upon  
28 which the condominium is to be developed.

29 Section 77. Section 718.508, Florida Statutes, is  
30 amended to read:

31 718.508 Regulation by Division of Hotels and

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1 Restaurants.--In addition to the authority, regulation, or  
2 control exercised by the Division of ~~Florida Land Sales,~~  
3 Condominiums, Timeshare, and Mobile Homes pursuant to this act  
4 with respect to condominiums, buildings included in a  
5 condominium property shall be subject to the authority,  
6 regulation, or control of the Division of Hotels and  
7 Restaurants of the Department of Business and Professional  
8 Regulation, to the extent provided for in chapter 399.

9 Section 78. Section 718.509, Florida Statutes, is  
10 amended to read:

11 718.509 Division of ~~Florida Land Sales~~, Condominiums,  
12 Timeshare, and Mobile Homes Trust Fund.--

13 (1) There is created within the State Treasury the  
14 Division of Condominiums, Timeshare, and Mobile Homes Trust  
15 Fund, to be used for the administration and operation of this  
16 chapter and chapters 719, 721, and 723 by the division.

17 (2) All funds collected by the division and any amount  
18 paid for a fee or penalty under this chapter shall be  
19 deposited in the State Treasury to the credit of the Division  
20 of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile  
21 Homes Trust Fund created by s. 718.509 ~~498.019~~. The division  
22 shall maintain separate revenue accounts in the trust fund for  
23 each business regulated by the division, and shall provide for  
24 the proportionate allocation among the accounts of expenses  
25 incurred in the performance of its duties for each of these  
26 businesses. As part of its normal budgetary process, the  
27 division shall prepare an annual report of revenue and  
28 allocated expenses related to the operation of each of these  
29 businesses, which may be used to determine fees charged by the  
30 division. The provisions of s. 215.20 apply to the trust fund.

31 Section 79. Paragraph (a) of subsection (2) of section

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1 718.608, Florida Statutes, is amended to read:

2 718.608 Notice of intended conversion; time of  
3 delivery; content.--

4 (2)(a) Each notice of intended conversion shall be  
5 dated and in writing. The notice shall contain the following  
6 statement, with the phrases of the following statement which  
7 appear in upper case printed in conspicuous type:

8  
9 These apartments are being converted to condominium by  
10 ...(name of developer)..., the developer.

11 1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION  
12 OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL  
13 AGREEMENT AS FOLLOWS:

14 a. If you have continuously been a resident of these  
15 apartments during the last 180 days and your rental agreement  
16 expires during the next 270 days, you may extend your rental  
17 agreement for up to 270 days after the date of this notice.

18 b. If you have not been a continuous resident of these  
19 apartments for the last 180 days and your rental agreement  
20 expires during the next 180 days, you may extend your rental  
21 agreement for up to 180 days after the date of this notice.

22 c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT,  
23 YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS  
24 AFTER THE DATE OF THIS NOTICE.

25 2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45  
26 DAYS, you may extend your rental agreement for up to 45 days  
27 after the date of this notice while you decide whether to  
28 extend your rental agreement as explained above. To do so,  
29 you must notify the developer in writing. You will then have  
30 the full 45 days to decide whether to extend your rental  
31 agreement as explained above.

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1           3. During the extension of your rental agreement you  
2 will be charged the same rent that you are now paying.

3           4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY  
4 EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

5           a. If your rental agreement began or was extended or  
6 renewed after May 1, 1980, and your rental agreement,  
7 including extensions and renewals, has an unexpired term of  
8 180 days or less, you may cancel your rental agreement upon 30  
9 days' written notice and move. Also, upon 30 days' written  
10 notice, you may cancel any extension of the rental agreement.

11           b. If your rental agreement was not begun or was not  
12 extended or renewed after May 1, 1980, you may not cancel the  
13 rental agreement without the consent of the developer. If  
14 your rental agreement, including extensions and renewals, has  
15 an unexpired term of 180 days or less, you may, however, upon  
16 30 days' written notice cancel any extension of the rental  
17 agreement.

18           5. All notices must be given in writing and sent by  
19 mail, return receipt requested, or delivered in person to the  
20 developer at this address: ...(name and address of  
21 developer)....

22           6. If you have continuously been a resident of these  
23 apartments during the last 180 days:

24           a. You have the right to purchase your apartment and  
25 will have 45 days to decide whether to purchase. If you do  
26 not buy the unit at that price and the unit is later offered  
27 at a lower price, you will have the opportunity to buy the  
28 unit at the lower price. However, in all events your right to  
29 purchase the unit ends when the rental agreement or any  
30 extension of the rental agreement ends or when you waive this  
31 right in writing.

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1           b. Within 90 days you will be provided purchase  
 2 information relating to your apartment, including the price of  
 3 your unit and the condition of the building. If you do not  
 4 receive this information within 90 days, your rental agreement  
 5 and any extension will be extended 1 day for each day over 90  
 6 days until you are given the purchase information. If you do  
 7 not want this rental agreement extension, you must notify the  
 8 developer in writing.

9           7. If you have any questions regarding this conversion  
 10 or the Condominium Act, you may contact the developer or the  
 11 state agency which regulates condominiums: The Division of  
 12 ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes,~~  
 13 ... (Tallahassee address and telephone number of division)....

14           Section 80. Subsection (17) of section 719.103,  
 15 Florida Statutes, is amended to read:

16           719.103 Definitions.--As used in this chapter:

17           (17) "Division" means the Division of ~~Florida Land~~  
 18 ~~Sales, Condominiums, Timeshare, and Mobile Homes~~ of the  
 19 Department of Business and Professional Regulation.

20           Section 81. Section 719.1255, Florida Statutes, is  
 21 amended to read:

22           719.1255 Alternative resolution of disputes.--The  
 23 ~~division of Florida Land Sales, Condominiums, and Mobile Homes~~  
 24 ~~of the Department of Business and Professional Regulation~~  
 25 shall provide for alternative dispute resolution in accordance  
 26 with s. 718.1255.

27           Section 82. Section 719.501, Florida Statutes, is  
 28 amended to read:

29           719.501 Powers and duties of Division of ~~Florida Land~~  
 30 ~~Sales, Condominiums, Timeshare, and Mobile Homes.~~--

31           (1) The Division of ~~Florida Land Sales, Condominiums,~~

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1 Timeshare, and Mobile Homes of the Department of Business and  
2 Professional Regulation, referred to as the "division" in this  
3 part, in addition to other powers and duties prescribed by  
4 chapter 498, has the power to enforce and ensure compliance  
5 with the provisions of this chapter and rules adopted  
6 ~~promulgated~~ pursuant hereto relating to the development,  
7 construction, sale, lease, ownership, operation, and  
8 management of residential cooperative units. In performing its  
9 duties, the division shall have the following powers and  
10 duties:

11 (a) The division may make necessary public or private  
12 investigations within or outside this state to determine  
13 whether any person has violated this chapter or any rule or  
14 order hereunder, to aid in the enforcement of this chapter, or  
15 to aid in the adoption of rules or forms hereunder.

16 (b) The division may require or permit any person to  
17 file a statement in writing, under oath or otherwise, as the  
18 division determines, as to the facts and circumstances  
19 concerning a matter to be investigated.

20 (c) For the purpose of any investigation under this  
21 chapter, the division director or any officer or employee  
22 designated by the division director may administer oaths or  
23 affirmations, subpoena witnesses and compel their attendance,  
24 take evidence, and require the production of any matter which  
25 is relevant to the investigation, including the existence,  
26 description, nature, custody, condition, and location of any  
27 books, documents, or other tangible things and the identity  
28 and location of persons having knowledge of relevant facts or  
29 any other matter reasonably calculated to lead to the  
30 discovery of material evidence. Upon failure by a person to  
31 obey a subpoena or to answer questions propounded by the

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1 investigating officer and upon reasonable notice to all  
2 persons affected thereby, the division may apply to the  
3 circuit court for an order compelling compliance.

4 (d) Notwithstanding any remedies available to unit  
5 owners and associations, if the division has reasonable cause  
6 to believe that a violation of any provision of this chapter  
7 or rule promulgated pursuant hereto has occurred, the division  
8 may institute enforcement proceedings in its own name against  
9 a developer, association, officer, or member of the board, or  
10 its assignees or agents, as follows:

11 1. The division may permit a person whose conduct or  
12 actions may be under investigation to waive formal proceedings  
13 and enter into a consent proceeding whereby orders, rules, or  
14 letters of censure or warning, whether formal or informal, may  
15 be entered against the person.

16 2. The division may issue an order requiring the  
17 developer, association, officer, or member of the board, or  
18 its assignees or agents, to cease and desist from the unlawful  
19 practice and take such affirmative action as in the judgment  
20 of the division will carry out the purposes of this chapter.  
21 Such affirmative action may include, but is not limited to, an  
22 order requiring a developer to pay moneys determined to be  
23 owed to a condominium association.

24 3. The division may bring an action in circuit court  
25 on behalf of a class of unit owners, lessees, or purchasers  
26 for declaratory relief, injunctive relief, or restitution.

27 4. The division may impose a civil penalty against a  
28 developer or association, or its assignees or agents, for any  
29 violation of this chapter or a rule promulgated pursuant  
30 hereto. The division may impose a civil penalty individually  
31 against any officer or board member who willfully and



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1 knowingly violates a provision of this chapter, a rule adopted  
2 pursuant to this chapter, or a final order of the division.  
3 The term "willfully and knowingly" means that the division  
4 informed the officer or board member that his or her action or  
5 intended action violates this chapter, a rule adopted under  
6 this chapter, or a final order of the division, and that the  
7 officer or board member refused to comply with the  
8 requirements of this chapter, a rule adopted under this  
9 chapter, or a final order of the division. The division, prior  
10 to initiating formal agency action under chapter 120, shall  
11 afford the officer or board member an opportunity to  
12 voluntarily comply with this chapter, a rule adopted under  
13 this chapter, or a final order of the division. An officer or  
14 board member who complies within 10 days is not subject to a  
15 civil penalty. A penalty may be imposed on the basis of each  
16 day of continuing violation, but in no event shall the penalty  
17 for any offense exceed \$5,000. By January 1, 1998, the  
18 division shall adopt, by rule, penalty guidelines applicable  
19 to possible violations or to categories of violations of this  
20 chapter or rules adopted by the division. The guidelines must  
21 specify a meaningful range of civil penalties for each such  
22 violation of the statute and rules and must be based upon the  
23 harm caused by the violation, the repetition of the violation,  
24 and upon such other factors deemed relevant by the division.  
25 For example, the division may consider whether the violations  
26 were committed by a developer or owner-controlled association,  
27 the size of the association, and other factors. The guidelines  
28 must designate the possible mitigating or aggravating  
29 circumstances that justify a departure from the range of  
30 penalties provided by the rules. It is the legislative intent  
31 that minor violations be distinguished from those which

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1 endanger the health, safety, or welfare of the cooperative  
2 residents or other persons and that such guidelines provide  
3 reasonable and meaningful notice to the public of likely  
4 penalties that may be imposed for proscribed conduct. This  
5 subsection does not limit the ability of the division to  
6 informally dispose of administrative actions or complaints by  
7 stipulation, agreed settlement, or consent order. All amounts  
8 collected shall be deposited with the Treasurer to the credit  
9 of the Division of ~~Florida Land Sales~~, Condominiums,  
10 Timeshare, and Mobile Homes Trust Fund. If a developer fails  
11 to pay the civil penalty, the division shall thereupon issue  
12 an order directing that such developer cease and desist from  
13 further operation until such time as the civil penalty is paid  
14 or may pursue enforcement of the penalty in a court of  
15 competent jurisdiction. If an association fails to pay the  
16 civil penalty, the division shall thereupon pursue enforcement  
17 in a court of competent jurisdiction, and the order imposing  
18 the civil penalty or the cease and desist order shall not  
19 become effective until 20 days after the date of such order.  
20 Any action commenced by the division shall be brought in the  
21 county in which the division has its executive offices or in  
22 the county where the violation occurred.

23 (e) The division is authorized to prepare and  
24 disseminate a prospectus and other information to assist  
25 prospective owners, purchasers, lessees, and developers of  
26 residential cooperatives in assessing the rights, privileges,  
27 and duties pertaining thereto.

28 (f) The division has authority to adopt rules pursuant  
29 to ss. 120.536(1) and 120.54 to implement and enforce the  
30 provisions of this chapter.

31 (g) The division shall establish procedures for

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1 providing notice to an association when the division is  
2 considering the issuance of a declaratory statement with  
3 respect to the cooperative documents governing such  
4 cooperative community.

5 (h) The division shall furnish each association which  
6 pays the fees required by paragraph (2)(a) a copy of this act,  
7 subsequent changes to this act on an annual basis, an amended  
8 version of this act as it becomes available from the Secretary  
9 of State's office on a biennial basis, and the rules  
10 promulgated pursuant thereto on an annual basis.

11 (i) The division shall annually provide each  
12 association with a summary of declaratory statements and  
13 formal legal opinions relating to the operations of  
14 cooperatives which were rendered by the division during the  
15 previous year.

16 (j) The division shall adopt uniform accounting  
17 principles, policies, and standards to be used by all  
18 associations in the preparation and presentation of all  
19 financial statements required by this chapter. The principles,  
20 policies, and standards shall take into consideration the size  
21 of the association and the total revenue collected by the  
22 association.

23 (k) The division shall provide training programs for  
24 cooperative association board members and unit owners.

25 (l) The division shall maintain a toll-free telephone  
26 number accessible to cooperative unit owners.

27 (m) When a complaint is made to the division, the  
28 division shall conduct its inquiry with reasonable dispatch  
29 and with due regard to the interests of the affected parties.  
30 Within 30 days after receipt of a complaint, the division  
31 shall acknowledge the complaint in writing and notify the

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1 complainant whether the complaint is within the jurisdiction  
2 of the division and whether additional information is needed  
3 by the division from the complainant. The division shall  
4 conduct its investigation and shall, within 90 days after  
5 receipt of the original complaint or timely requested  
6 additional information, take action upon the complaint.  
7 However, the failure to complete the investigation within 90  
8 days does not prevent the division from continuing the  
9 investigation, accepting or considering evidence obtained or  
10 received after 90 days, or taking administrative action if  
11 reasonable cause exists to believe that a violation of this  
12 chapter or a rule of the division has occurred. If an  
13 investigation is not completed within the time limits  
14 established in this paragraph, the division shall, on a  
15 monthly basis, notify the complainant in writing of the status  
16 of the investigation. When reporting its action to the  
17 complainant, the division shall inform the complainant of any  
18 right to a hearing pursuant to ss. 120.569 and 120.57.

19 (n) The division shall develop a program to certify  
20 both volunteer and paid mediators to provide mediation of  
21 cooperative disputes. The division shall provide, upon  
22 request, a list of such mediators to any association, unit  
23 owner, or other participant in arbitration proceedings under  
24 s. 718.1255 requesting a copy of the list. The division shall  
25 include on the list of voluntary mediators only persons who  
26 have received at least 20 hours of training in mediation  
27 techniques or have mediated at least 20 disputes. In order to  
28 become initially certified by the division, paid mediators  
29 must be certified by the Supreme Court to mediate court cases  
30 in either county or circuit courts. However, the division may  
31 adopt, by rule, additional factors for the certification of

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1 paid mediators, which factors must be related to experience,  
2 education, or background. Any person initially certified as a  
3 paid mediator by the division must, in order to continue to be  
4 certified, comply with the factors or requirements imposed by  
5 rules adopted by the division.

6 (2)(a) Each cooperative association shall pay to the  
7 division, on or before January 1 of each year, an annual fee  
8 in the amount of \$4 for each residential unit in cooperatives  
9 operated by the association. If the fee is not paid by March  
10 1, then the association shall be assessed a penalty of 10  
11 percent of the amount due, and the association shall not have  
12 the standing to maintain or defend any action in the courts of  
13 this state until the amount due is paid.

14 (b) All fees shall be deposited in the Division of  
15 ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes~~  
16 Trust Fund as provided by law.

17 Section 83. Paragraph (a) of subsection (2) of section  
18 719.502, Florida Statutes, is amended to read:

19 719.502 Filing prior to sale or lease.--

20 (2)(a) Prior to filing as required by subsection (1),  
21 and prior to acquiring an ownership, leasehold, or contractual  
22 interest in the land upon which the cooperative is to be  
23 developed, a developer shall not offer a contract for purchase  
24 or lease of a unit for more than 5 years. However, the  
25 developer may accept deposits for reservations upon the  
26 approval of a fully executed escrow agreement and reservation  
27 agreement form properly filed with the division of ~~Florida~~  
28 ~~Land Sales, Condominiums, and Mobile Homes~~. Each filing of a  
29 proposed reservation program shall be accompanied by a filing  
30 fee of \$250. Reservations shall not be taken on a proposed  
31 cooperative unless the developer has an ownership, leasehold,

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1 or contractual interest in the land upon which the cooperative  
2 is to be developed. The division shall notify the developer  
3 within 20 days of receipt of the reservation filing of any  
4 deficiencies contained therein. Such notification shall not  
5 preclude the determination of reservation filing deficiencies  
6 at a later date, nor shall it relieve the developer of any  
7 responsibility under the law. The escrow agreement and the  
8 reservation agreement form shall include a statement of the  
9 right of the prospective purchaser to an immediate unqualified  
10 refund of the reservation deposit moneys upon written request  
11 to the escrow agent by the prospective purchaser or the  
12 developer.

13 Section 84. Section 719.504, Florida Statutes, is  
14 amended to read:

15 719.504 Prospectus or offering circular.--Every  
16 developer of a residential cooperative which contains more  
17 than 20 residential units, or which is part of a group of  
18 residential cooperatives which will be served by property to  
19 be used in common by unit owners of more than 20 residential  
20 units, shall prepare a prospectus or offering circular and  
21 file it with the division of ~~Florida Land Sales, Condominiums,~~  
22 ~~and Mobile Homes~~ prior to entering into an enforceable  
23 contract of purchase and sale of any unit or lease of a unit  
24 for more than 5 years and shall furnish a copy of the  
25 prospectus or offering circular to each buyer. In addition to  
26 the prospectus or offering circular, each buyer shall be  
27 furnished a separate page entitled "Frequently Asked Questions  
28 and Answers," which must be in accordance with a format  
29 approved by the division. This page must, in readable  
30 language: inform prospective purchasers regarding their  
31 voting rights and unit use restrictions, including

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1 restrictions on the leasing of a unit; indicate whether and in  
2 what amount the unit owners or the association is obligated to  
3 pay rent or land use fees for recreational or other commonly  
4 used facilities; contain a statement identifying that amount  
5 of assessment which, pursuant to the budget, would be levied  
6 upon each unit type, exclusive of any special assessments, and  
7 which identifies the basis upon which assessments are levied,  
8 whether monthly, quarterly, or otherwise; state and identify  
9 any court cases in which the association is currently a party  
10 of record in which the association may face liability in  
11 excess of \$100,000; and state whether membership in a  
12 recreational facilities association is mandatory and, if so,  
13 identify the fees currently charged per unit type. The  
14 division shall by rule require such other disclosure as in its  
15 judgment will assist prospective purchasers. The prospectus or  
16 offering circular may include more than one cooperative,  
17 although not all such units are being offered for sale as of  
18 the date of the prospectus or offering circular. The  
19 prospectus or offering circular must contain the following  
20 information:

21 (1) The front cover or the first page must contain  
22 only:

23 (a) The name of the cooperative.

24 (b) The following statements in conspicuous type:

25 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS  
26 IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A COOPERATIVE  
27 UNIT.

28 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN  
29 NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL  
30 REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND  
31 SALES MATERIALS.

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1           3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS  
2 CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER  
3 TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR  
4 CORRECT REPRESENTATIONS.

5           (2) Summary: The next page must contain all  
6 statements required to be in conspicuous type in the  
7 prospectus or offering circular.

8           (3) A separate index of the contents and exhibits of  
9 the prospectus.

10           (4) Beginning on the first page of the text (not  
11 including the summary and index), a description of the  
12 cooperative, including, but not limited to, the following  
13 information:

14           (a) Its name and location.

15           (b) A description of the cooperative property,  
16 including, without limitation:

17           1. The number of buildings, the number of units in  
18 each building, the number of bathrooms and bedrooms in each  
19 unit, and the total number of units, if the cooperative is not  
20 a phase cooperative; or, if the cooperative is a phase  
21 cooperative, the maximum number of buildings that may be  
22 contained within the cooperative, the minimum and maximum  
23 number of units in each building, the minimum and maximum  
24 number of bathrooms and bedrooms that may be contained in each  
25 unit, and the maximum number of units that may be contained  
26 within the cooperative.

27           2. The page in the cooperative documents where a copy  
28 of the survey and plot plan of the cooperative is located.

29           3. The estimated latest date of completion of  
30 constructing, finishing, and equipping. In lieu of a date, a  
31 statement that the estimated date of completion of the



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1 cooperative is in the purchase agreement and a reference to  
2 the article or paragraph containing that information.

3 (c) The maximum number of units that will use  
4 facilities in common with the cooperative. If the maximum  
5 number of units will vary, a description of the basis for  
6 variation and the minimum amount of dollars per unit to be  
7 spent for additional recreational facilities or enlargement of  
8 such facilities. If the addition or enlargement of facilities  
9 will result in a material increase of a unit owner's  
10 maintenance expense or rental expense, if any, the maximum  
11 increase and limitations thereon shall be stated.

12 (5)(a) A statement in conspicuous type describing  
13 whether the cooperative is created and being sold as fee  
14 simple interests or as leasehold interests. If the  
15 cooperative is created or being sold on a leasehold, the  
16 location of the lease in the disclosure materials shall be  
17 stated.

18 (b) If timeshare estates are or may be created with  
19 respect to any unit in the cooperative, a statement in  
20 conspicuous type stating that timeshare estates are created  
21 and being sold in such specified units in the cooperative.

22 (6) A description of the recreational and other common  
23 areas that will be used only by unit owners of the  
24 cooperative, including, but not limited to, the following:

25 (a) Each room and its intended purposes, location,  
26 approximate floor area, and capacity in numbers of people.

27 (b) Each swimming pool, as to its general location,  
28 approximate size and depths, approximate deck size and  
29 capacity, and whether heated.

30 (c) Additional facilities, as to the number of each  
31 facility, its approximate location, approximate size, and

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1 approximate capacity.

2 (d) A general description of the items of personal  
3 property and the approximate number of each item of personal  
4 property that the developer is committing to furnish for each  
5 room or other facility or, in the alternative, a  
6 representation as to the minimum amount of expenditure that  
7 will be made to purchase the personal property for the  
8 facility.

9 (e) The estimated date when each room or other  
10 facility will be available for use by the unit owners.

11 (f)1. An identification of each room or other facility  
12 to be used by unit owners that will not be owned by the unit  
13 owners or the association;

14 2. A reference to the location in the disclosure  
15 materials of the lease or other agreements providing for the  
16 use of those facilities; and

17 3. A description of the terms of the lease or other  
18 agreements, including the length of the term; the rent  
19 payable, directly or indirectly, by each unit owner, and the  
20 total rent payable to the lessor, stated in monthly and annual  
21 amounts for the entire term of the lease; and a description of  
22 any option to purchase the property leased under any such  
23 lease, including the time the option may be exercised, the  
24 purchase price or how it is to be determined, the manner of  
25 payment, and whether the option may be exercised for a unit  
26 owner's share or only as to the entire leased property.

27 (g) A statement as to whether the developer may  
28 provide additional facilities not described above, their  
29 general locations and types, improvements or changes that may  
30 be made, the approximate dollar amount to be expended, and the  
31 maximum additional common expense or cost to the individual

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1 unit owners that may be charged during the first annual period  
2 of operation of the modified or added facilities.

3

4 Descriptions as to locations, areas, capacities, numbers,  
5 volumes, or sizes may be stated as approximations or minimums.

6 (7) A description of the recreational and other  
7 facilities that will be used in common with other  
8 cooperatives, community associations, or planned developments  
9 which require the payment of the maintenance and expenses of  
10 such facilities, either directly or indirectly, by the unit  
11 owners. The description shall include, but not be limited to,  
12 the following:

13 (a) Each building and facility committed to be built.

14 (b) Facilities not committed to be built except under  
15 certain conditions, and a statement of those conditions or  
16 contingencies.

17 (c) As to each facility committed to be built, or  
18 which will be committed to be built upon the happening of one  
19 of the conditions in paragraph (b), a statement of whether it  
20 will be owned by the unit owners having the use thereof or by  
21 an association or other entity which will be controlled by  
22 them, or others, and the location in the exhibits of the lease  
23 or other document providing for use of those facilities.

24 (d) The year in which each facility will be available  
25 for use by the unit owners or, in the alternative, the maximum  
26 number of unit owners in the project at the time each of all  
27 of the facilities is committed to be completed.

28 (e) A general description of the items of personal  
29 property, and the approximate number of each item of personal  
30 property, that the developer is committing to furnish for each  
31 room or other facility or, in the alternative, a

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1 representation as to the minimum amount of expenditure that  
2 will be made to purchase the personal property for the  
3 facility.

4 (f) If there are leases, a description thereof,  
5 including the length of the term, the rent payable, and a  
6 description of any option to purchase.

7  
8 Descriptions shall include location, areas, capacities,  
9 numbers, volumes, or sizes and may be stated as approximations  
10 or minimums.

11 (8) Recreation lease or associated club membership:

12 (a) If any recreational facilities or other common  
13 areas offered by the developer and available to, or to be used  
14 by, unit owners are to be leased or have club membership  
15 associated, the following statement in conspicuous type shall  
16 be included: THERE IS A RECREATIONAL FACILITIES LEASE  
17 ASSOCIATED WITH THIS COOPERATIVE; or, THERE IS A CLUB  
18 MEMBERSHIP ASSOCIATED WITH THIS COOPERATIVE. There shall be a  
19 reference to the location in the disclosure materials where  
20 the recreation lease or club membership is described in  
21 detail.

22 (b) If it is mandatory that unit owners pay a fee,  
23 rent, dues, or other charges under a recreational facilities  
24 lease or club membership for the use of facilities, there  
25 shall be in conspicuous type the applicable statement:

26 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS  
27 MANDATORY FOR UNIT OWNERS; or

28 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF  
29 OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES  
30 LEASE; or

31 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE

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1 COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP,  
2 REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES  
3 LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4 4. A similar statement of the nature of the  
5 organization or manner in which the use rights are created,  
6 and that unit owners are required to pay.

7  
8 Immediately following the applicable statement, the location  
9 in the disclosure materials where the development is described  
10 in detail shall be stated.

11 (c) If the developer, or any other person other than  
12 the unit owners and other persons having use rights in the  
13 facilities, reserves, or is entitled to receive, any rent,  
14 fee, or other payment for the use of the facilities, then  
15 there shall be the following statement in conspicuous type:  
16 THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND  
17 USE FEES FOR RECREATIONAL OR OTHER COMMON AREAS. Immediately  
18 following this statement, the location in the disclosure  
19 materials where the rent or land use fees are described in  
20 detail shall be stated.

21 (d) If, in any recreation format, whether leasehold,  
22 club, or other, any person other than the association has the  
23 right to a lien on the units to secure the payment of  
24 assessments, rent, or other exactions, there shall appear a  
25 statement in conspicuous type in substantially the following  
26 form:

27 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO  
28 SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE  
29 RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE  
30 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

31 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO

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1 SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING  
 2 DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE  
 3 RECREATIONAL OR COMMONLY USED AREAS. THE UNIT OWNER'S FAILURE  
 4 TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

5  
 6 Immediately following the applicable statement, the location  
 7 in the disclosure materials where the lien or lien right is  
 8 described in detail shall be stated.

9 (9) If the developer or any other person has the right  
 10 to increase or add to the recreational facilities at any time  
 11 after the establishment of the cooperative whose unit owners  
 12 have use rights therein, without the consent of the unit  
 13 owners or associations being required, there shall appear a  
 14 statement in conspicuous type in substantially the following  
 15 form: RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT  
 16 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S). Immediately  
 17 following this statement, the location in the disclosure  
 18 materials where such reserved rights are described shall be  
 19 stated.

20 (10) A statement of whether the developer's plan  
 21 includes a program of leasing units rather than selling them,  
 22 or leasing units and selling them subject to such leases. If  
 23 so, there shall be a description of the plan, including the  
 24 number and identification of the units and the provisions and  
 25 term of the proposed leases, and a statement in boldfaced type  
 26 that: THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE.

27 (11) The arrangements for management of the  
 28 association and maintenance and operation of the cooperative  
 29 property and of other property that will serve the unit owners  
 30 of the cooperative property, and a description of the  
 31 management contract and all other contracts for these purposes

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1 having a term in excess of 1 year, including the following:

2 (a) The names of contracting parties.

3 (b) The term of the contract.

4 (c) The nature of the services included.

5 (d) The compensation, stated on a monthly and annual  
6 basis, and provisions for increases in the compensation.

7 (e) A reference to the volumes and pages of the  
8 cooperative documents and of the exhibits containing copies of  
9 such contracts.

10

11 Copies of all described contracts shall be attached as  
12 exhibits. If there is a contract for the management of the  
13 cooperative property, then a statement in conspicuous type in  
14 substantially the following form shall appear, identifying the  
15 proposed or existing contract manager: THERE IS (IS TO BE) A  
16 CONTRACT FOR THE MANAGEMENT OF THE COOPERATIVE PROPERTY WITH  
17 (NAME OF THE CONTRACT MANAGER). Immediately following this  
18 statement, the location in the disclosure materials of the  
19 contract for management of the cooperative property shall be  
20 stated.

21 (12) If the developer or any other person or persons  
22 other than the unit owners has the right to retain control of  
23 the board of administration of the association for a period of  
24 time which can exceed 1 year after the closing of the sale of  
25 a majority of the units in that cooperative to persons other  
26 than successors or alternate developers, then a statement in  
27 conspicuous type in substantially the following form shall be  
28 included: THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO  
29 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE  
30 UNITS HAVE BEEN SOLD. Immediately following this statement,  
31 the location in the disclosure materials where this right to

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1 control is described in detail shall be stated.

2 (13) If there are any restrictions upon the sale,  
3 transfer, conveyance, or leasing of a unit, then a statement  
4 in conspicuous type in substantially the following form shall  
5 be included: THE SALE, LEASE, OR TRANSFER OF UNITS IS  
6 RESTRICTED OR CONTROLLED. Immediately following this  
7 statement, the location in the disclosure materials where the  
8 restriction, limitation, or control on the sale, lease, or  
9 transfer of units is described in detail shall be stated.

10 (14) If the cooperative is part of a phase project,  
11 the following shall be stated:

12 (a) A statement in conspicuous type in substantially  
13 the following form shall be included: THIS IS A PHASE  
14 COOPERATIVE. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS  
15 COOPERATIVE. Immediately following this statement, the  
16 location in the disclosure materials where the phasing is  
17 described shall be stated.

18 (b) A summary of the provisions of the declaration  
19 providing for the phasing.

20 (c) A statement as to whether or not residential  
21 buildings and units which are added to the cooperative may be  
22 substantially different from the residential buildings and  
23 units originally in the cooperative, and, if the added  
24 residential buildings and units may be substantially  
25 different, there shall be a general description of the extent  
26 to which such added residential buildings and units may  
27 differ, and a statement in conspicuous type in substantially  
28 the following form shall be included: BUILDINGS AND UNITS  
29 WHICH ARE ADDED TO THE COOPERATIVE MAY BE SUBSTANTIALLY  
30 DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE  
31 COOPERATIVE. Immediately following this statement, the



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1 location in the disclosure materials where the extent to which  
2 added residential buildings and units may substantially differ  
3 is described shall be stated.

4 (d) A statement of the maximum number of buildings  
5 containing units, the maximum and minimum number of units in  
6 each building, the maximum number of units, and the minimum  
7 and maximum square footage of the units that may be contained  
8 within each parcel of land which may be added to the  
9 cooperative.

10 (15) If the cooperative is created by conversion of  
11 existing improvements, the following information shall be  
12 stated:

13 (a) The information required by s. 719.616.

14 (b) A caveat that there are no express warranties  
15 unless they are stated in writing by the developer.

16 (16) A summary of the restrictions, if any, to be  
17 imposed on units concerning the use of any of the cooperative  
18 property, including statements as to whether there are  
19 restrictions upon children and pets, and reference to the  
20 volumes and pages of the cooperative documents where such  
21 restrictions are found, or if such restrictions are contained  
22 elsewhere, then a copy of the documents containing the  
23 restrictions shall be attached as an exhibit.

24 (17) If there is any land that is offered by the  
25 developer for use by the unit owners and that is neither owned  
26 by them nor leased to them, the association, or any entity  
27 controlled by unit owners and other persons having the use  
28 rights to such land, a statement shall be made as to how such  
29 land will serve the cooperative. If any part of such land  
30 will serve the cooperative, the statement shall describe the  
31 land and the nature and term of service, and the cooperative

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1 documents or other instrument creating such servitude shall be  
2 included as an exhibit.

3 (18) The manner in which utility and other services,  
4 including, but not limited to, sewage and waste disposal,  
5 water supply, and storm drainage, will be provided and the  
6 person or entity furnishing them.

7 (19) An explanation of the manner in which the  
8 apportionment of common expenses and ownership of the common  
9 areas have been determined.

10 (20) An estimated operating budget for the cooperative  
11 and the association, and a schedule of the unit owner's  
12 expenses shall be attached as an exhibit and shall contain the  
13 following information:

14 (a) The estimated monthly and annual expenses of the  
15 cooperative and the association that are collected from unit  
16 owners by assessments.

17 (b) The estimated monthly and annual expenses of each  
18 unit owner for a unit, other than assessments payable to the  
19 association, payable by the unit owner to persons or entities  
20 other than the association, and the total estimated monthly  
21 and annual expense. There may be excluded from this estimate  
22 expenses that are personal to unit owners, which are not  
23 uniformly incurred by all unit owners, or which are not  
24 provided for or contemplated by the cooperative documents,  
25 including, but not limited to, the costs of private telephone;  
26 maintenance of the interior of cooperative units, which is not  
27 the obligation of the association; maid or janitorial services  
28 privately contracted for by the unit owners; utility bills  
29 billed directly to each unit owner for utility services to his  
30 or her unit; insurance premiums other than those incurred for  
31 policies obtained by the cooperative; and similar personal

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1 expenses of the unit owner. A unit owner's estimated payments  
2 for assessments shall also be stated in the estimated amounts  
3 for the times when they will be due.

4 (c) The estimated items of expenses of the cooperative  
5 and the association, except as excluded under paragraph (b),  
6 including, but not limited to, the following items, which  
7 shall be stated either as an association expense collectible  
8 by assessments or as unit owners' expenses payable to persons  
9 other than the association:

- 10 1. Expenses for the association and cooperative:
  - 11 a. Administration of the association.
  - 12 b. Management fees.
  - 13 c. Maintenance.
  - 14 d. Rent for recreational and other commonly used  
15 areas.
  - 16 e. Taxes upon association property.
  - 17 f. Taxes upon leased areas.
  - 18 g. Insurance.
  - 19 h. Security provisions.
  - 20 i. Other expenses.
  - 21 j. Operating capital.
  - 22 k. Reserves.
- 23 1. Fee payable to the division.
- 24 2. Expenses for a unit owner:
  - 25 a. Rent for the unit, if subject to a lease.
  - 26 b. Rent payable by the unit owner directly to the  
27 lessor or agent under any recreational lease or lease for the  
28 use of commonly used areas, which use and payment are a  
29 mandatory condition of ownership and are not included in the  
30 common expense or assessments for common maintenance paid by  
31 the unit owners to the association.

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1 (d) The estimated amounts shall be stated for a period  
2 of at least 12 months and may distinguish between the period  
3 prior to the time unit owners other than the developer elect a  
4 majority of the board of administration and the period after  
5 that date.

6 (21) A schedule of estimated closing expenses to be  
7 paid by a buyer or lessee of a unit and a statement of whether  
8 title opinion or title insurance policy is available to the  
9 buyer and, if so, at whose expense.

10 (22) The identity of the developer and the chief  
11 operating officer or principal directing the creation and sale  
12 of the cooperative and a statement of its and his or her  
13 experience in this field.

14 (23) Copies of the following, to the extent they are  
15 applicable, shall be included as exhibits:

16 (a) The cooperative documents, or the proposed  
17 cooperative documents if the documents have not been recorded.

18 (b) The articles of incorporation creating the  
19 association.

20 (c) The bylaws of the association.

21 (d) The ground lease or other underlying lease of the  
22 cooperative.

23 (e) The management agreement and all maintenance and  
24 other contracts for management of the association and  
25 operation of the cooperative and facilities used by the unit  
26 owners having a service term in excess of 1 year.

27 (f) The estimated operating budget for the cooperative  
28 and the required schedule of unit owners' expenses.

29 (g) A copy of the floor plan of the unit and the plot  
30 plan showing the location of the residential buildings and the  
31 recreation and other common areas.

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- 1           (h) The lease of recreational and other facilities  
2 that will be used only by unit owners of the subject  
3 cooperative.
- 4           (i) The lease of facilities used by owners and others.
- 5           (j) The form of unit lease, if the offer is of a  
6 leasehold.
- 7           (k) A declaration of servitude of properties serving  
8 the cooperative but not owned by unit owners or leased to them  
9 or the association.
- 10          (l) The statement of condition of the existing  
11 building or buildings, if the offering is of units in an  
12 operation being converted to cooperative ownership.
- 13          (m) The statement of inspection for termite damage and  
14 treatment of the existing improvements, if the cooperative is  
15 a conversion.
- 16          (n) The form of agreement for sale or lease of units.
- 17          (o) A copy of the agreement for escrow of payments  
18 made to the developer prior to closing.
- 19          (p) A copy of the documents containing any  
20 restrictions on use of the property required by subsection  
21 (16).
- 22          (24) Any prospectus or offering circular complying  
23 with the provisions of former ss. 711.69 and 711.802 may  
24 continue to be used without amendment, or may be amended to  
25 comply with the provisions of this chapter.
- 26          (25) A brief narrative description of the location and  
27 effect of all existing and intended easements located or to be  
28 located on the cooperative property other than those in the  
29 declaration.
- 30          (26) If the developer is required by state or local  
31 authorities to obtain acceptance or approval of any dock or

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1 marina facility intended to serve the cooperative, a copy of  
2 such acceptance or approval acquired by the time of filing  
3 with the division pursuant to s. 719.502 or a statement that  
4 such acceptance has not been acquired or received.

5 (27) Evidence demonstrating that the developer has an  
6 ownership, leasehold, or contractual interest in the land upon  
7 which the cooperative is to be developed.

8 Section 85. Section 719.508, Florida Statutes, is  
9 amended to read:

10 719.508 Regulation by Division of Hotels and  
11 Restaurants.--In addition to the authority, regulation, or  
12 control exercised by the Division of ~~Florida Land Sales,~~  
13 Condominiums, Timeshare, and Mobile Homes pursuant to this act  
14 with respect to cooperatives, buildings included in a  
15 cooperative property shall be subject to the authority,  
16 regulation, or control of the Division of Hotels and  
17 Restaurants of the Department of Business and Professional  
18 Regulation, to the extent provided for in chapters 399 and  
19 509.

20 Section 86. Paragraph (a) of subsection (2) of section  
21 719.608, Florida Statutes, is amended to read:

22 719.608 Notice of intended conversion; time of  
23 delivery; content.--

24 (2)(a) Each notice of intended conversion shall be  
25 dated and in writing. The notice shall contain the following  
26 statement, with the phrases of the following statement which  
27 appear in upper case printed in conspicuous type:

28

29 These apartments are being converted to cooperative by  
30 ...(name of developer)..., the developer.

31 1. YOU MAY REMAIN AS A RESIDENT UNTIL THE EXPIRATION

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1 OF YOUR RENTAL AGREEMENT. FURTHER, YOU MAY EXTEND YOUR RENTAL  
2 AGREEMENT AS FOLLOWS:

3 a. If you have continuously been a resident of these  
4 apartments during the last 180 days and your rental agreement  
5 expires during the next 270 days, you may extend your rental  
6 agreement for up to 270 days after the date of this notice.

7 b. If you have not been a continuous resident of these  
8 apartments for the last 180 days and your rental agreement  
9 expires during the next 180 days, you may extend your rental  
10 agreement for up to 180 days after the date of this notice.

11 c. IN ORDER FOR YOU TO EXTEND YOUR RENTAL AGREEMENT,  
12 YOU MUST GIVE THE DEVELOPER WRITTEN NOTICE WITHIN 45 DAYS  
13 AFTER THE DATE OF THIS NOTICE.

14 2. IF YOUR RENTAL AGREEMENT EXPIRES IN THE NEXT 45  
15 DAYS, you may extend your rental agreement for up to 45 days  
16 after the date of this notice while you decide whether to  
17 extend your rental agreement as explained above. To do so, you  
18 must notify the developer in writing. You will then have the  
19 full 45 days to decide whether to extend your rental agreement  
20 as explained above.

21 3. During the extension of your rental agreement you  
22 will be charged the same rent that you are now paying.

23 4. YOU MAY CANCEL YOUR RENTAL AGREEMENT AND ANY  
24 EXTENSION OF THE RENTAL AGREEMENT AS FOLLOWS:

25 a. If your rental agreement began or was extended or  
26 renewed after May 1, 1980, and your rental agreement,  
27 including extensions and renewals, has an unexpired term of  
28 180 days or less, you may cancel your rental agreement upon 30  
29 days' written notice and move. Also, upon 30 days' written  
30 notice, you may cancel any extension of the rental agreement.

31 b. If your rental agreement was not begun or was not

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1 extended or renewed after May 1, 1980, you may not cancel the  
2 rental agreement without the consent of the developer. If  
3 your rental agreement, including extensions and renewals, has  
4 an unexpired term of 180 days or less, you may, however, upon  
5 30 days' written notice cancel any extension of the rental  
6 agreement.

7           5. All notices must be given in writing and sent by  
8 mail, return receipt requested, or delivered in person to the  
9 developer at this address: ...(name and address of  
10 developer)....

11           6. If you have continuously been a resident of these  
12 apartments during the last 180 days:

13           a. You have the right to purchase your apartment and  
14 will have 45 days to decide whether to purchase. If you do  
15 not buy the unit at that price and the unit is later offered  
16 at a lower price, you will have the opportunity to buy the  
17 unit at the lower price. However, in all events your right to  
18 purchase the unit ends when the rental agreement or any  
19 extension of the rental agreement ends or when you waive this  
20 right in writing.

21           b. Within 90 days you will be provided purchase  
22 information relating to your apartment, including the price of  
23 your unit and the condition of the building. If you do not  
24 receive this information within 90 days, your rental agreement  
25 and any extension will be extended 1 day for each day over 90  
26 days until you are given the purchase information. If you do  
27 not want this rental agreement extension, you must notify the  
28 developer in writing.

29           7. If you have any questions regarding this conversion  
30 or the Cooperative Act, you may contact the developer or the  
31 state agency which regulates cooperatives: The Division of



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1 ~~Florida Land Sales, Condominiums, Timeshare, and Mobile Homes,~~  
2 ... (Tallahassee address and telephone number of division)....

3 Section 87. Subsection (10) of section 721.05, Florida  
4 Statutes, is amended to read:

5 721.05 Definitions.--As used in this chapter, the  
6 term:

7 (10) "Division" means the Division of ~~Florida Land~~  
8 ~~Sales, Condominiums, Timeshare, and Mobile Homes~~ of the  
9 Department of Business and Professional Regulation.

10 Section 88. Paragraph (d) of subsection (2) of section  
11 721.07, Florida Statutes, is amended to read:

12 721.07 Public offering statement.--Prior to offering  
13 any timeshare plan, the developer must submit a registered  
14 public offering statement to the division for approval as  
15 prescribed by s. 721.03, s. 721.55, or this section. Until  
16 the division approves such filing, any contract regarding the  
17 sale of that timeshare plan is voidable by the purchaser.

18 (2)  
19 (d) A developer shall have the authority to deliver to  
20 purchasers any purchaser public offering statement that is not

21 yet approved by the division, provided that the following  
22 shall apply:

23 1. At the time the developer delivers an unapproved  
24 purchaser public offering statement to a purchaser pursuant to  
25 this paragraph, the developer shall deliver a fully completed  
26 and executed copy of the purchase contract required by s.  
27 721.06 that contains the following statement in conspicuous  
28 type in substantially the following form which shall replace  
29 the statements required by s. 721.06(1)(g):

30  
31 The developer is delivering to you a public offering statement

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1 that has been filed with but not yet approved by the Division  
 2 of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile  
 3 Homes. Any revisions to the unapproved public offering  
 4 statement you have received must be delivered to you, but only  
 5 if the revisions materially alter or modify the offering in a  
 6 manner adverse to you. After the division approves the public  
 7 offering statement, you will receive notice of the approval  
 8 from the developer and the required revisions, if any.

9  
 10 Your statutory right to cancel this transaction without any  
 11 penalty or obligation expires 10 calendar days after the date  
 12 you signed your purchase contract or 10 calendar days after  
 13 you receive revisions required to be delivered to you, if any,  
 14 whichever is later.

15  
 16           2. After receipt of approval from the division and  
 17 prior to closing, if any revisions made to the documents  
 18 contained in the purchaser public offering statement  
 19 materially alter or modify the offering in a manner adverse to  
 20 a purchaser, the developer shall send the purchaser such  
 21 revisions together with a notice containing a statement in  
 22 conspicuous type in substantially the following form:

23  
 24 The unapproved public offering statement previously delivered  
 25 to you, together with the enclosed revisions, has been  
 26 approved by the Division of ~~Florida Land Sales~~, Condominiums,  
 27 Timeshare, and Mobile Homes. Accordingly, your cancellation  
 28 right expires 10 calendar days after you sign your purchase  
 29 contract or 10 calendar days after you receive these  
 30 revisions, whichever is later. If you have any questions  
 31 regarding your cancellation rights, you may contact the

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1 division at [insert division's current address].

2

3 3. After receipt of approval from the division and  
4 prior to closing, if no revisions have been made to the  
5 documents contained in the unapproved purchaser public  
6 offering statement, or if such revisions do not materially  
7 alter or modify the offering in a manner adverse to a  
8 purchaser, the developer shall send the purchaser a notice  
9 containing a statement in conspicuous type in substantially  
10 the following form:

11

12 The unapproved public offering statement previously delivered  
13 to you has been approved by the Division of ~~Florida Land~~  
14 ~~Sales~~, Condominiums, Timeshare, and Mobile Homes. Revisions  
15 made to the unapproved public offering statement, if any, are  
16 either not required to be delivered to you or are not deemed  
17 by the developer, in its opinion, to materially alter or  
18 modify the offering in a manner that is adverse to you.  
19 Accordingly, your cancellation right expired 10 days after you  
20 signed your purchase contract. A complete copy of the approved  
21 public offering statement is available through the managing  
22 entity for inspection as part of the books and records of the  
23 plan. If you have any questions regarding your cancellation  
24 rights, you may contact the division at [insert division's  
25 current address].

26

27 Section 89. Subsection (8) of section 721.08, Florida

28

29 721.08 Escrow accounts; nondisturbance instruments;  
alternate security arrangements; transfer of legal title.--

30

31 (8) An escrow agent holding escrowed funds pursuant to  
this chapter that have not been claimed for a period of 5

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1 years after the date of deposit shall make at least one  
2 reasonable attempt to deliver such unclaimed funds to the  
3 purchaser who submitted such funds to escrow. In making such  
4 attempt, an escrow agent is entitled to rely on a purchaser's  
5 last known address as set forth in the books and records of  
6 the escrow agent and is not required to conduct any further  
7 search for the purchaser. If an escrow agent's attempt to  
8 deliver unclaimed funds to any purchaser is unsuccessful, the  
9 escrow agent may deliver such unclaimed funds to the division  
10 and the division shall deposit such unclaimed funds in the  
11 Division of ~~Florida Land Sales, Condominiums, Timeshare, and~~  
12 Mobile Homes Trust Fund, 30 days after giving notice in a  
13 publication of general circulation in the county in which the  
14 timeshare property containing the purchaser's timeshare  
15 interest is located. The purchaser may claim the same at any  
16 time prior to the delivery of such funds to the division.  
17 After delivery of such funds to the division, the purchaser  
18 shall have no more rights to the unclaimed funds. The escrow  
19 agent shall not be liable for any claims from any party  
20 arising out of the escrow agent's delivery of the unclaimed  
21 funds to the division pursuant to this section.

22 Section 90. Section 721.26, Florida Statutes, is  
23 amended to read:

24 721.26 Regulation by division.--The division has the  
25 power to enforce and ensure compliance with the provisions of  
26 this chapter, except for parts III and IV, using the powers  
27 provided in this chapter, as well as the powers prescribed in  
28 chapters 498, 718, and 719. In performing its duties, the  
29 division shall have the following powers and duties:

30 (1) To aid in the enforcement of this chapter, or any  
31 division rule or order promulgated or issued pursuant to this

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1 chapter, the division may make necessary public or private  
2 investigations within or outside this state to determine  
3 whether any person has violated or is about to violate this  
4 chapter, or any division rule or order promulgated or issued  
5 pursuant to this chapter.

6 (2) The division may require or permit any person to  
7 file a written statement under oath or otherwise, as the  
8 division determines, as to the facts and circumstances  
9 concerning a matter under investigation.

10 (3) For the purpose of any investigation under this  
11 chapter, the director of the division or any officer or  
12 employee designated by the director may administer oaths or  
13 affirmations, subpoena witnesses and compel their attendance,  
14 take evidence, and require the production of any matter which  
15 is relevant to the investigation, including the identity,  
16 existence, description, nature, custody, condition, and  
17 location of any books, documents, or other tangible things and  
18 the identity and location of persons having knowledge of  
19 relevant facts or any other matter reasonably calculated to  
20 lead to the discovery of material evidence. Failure to obey a  
21 subpoena or to answer questions propounded by the  
22 investigating officer and upon reasonable notice to all  
23 persons affected thereby shall be a violation of this chapter.  
24 In addition to the other enforcement powers authorized in this  
25 subsection, the division may, at its discretion, apply to the  
26 circuit court for an order compelling compliance.

27 (4) The division may prepare and disseminate a  
28 prospectus and other information to assist prospective  
29 purchasers, sellers, and managing entities of timeshare plans  
30 in assessing the rights, privileges, and duties pertaining  
31 thereto.

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1           (5) Notwithstanding any remedies available to  
2 purchasers, if the division has reasonable cause to believe  
3 that a violation of this chapter, or of any division rule or  
4 order promulgated or issued pursuant to this chapter, has  
5 occurred, the division may institute enforcement proceedings  
6 in its own name against any regulated party, as such term is  
7 defined in this subsection:

8           (a)1. "Regulated party," for purposes of this section,  
9 means any developer, exchange company, seller, managing  
10 entity, association, association director, association  
11 officer, manager, management firm, escrow agent, trustee, any  
12 respective assignees or agents, or any other person having  
13 duties or obligations pursuant to this chapter.

14           2. Any person who materially participates in any offer  
15 or disposition of any interest in, or the management or  
16 operation of, a timeshare plan in violation of this chapter or  
17 relevant rules involving fraud, deception, false pretenses,  
18 misrepresentation, or false advertising or the disbursement,  
19 concealment, or diversion of any funds or assets, which  
20 conduct adversely affects the interests of a purchaser, and  
21 which person directly or indirectly controls a regulated party  
22 or is a general partner, officer, director, agent, or employee  
23 of such regulated party, shall be jointly and severally liable  
24 under this subsection with such regulated party, unless such  
25 person did not know, and in the exercise of reasonable care  
26 could not have known, of the existence of the facts giving  
27 rise to the violation of this chapter. A right of  
28 contribution shall exist among jointly and severally liable  
29 persons pursuant to this paragraph.

30           (b) The division may permit any person whose conduct  
31 or actions may be under investigation to waive formal

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1 proceedings and enter into a consent proceeding whereby an  
2 order, rule, or letter of censure or warning, whether formal  
3 or informal, may be entered against that person.

4 (c) The division may issue an order requiring a  
5 regulated party to cease and desist from an unlawful practice  
6 under this chapter and take such affirmative action as in the  
7 judgment of the division will carry out the purposes of this  
8 chapter.

9 (d)1. The division may bring an action in circuit  
10 court for declaratory or injunctive relief or for other  
11 appropriate relief, including restitution.

12 2. The division shall have broad authority and  
13 discretion to petition the circuit court to appoint a receiver  
14 with respect to any managing entity which fails to perform its  
15 duties and obligations under this chapter with respect to the  
16 operation of a timeshare plan. The circumstances giving rise  
17 to an appropriate petition for receivership under this  
18 subparagraph include, but are not limited to:

19 a. Damage to or destruction of any of the  
20 accommodations or facilities of a timeshare plan, where the  
21 managing entity has failed to repair or reconstruct same.

22 b. A breach of fiduciary duty by the managing entity,  
23 including, but not limited to, undisclosed self-dealing or  
24 failure to timely assess, collect, or disburse the common  
25 expenses of the timeshare plan.

26 c. Failure of the managing entity to operate the  
27 timeshare plan in accordance with the timeshare instrument and  
28 this chapter.

29  
30 If, under the circumstances, it appears that the events giving  
31 rise to the petition for receivership cannot be reasonably and

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1 timely corrected in a cost-effective manner consistent with  
2 the timeshare instrument, the receiver may petition the  
3 circuit court to implement such amendments or revisions to the  
4 timeshare instrument as may be necessary to enable the  
5 managing entity to resume effective operation of the timeshare  
6 plan, or to enter an order terminating the timeshare plan, or  
7 to enter such further orders regarding the disposition of the  
8 timeshare property as the court deems appropriate, including  
9 the disposition and sale of the timeshare property held by the  
10 association or the purchasers. In the event of a receiver's  
11 sale, all rights, title, and interest held by the association  
12 or any purchaser shall be extinguished and title shall vest in  
13 the buyer. This provision applies to timeshare estates and  
14 timeshare licenses. All reasonable costs and fees of the  
15 receiver relating to the receivership shall become common  
16 expenses of the timeshare plan upon order of the court.

17 3. The division may revoke its approval of any filing  
18 for any timeshare plan for which a petition for receivership  
19 has been filed pursuant to this paragraph.

20 (e)1. The division may impose a penalty against any  
21 regulated party for a violation of this chapter or any rule  
22 adopted thereunder. A penalty may be imposed on the basis of  
23 each day of continuing violation, but in no event may the  
24 penalty for any offense exceed \$10,000. All accounts  
25 collected shall be deposited with the Treasurer to the credit  
26 of the Division of ~~Florida Land Sales, Condominiums,~~  
27 Timeshare, and Mobile Homes Trust Fund.

28 2.a. If a regulated party fails to pay a penalty, the  
29 division shall thereupon issue an order directing that such  
30 regulated party cease and desist from further operation until  
31 such time as the penalty is paid; or the division may pursue



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1 enforcement of the penalty in a court of competent  
2 jurisdiction.

3           b. If an association or managing entity fails to pay a  
4 civil penalty, the division may pursue enforcement in a court  
5 of competent jurisdiction.

6           (f) In order to permit the regulated party an  
7 opportunity either to appeal such decision administratively or  
8 to seek relief in a court of competent jurisdiction, the order  
9 imposing the penalty or the cease and desist order shall not  
10 become effective until 20 days after the date of such order.

11           (g) Any action commenced by the division shall be  
12 brought in the county in which the division has its executive  
13 offices or in the county where the violation occurred.

14           (h) Notice to any regulated party shall be complete  
15 when delivered by United States mail, return receipt  
16 requested, to the party's address currently on file with the  
17 division or to such other address at which the division is  
18 able to locate the party. Every regulated party has an  
19 affirmative duty to notify the division of any change of  
20 address at least 5 business days prior to such change.

21           (6) The division has authority to adopt rules pursuant  
22 to ss. 120.536(1) and 120.54 to implement and enforce the  
23 provisions of this chapter.

24           (7)(a) The use of any unfair or deceptive act or  
25 practice by any person in connection with the sales or other  
26 operations of an exchange program or timeshare plan is a  
27 violation of this chapter.

28           (b) Any violation of the Florida Deceptive and Unfair  
29 Trade Practices Act, ss. 501.201 et seq., relating to the  
30 creation, promotion, sale, operation, or management of any  
31 timeshare plan shall also be a violation of this chapter.

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1 (c) The division is authorized to institute  
2 proceedings against any such person and take any appropriate  
3 action authorized in this section in connection therewith,  
4 notwithstanding any remedies available to purchasers.

5 (8) The failure of any person to comply with any order  
6 of the division is a violation of this chapter.

7 Section 91. Section 721.28, Florida Statutes, is  
8 amended to read:

9 721.28 Division of ~~Florida Land Sales~~, Condominiums,  
10 Timeshare, and Mobile Homes Trust Fund.--All funds collected  
11 by the division and any amounts paid as fees or penalties  
12 under this chapter shall be deposited in the State Treasury to  
13 the credit of the Division of ~~Florida Land Sales~~,  
14 Condominiums, Timeshare, and Mobile Homes Trust Fund created  
15 by s. 718.509 ~~498.019~~.

16 Section 92. Paragraph (c) of subsection (1) of section  
17 721.301, Florida Statutes, is amended to read:

18 721.301 Florida Timesharing, Vacation Club, and  
19 Hospitality Program.--

20 (1)

21 (c) The director may designate funds from the Division  
22 of ~~Florida Land Sales~~, Condominiums, Timeshare, and Mobile  
23 Homes Trust Fund, not to exceed \$50,000 annually, to support  
24 the projects and proposals undertaken pursuant to paragraph  
25 (b). All state trust funds to be expended pursuant to this  
26 section must be matched equally with private moneys and shall  
27 comprise no more than half of the total moneys expended  
28 annually.

29 Section 93. Section 721.50, Florida Statutes, is  
30 amended to read:

31 721.50 Short title.--This part may be cited as the

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1 "McAllister Act" in recognition and appreciation for the years  
2 of extraordinary and insightful contributions by Mr. Bryan C.  
3 McAllister, Examinations Supervisor, former Division of  
4 Florida Land Sales, Condominiums, and Mobile Homes.

5 Section 94. Subsection (10) of section 721.82, Florida  
6 Statutes, is amended to read:

7 721.82 Definitions.--As used in this part, the term:

8 (10) "Registered agent" means an agent duly appointed  
9 ~~by the obligor~~ under s. 721.84 for the purpose of accepting  
10 all notices and service of process under this part for the  
11 obligor. A registered agent may be an individual resident in  
12 this state whose business office qualifies as a registered  
13 office, or a domestic or foreign corporation or a  
14 not-for-profit corporation as defined in chapter 617  
15 authorized to transact business or to conduct its affairs in  
16 this state, whose business office qualifies as a registered  
17 office. A registered agent for any obligor may not be the  
18 lienholder or the attorney for the lienholder.

19 Section 95. Subsection (5) of section 721.84, Florida  
20 Statutes, is amended, present subsections (6) and (7) are  
21 renumbered as subsections (9) and (10), respectively, and new  
22 subsections (6), (7), and (8) are added to that section, to  
23 read:

24 721.84 Appointment of a registered agent; duties.--

25 (5) A registered agent may resign his or her agency  
26 appointment for any obligor for which he or she serves as  
27 registered agent, provided that:

28 (a) The resigning registered agent executes a written  
29 statement of resignation that identifies himself or herself  
30 and the street address of his or her registered office, and  
31 identifies the obligors affected by his or her resignation;

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1           (b)1. A successor registered agent is appointed by the  
2 resigning registered agent and such successor registered agent  
3 executes an acceptance of appointment as successor registered  
4 agent and satisfies all of the requirements of subsection (1);  
5 or-

6           2. The registered agent provides 120 days' prior  
7 written notice to the mortgagee as to the mortgage lien and to  
8 the owners' association of the timeshare plan as to the  
9 assessment lien of its intent to deliver the statement of  
10 resignation. Prior to the effective date of termination of the  
11 resigning registered agent's agency and registered office, a  
12 ~~The resigning registered agent may designate the successor~~  
13 ~~registered agent; however, if the resigning registered agent~~  
14 ~~fails to designate a successor registered agent or the~~  
15 ~~designated successor registered agent fails to accept, the~~  
16 successor registered agent for the affected obligors may be  
17 designated by the mortgagee as to the mortgage lien and by the  
18 owners' association of the timeshare plan as to the assessment  
19 lien; and

20           (c)1. If a successor registered agent is appointed  
21 under subparagraph (b)1., copies of the statement of  
22 resignation and acceptance of appointment as successor  
23 registered agent are promptly mailed to the affected obligors  
24 at the obligors' last designated address shown on the records  
25 of the resigning registered agent and to the affected  
26 lienholders; or-

27           2. If a resigning registered agent has previously  
28 provided notice under subparagraph (b)2., a copy of the  
29 statement of resignation is promptly mailed to the affected  
30 obligors at the obligor's last designated address shown on the  
31 records of the resigning registered agent and a copy of the

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1 statement of resignation and a list of the obligors' last  
2 designated addresses shown on the records of the resigning  
3 registered agent are promptly mailed to the affected  
4 lienholders.

5 (6) If a successor registered agent is appointed under  
6 subparagraph (5)(b)1., the agency and registered office of the  
7 resigning registered agent are terminated and the agency and  
8 registered office of the successor registered agent are  
9 effective as of the 10th day after the date on which the  
10 statement of resignation and acceptance of appointment as  
11 successor registered agent are received by the lienholder,  
12 unless a longer period is provided in the statement of  
13 resignation and acceptance of appointment as successor  
14 registered agent.

15 (7) If a resigning registered agent has previously  
16 provided notice under subparagraph (5)(b)2. and a successor  
17 registered agent is not designated or the designated successor  
18 registered agent fails to accept the appointment as registered  
19 agent, the agency and registered office of the resigning  
20 registered agent are terminated effective as of the 10th day  
21 after the date on which the statement of resignation and list  
22 of obligors required by subparagraph (5)(c)2. are received by  
23 the lienholder, unless a longer period is provided in the  
24 statement of resignation. After the effective date of the  
25 termination of the agency and registered office of the  
26 resigning registered agent, if no successor registered agent  
27 exists, the affected lienholders must mail any notice or  
28 document required to be delivered by a lienholder to the  
29 obligor by first class mail if the obligor's address is within  
30 the United States, and by international air mail if the  
31 obligor's address is outside the United States, with postage

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1 fees prepaid to the obligor at the obligor's last designated  
2 address as shown on the records of the resigning registered  
3 agent. If such notice or document requires service of process  
4 on persons outside the United States, such service of process  
5 shall be accomplished by any internationally agreed means  
6 reasonably calculated to give notice. Whenever no successor  
7 registered agent exists, a successor registered agent for the  
8 affected obligors may be designated by the mortgagee as to the  
9 mortgage lien and by the owners' association of the timeshare  
10 plan as to the assessment lien.

11 (8) If a successor registered agent is appointed under  
12 subparagraph (5)(b)2. or under subsection (7), copies of the  
13 acceptance of appointment as successor registered agent must  
14 be promptly mailed, by the mortgagee as to a registered agent  
15 appointed by the mortgagee as to the mortgage lien, and by the  
16 owners' association of the timeshare plan as to the assessment  
17 lien, to the affected obligors at the obligor's last address  
18 shown on the records of the resigning registered agent. The  
19 agency and registered office of the successor registered agent  
20 are effective as of the date provided in the acceptance of  
21 appointment.

22 Section 96. Subsection (1) of section 723.003, Florida  
23 Statutes, is amended to read:

24 723.003 Definitions.--As used in this chapter, the  
25 following words and terms have the following meanings unless  
26 clearly indicated otherwise:

27 (1) The term "division" means the Division of ~~Florida~~  
28 ~~Land Sales, Condominiums, Timeshare, and Mobile Homes~~ of the  
29 Department of Business and Professional Regulation.

30 Section 97. Paragraph (e) of subsection (5) of section  
31 723.006, Florida Statutes, is amended to read:



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1 effective until 20 days after the date of such order. Any  
2 action commenced by the division shall be brought in the  
3 county in which the division has its executive offices or in  
4 which the violation occurred.

5 Section 98. Section 723.0065, Florida Statutes, is  
6 amended to read:

7 723.0065 Public records exemption; findings.--The  
8 Legislature, in narrowing the existing public records  
9 exemption pursuant to s. 1, chapter 94-78, Laws of Florida,  
10 finds that a public necessity exists to keep confidential and  
11 retain the public records exemption for financial records of  
12 mobile home park owners acquired by the division ~~of Florida~~  
13 ~~Land Sales, Condominiums, and Mobile Homes~~ when performing its  
14 duties under the Florida Mobile Home Act unless the mobile  
15 home park owner has violated the provisions of this chapter.  
16 In that case, only those financial records that are  
17 specifically relevant to the finding of violation should be  
18 released. If it were otherwise, the division would encounter  
19 difficulties in procuring such proprietary information which  
20 would impede the effective and efficient performance of the  
21 division's public duties. Additionally, release of such  
22 proprietary information would harm the business interests of  
23 innocent mobile home park owners to the advantage of  
24 competitors and potential purchasers. Effective monitoring of  
25 the division's performance of its duties can be conducted  
26 without access to these records, and these records are  
27 otherwise available pursuant to a civil complaint as  
28 envisioned by the act. Accordingly, the public good served by  
29 access to financial records of a mobile home park owner who  
30 has not violated the provisions of this chapter is outweighed  
31 by the interference with division investigations and the



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1 private harm that could be caused by allowing such access.

2 Section 99. Section 723.009, Florida Statutes, is  
3 amended to read:

4 723.009 Division of ~~Florida Land Sales~~, Condominiums,  
5 Timeshare, and Mobile Homes Trust Fund.--All proceeds from the  
6 fees, penalties, and fines imposed pursuant to this chapter  
7 shall be deposited into the Division of ~~Florida Land Sales~~,  
8 Condominiums, Timeshare, and Mobile Homes Trust Fund created  
9 by s. 718.509 ~~498.019~~. Moneys in this fund, as appropriated  
10 by the Legislature pursuant to chapter 216, may be used to  
11 defray the expenses incurred by the division in administering  
12 the provisions of this chapter.

13 Section 100. Subsection (2) of section 73.073, Florida  
14 Statutes, is amended to read:

15 73.073 Eminent domain procedure with respect to  
16 condominium common elements.--

17 (2) With respect to the exercise of eminent domain or  
18 a negotiated sale for the purchase or taking of a portion of  
19 the common elements of a condominium, the condemning authority  
20 shall have the responsibility of contacting the condominium  
21 association and acquiring the most recent rolls indicating the  
22 names of the unit owners or contacting the appropriate taxing  
23 authority to obtain the names of the owners of record on the  
24 tax rolls. Notification shall thereupon be sent by certified  
25 mail, return receipt requested, to the unit owners of record  
26 of the condominium units by the condemning authority  
27 indicating the intent to purchase or take the required  
28 property and requesting a response from the unit owner. The  
29 condemning authority shall be responsible for the expense of  
30 sending notification pursuant to this section. Such notice  
31 shall, at a minimum, include:

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1 (a) The name and address of the condemning authority.

2 (b) A written or visual description of the property.

3 (c) The public purpose for which the property is  
4 needed.

5 (d) The appraisal value of the property.

6 (e) A clear, concise statement relating to the unit  
7 owner's right to object to the taking or appraisal value and  
8 the procedures and effects of exercising that right.

9 (f) A clear, concise statement relating to the power  
10 of the association to convey the property on behalf of the  
11 unit owners if no objection to the taking or appraisal value  
12 is raised, and the effects of this alternative on the unit  
13 owner.

14

15 The Division of ~~Florida Land Sales~~, Condominiums, Timeshare,  
16 and Mobile Homes of the Department of Business and  
17 Professional Regulation may adopt, by rule, a standard form  
18 for such notice and may require the notice to include any  
19 additional relevant information.

20 Section 101. Paragraph (e) of subsection (6) of  
21 section 192.037, Florida Statutes, is amended to read:

22 192.037 Fee timeshare real property; taxes and  
23 assessments; escrow.--

24 (6)

25 (e) On or before May 1 of each year, a statement of  
26 receipts and disbursements of the escrow account must be filed  
27 with the Division of ~~Florida Land Sales~~, Condominiums,  
28 Timeshare, and Mobile Homes of the Department of Business and  
29 Professional Regulation, which may enforce this paragraph  
30 pursuant to s. 721.26. This statement must appropriately show  
31 the amount of principal and interest in such account.

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1           Section 102. Paragraph (i) of subsection (7) of  
2 section 213.053, Florida Statutes, is amended to read:

3           213.053 Confidentiality and information sharing.--

4           (7) Notwithstanding any other provision of this  
5 section, the department may provide:

6           (i) Information relative to chapters 212 and 326 to  
7 the ~~Division of Florida Land Sales, Condominiums, and Mobile~~  
8 ~~Homes of the~~ Department of Business and Professional  
9 Regulation in the conduct of its official duties.

10

11 Disclosure of information under this subsection shall be  
12 pursuant to a written agreement between the executive director  
13 and the agency. Such agencies, governmental or  
14 nongovernmental, shall be bound by the same requirements of  
15 confidentiality as the Department of Revenue. Breach of  
16 confidentiality is a misdemeanor of the first degree,  
17 punishable as provided by s. 775.082 or s. 775.083.

18           Section 103. Paragraph (w) of subsection (4) of  
19 section 215.20, Florida Statutes, is amended to read:

20           215.20 Certain income and certain trust funds to  
21 contribute to the General Revenue Fund.--

22           (4) The income of a revenue nature deposited in the  
23 following described trust funds, by whatever name designated,  
24 is that from which the deductions authorized by subsection (3)  
25 shall be made:

26           (w) The Division of ~~Florida Land Sales, Condominiums,~~  
27 Timeshare, and Mobile Homes Trust Fund established pursuant to  
28 s. 718.509 ~~498.019~~.

29

30 The enumeration of the foregoing moneys or trust funds shall  
31 not prohibit the applicability thereto of s. 215.24 should the

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1 Governor determine that for the reasons mentioned in s. 215.24  
2 the money or trust funds should be exempt herefrom, as it is  
3 the purpose of this law to exempt income from its force and  
4 effect when, by the operation of this law, federal matching  
5 funds or contributions or private grants to any trust fund  
6 would be lost to the state.

7 Section 104. Paragraph (a) of subsection (4) of  
8 section 380.0651, Florida Statutes, is amended to read:

9 380.0651 Statewide guidelines and standards.--

10 (4) Two or more developments, represented by their  
11 owners or developers to be separate developments, shall be  
12 aggregated and treated as a single development under this  
13 chapter when they are determined to be part of a unified plan  
14 of development and are physically proximate to one other.

15 (a) The criteria of two of the following subparagraphs  
16 must be met in order for the state land planning agency to  
17 determine that there is a unified plan of development:

18 1.a. The same person has retained or shared control of  
19 the developments;

20 b. The same person has ownership or a significant  
21 legal or equitable interest in the developments; or

22 c. There is common management of the developments  
23 controlling the form of physical development or disposition of  
24 parcels of the development.

25 2. There is a reasonable closeness in time between the  
26 completion of 80 percent or less of one development and the  
27 submission to a governmental agency of a master plan or series  
28 of plans or drawings for the other development which is  
29 indicative of a common development effort.

30 3. A master plan or series of plans or drawings exists  
31 covering the developments sought to be aggregated which have

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1 been submitted to a local general-purpose government, water  
2 management district, the Florida Department of Environmental  
3 Protection, or the Division of ~~Florida Land Sales,~~  
4 Condominiums, Timeshare, and Mobile Homes for authorization to  
5 commence development. The existence or implementation of a  
6 utility's master utility plan required by the Public Service  
7 Commission or general-purpose local government or a master  
8 drainage plan shall not be the sole determinant of the  
9 existence of a master plan.

10           4. The voluntary sharing of infrastructure that is  
11 indicative of a common development effort or is designated  
12 specifically to accommodate the developments sought to be  
13 aggregated, except that which was implemented because it was  
14 required by a local general-purpose government; water  
15 management district; the Department of Environmental  
16 Protection; the Division of ~~Florida Land Sales,~~ Condominiums,  
17 Timeshare, and Mobile Homes; or the Public Service Commission.

18           5. There is a common advertising scheme or promotional  
19 plan in effect for the developments sought to be aggregated.

20           Section 105. Subsection (5) of section 455.116,  
21 Florida Statutes, is amended to read:

22           455.116 Regulation trust funds.--The following trust  
23 funds shall be placed in the department:

24           (5) Division of ~~Florida Land Sales,~~ Condominiums,  
25 Timeshare, and Mobile Homes Trust Fund.

26           Section 106. Section 475.455, Florida Statutes, is  
27 amended to read:

28           475.455 Exchange of disciplinary information.--The  
29 commission shall inform the Division of ~~Florida Land Sales,~~  
30 Condominiums, Timeshare, and Mobile Homes of the Department of  
31 Business and Professional Regulation of any disciplinary

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1 action the commission has taken against any of its licensees.  
2 The division shall inform the commission of any disciplinary  
3 action the division has taken against any broker or  
4 salesperson registered with the division.

5 Section 107. Section 509.512, Florida Statutes, is  
6 amended to read:

7 509.512 Timeshare plan developer and exchange company  
8 exemption.--Sections 509.501-509.511 do not apply to a  
9 developer of a timeshare plan or an exchange company approved  
10 by the Division of ~~Florida Land Sales~~, Condominiums,  
11 Timeshare, and Mobile Homes pursuant to chapter 721, but only  
12 to the extent that the developer or exchange company engages  
13 in conduct regulated under chapter 721.

14 Section 108. Subsection (1) of section 559.935,  
15 Florida Statutes, is amended to read:

16 559.935 Exemptions.--

17 (1) This part does not apply to:

18 (a) A bona fide employee of a seller of travel who is  
19 engaged solely in the business of her or his employer;

20 (b) Any direct common carrier of passengers or  
21 property regulated by an agency of the Federal Government or  
22 employees of such carrier when engaged solely in the  
23 transportation business of the carrier as identified in the  
24 carrier's certificate;

25 (c) An intrastate common carrier of passengers or  
26 property selling only transportation as defined in the  
27 applicable state or local registration or certification, or  
28 employees of such carrier when engaged solely in the  
29 transportation business of the carrier;

30 (d) Hotels, motels, or other places of public  
31 accommodation selling public accommodations, or employees of

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1 such hotels, motels, or other places of public accommodation,  
2 when engaged solely in making arrangements for lodging,  
3 accommodations, or sightseeing tours within the state, or  
4 taking reservations for the traveler with times, dates,  
5 locations, and accommodations certain at the time the  
6 reservations are made, provided that hotels and motels  
7 registered with the Department of Business and Professional  
8 Regulation pursuant to chapter 509 are excluded from the  
9 provisions of this chapter;

10 (e) Persons involved solely in the rental, leasing, or  
11 sale of residential property;

12 (f) Persons involved solely in the rental, leasing, or  
13 sale of transportation vehicles;

14 (g) Persons who make travel arrangements for  
15 themselves; for their employees or agents; for distributors,  
16 franchisees, or dealers of the persons' products or services;  
17 for entities which are financially related to the persons; or  
18 for the employees or agents of the distributor, franchisee, or  
19 dealer or financially related entity;

20 (h) A developer of a timeshare plan or an exchange  
21 company approved by the Division of ~~Florida Land Sales,~~  
22 Condominiums, Timeshare, and Mobile Homes pursuant to chapter  
23 721, but only to the extent that the developer or exchange  
24 company engages in conduct regulated under chapter 721; or

25 (i) Persons or entities engaged solely in offering  
26 diving services, including classes and sales or rentals of  
27 equipment, when engaged in making any prearranged  
28 travel-related or tourist-related services in conjunction with  
29 a primarily dive-related event.

30 Section 109. Effective July 1, 2001, subsection (2) of  
31 section 468.452, Florida Statutes, is amended to read:

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1           468.452 Definitions.--For purposes of this part, the  
2 term:

3           (2) "Athlete agent" means a person who, directly or  
4 indirectly, recruits or solicits a student athlete to enter  
5 into an agent contract, or who, for any type of financial  
6 gain, procures, offers, promises, or attempts to obtain  
7 employment or promotional fees or benefits for a student  
8 athlete with a professional sports team or as a professional  
9 athlete, or with any promoter who markets or attempts to  
10 market the student athlete's athletic ability or athletic  
11 reputation. This term includes all employees and other persons  
12 acting on behalf of an athlete agent who participate in the  
13 activities included under this subsection. The term does not  
14 include a spouse, parent, sibling, grandparent, or guardian of  
15 the student-athlete or an individual acting solely on behalf  
16 of a professional sports team or professional sports  
17 organization.

18           Section 110. Effective July 1, 2001, section 468.453,  
19 Florida Statutes, is amended to read:

20           468.453 Licensure required; qualifications;  
21 examination; bond; exception; license nontransferable.--

22           (1) Any person who practices as an athlete agent in  
23 this state must be licensed pursuant to this part.

24           (2) A person shall be licensed as an athlete agent if  
25 the applicant:

26           (a) Is at least 18 years of age.

27           (b) Is of good moral character.

28           ~~(c) Passes an examination provided by the department~~  
29 ~~which tests the applicant's proficiency to practice as an~~  
30 ~~athlete agent, including, but not limited to, knowledge of the~~  
31 ~~laws and rules of this state relating to athlete agents, this~~



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1 ~~part, and chapter 455.~~

2 ~~(c)(d)~~ Has completed the application form and remitted  
3 an application fee not to exceed \$500, ~~an examination fee not~~  
4 ~~to exceed the actual cost for the examination plus \$500,~~ an  
5 active licensure fee not to exceed \$2,000, and all other  
6 applicable fees provided for in this part or in chapter 455.

7 ~~(d)(e)~~ Has submitted to the department a fingerprint  
8 card for a criminal history records check. The fingerprint  
9 card shall be forwarded to the Division of Criminal Justice  
10 Information Systems within the Department of Law Enforcement  
11 for purposes of processing the fingerprint card to determine  
12 if the applicant has a criminal history record. The  
13 fingerprint card shall also be forwarded to the Federal Bureau  
14 of Investigation for purposes of processing the fingerprint  
15 card to determine if the applicant has a criminal history  
16 record. The information obtained by the processing of the  
17 fingerprint card by the Florida Department of Law Enforcement  
18 and the Federal Bureau of Investigation shall be sent to the  
19 department for the purpose of determining if the applicant is  
20 statutorily qualified for licensure.

21 ~~(e)(f)~~ Has not in any jurisdiction, within the  
22 preceding 5 years, been convicted or found guilty of or  
23 entered a plea of nolo contendere for, regardless of  
24 adjudication, a crime which relates to the applicant's  
25 practice or ability to practice as an athlete agent.

26 ~~(g)~~ ~~Has posted with the department a \$15,000 surety~~  
27 ~~bond issued by an insurance company authorized to do business~~  
28 ~~in this state. The bond shall be in favor of the State of~~  
29 ~~Florida, Department of Business and Professional Regulation,~~  
30 ~~for the use and benefit of any student athlete or college or~~  
31 ~~university within Florida who or which is injured or damaged,~~

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1 ~~including reasonable costs and attorney's fees, as a result of~~  
2 ~~acts or omissions by the athlete agent pursuant to a license~~  
3 ~~issued under this part. The bond shall be written in the form~~  
4 ~~determined by the department. The bond shall provide that the~~  
5 ~~athlete agent is responsible for the acts or omissions of any~~  
6 ~~representatives acting under the athlete agent's supervision~~  
7 ~~or authority. The bond shall be in effect for and cover all~~  
8 ~~times that the athlete agent has an active license and~~  
9 ~~conducts business pursuant to that license in this or any~~  
10 ~~other state.~~

11 (3) An unlicensed individual may act as an athlete  
12 agent if:

13 (a) A student-athlete or person acting on the  
14 athlete's behalf initiates communication with the individual;  
15 and

16 (b) Within 7 days after an initial act as an athlete  
17 agent, the individual submits an application for licensure.

18 ~~Members of The Florida Bar are exempt from the state laws and~~  
19 ~~rules component, and the fee for such, of the examination~~  
20 ~~required by this section.~~

21 (4) A license issued to an athlete agent is not  
22 transferable.

23 (5) By acting as an athlete agent in this state, a  
24 nonresident individual appoints the department as the  
25 individual's agent for service of process in any civil action  
26 related to the individual's acting as an athlete agent.

27 (6) The department may issue a temporary license while  
28 an application for licensure is pending. If the department  
29 issues a notice of intent to deny the license application, the  
30 initial temporary license expires and may not be extended  
31 during any proceeding or administrative or judicial review.

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1           (7)(a) An individual who has submitted an application  
2 and holds a certificate, registration or license as an athlete  
3 agent in another state may submit a copy of the application  
4 and certificate, registration or license from the other state  
5 in lieu of submitting an application in the form prescribed  
6 pursuant to this section. The department shall accept the  
7 application and the certificate from the other state as an  
8 application for registration in this state if the application  
9 in the other state:

10           1. Was submitted in the other state within 6 months  
11 next preceding the submission of the application in this state  
12 and the applicant certifies that the information contained in  
13 the application is current;

14           2. Contains information substantially similar to or  
15 more comprehensive than that required in an application  
16 submitted in this state; and

17           3. Was signed by the applicant under penalty of  
18 perjury.

19           (b) An applicant applying under this subsection must  
20 meet all other requirements for licensure as provided by this  
21 part.

22           Section 111. Effective July 1, 2001, section 468.454,  
23 Florida Statutes, is amended to read:

24           468.454 Contracts.--

25           (1) An agent contract must be in a record, signed, or  
26 otherwise authenticated by the parties.

27           (2) An agent contract must state:

28           (a) The amount and method of calculating the  
29 consideration to be paid by the student-athlete for services  
30 to be provided by the athlete agent and any other  
31 consideration the agent has received or will receive from any

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1 other source under the contract;

2 (b) The name of any person not listed in the licensure  
3 application who will be compensated because the  
4 student-athlete signed the agent contract;

5 (c) A description of any expenses that the  
6 student-athlete agrees to reimburse;

7 (d) A description of the services to be provided to  
8 the student-athlete;

9 (e) The duration of the contract; and

10 (f) The date of execution.

11 (3) An agent contract must contain, in close proximity  
12 to the signature of the student-athlete, a conspicuous notice  
13 in boldface type in capital letters stating:

14  
15 WARNING TO STUDENT-ATHLETE

16  
17 IF YOU SIGN THE CONTRACT:

18 1. YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS  
19 A STUDENT-ATHLETE IN YOUR SPORT;

20 2. IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72  
21 HOURS AFTER ENTERING INTO THE CONTRACT, YOU AND  
22 YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC  
23 DIRECTOR; AND

24 3. YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS  
25 AFTER SIGNING IT. HOWEVER, CANCELLATION OF THIS  
26 CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.

27  
28 (4) An agent contract that does not conform to this  
29 section is voidable by the student-athlete. If a  
30 student-athlete voids an agent contract, the student-athlete  
31 is not required to pay any consideration or return any

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1 consideration received from the athlete agent to induce the  
2 student-athlete to enter into the contract.

3 (5) The athlete agent shall give a record of the  
4 signed or authenticated agent contract to the student-athlete  
5 at the time of execution.

6 (6) Within 72 hours after entering into an agent  
7 contract or before the next scheduled athletic event in which  
8 the student-athlete may participate, whichever occurs first,  
9 the athlete agent must give notice in a record of the  
10 existence of the contract to the athletic director of the  
11 educational institution at which the student-athlete is  
12 enrolled or the athlete agent has reasonable grounds to  
13 believe the student-athlete intends to enroll.

14 (7) Within 72 hours after entering into an agent  
15 contract or before the next athletic event in which the  
16 student-athlete may participate, whichever occurs first, the  
17 student-athlete must inform the athletic director of the  
18 educational institution at which the student-athlete is  
19 enrolled that he or she has entered into an agent contract.

20 (8) A student-athlete may cancel an agent contract by  
21 giving notice of the cancellation to the athlete agent in a  
22 record within 14 days after the contract is signed.

23 (9) A student-athlete may not waive the right to  
24 cancel an agent contract.

25 (10) If a student-athlete cancels an agent contract,  
26 the student-athlete is not required to pay any consideration  
27 or return any consideration received from the athlete agent to  
28 induce the student-athlete to enter into the contract.

29 ~~(1) An athlete agent and a student athlete who enter~~  
30 ~~into an agent contract must provide written notice of the~~  
31 ~~contract to the athletic director or the president of the~~

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1 ~~college or university in which the student athlete is~~  
2 ~~enrolled. The athlete agent and the student must give the~~  
3 ~~notice before the contracting student athlete practices or~~  
4 ~~participates in any intercollegiate athletic event or within~~  
5 ~~72 hours after entering into said contract, whichever comes~~  
6 ~~first. Failure of the athlete agent to provide this~~  
7 ~~notification is a felony of the third degree, punishable as~~  
8 ~~provided in ss. 775.082, 775.083, 775.084, 775.089, and~~  
9 ~~775.091.~~

10       ~~(2) A written contract between a student athlete and~~  
11 ~~an athlete agent must state the fees and percentages to be~~  
12 ~~paid by the student athlete to the agent and must have a~~  
13 ~~notice printed near the student athlete's signature containing~~  
14 ~~the following statement in 10-point boldfaced type:~~

15       ~~"WARNING TO THE STUDENT ATHLETE: WHEN YOU SIGN THIS~~  
16 ~~CONTRACT, YOU WILL LIKELY IMMEDIATELY LOSE YOUR ELIGIBILITY TO~~  
17 ~~COMPETE IN INTERCOLLEGIATE ATHLETICS. TO AVOID CRIMINAL~~  
18 ~~PROSECUTION YOU MUST GIVE WRITTEN NOTICE THAT YOU HAVE ENTERED~~  
19 ~~INTO THIS CONTRACT TO THE ATHLETIC DIRECTOR OR PRESIDENT OF~~  
20 ~~YOUR COLLEGE OR UNIVERSITY WITHIN 72 HOURS AFTER ENTERING INTO~~  
21 ~~THIS CONTRACT OR PRIOR TO PARTICIPATING IN INTERCOLLEGIATE~~  
22 ~~ATHLETICS, WHICHEVER COMES FIRST. FAILURE TO PROVIDE THIS~~  
23 ~~NOTICE IS A CRIMINAL OFFENSE. DO NOT SIGN THIS CONTRACT UNTIL~~  
24 ~~YOU HAVE READ IT AND FILLED IN ANY BLANK SPACES. YOU MAY~~  
25 ~~CANCEL THIS CONTRACT BY NOTIFYING THE ATHLETE AGENT IN WRITING~~  
26 ~~OF YOUR DESIRE TO CANCEL NOT LATER THAN THE 15TH DAY AFTER THE~~  
27 ~~DATE YOU SIGN THIS CONTRACT. HOWEVER, EVEN IF YOU CANCEL THIS~~  
28 ~~CONTRACT, THE INTERCOLLEGIATE ATHLETIC ASSOCIATION OR~~  
29 ~~CONFERENCE TO WHICH YOUR COLLEGE OR UNIVERSITY BELONGS MAY NOT~~  
30 ~~RESTORE YOUR ELIGIBILITY TO PARTICIPATE IN INTERCOLLEGIATE~~  
31 ~~ATHLETICS."~~

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1           ~~(3) An agent contract which does not meet the~~  
2 ~~requirements of this section is void and unenforceable.~~

3           ~~(4) Within 15 days after the date the athletic~~  
4 ~~director or president of the college or university of the~~  
5 ~~student athlete receives the notice required by this section~~  
6 ~~that a student athlete has entered into an athlete agent~~  
7 ~~contract, the student athlete shall have the right to rescind~~  
8 ~~the contract with the athlete agent by giving written notice~~  
9 ~~to the athlete agent of the student athlete's rescission of~~  
10 ~~the contract. The student athlete may not under any~~  
11 ~~circumstances waive the student athlete's right to rescind the~~  
12 ~~agent contract.~~

13           ~~(5) A postdated agent contract is void and~~  
14 ~~unenforceable.~~

15           (11)~~(6)~~ An athlete agent shall not enter into an agent  
16 contract that purports to or takes effect at a future time  
17 after the student athlete no longer has remaining eligibility  
18 to participate in intercollegiate athletics. Such a contract  
19 is void and unenforceable.

20           (12)~~(7)~~ An agent contract between a student athlete  
21 and a person not licensed under this part is void and  
22 unenforceable.

23           Section 112. Effective July 1, 2001, subsection (3) of  
24 section 468.456, Florida Statutes, is amended to read:

25           468.456 Prohibited acts.--

26           (3) When the department finds any person guilty of any  
27 of the prohibited acts set forth in subsection (1), the  
28 department may enter an order imposing one or more of the  
29 penalties provided for in s. 455.227, and an administrative  
30 fine not to exceed \$25,000 for each separate offense. In  
31 addition to any other penalties or disciplinary actions

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1 provided for in this part, the department shall suspend or  
2 revoke the license of any athlete agent licensed under this  
3 part who violates paragraph (1)(f) or paragraph (1)(o) or s.  
4 468.45615.

5 Section 113. Effective July 1, 2001, subsection (4) is  
6 added to section 468.45615, Florida Statutes, to read:

7 468.45615 Provision of illegal inducements to athletes  
8 prohibited; penalties; license suspension.--

9 (4)(a) An athlete agent, with the intent to induce a  
10 student-athlete to enter into an agent contract, may not:

11 1. Give any materially false or misleading information  
12 or make a materially false promise or representation;

13 2. Furnish anything of value to a student-athlete  
14 before the student-athlete enters into the agent contract; or

15 3. Furnish anything of value to any individual other  
16 than the student-athlete or another athlete agent.

17 (b) An athlete agent may not intentionally:

18 1. Initiate contact with a student-athlete unless  
19 licensed under this part;

20 2. Refuse or fail to retain or permit inspection of  
21 the records required to be retained by s. 468.4565;

22 3. Provide materially false or misleading information  
23 in an application for licensure;

24 4. Predate or postdate an agent contract;

25 5. Fail to give notice of the existence of an agent  
26 contract as required by s. 468.454(6); or

27 6. Fail to notify a student-athlete before the  
28 student-athlete signs or otherwise authenticates an agent  
29 contract for a sport that the signing or authentication may  
30 make the student-athlete ineligible to participate as a  
31 student-athlete in that sport.



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1           (c) An athlete agent who violates this subsection  
2 commits a felony of the second degree, punishable as provided  
3 in s. 775.082, s. 775.083, or s. 775.084.

4           Section 114. Effective July 1, 2001, section 468.4562,  
5 Florida Statutes, is amended to read:

6           468.4562 Civil action by institution.--

7           (1) A college or university may sue for damages, as  
8 provided by this section, any person who violates this part.  
9 A college or university may seek equitable relief to prevent  
10 or minimize harm arising from acts or omissions which are or  
11 would be a violation of this part.

12           (2) For purposes of this section, a college or  
13 university is damaged if, because of activities of the person,  
14 the college or university is penalized,or is disqualified,or  
15 suspended from participation in intercollegiate athletics by a  
16 national association for the promotion and regulation of  
17 intercollegiate athletics,or by an intercollegiate athletic  
18 conference or by reasonable self-imposed disciplinary action  
19 taken to mitigate sanctions likely to be imposed by such  
20 organization and, because of that penalty, disqualification,  
21 ~~or~~ suspension, or action the institution:

22           (a) Loses revenue from media coverage of a sports  
23 contest;

24           (b) Loses the right to grant an athletic scholarship;

25           (c) Loses the right to recruit an athlete;

26           (d) Is prohibited from participating in postseason  
27 athletic competition;

28           (e) Forfeits an athletic contest; or

29           (f) Otherwise suffers an adverse financial impact.

30           (3) An institution that prevails in a suit brought  
31 under this section may recover:



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1           Section 117. Section 702.09, Florida Statutes, is  
2 amended to read:

3           702.09 Definitions.--For the purposes of ss. 702.07  
4 and 702.08 the words "decree of foreclosure" shall include a  
5 judgment or order rendered or passed in the foreclosure  
6 proceedings in which the decree of foreclosure shall be  
7 rescinded, vacated, and set aside; the word "mortgage" shall  
8 mean any written instrument securing the payment of money or  
9 advances and shall include liens to secure payment of  
10 assessments arising under chapters 718, 719, and 720; the word  
11 "debt" shall include promissory notes, bonds, and all other  
12 written obligations given for the payment of money; the words  
13 "foreclosure proceedings" shall embrace every action in the  
14 circuit or county courts of this state wherein it is sought to  
15 foreclose a mortgage and sell the property covered by the  
16 same; and the word "property" shall mean and include both real  
17 and personal property.

18           Section 118. Paragraph (h) of subsection (4) and  
19 subsection (5) of section 718.104, Florida Statutes, are  
20 amended to read:

21           718.104 Creation of condominiums; contents of  
22 declaration.--Every condominium created in this state shall be  
23 created pursuant to this chapter.

24           (4) The declaration must contain or provide for the  
25 following matters:

26           (h) If a developer reserves the right, in a  
27 declaration recorded on or after July 1, 2000, to create a  
28 multicondominium, the declaration must state, or provide a  
29 specific formula for determining, the fractional or percentage  
30 shares of liability for the common expenses of the association  
31 and of ownership of the common surplus of the association to

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1 be allocated to the units in each condominium to be operated  
2 by the association. If a the declaration recorded on or after  
3 July 1, 2000, for a condominium operated by a multicondominium  
4 association, as originally recorded, fails to so provide, the  
5 share of liability for the common expenses of the association  
6 and of ownership of the common surplus of the association  
7 allocated to each unit in each condominium operated by the  
8 association shall be a fraction of the whole, the numerator of  
9 which is the number "one" and the denominator of which is the  
10 total number of units in all condominiums operated by the  
11 association.

12 (5) The declaration as originally recorded, or as  
13 amended pursuant to the procedures provided therein, may  
14 include covenants and restrictions concerning the use,  
15 occupancy, and transfer of the units permitted by law with  
16 reference to real property. With the exception of amendments  
17 that materially modify unit appurtenances as provided in s.  
18 718.110(4), amendments may be applied to owners of units  
19 existing as of the effective date of the amendment. This  
20 section is intended to clarify existing law and applies to  
21 associations existing on the effective date of this act.  
22 However, the rule against perpetuities shall not defeat a  
23 right given any person or entity by the declaration for the  
24 purpose of allowing unit owners to retain reasonable control  
25 over the use, occupancy, and transfer of units.

26 Section 119. Paragraph (b) of subsection (2) of  
27 section 718.106, Florida Statutes, is amended to read:

28 718.106 Condominium parcels; appurtenances; possession  
29 and enjoyment.--

30 (2) There shall pass with a unit, as appurtenances  
31 thereto:

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1           (b) The exclusive right to use such portion of the  
2 common elements as may be provided by the declaration,  
3 including the right to transfer such right to other units or  
4 unit owners to the extent authorized by the declaration as  
5 originally recorded, or amendments to the declaration adopted  
6 pursuant to the provisions contained therein ~~under s.~~  
7 ~~718.110(2)~~. Amendments to declarations of condominium  
8 providing for the transfer of use rights with respect to  
9 limited common elements are not amendments which materially  
10 modify unit appurtenances as described in s. 718.110(4).  
11 However, in order to be effective, the transfer of use rights  
12 with respect to limited common elements must be effectuated in  
13 conformity with the procedures set forth in the declaration as  
14 originally recorded or as amended. Further, such transfers  
15 must be evidenced by a written instrument which must be  
16 executed with the formalities of a deed and recorded in the  
17 land records of the county in which the condominium is located  
18 in order to be effective. Such instrument of transfer must  
19 also specify the legal description of the unit which is  
20 transferring use rights, as well as the legal description of  
21 the unit obtaining the transfer of such rights. This section  
22 is intended to clarify existing law and applies to  
23 associations existing on the effective date of this act.

24           Section 120. Subsection (4) of section 718.110,  
25 Florida Statutes, is amended to read:

26           718.110 Amendment of declaration; correction of error  
27 or omission in declaration by circuit court.--

28           (4) Unless otherwise provided in the declaration as  
29 originally recorded, no amendment may change the configuration  
30 or size of any unit in any material fashion, materially alter  
31 or modify the appurtenances to the unit, or change the

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1 proportion or percentage by which the unit owner shares the  
2 common expenses of the condominium and owns the common surplus  
3 of the condominium unless the record owner of the unit and all  
4 record owners of liens on the unit join in the execution of  
5 the amendment and unless all the record owners of all other  
6 units in the same condominium approve the amendment. The  
7 acquisition of property by the association, and material  
8 alterations or substantial additions to such property or the  
9 common elements by the association in accordance with s.  
10 718.111(7) or s. 718.113, amendments providing for the  
11 transfer of use rights in limited common elements pursuant to  
12 s. 718.106(2)(b), and amendments restricting or modifying the  
13 right to lease condominium units shall not be deemed to  
14 constitute a material alteration or modification of the  
15 appurtenances to the units. With the exception of amendments  
16 that materially modify unit appurtenances as provided in this  
17 section, amendments may be applied to owners of units existing  
18 as of the effective date of the amendment. This section is  
19 intended to clarify existing law and applies to associations  
20 existing on the effective date of this act.A declaration  
21 recorded after April 1, 1992, may not require the approval of  
22 less than a majority of total voting interests of the  
23 condominium for amendments under this subsection, unless  
24 otherwise required by a governmental entity.

25 Section 121. Subsection (4), paragraph (a) of  
26 subsection (7), and subsection (13) of section 718.111,  
27 Florida Statutes, are amended to read:

28 718.111 The association.--

29 (4) ASSESSMENTS; MANAGEMENT OF COMMON ELEMENTS.--The  
30 association has the power to make and collect assessments and  
31 to lease, maintain, repair, and replace the common elements or

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1 association property; however, the association may not charge  
2 a use fee against a unit owner for the use of common elements  
3 or association property unless otherwise provided for in the  
4 declaration of condominium or by a majority vote of the  
5 association or unless the charges relate to ~~expenses incurred~~  
6 ~~by~~ an owner having exclusive use of the common elements or  
7 association property.

8 (7) TITLE TO PROPERTY.--

9 (a) The association has the power to acquire title to  
10 property or otherwise hold, convey, lease, and mortgage  
11 association property for the use and benefit of its members.  
12 The power to acquire personal property shall be exercised by  
13 the board of administration. Except as otherwise permitted in  
14 subsections (8) and (9) and in s. 718.114, no association may  
15 acquire, convey, ~~lease~~, or mortgage association real property  
16 except in the manner provided in the declaration, and if the  
17 declaration does not specify the procedure, then approval of  
18 75 percent of the total voting interests shall be required.

19 (13) FINANCIAL REPORTING.--Within 90 days after the  
20 end of the fiscal year, or annually on a date provided in the  
21 bylaws, the association shall prepare and complete, or  
22 contract for the preparation and completion of ~~cause to be~~  
23 ~~prepared and completed by a third party~~, a financial report  
24 for the preceding fiscal year. Within 21 days after the final  
25 financial report is completed by the association or received  
26 ~~by the association~~ from the third party, but in no event later  
27 than 120 days after the end of the fiscal year, or such other  
28 date as is provided in the bylaws, the association shall mail  
29 to each unit owner at the address last furnished to the  
30 association by the unit owner, or hand deliver to each unit  
31 owner, a copy of the financial report or a notice that a copy

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- 1 of the financial report will be mailed or hand delivered to  
2 the unit owner, without charge, upon receipt of a written  
3 request from the unit owner. The division shall adopt rules  
4 setting forth uniform accounting principles and standards to  
5 be used by all associations and shall adopt rules addressing  
6 financial reporting requirements for multicondominium  
7 associations. In adopting such rules, the division shall  
8 consider the number of members and annual revenues of an  
9 association. Financial reports shall be prepared as follows:
- 10 (a) An association that meets the criteria of this  
11 paragraph shall prepare or cause to be prepared a complete set  
12 of financial statements in accordance with generally accepted  
13 accounting principles. The financial statements shall be  
14 based upon the association's total annual revenues, as  
15 follows:
- 16 1. An association with total annual revenues of  
17 \$100,000 or more, but less than \$200,000, shall prepare  
18 compiled financial statements.
- 19 2. An association with total annual revenues of at  
20 least \$200,000, but less than \$400,000, shall prepare reviewed  
21 financial statements.
- 22 3. An association with total annual revenues of  
23 \$400,000 or more shall prepare audited financial statements.
- 24 (b)1. An association with total annual revenues of  
25 less than \$100,000 shall prepare a report of cash receipts and  
26 expenditures.
- 27 2. An association which operates less than 50 units,  
28 regardless of the association's annual revenues, shall prepare  
29 a report of cash receipts and expenditures in lieu of  
30 financial statements required by paragraph (a).
- 31 3. A report of cash receipts and disbursements must



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1 disclose the amount of receipts by accounts and receipt  
2 classifications and the amount of expenses by accounts and  
3 expense classifications, including, but not limited to, the  
4 following, as applicable: costs for security, professional and  
5 management fees and expenses, taxes, costs for recreation  
6 facilities, expenses for refuse collection and utility  
7 services, expenses for lawn care, costs for building  
8 maintenance and repair, insurance costs, administration and  
9 salary expenses, and reserves accumulated and expended for  
10 capital expenditures, deferred maintenance, and any other  
11 category for which the association maintains reserves.

12 (c) An association may prepare or cause to be  
13 prepared, without a meeting of or approval by the unit owners:

14 1. Compiled, reviewed, or audited financial  
15 statements, if the association is required to prepare a report  
16 of cash receipts and expenditures;

17 2. Reviewed or audited financial statements, if the  
18 association is required to prepare compiled financial  
19 statements; or

20 3. Audited financial statements if the association is  
21 required to prepare reviewed financial statements.

22 (d) If approved by a majority of the voting interests  
23 present at a properly called meeting of the association, an  
24 association may prepare or cause to be prepared:

25 1. A report of cash receipts and expenditures in lieu  
26 of a compiled, reviewed, or audited financial statement;

27 2. A report of cash receipts and expenditures or a  
28 compiled financial statement in lieu of a reviewed or audited  
29 financial statement; or

30 3. A report of cash receipts and expenditures, a  
31 compiled financial statement, or a reviewed financial

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1 statement in lieu of an audited financial statement.

2

3 Such meeting and approval must occur prior to the end of the  
4 fiscal year and is effective only for the fiscal year in which  
5 the vote is taken. With respect to an association to which the  
6 developer has not turned over control of the association, all  
7 unit owners, including the developer, may vote on issues  
8 related to the preparation of financial reports for the first  
9 2 fiscal years of the association's operation, beginning with  
10 the fiscal year in which the declaration is recorded.

11 Thereafter, all unit owners except the developer may vote on  
12 such issues until control is turned over to the association by  
13 the developer.

14 Section 122. Subsection (3) of section 718.112,  
15 Florida Statutes, is amended to read:

16 718.112 Bylaws.--

17 (3) OPTIONAL PROVISIONS.--The bylaws as originally  
18 recorded, or as amended pursuant to the procedure provided  
19 therein,may provide for the following:

20 (a) A method of adopting and amending administrative  
21 rules and regulations governing the details of the operation  
22 and use of the common elements.

23 (b) Restrictions on and requirements for the use,  
24 maintenance, and appearance of the units and the use of the  
25 common elements.

26 (c) Other provisions which are not inconsistent with  
27 this chapter or with the declaration, as may be desired. This  
28 subsection is intended to clarify existing law and applies to  
29 associations existing on the effective date of this act.

30 Section 123. Subsection (2) of section 718.113,  
31 Florida Statutes, is amended to read:

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1           718.113 Maintenance; limitation upon improvement;  
2 display of flag; hurricane shutters.--

3           (2)(a) Except as otherwise provided in this section,  
4 there shall be no material alteration or substantial additions  
5 to the common elements or to real property which is  
6 association property, except in a manner provided in the  
7 declaration as originally recorded or as amended pursuant to  
8 the procedures provided therein. If the declaration as  
9 originally recorded or amended does not specify the procedure  
10 for approval of material alterations or substantial additions,  
11 75 percent of the total voting interests of the association  
12 must approve the alterations or additions. This paragraph is  
13 intended to clarify existing law and applies to associations  
14 existing on the effective date of this act.

15           (b) There shall not be any material alteration of, or  
16 substantial addition to, the common elements of any  
17 condominium operated by a multicondominium association unless  
18 approved in the manner provided in the declaration of the  
19 affected condominium or condominiums as originally recorded,  
20 or as amended pursuant to the procedures provided therein. If  
21 a declaration as originally recorded or amended does not  
22 specify a procedure for approving such an alteration or  
23 addition, the approval of 75 percent of the total voting  
24 interests of each affected condominium is required. This  
25 subsection does not prohibit a provision in any declaration,  
26 articles of incorporation, or bylaws as originally recorded or  
27 amended requiring the approval of unit owners in any  
28 condominium operated by the same association or requiring  
29 board approval before a material alteration or substantial  
30 addition to the common elements is permitted. This paragraph  
31 is intended to clarify existing law and applies to

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1 associations existing on the effective date of this act.  
2 (c) There shall not be any material alteration or  
3 substantial addition made to association real property  
4 operated by a multicondominium association, except as provided  
5 in the declaration, articles of incorporation, or bylaws as  
6 said documents are originally recorded or amended pursuant to  
7 the procedures provided therein. If the declaration, articles  
8 of incorporation, or bylaws do not specify the procedure for  
9 approving an alteration or addition to association real  
10 property, the approval of 75 percent of the total voting  
11 interests of the association is required. This paragraph is  
12 intended to clarify existing law and applies to associations  
13 existing on the effective date of this act.

14 Section 124. Paragraphs (b) and (c) of subsection (1)  
15 of section 718.115, Florida Statutes, are amended to read:

16 718.115 Common expenses and common surplus.--

17 (1)

18 (b) The common expenses of a condominium within a  
19 multicondominium are the common expenses directly attributable  
20 to the operation of that condominium. The common expenses of a  
21 multicondominium association do not include the common  
22 expenses directly attributable to the operation of any  
23 specific condominium or condominiums within the  
24 multicondominium. This paragraph is intended to clarify  
25 existing law and applies to associations existing on the  
26 effective date of this act.

27 (c) The common expenses of a multicondominium  
28 association may include categories of expenses related to the  
29 property or common elements within a specific condominium in  
30 the multicondominium if such property or common elements are  
31 areas in which all members of the multicondominium association

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1 have use rights or from which all members receive tangible  
2 economic benefits. Such common expenses of the association  
3 shall be identified in the declaration or bylaws of each  
4 condominium within the multicondominium association. This  
5 paragraph is intended to clarify existing law and applies to  
6 associations existing on the effective date of this act.

7 Section 125. Subsections (1) and (4) of section  
8 718.405, Florida Statutes, are amended to read:

9 718.405 Multicondominiums; multicondominium  
10 associations.--

11 (1) An association may operate more than one  
12 condominium. For multicondominiums created on or after July 1,  
13 2000, if the declaration for each condominium to be operated  
14 by that association shall provide ~~provides~~ for participation  
15 in a multicondominium, in conformity with this section, and  
16 disclose ~~discloses~~ or describe ~~describes~~:

17 (a) The manner or formula by which the assets,  
18 liabilities, common surplus, and common expenses of the  
19 association will be apportioned among the units within the  
20 condominiums operated by the association, in accordance with  
21 s. 718.104(4)(g) or (h), as applicable.

22 (b) Whether unit owners in any other condominium, or  
23 any other persons, will or may have the right to use  
24 recreational areas or any other facilities or amenities that  
25 are common elements of the condominium, and, if so, the  
26 specific formula by which the other users will share the  
27 common expenses related to those facilities or amenities.

28 (c) Recreational and other commonly used facilities or  
29 amenities which the developer has committed to provide that  
30 will be owned, leased by, or dedicated by a recorded plat to  
31 the association but which are not included within any

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1 condominium operated by the association. The developer may  
2 reserve the right to add additional facilities or amenities if  
3 the declaration and prospectus for each condominium to be  
4 operated by the association contains the following statement  
5 in conspicuous type and in substantially the following form:  
6 RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT  
7 CONSENT OF UNIT OWNERS OR THE ASSOCIATION.

8 (d) The voting rights of the unit owners in the  
9 election of directors and in other multicondominium  
10 association affairs when a vote of the owners is taken,  
11 including, but not limited to, a statement as to whether each  
12 unit owner will have a right to personally cast his or her own  
13 vote in all matters voted upon.

14 (4) This section does not prevent or restrict the  
15 formation of a multicondominium by the merger or consolidation  
16 of two or more condominium associations. Mergers or  
17 consolidations of associations shall be accomplished in  
18 accordance with this chapter, the declarations of the  
19 condominiums being merged or consolidated, and chapter 617.  
20 Section 718.110(4) does not apply to amendments to  
21 declarations necessary to effect a merger or consolidation.  
22 This section is intended to clarify existing law and applies  
23 to associations existing on the effective date of this act.

24 Section 126. Subsection (2) of section 718.503,  
25 Florida Statutes, is amended to read:

26 718.503 Developer disclosure prior to sale;  
27 nondeveloper unit owner disclosure prior to sale;  
28 voidability.--

29 (2) NONDEVELOPER DISCLOSURE.--

30 (a) Each unit owner who is not a developer as defined  
31 by this chapter shall comply with the provisions of this

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1 subsection prior to the sale of his or her unit. Each  
2 prospective purchaser who has entered into a contract for the  
3 purchase of a condominium unit is entitled, at the seller's  
4 expense, to a current copy of the declaration of condominium,  
5 articles of incorporation of the association, bylaws, and  
6 rules of the association, ~~as well as a copy of the question~~  
7 ~~and answer sheet provided for by s. 718.504~~ and a copy of the  
8 financial information required by s. 718.111.

9 (b) If a person licensed under part I of chapter 475  
10 provides to or otherwise obtains for a prospective purchaser  
11 the documents described in this subsection, the person is not  
12 liable for any error or inaccuracy contained in the documents.

13 (c) Each contract entered into after July 1, 1992, for  
14 the resale of a residential unit shall contain in conspicuous  
15 type either:

16 1. A clause which states: THE BUYER HEREBY  
17 ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF  
18 THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF  
19 THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND A COPY  
20 OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION ~~AND THE~~  
21 ~~QUESTION AND ANSWER SHEET~~ MORE THAN 3 DAYS, EXCLUDING  
22 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
23 THIS CONTRACT; or

24 2. A clause which states: THIS AGREEMENT IS VOIDABLE  
25 BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION  
26 TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND  
27 LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT  
28 BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE  
29 DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS,  
30 ~~AND~~ RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT  
31 YEAR-END FINANCIAL INFORMATION ~~AND QUESTION AND ANSWER SHEET~~

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1 IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE  
 2 VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND  
 3 THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS,  
 4 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE  
 5 BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,  
 6 BYLAWS, AND RULES, ~~AND QUESTION AND ANSWER SHEET~~ IF REQUESTED  
 7 IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
 8 TERMINATE AT CLOSING.

9

10 A contract that does not conform to the requirements of this  
 11 paragraph is voidable at the option of the purchaser prior to  
 12 closing.

13 Section 127. Subsection (15) of section 718.504,  
 14 Florida Statutes, is amended to read:

15 718.504 Prospectus or offering circular.--Every  
 16 developer of a residential condominium which contains more  
 17 than 20 residential units, or which is part of a group of  
 18 residential condominiums which will be served by property to  
 19 be used in common by unit owners of more than 20 residential  
 20 units, shall prepare a prospectus or offering circular and  
 21 file it with the Division of Florida Land Sales, Condominiums,  
 22 and Mobile Homes prior to entering into an enforceable  
 23 contract of purchase and sale of any unit or lease of a unit  
 24 for more than 5 years and shall furnish a copy of the  
 25 prospectus or offering circular to each buyer. In addition to  
 26 the prospectus or offering circular, each buyer shall be  
 27 furnished a separate page entitled "Frequently Asked Questions  
 28 and Answers," which shall be in accordance with a format  
 29 approved by the division and a copy of the financial  
 30 information required by s. 718.111. This page shall, in  
 31 readable language, inform prospective purchasers regarding



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1 their voting rights and unit use restrictions, including  
2 restrictions on the leasing of a unit; shall indicate whether  
3 and in what amount the unit owners or the association is  
4 obligated to pay rent or land use fees for recreational or  
5 other commonly used facilities; shall contain a statement  
6 identifying that amount of assessment which, pursuant to the  
7 budget, would be levied upon each unit type, exclusive of any  
8 special assessments, and which shall further identify the  
9 basis upon which assessments are levied, whether monthly,  
10 quarterly, or otherwise; shall state and identify any court  
11 cases in which the association is currently a party of record  
12 in which the association may face liability in excess of  
13 \$100,000; and which shall further state whether membership in  
14 a recreational facilities association is mandatory, and if so,  
15 shall identify the fees currently charged per unit type. The  
16 division shall by rule require such other disclosure as in its  
17 judgment will assist prospective purchasers. The prospectus or  
18 offering circular may include more than one condominium,  
19 although not all such units are being offered for sale as of  
20 the date of the prospectus or offering circular. The  
21 prospectus or offering circular must contain the following  
22 information:

23 (15) If a the condominium created on or after July 1,  
24 2000, is or may become part of a multicondominium, the  
25 following information must be provided:

26 (a) A statement in conspicuous type in substantially  
27 the following form: THIS CONDOMINIUM IS (MAY BE) PART OF A  
28 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL  
29 (MAY) BE OPERATED BY THE SAME ASSOCIATION. Immediately  
30 following this statement, the location in the prospectus or  
31 offering circular and its exhibits where the multicondominium

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1 aspects of the offering are described must be stated.

2 (b) A summary of the provisions in the declaration,  
3 articles of incorporation, and bylaws which establish and  
4 provide for the operation of the multicondominium, including a  
5 statement as to whether unit owners in the condominium will  
6 have the right to use recreational or other facilities located  
7 or planned to be located in other condominiums operated by the  
8 same association, and the manner of sharing the common  
9 expenses related to such facilities.

10 (c) A statement of the minimum and maximum number of  
11 condominiums, and the minimum and maximum number of units in  
12 each of those condominiums, which will or may be operated by  
13 the association, and the latest date by which the exact number  
14 will be finally determined.

15 (d) A statement as to whether any of the condominiums  
16 in the multicondominium may include units intended to be used  
17 for nonresidential purposes and the purpose or purposes  
18 permitted for such use.

19 (e) A general description of the location and  
20 approximate acreage of any land on which any additional  
21 condominiums to be operated by the association may be located.

22 Section 128. Subsections (4) through (17) of section  
23 548.002, Florida Statutes, are renumbered as subsections (5)  
24 through (17), respectively, present subsection (18) is  
25 renumbered as subsection (19), and new subsections (4) and  
26 (18) are added to said section to read:

27 548.002 Definitions.--As used in this act, the term:

28 (4) "Concessionaire" means any person or business  
29 entity not licensed as a promoter which receives revenues or  
30 other compensation from the sale of tickets or from the sale  
31 of souvenirs, programs, broadcast rights, or any other

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1 concessions in conjunction with the promotion of a match.

2 (18) "Second" or "cornerman" means a person who  
3 assists the fight participant between rounds and maintains the  
4 corner of the participant during the match.

5 Section 129. Section 548.015, Florida Statutes, is  
6 created to read:

7 548.015 Concessionaires; security.--The commission may  
8 require that before any license is issued or renewed to a  
9 concessionaire, or before the holding of a match, the  
10 concessionaire must file a surety bond, a cash deposit, or  
11 some other form of security with the commission in such  
12 reasonable amount as the commission determines.

13 Section 130. Subsections (1) and (2) of section  
14 548.003, Florida Statutes, are amended to read:

15 548.003 Florida State Boxing Commission; powers;  
16 organization; meetings; accountability of commission members;  
17 compensation and travel expenses; association membership and  
18 participation.--

19 (1) The Florida State Boxing Commission is created and  
20 is assigned to the Department of Business and Professional  
21 Regulation for administrative and fiscal accountability  
22 purposes only. The Florida State Boxing Commission shall  
23 consist of five members appointed by the Governor, subject to  
24 confirmation by the Senate. One member must be a physician  
25 licensed pursuant to chapter 458 or chapter 459, who must  
26 maintain an unencumbered license in good standing, and who  
27 must, at the time of her or his appointment, have practiced  
28 medicine for at least 5 years. Upon the expiration of the term  
29 of a commissioner, the Governor shall appoint a successor to  
30 serve for a 4-year term. A commissioner whose term has expired  
31 shall continue to serve on the commission until such time as a

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1 replacement is appointed. If a vacancy on the commission  
2 occurs prior to the expiration of the term, it shall be filled  
3 for the unexpired portion of the term in the same manner as  
4 the original appointment.

5 (2) The Florida State Boxing Commission, as created by  
6 subsection (1), shall administer the provisions of this  
7 chapter. The commission has authority to adopt rules pursuant  
8 to ss. 120.536(1) and 120.54 to implement the provisions of  
9 this chapter and to implement each of the duties and  
10 responsibilities conferred upon the commission, including, but  
11 not limited to:

12 (a) Development of an ethical code of conduct for  
13 commissioners, commission staff, and commission officials;

14 (b) Facility and safety requirements relating to the  
15 ring, floor plan and apron seating, emergency medical  
16 equipment and services, and other equipment and services  
17 necessary for the conduct of a program of matches;

18 (c) Requirements regarding a participant's apparel,  
19 bandages, handwraps, gloves, mouthpiece, and appearance during  
20 a match;

21 (d) Requirements relating to a manager's  
22 participation, presence, and conduct during a match;

23 (e) Duties and responsibilities of all licensees under  
24 this chapter;

25 (f) Procedures for hearings and resolution of  
26 disputes;

27 (g) Qualifications for appointment of referees and  
28 judges;

29 (h) Qualifications for and appointment of chief  
30 inspectors and inspectors, and duties and responsibilities of  
31 chief inspectors and inspectors with respect to oversight and

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1 coordination of activities for each program of matches  
2 regulated under this chapter;

3 (i) Designation and duties of a knockdown timekeeper;  
4 and

5 (j) Setting fee and reimbursement schedules for  
6 referees and other officials appointed by the commission or  
7 the representative of the commission.

8 Section 131. The Florida State Boxing Commission shall  
9 conduct a review and analysis of boxing competitions not now  
10 regulated or sanctioned and shall provide recommendations to  
11 the Department of Business and Professional Regulation and the  
12 Legislature regarding any rules or legislation necessary to  
13 achieve effective regulation.

14 Section 132. Section 548.017, Florida Statutes, is  
15 amended to read:

16 548.017 Boxers, managers, and other persons required  
17 to have licenses.--

18 (1) A professional participant, manager, trainer,  
19 second, timekeeper, referee, judge, announcer, physician,  
20 matchmaker, concessionaire, or booking agent or representative  
21 of a booking agent shall be licensed before directly or  
22 indirectly acting in such capacity in connection with any  
23 match involving a professional. A physician must be licensed  
24 pursuant to chapter 458 or chapter 459, must maintain an  
25 unencumbered license in good standing, and must demonstrate  
26 satisfactory medical training or experience in boxing, or a  
27 combination of both, to the executive director prior to  
28 working as the ringside physician.

29 (2) A violation of this section is a misdemeanor of  
30 the second degree, punishable as provided in s. 775.082 or s.  
31 775.083.

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1           Section 133. Section 548.021, Florida Statutes, is  
2 amended to read:

3           548.021 Applications for licenses and permits.--

4           (1) An application for a license or a permit must:

5           ~~(a)(1)~~ Be in writing on a form supplied by the  
6 commission which shall contain the applicant's social security  
7 number.

8           ~~(b)(2)~~ Be verified by the applicant.

9           ~~(c)(3)~~ Be complete and have attached to the  
10 application any photographs and other exhibits required.

11           ~~(2)(4)~~ Pursuant to the federal Personal Responsibility  
12 and Work Opportunity Reconciliation Act of 1996, each party is  
13 required to provide his or her social security number in  
14 accordance with this section. Disclosure of social security  
15 numbers obtained through this requirement shall be limited to  
16 the purpose of administration of the Title IV-D program for  
17 child support enforcement.

18           (3) Any person who seeks to obtain a license by means  
19 of a knowingly false or fraudulent representation made in any  
20 application or who otherwise knowingly makes false statements  
21 concerning her or his medical history, boxing record, or other  
22 personal information commits a misdemeanor of the second  
23 degree, punishable as provided in s. 775.082 or s. 775.083.

24           Section 134. Section 548.024, Florida Statutes, is  
25 created to read:

26           548.024 Background investigation of applicants for  
27 licensure.--

28           (1) The commission is authorized to adopt rules  
29 pursuant to ss. 120.536(1) and 120.54 which provide for  
30 background investigations of applicants for licensure under  
31 this chapter for the purpose of ensuring the accuracy of the

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1 information provided in the application; ensuring that there  
2 are no active or pending criminal or civil indictments against  
3 the applicant; and ensuring satisfaction of all other  
4 requirements of this chapter. The background investigation may  
5 include, but is not limited to, the criminal and financial  
6 history of the applicant.

7 (2) If the commission requires a background criminal  
8 history investigation of any applicant, it shall require the  
9 applicant to submit to the department a fingerprint card for  
10 this purpose. The fingerprint card shall be forwarded to the  
11 Division of Criminal Justice Information Systems within the  
12 Department of Law Enforcement and the Federal Bureau of  
13 Investigation for purposes of processing the fingerprint card  
14 to determine if the applicant has a criminal history record.  
15 The information obtained by the processing of the fingerprint  
16 card by the Department of Law Enforcement and the Federal  
17 Bureau of Investigation shall be sent to the department for  
18 the purpose of determining if the applicant is statutorily  
19 qualified for licensure.

20 Section 135. Section 548.028, Florida Statutes, is  
21 amended to read:

22 548.028 Refusal to issue license.--The commission  
23 shall not issue a license to:

24 (1) Any person or business entity that ~~who in any~~  
25 jurisdiction has been convicted of any act, or who has a  
26 trustee, partner, officer, director, or owner that has been  
27 convicted of any act, which would constitute a violation of  
28 this chapter or which would constitute any of the grounds set  
29 forth in this chapter for suspension or revocation of a  
30 license or against whom such charges are pending before any  
31 regulatory body; or

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1           (2) Any person or business entity that who has been  
2 named in any an information or indictment, or who has a  
3 trustee, partner, officer, director, or owner that has been  
4 named in an information or indictment, for any act which would  
5 constitute a violation of this chapter or a ground for  
6 suspension or revocation of a license.

7           Section 136. Section 548.041, Florida Statutes, is  
8 amended to read:

9           (Substantial rewording of section. See  
10 s. 548.041, F.S., for present text.)

11           548.041 Age, condition, and suspension of boxers.--

12           (1) A person shall not be licensed as a participant,  
13 and the license of any participant shall be suspended or  
14 revoked, if such person:

15           (a) Is under the age of 18;

16           (b) Has participated in a match in this state which  
17 was not sanctioned by the commission or sanctioned by a Native  
18 American commission properly constituted under federal law; or

19           (c) Does not meet certain health and medical  
20 examination conditions as required by rule of the commission.

21           (2)(a) A participant losing by knockout as a result of  
22 being counted out in any jurisdiction shall be automatically  
23 suspended for a period of time as determined by the attending  
24 physician or commission representative, or 60 calendar days  
25 from the date of the knockout, whichever is longer. A  
26 participant shall not engage in any match, contact exhibition,  
27 or contact sparring for training purposes during the  
28 suspension period. After the suspension period and prior to  
29 engaging in any match, contact exhibition, or contact sparring  
30 for training purposes, the participant shall be examined by a  
31 physician. The participant shall advise the physician of the



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1 previous knockout or technical draw and shall provide medical  
2 records or his or her permission for the physician to consult  
3 with the treating physician at the time of the previous  
4 knockout or technical draw. The results of this examination  
5 shall be filed with the commission prior to any further  
6 matches being approved for the participant.

7 (b) A participant losing by technical knockout,  
8 technical draw, or disqualification shall be automatically  
9 suspended for a period of time to be determined by the  
10 physician or commission representative, or 30 calendar days  
11 from the date of the technical knockout, technical draw, or  
12 disqualification, whichever is longer. A participant shall not  
13 engage in any match, contact exhibition, or contact sparring  
14 for training purposes during the suspension period without the  
15 approval of the physician. After the suspension period and  
16 prior to engaging in any match, contact exhibition, or contact  
17 sparring for training purposes, the participant shall be  
18 examined by a physician. The participant shall advise the  
19 physician of the previous knockout or technical draw and shall  
20 provide medical records or his or her permission for the  
21 physician to consult with the treating physician at the time  
22 of the previous knockout or technical draw. The results of  
23 this examination shall be filed with the commission prior to  
24 any further matches being approved for the participant. In the  
25 case of a disqualification, the commission representative  
26 shall determine whether a medical clearance shall be required  
27 following suspension.

28 (c) Any participant who has been suspended by any  
29 state as a result of a recent knockout or series of  
30 consecutive losses, an injury, requirement for a medical  
31 procedure, physician denial of certification, failure of a

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1 drug test, the use of false aliases, or the falsifying or  
2 attempting to falsify official identification cards or  
3 documents shall not be permitted to participate in this state  
4 until such time as the state in which the participant is  
5 suspended removes his or her name from the suspension list or  
6 until the requirements of such suspension have been fulfilled  
7 and proof of such has been provided to this state. If a  
8 participant has been suspended in another state for any reason  
9 other than those stated in this paragraph, the participant may  
10 be permitted to participate if the state in which the  
11 participant is suspended is notified and consulted with by  
12 this state prior to the granting of approval to participate or  
13 the participant appeals to the Association of Boxing  
14 Commissions and the association determines that the suspension  
15 of such participant was without sufficient grounds, for an  
16 improper purpose, or not related to the health and safety of  
17 the participant.

18 (d) Any participant who fails to appear at a match or  
19 fails to appear at a match at the designated time for which  
20 the participant or the participant's manager has contracted  
21 and does not provide a valid reason or, in the case of  
22 physical disability, furnish a physician's certificate, shall  
23 be suspended for a period to be determined by the commission  
24 or shall be fined or both, as determined by the commission.

25 (e) The license of any participant shall be revoked  
26 and shall not be reinstated if such participant intentionally  
27 strikes, strikes at, or touches in any way or threatens to  
28 touch in any way, any official.

29 Section 137. Subsection (4) is added to section  
30 548.043, Florida Statutes, to read:

31 548.043 Weights and classes, limitations; gloves.--

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1           (4) Participants in a match shall be weighed on the  
2 same scale at a time and place to be determined by the  
3 commission or a commission representative. The weigh-in shall  
4 be conducted in the presence of the opponent of the  
5 participant and a commission representative. If a participant  
6 fails to arrive at the weigh-in at the scheduled time and  
7 place, the opponent of the late-arriving participant will be  
8 permitted to be weighed without the late-arriving participant  
9 present. The participant who arrived at the weigh-in on time  
10 shall not lose his right of observing the weighing in of his  
11 opponent. The weigh-in shall occur no sooner than 4:00 p.m.  
12 on the day preceding the date of the program of matches or at  
13 such other time as designated by the commission or commission  
14 representative.

15           Section 138. Section 548.046, Florida Statutes, is  
16 amended to read:

17           548.046 Physician's attendance at match; examinations;  
18 cancellation of match.--

19           (1) The commission, or the commission representative,  
20 shall assign to each match at least one a physician who shall  
21 observe the physical condition of the participants and advise  
22 the commissioner or commission representative ~~deputy~~ in charge  
23 and the referee of the participants' conditions before, ~~and~~  
24 during, and after the match. The commission shall establish a  
25 schedule of fees for the physician's services. The  
26 physician's fee shall be paid by the promoter of the match  
27 attended by the physician. The physician shall be considered  
28 an agent of the commission in determining the state insurance  
29 coverage and sovereign immunity protection applicability of  
30 ss. 284.31 and 768.28.

31           (2)(a) In addition to any other required examination,

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1 each participant shall be examined by the attending physician  
2 at the time of weigh-in. If the physician determines that a  
3 participant is physically or mentally unfit to proceed, the  
4 physician shall notify any commissioner or the commission  
5 representative who shall immediately cancel the match. The  
6 examination shall conform to rules adopted by the commission  
7 ~~based on the advice of the medical advisory council.~~ The  
8 result of the examination shall be reported in a writing  
9 signed by the physician and filed with the commission prior to  
10 completion of the weigh-in.

11 (b) The commission may require, by rule, each  
12 participant to present to the commission representative at the  
13 time of the weigh-in an original copy of blood test results  
14 which demonstrate whether the participant is free from any  
15 communicable disease. If the rules of the commission require  
16 the presentation of such results and the blood test results  
17 are not presented as required by commission rule or reveal the  
18 participant has a communicable disease, the commission  
19 representative shall immediately cancel the match. The  
20 commission may adopt, by rule, protocols and procedures for  
21 the blood tests and the cancellation of a match, a list of  
22 communicable diseases covered by this paragraph, and a time  
23 period within which the blood test must be taken prior to the  
24 match.

25 (3)(a) In a match which is a sanctioned championship  
26 title fight, or whenever the commission representative has  
27 reason to believe that a participant has ingested or used a  
28 prohibited drug or foreign substance, the commission  
29 representative shall request and the participant shall  
30 provide, under the supervision of the attending physician,  
31 commission representative, or inspector, a sample or samples

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1 of his or her urine taken not less than 1 hour before the  
2 commencement of the match nor more than 1 hour after the  
3 conclusion of the match. No participant shall use substances  
4 or methods which could alter the integrity of the urine  
5 sample. Urine samples shall be taken in accordance with the  
6 protocol as agreed upon in writing between the commission and  
7 the laboratory used for processing the urine samples.

8 (b) The commission may require urine samples, as  
9 provided in paragraph (a), to be conducted randomly. In the  
10 event one participant in a match is tested randomly, then the  
11 other participant in the match shall be tested also.

12 (c) Failure or refusal to provide a urine sample  
13 immediately upon request shall result in the revocation of the  
14 participant's license. Any participant who has been adjudged  
15 the loser of a match and who subsequently refuses to or is  
16 unable to provide a urine sample shall forfeit his or her  
17 share of the purse to the commission. Any participant who is  
18 adjudged the winner of a match and who subsequently refuses to  
19 or is unable to provide a urine sample shall forfeit the win  
20 and shall not be allowed to engage in any future match in  
21 Florida. A no decision result shall be entered into the  
22 official record as the result of the match. The purse shall be  
23 redistributed as though the participant found to be in  
24 violation of this subsection had lost the match. If  
25 redistribution of the purse is not necessary or after  
26 redistribution of the purse is completed, the participant  
27 found to be in violation of this subsection shall forfeit his  
28 or her share of the purse to the commission.

29 (4) The attending physician or physicians shall  
30 provide medical assistance at the facility, to the commission  
31 representative, and medical advice to the referee during the

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1 match, and shall be accorded the cooperation of all commission  
2 representatives and licensees present for the purpose of  
3 performing his or her medical duties. If, in the opinion of  
4 the attending physician, the referee has received an injury  
5 which prohibits the referee from continuing to officiate, the  
6 physician shall notify the commission representative who shall  
7 temporarily halt the match. The injured referee shall be  
8 attended to by the physician until the referee is no longer in  
9 danger or has been transferred to the care of another  
10 qualified person. The commission representative shall then  
11 direct the match to continue under the supervision of the  
12 referee or under the supervision of another referee, if the  
13 referee is unable to continue.

14 Section 139. Section 548.049, Florida Statutes, is  
15 amended to read:

16 548.049 Medical, surgical, and hospital insurance;  
17 life insurance.--

18 (1) The commission shall, by rule, require  
19 participants to be covered by not less than ~~\$20,000~~~~\$2,500~~ of  
20 insurance for medical, surgical, and hospital care required as  
21 a result of injuries sustained while engaged in matches. The  
22 insured shall be the beneficiary of such policies. Any  
23 deductible associated with the insurance policy shall be paid  
24 by the promoter and shall not be paid by or charged to the  
25 participant.

26 (2) The commission may also require participants to be  
27 covered by not less than ~~\$20,000~~~~\$5,000~~ of life insurance  
28 covering deaths caused by injuries received while engaged in  
29 matches.

30 Section 140. Subsection (1) of section 548.05, Florida  
31 Statutes, is amended to read:

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1           548.05 Control of contracts.--

2           (1) The commission shall adopt rules governing the  
3 form and content of contracts executed in this state between  
4 managers between promoters, foreign copromoters, and  
5 professionals. All such contracts shall be in writing and  
6 shall contain all provisions specifically worded as required  
7 by rules of the commission. Contracts which do not contain all  
8 provisions specifically worded as required by rules of the  
9 commission shall be deemed to contain such provisions. A copy  
10 of all such contracts shall be filed with the commission  
11 within 7 calendar days of execution.

12           Section 141. Subsections (6) through (11) are added to  
13 section 548.057, Florida Statutes, to read:

14           548.057 ~~Attendance of~~ Referee and judges; attendance  
15 at match; scoring; seconds.--

16           (6) No judge licensed in this state shall act as a  
17 judge at any match in a state, territory, commonwealth, or  
18 Native American Reservation that is not regulated by a state  
19 boxing commission unless the match is supervised by a state  
20 boxing commission or a Native American commission properly  
21 constituted under federal law.

22           (7) No judge shall also serve as a supervisor or on  
23 the ratings committee or recommend boxers to the ratings  
24 committee for a sanctioning body.

25           (8) Any person whose application for a judge's license  
26 has been denied shall not be permitted to reapply for a  
27 judge's license for a period of 6 months. Any person whose  
28 application for a judge's license has been denied on three  
29 occasions shall not be permitted to reapply.

30           (9) The number of judges shall be assigned in  
31 accordance with rules of the commission. The number of

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1 unofficial judges at each event shall be limited to three by  
2 the commission.

3 (10) The judges shall be located in seats designated  
4 for them by the commission representative.

5 (11) In the event that sufficient judges are not  
6 available, a referee shall be selected to act as a judge for  
7 that specific program of matches.

8 Section 142. Present subsections (2) and (3) of  
9 section 548.06, Florida Statutes, are renumbered as  
10 subsections (5) and (6), respectively, and new subsections  
11 (2), (3), and (4) are added to said section to read:

12 548.06 Payments to state; exemptions.--

13 (2) Where the rights to telecast a match or matches  
14 held in Florida to be viewed in Florida or outside of Florida  
15 are in whole owned by, sold to, acquired by, or held by any  
16 person who intends to sell, subsequently sells, or, in some  
17 other manner, extends such rights in part to another, such  
18 person is deemed to be a promoter and must be licensed as such  
19 in this state. Such person shall, within 72 hours after the  
20 match, file with the commission a written report that includes  
21 the number of tickets sold, the amount of gross receipts, and  
22 any other facts the commission may require.

23 (3) A concessionaire shall, within 72 hours after the  
24 match, file with the commission a written report that includes  
25 the number of tickets sold, the amount of gross receipts, and  
26 any other facts the commission may require.

27 (4) Any written report required to be filed with the  
28 commission under this section shall be postmarked within 72  
29 hours after the conclusion of the match, and an additional 5  
30 days shall be allowed for mailing.

31 Section 143. Section 548.074, Florida Statutes, is



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1 amended to read:

2           548.074 Power to administer oaths, take depositions,  
3 and issue subpoenas.--For the purpose of any investigation or  
4 proceeding conducted pursuant to this chapter, the department  
5 shall have the power to administer oaths, take depositions,  
6 make inspections when authorized by statute, issue subpoenas  
7 which shall be supported by affidavit, serve subpoenas and  
8 other process, and compel the attendance of witnesses and the  
9 production of books, papers, documents, and other evidence.  
10 The department shall exercise this power on its own initiative  
11 or whenever requested by the commission. Challenges to, and  
12 enforcement of, subpoenas and orders shall be handled as  
13 provided in s. 120.569.~~In addition to the powers of subpoena~~  
14 ~~in chapter 120, each member of the commission may issue~~  
15 ~~subpoenas requiring the attendance and testimony of, or the~~  
16 ~~production of books and papers by, any person whom the~~  
17 ~~commission believes to have information or documents of~~  
18 ~~importance to any commission investigation.~~

19           Section 144. Section 548.075, Florida Statutes, is  
20 amended to read:

21           548.075 Administrative fines; citations.--

22           (1) The commission may impose a fine of not more than  
23 \$5,000 for any violation of this chapter in lieu of or in  
24 addition to any other punishment provided for such violation.

25           (2) The commission may adopt rules pursuant to ss.  
26 120.54 and 120.536(1) to permit the issuance of citations for  
27 any violation of this chapter in lieu of or in addition to any  
28 other punishment provided for such violation.

29           Section 145. Section 548.045, Florida Statutes, is  
30 repealed.

31           Section 146. Except as otherwise expressly provided in

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1 this act, this act shall take effect October 1, 2001.

2

3

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

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

9

A bill to be entitled

10 An act relating to the Department of Business  
11 and Professional Regulation; amending s.  
12 20.165, F.S.; renaming the Division of Florida  
13 Land Sales, Condominiums, and Mobile Homes as  
14 the Division of Condominiums, Timeshare, and  
15 Mobile Homes; including reference to the Board  
16 of Barbering and Cosmetology; revising minimum  
17 requirements for the number of consumer members  
18 on professional licensing boards; repealing  
19 provisions relating to the transfer of board  
20 locations; amending ss. 326.001, 326.002,  
21 326.003, 326.004, 326.006, F.S.; transferring  
22 the regulation of yacht and ship brokers and  
23 salespersons from the Division of Florida Land  
24 Sales, Condominiums, and Mobile Homes to the  
25 Division of Professions; revising provisions  
26 relating to criminal history checks and  
27 administrative and civil penalties; requiring  
28 that all funds collected pursuant to such  
29 regulation be deposited into the Professional  
30 Regulation Trust Fund; revising references;  
31 amending s. 399.061, F.S.; revising provisions

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1 relating to the inspection of elevators;  
2 amending s. 455.213, F.S.; providing for the  
3 content of licensure and renewal documents;  
4 providing for the electronic submission of  
5 information to the department; providing that  
6 all legal obligations must be met before the  
7 issuance or renewal of a license; amending s.  
8 455.224, F.S.; authorizing any division of the  
9 department to issue citations in the  
10 enforcement of its regulatory provisions in  
11 accordance with the provisions established for  
12 such purposes for the regulation of  
13 professions; amending ss. 468.401, 468.402,  
14 468.403, 468.404, 468.406, 468.407, 468.410,  
15 468.412, 468.413, 468.414, 468.415, F.S.;  
16 providing for registration of talent agencies  
17 in lieu of licensure; conforming provisions;  
18 providing penalties; repealing ss. 468.405 and  
19 468.408, F.S., relating to qualification for  
20 talent agency license and bonding requirements;  
21 amending s. 468.609, F.S.; authorizing direct  
22 supervision by building code administrators by  
23 telecommunications devices in certain  
24 localities and under specified circumstances;  
25 amending s. 468.627, F.S.; requiring the  
26 payment of costs for certain building code  
27 enforcement applicants who fail to appear for  
28 scheduled examinations, subject to waiver in  
29 case of hardship; amending s. 471.025, F.S.;  
30 allowing for more than one type of seal to be  
31 used by professional engineers; amending s.

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1           472.003, F.S.; providing exemption from ch.  
2           472, F.S., relating to land surveying and  
3           mapping, for certain subordinate employees;  
4           revising cross-references; amending s. 472.005,  
5           F.S.; revising and providing definitions;  
6           revising cross-references; amending s. 472.029,  
7           F.S.; revising provisions relating to access to  
8           lands of others for surveying or mapping  
9           purposes; providing applicability to  
10          subordinates; requiring certain notice;  
11          amending s. 810.12, F.S.; revising provisions  
12          relating to trespass, to conform; amending ss.  
13          472.001, 472.011, 472.015, 472.021, 472.027,  
14          472.031, 472.037, F.S.; revising  
15          cross-references; amending s. 475.01, F.S.;  
16          clarifying that chapter 475 is applicable to  
17          brokers acting as trustees or fiduciaries;  
18          amending s. 476.034, F.S.; redefining the term  
19          "board"; amending s. 476.054, F.S.; creating  
20          the Board of Barbering and Cosmetology;  
21          providing certain compensation; requiring an  
22          oath and providing for a certificate of  
23          appointment; providing for officers, meetings,  
24          and quorum; amending s. 476.064, F.S.;  
25          conforming provisions; amending ss. 476.014,  
26          476.074, 476.154, 476.194, 476.214, 476.234,  
27          F.S.; revising references; amending s. 477.013,  
28          F.S.; defining the term "board"; repealing s.  
29          477.015, F.S., relating to the Board of  
30          Cosmetology; abolishing the Barbers' Board and  
31          the Board of Cosmetology; providing for

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1 appointment of all members of the Board of  
2 Barbering and Cosmetology to staggered terms;  
3 providing savings clauses for rules and legal  
4 actions; amending s. 477.019, F.S.; revising  
5 requirements related to continuing education  
6 providers and courses; eliminating a  
7 requirement for refresher courses and  
8 examinations for failure of cosmetology  
9 licensees to comply with continuing education  
10 requirements; amending s. 477.026, F.S.;  
11 providing authority for registration renewal  
12 and delinquent fees for hair braiders, hair  
13 wrappers, and body wrappers; amending s.  
14 481.209, F.S.; revising requirements relating  
15 to education for licensure as an architect;  
16 amending s. 481.223, F.S.; providing for  
17 injunctive relief for certain violations  
18 relating to architecture and interior design;  
19 amending s. 489.107, F.S.; reducing the number  
20 of members on the Construction Industry  
21 Licensing Board; creating s. 489.1133, F.S.;  
22 providing for temporary certificates and  
23 registrations; amending s. 489.115, F.S.;  
24 eliminating references to divisions of the  
25 Construction Industry Licensing Board; amending  
26 s. 489.118, F.S.; revising grandfathering  
27 provisions for certification of registered  
28 contractors to qualify persons holding certain  
29 registered local specialty licenses; repealing  
30 s. 489.507(6), F.S., to delete a duplicate  
31 provision relating to appointment of committees

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1 of the Construction Industry Licensing Board  
2 and the Electrical Contractors' Licensing Board  
3 for the purpose of meeting jointly twice each  
4 year; requiring the Electrical Contractors'  
5 Licensing Board to develop a plan to reduce its  
6 annual operating budget by a specified amount  
7 and submit such plan to the department by a  
8 specified date; amending s. 489.511, F.S.;  
9 revising provisions relating to licensure as an  
10 electrical or alarm system contractor by  
11 endorsement; amending s. 489.537, F.S.;  
12 revising the power of municipalities and  
13 counties with respect to regulating electrical  
14 journeymen; amending ss. 498.005, 498.019,  
15 498.049, F.S.; reassigning the regulation of  
16 land sales from the Division of Florida Land  
17 Sales, Condominiums, and Mobile Homes to the  
18 Division of Real Estate; requiring all funds  
19 collected by the department pursuant to the  
20 regulation of land sales to be deposited in the  
21 Professional Regulation Trust Fund; amending s.  
22 190.009, F.S.; conforming terminology; amending  
23 ss. 718.103, 718.105, 718.112, 718.1255,  
24 718.501, 718.502, 718.504, 718.508, 718.509,  
25 718.608, 719.103, 719.1255, 719.501, 719.502,  
26 719.504, 719.508, 719.608, 721.05, 721.07,  
27 721.08, 721.26, 721.28, 721.301, 721.50,  
28 721.82, 721.84, 723.003, 723.006, 723.0065,  
29 723.009, F.S.; renaming the Division of Florida  
30 Land Sales, Condominiums, and Mobile Homes as  
31 the Division of Condominiums, Timeshare, and

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1 Mobile Homes; renaming the Division of Florida  
2 Land Sales, Condominiums, and Mobile Homes  
3 Trust Fund as the Division of Condominiums,  
4 Timeshare, and Mobile Homes Trust Fund;  
5 conforming provisions; revising language with  
6 respect to condominium association bylaws;  
7 revising language with respect to the annual  
8 budget; providing for reserves under certain  
9 circumstances; providing and limiting  
10 arbitration of disputes by the division to  
11 those regarding elections and the recall of  
12 board members; deleting reference to voluntary  
13 mediation; providing for the resolution of  
14 certain other complaints at the local level;  
15 providing exemptions; providing for expedited  
16 handling of election disputes; requiring the  
17 continuation of arbitration of cases filed by a  
18 certain date; providing a contingent  
19 appropriation; providing division enforcement  
20 powers and duties; providing for injunction,  
21 restitution, and civil penalties; providing  
22 certain immunity; providing for use of certain  
23 documents as evidence; providing for certain  
24 notice; providing for intervention in suits;  
25 locating the executive offices of the division  
26 in Tallahassee; authorizing branch offices;  
27 providing for adoption and use of a seal;  
28 providing applicability to specified chapters  
29 of the Florida Statutes; amending s. 721.82,  
30 F.S.; redefining the term "registered agent";  
31 amending s. 721.84, F.S.; providing for

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1 appointment of a successor registered agent;  
2 amending ss. 73.073, 192.037, 213.053, 215.20,  
3 380.0651, 455.116, 475.455, 509.512, 559.935,  
4 F.S.; conforming terminology; amending s.  
5 468.452, F.S.; revising definitions; amending  
6 s. 468.453, F.S.; revising licensure  
7 requirements; providing for service of process  
8 on nonresident agents; providing for temporary  
9 licenses; deleting a bond requirement;  
10 providing for reciprocity; amending s. 468.454,  
11 F.S.; revising contract requirements; providing  
12 for cancellation of contracts; amending s.  
13 468.456, F.S.; providing for increased  
14 administrative fines; amending s. 468.45615,  
15 F.S.; providing additional criminal penalties  
16 for certain acts; amending s. 468.4562, F.S.;  
17 revising provisions relating to civil remedies  
18 available to colleges and universities for  
19 violations of athlete agent regulations;  
20 amending s. 468.4565, F.S.; revising business  
21 record requirements; repealing s. 468.4563,  
22 F.S., relating to authority to require  
23 continuing education by athlete agents;  
24 repealing s. 468.4564, relating to license  
25 display requirements; amending s. 702.09, F.S.;  
26 revising the definitions of the terms  
27 "mortgage" and "foreclosure proceedings";  
28 amending s. 718.104, F.S., revising language  
29 with respect to declarations for the creation  
30 of a condominium; amending s. 718.106, F.S.;  
31 revising language with respect to appurtenances



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1 that pass with a condominium unit; amending s.  
2 718.110, F.S.; revising language with respect  
3 to amendments to a declaration of condominium;  
4 amending s. 718.111, F.S.; revising language  
5 with respect to the association; amending s.  
6 718.112, F.S.; revising language with respect  
7 to bylaws; amending s. 718.113, F.S.; revising  
8 language with respect to material alterations  
9 of common elements or association real property  
10 operated by a multicondominium association;  
11 amending s. 718.115, F.S.; revising language  
12 with respect to common expenses; amending s.  
13 718.405, F.S.; revising language with respect  
14 to multicondominiums and multicondominium  
15 associations; amending s. 718.503, F.S.,  
16 relating to disclosure requirements for the  
17 sale of certain condominiums; removing the  
18 requirement that question and answer sheets be  
19 part of the closing documents; amending s.  
20 718.504, F.S.; revising language with respect  
21 to the prospectus or offering circular;  
22 amending s. 548.002, F.S.; providing  
23 definitions; authorizing the Florida State  
24 Boxing Commission to require the posting of a  
25 bond or other form of security by  
26 concessionaires; amending s. 548.015, F.S.;  
27 authorizing the Florida State Boxing Commission  
28 to require surety bonds or other forms of  
29 security; amending s. 548.003, F.S.; requiring  
30 one member of the Florida State Boxing  
31 Commission to be a licensed physician;

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1 providing additional duties and  
2 responsibilities of the Florida State Boxing  
3 Commission; requiring the Florida State Boxing  
4 Commission to make recommendations with respect  
5 to unregulated and unsanctioned boxing  
6 competition; amending s. 548.017, F.S.;  
7 providing requirements for ringside physicians;  
8 requiring concessionaires to be licensed;  
9 amending s. 548.021, F.S.; providing a criminal  
10 penalty for attempting to obtain a license by  
11 means of fraudulent information; creating s.  
12 548.024, F.S.; authorizing the Florida State  
13 Boxing Commission to adopt rules which provide  
14 for background investigations of applicants for  
15 licensure; providing for the submission of  
16 fingerprint cards; providing procedure for  
17 processing fingerprint cards; amending s.  
18 548.028, F.S.; expanding provisions with  
19 respect to persons whom the Florida State  
20 Boxing Commission shall not license; amending  
21 s. 548.041, F.S.; providing requirements and  
22 restrictions with respect to age, condition,  
23 and suspension of boxers; providing for  
24 revocation of license under specified  
25 circumstances; amending s. 548.043, F.S.;  
26 providing requirements and procedure for the  
27 weighing of participants in a boxing match;  
28 amending s. 548.046, F.S.; revising provisions  
29 with respect to physicians' attendance at  
30 boxing matches; providing state insurance  
31 coverage and sovereign immunity protection for

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1 assigned physicians; requiring the provision of  
2 urine samples by participants under specified  
3 circumstances; providing for revocation of  
4 license for failure or refusal to provide a  
5 required urine sample; providing conditions  
6 with respect to forfeiture and redistribution  
7 of purse upon failure or refusal to provide a  
8 required urine sample; specifying authority of  
9 physicians at boxing matches; providing  
10 procedure in the event of injury of a referee;  
11 authorizing blood tests of participants prior  
12 to a match; providing for cancellation of the  
13 match for a test showing the presence of a  
14 communicable disease or for failure to present  
15 blood test results, if required; authorizing  
16 the Florida State Boxing Commission to adopt  
17 rules relating to blood tests; amending s.  
18 548.049, F.S.; increasing the minimum coverage  
19 amount of required insurance for participants  
20 in boxing matches; requiring promoters to pay  
21 any deductible for such insurance policy;  
22 amending s. 548.05, F.S.; providing additional  
23 requirements with respect to contracts between  
24 managers and professionals; amending s.  
25 548.057, F.S.; placing specified restrictions  
26 on judges of boxing matches; providing  
27 requirements with respect to number and  
28 location of judges; amending s. 548.06, F.S.;  
29 revising provisions relating to promoters and  
30 payments to the state; amending s. 548.074,  
31 F.S.; providing that the department shall have

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1           the power to administer oaths, take  
2           depositions, make inspections, serve subpoenas,  
3           and compel the attendance of witnesses and  
4           other evidence; amending s. 548.075, F.S.;  
5           authorizing the Florida State Boxing Commission  
6           to adopt rules to permit the issuance of  
7           citations; repealing s. 548.045, F.S., relating  
8           to the creation, qualifications, compensation,  
9           and powers and duties of the medical advisory  
10          council; providing effective dates.

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