

1 A bill to be entitled
2 An act relating to the Department of Business and
3 Professional Regulation; amending s. 210.09, F.S.;
4 requiring that certain reports relating to the
5 transportation or possession of cigarettes be filed
6 with the Division of Alcoholic Beverages and Tobacco
7 through the division's electronic data submission
8 system; providing that specified records relating to
9 cigarettes received, sold, or delivered within the
10 state may be kept in an electronic or paper format;
11 amending s. 210.55, F.S.; requiring that certain
12 entities file reports, rather than returns, relating
13 to tobacco products with the division; providing
14 requirements for such reports; amending s. 210.60,
15 F.S.; providing that specified records relating to
16 tobacco products may be kept in an electronic or paper
17 format; amending s. 489.109, F.S.; removing provisions
18 relating to an additional fee for application and
19 renewal, transfer of funds, recommendations by the
20 Construction Industry Licensing Board for use of such
21 funds, distribution of such funds by the department,
22 and required reports of the department, respectively;
23 amending s. 489.118, F.S.; removing an obsolete date;
24 amending s. 499.01, F.S.; exempting certain persons
25 from specified permit requirements under certain

26 | circumstances; requiring an exempt cosmetics
27 | manufacturer to provide, upon request, to the
28 | department specified documentation verifying his or
29 | her annual gross sales; authorizing an exempt
30 | cosmetics manufacturer to only manufacture and sell
31 | specified products; requiring specified labeling for
32 | each unit of cosmetics manufactured by an exempt
33 | cosmetic manufacturer; authorizing the department to
34 | investigate complaints and to enter and inspect the
35 | premises of an exempt cosmetics manufacturer;
36 | providing disciplinary actions; providing
37 | construction; amending s. 499.012, F.S.; authorizing
38 | specified establishments to submit a request for a
39 | temporary permit; requiring such establishments to
40 | submit the request to the department on specified
41 | forms; providing that upon authorization by the
42 | department for a temporary permit for a certain
43 | location, the existing permit for such location is
44 | immediately null and void; prohibiting a temporary
45 | permit from being extended; providing for expiration
46 | of a temporary permit; prohibiting an establishment
47 | from operating under an expired temporary permit;
48 | amending s. 499.066, F.S.; authorizing the department
49 | to adopt rules to permit the issuance of remedial,
50 | nondisciplinary citations; providing requirements for

51 such citations; providing for contest of and the
52 rescinding of a citation; authorizing the department
53 to recover specified costs relating to a citation;
54 providing a timeframe for when a citation may be
55 issued; providing requirements for the service of a
56 citation; authorizing the department to adopt and
57 amend rules, designate violations and monetary
58 assessments, and order remedial measures that must be
59 taken for such violations; amending s. 509.241, F.S.;
60 revising rulemaking requirements relating to public
61 lodging and food service licenses; amending s.
62 509.251, F.S.; deleting provisions relating to fee
63 schedule requirements; specifying that all fees are
64 payable in full upon submission of an application for
65 a public lodging establishment license or a public
66 food service license; amending s. 548.003, F.S.;
67 renaming the Florida State Boxing Commission as the
68 Florida Athletic Commission; amending s. 548.043,
69 F.S.; revising rulemaking requirements for the
70 commission relating to gloves; amending s. 553.841,
71 F.S.; conforming a provision to changes made by the
72 act; amending s. 561.01, F.S.; deleting the definition
73 of the term "permit carrier"; amending s. 561.17,
74 F.S.; revising a requirement related to the filing of
75 fingerprints with the division; requiring that

76 applications be accompanied by certain information
77 relating to right of occupancy; providing requirements
78 relating to contact information for licensees and
79 permittees; amending s. 561.19, F.S.; revising
80 provisions relating to the availability of beverage
81 licenses to include by reason of the cancellation of a
82 quota beverage license; amending s. 561.20, F.S.;
83 conforming cross-references; revising requirements for
84 issuing special licenses to certain food service
85 establishments; amending s. 561.42, F.S.; requiring
86 the division, and authorizing vendors, to use
87 electronic mail to give certain notice; amending s.
88 561.55, F.S.; revising requirements for reports
89 relating to alcoholic beverages; amending s. 562.455,
90 F.S.; removing grains of paradise as a form of
91 adulteration of liquor used or intended for drink;
92 amending s. 718.112, F.S.; providing the circumstances
93 under which a person is delinquent in the payment of
94 an assessment in the context of eligibility for
95 membership on certain condominium boards; requiring
96 that an annual budget be proposed to unit owners and
97 adopted by the board before a specified time; amending
98 s. 718.501, F.S.; authorizing the Division of Florida
99 Condominiums, Timeshares, and Mobile Homes to adopt
100 rules regarding the submission of complaints against a

101 condominium association; amending s. 718.5014, F.S.;

102 revising the location requirements for the principal

103 office of the condominium ombudsman; amending ss.

104 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.;

105 conforming provisions to changes made by the act;

106 providing an effective date.

107

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

109

110 Section 1. Subsections (2) and (3) of section 210.09,

111 Florida Statutes, are amended to read:

112 210.09 Records to be kept; reports to be made;

113 examination.-

114 (2) The division is authorized to prescribe and promulgate

115 by rules and regulations, which shall have the force and effect

116 of the law, such records to be kept and reports to be made to

117 the division by any manufacturer, importer, distributing agent,

118 wholesale dealer, retail dealer, common carrier, or any other

119 person handling, transporting or possessing cigarettes for sale

120 or distribution within the state as may be necessary to collect

121 and properly distribute the taxes imposed by s. 210.02. All

122 reports shall be made on or before the 10th day of the month

123 following the month for which the report is made, unless the

124 division by rule or regulation shall prescribe that reports be

125 made more often. All reports shall be filed with the division

126 | through the division's electronic data submission system.

127 | (3) All manufacturers, importers, distributing agents,
128 | wholesale dealers, agents, or retail dealers shall maintain and
129 | keep for a period of 3 years at the place of business where any
130 | transaction takes place, such records of cigarettes received,
131 | sold, or delivered within the state as may be required by the
132 | division. Such records may be kept in an electronic or paper
133 | format. The division or its duly authorized representative is
134 | hereby authorized to examine the books, papers, invoices, and
135 | other records, the stock of cigarettes in and upon any premises
136 | where the same are placed, stored, and sold, and the equipment
137 | of any such manufacturers, importers, distributing agents,
138 | wholesale dealers, agents, or retail dealers, pertaining to the
139 | sale and delivery of cigarettes taxable under this part. To
140 | verify the accuracy of the tax imposed and assessed by this
141 | part, each person is hereby directed and required to give to the
142 | division or its duly authorized representatives the means,
143 | facilities, and opportunity for such examinations as are herein
144 | provided for and required.

145 | Section 2. Section 210.55, Florida Statutes, is amended to
146 | read:

147 | 210.55 Distributors; monthly reports ~~returns~~.—

148 | (1) On or before the 10th of each month, every taxpayer
149 | with a place of business in this state shall file a full and
150 | complete report ~~return~~ with the division showing the taxable

151 price of each tobacco product brought or caused to be brought
152 into this state for sale, or made, manufactured, or fabricated
153 in this state for sale in this state, during the preceding
154 month. Every taxpayer outside this state shall file a full and
155 complete report with the division through the division's
156 electronic data submission system ~~return~~ showing the quantity
157 and taxable price of each tobacco product shipped or transported
158 to retailers in this state, to be sold by those retailers,
159 during the preceding month. Reports must ~~Returns shall~~ be made
160 upon forms furnished and prescribed by the division and must
161 ~~shall~~ contain any other information that the division requires.
162 Each report must ~~return shall~~ be accompanied by a remittance for
163 the full tax liability shown and be filed with the division
164 through the division's electronic data submission system.

165 (2) As soon as practicable after any report ~~return~~ is
166 filed, the division shall examine each report ~~return~~ and correct
167 it, if necessary, according to its best judgment and
168 information. If the division finds that any amount of tax is due
169 from the taxpayer and unpaid, it shall notify the taxpayer of
170 the deficiency, stating that it proposes to assess the amount
171 due together with interest and penalties. If a deficiency
172 disclosed by the division's examination cannot be allocated to
173 one or more particular months, the division shall notify the
174 taxpayer of the deficiency, stating its intention to assess the
175 amount due for a given period without allocating it to any

176 particular months.

177 (3) If, within 60 days after the mailing of notice of the
178 proposed assessment, the taxpayer files a protest to the
179 proposed assessment and requests a hearing on it, the division
180 shall give notice to the taxpayer of the time and place fixed
181 for the hearing, shall hold a hearing on the protest, and shall
182 issue a final assessment to the taxpayer for the amount found to
183 be due as a result of the hearing. If a protest is not filed
184 within 60 days, the division shall issue a final assessment to
185 the taxpayer. In any action or proceeding in respect to the
186 proposed assessment, the taxpayer shall have the burden of
187 establishing the incorrectness or invalidity of any final
188 assessment made by the division.

189 (4) If any taxpayer required to file any report ~~return~~
190 fails to do so within the time prescribed, the taxpayer shall,
191 on the written demand of the division, file the report ~~return~~
192 within 20 days after mailing of the demand and at the same time
193 pay the tax due on its basis. If the taxpayer fails within that
194 time to file the report ~~return~~, the division shall prepare the
195 report ~~return~~ from its own knowledge and from the information
196 that it obtains and on that basis shall assess a tax, which
197 shall be paid within 10 days after the division has mailed to
198 the taxpayer a written notice of the amount and a demand for its
199 payment. In any action or proceeding in respect to the
200 assessment, the taxpayer shall have the burden of establishing

201 the incorrectness or invalidity of any report ~~return~~ or
202 assessment made by the division because of the failure of the
203 taxpayer to make a report ~~return~~.

204 (5) All taxes are due not later than the 10th day of the
205 month following the calendar month in which they were incurred,
206 and thereafter shall bear interest at the annual rate of 12
207 percent. If the amount of tax due for a given period is assessed
208 without allocating it to any particular month, the interest
209 shall begin with the date of the assessment.

210 (6) In issuing its final assessment, the division shall
211 add to the amount of tax found due and unpaid a penalty of 10
212 percent, but if it finds that the taxpayer has made a false
213 report ~~return~~ with intent to evade the tax, the penalty shall be
214 50 percent of the entire tax as shown by the corrected report
215 ~~return~~. In assessing a tax on the basis of a report ~~return~~ made
216 under subsection (4), the division shall add to the amount of
217 tax found due and unpaid a penalty of 25 percent.

218 (7) For the purpose of compensating the distributor for
219 the keeping of prescribed records and the proper accounting and
220 remitting of taxes imposed under this part, the distributor
221 shall be allowed 1 percent of the amount of the tax due and
222 accounted for and remitted to the division in the form of a
223 deduction in submitting his or her report and paying the amount
224 due; and the division shall allow such deduction of 1 percent of
225 the amount of the tax to the person paying the same for

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226 remitting the tax in the manner herein provided, for paying the
227 amount due to be paid by him or her, and as further compensation
228 to the distributor for the keeping of prescribed records and for
229 collection of taxes and remitting the same.

230 (a) The collection allowance may not be granted, nor may
231 any deduction be permitted, if the tax is delinquent at the time
232 of payment.

233 (b) The division may reduce the collection allowance by 10
234 percent or \$50, whichever is less, if a taxpayer files an
235 incomplete report ~~return~~.

236 1. An "incomplete report ~~return~~" means is, for purposes of
237 this section ~~part~~, a report ~~return~~ which is lacking such
238 uniformity, completeness, and arrangement that the physical
239 handling, verification, or review of the report ~~return~~ may not
240 be readily accomplished.

241 2. The division shall adopt rules requiring such
242 information as it may deem necessary to ensure that the tax
243 levied hereunder is properly collected, reviewed, compiled, and
244 enforced, including, but not limited to: the amount of taxable
245 sales; the amount of tax collected or due; the amount claimed as
246 the collection allowance; the amount of penalty and interest;
247 the amount due with the report ~~return~~; and such other
248 information as the division may specify.

249 Section 3. Section 210.60, Florida Statutes, is amended to
250 read:

251 210.60 Books, records, and invoices to be kept and
252 preserved; inspection by agents of division.—Every distributor
253 shall keep in each licensed place of business complete and
254 accurate records for that place of business, including itemized
255 invoices of tobacco products held, purchased, manufactured,
256 brought in or caused to be brought in from without the state, or
257 shipped or transported to retailers in this state, and of all
258 sales of tobacco products made, except sales to an ultimate
259 consumer. Such records shall show the names and addresses of
260 purchasers and other pertinent papers and documents relating to
261 the purchase, sale, or disposition of tobacco products. When a
262 licensed distributor sells tobacco products exclusively to
263 ultimate consumers at the addresses given in the license, no
264 invoice of those sales shall be required, but itemized invoices
265 shall be made of all tobacco products transferred to other
266 retail outlets owned or controlled by that licensed distributor.
267 All books, records and other papers, and other documents
268 required by this section to be kept shall be preserved for a
269 period of at least 3 years after the date of the documents, as
270 aforesaid, or the date of the entries thereof appearing in the
271 records, unless the division, in writing, authorizes their
272 destruction or disposal at an earlier date. At any time during
273 usual business hours, duly authorized agents or employees of the
274 division may enter any place of business of a distributor and
275 inspect the premises, the records required to be kept under this

276 part, and the tobacco products contained therein to determine
277 whether all the provisions of this part are being fully complied
278 with. Refusal to permit such inspection by a duly authorized
279 agent or employee of the division shall be grounds for
280 revocation of the license. Every person who sells tobacco
281 products to persons other than an ultimate consumer shall render
282 with each sale an itemized invoice showing the seller's name and
283 address, the purchaser's name and address, the date of sale, and
284 all prices and discounts. The seller shall preserve legible
285 copies of all such invoices for 3 years from the date of sale.
286 Every retailer shall produce itemized invoices of all tobacco
287 products purchased. The invoices shall show the name and address
288 of the seller and the date of purchase. The retailer shall
289 preserve a legible copy of each such invoice for 3 years from
290 the date of purchase. Invoices shall be available for inspection
291 by authorized agents or employees of the division at the
292 retailer's place of business. Any records required by this
293 section may be kept in an electronic or paper format.

294 Section 4. Subsection (3) of section 489.109, Florida
295 Statutes, is amended to read:

296 489.109 Fees.—

297 ~~(3) In addition to the fees provided in subsection (1) for~~
298 ~~application and renewal for certification and registration, all~~
299 ~~certificateholders and registrants must pay a fee of \$4 to the~~
300 ~~department at the time of application or renewal. The funds must~~

301 ~~be transferred at the end of each licensing period to the~~
302 ~~department to fund projects relating to the building~~
303 ~~construction industry or continuing education programs offered~~
304 ~~to persons engaged in the building construction industry in~~
305 ~~Florida, to be selected by the Florida Building Commission. The~~
306 ~~board shall, at the time the funds are transferred, advise the~~
307 ~~department on the most needed areas of research or continuing~~
308 ~~education based on significant changes in the industry's~~
309 ~~practices or on changes in the state building code or on the~~
310 ~~most common types of consumer complaints or on problems costing~~
311 ~~the state or local governmental entities substantial waste. The~~
312 ~~board's advice is not binding on the department. The department~~
313 ~~shall ensure the distribution of research reports and the~~
314 ~~availability of continuing education programs to all segments of~~
315 ~~the building construction industry to which they relate. The~~
316 ~~department shall report to the board in October of each year,~~
317 ~~summarizing the allocation of the funds by institution and~~
318 ~~summarizing the new projects funded and the status of previously~~
319 ~~funded projects.~~

320 Section 5. Section 489.118, Florida Statutes, is amended
321 to read:

322 489.118 Certification of registered contractors;
323 grandfathering provisions.—The board shall, upon receipt of a
324 completed application and appropriate fee, issue a certificate
325 in the appropriate category to any contractor registered under

326 | this part who makes application to the board and can show that
327 | he or she meets each of the following requirements:

328 | (1) Currently holds a valid registered local license in
329 | one of the contractor categories defined in s. 489.105(3)(a)-
330 | (p).

331 | (2) Has, for that category, passed a written examination
332 | that the board finds to be substantially similar to the
333 | examination required to be licensed as a certified contractor
334 | under this part. For purposes of this subsection, a written,
335 | proctored examination such as that produced by the National
336 | Assessment Institute, Block and Associates, NAI/Block, Experior
337 | Assessments, Professional Testing, Inc., or Assessment Systems,
338 | Inc., shall be considered to be substantially similar to the
339 | examination required to be licensed as a certified contractor.
340 | The board may not impose or make any requirements regarding the
341 | nature or content of these cited examinations.

342 | (3) Has at least 5 years of experience as a contractor in
343 | that contracting category, or as an inspector or building
344 | administrator with oversight over that category, at the time of
345 | application. For contractors, only time periods in which the
346 | contractor license is active and the contractor is not on
347 | probation shall count toward the 5 years required by this
348 | subsection.

349 | (4) Has not had his or her contractor's license revoked at
350 | any time, had his or her contractor's license suspended within

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351 the last 5 years, or been assessed a fine in excess of \$500
352 within the last 5 years.

353 (5) Is in compliance with the insurance and financial
354 responsibility requirements in s. 489.115(5).

355

356 ~~Applicants wishing to obtain a certificate pursuant to this~~
357 ~~section must make application by November 1, 2015.~~

358 Section 6. Paragraph (p) of subsection (2) of section
359 499.01, Florida Statutes, is amended to read:

360 499.01 Permits.—

361 (2) The following permits are established:

362 (p) Cosmetic manufacturer permit.—A cosmetic manufacturer
363 permit is required for any person that manufactures or
364 repackages cosmetics in this state. A person that only labels or
365 changes the labeling of a cosmetic but does not open the
366 container sealed by the manufacturer of the product is exempt
367 from obtaining a permit under this paragraph. A person who
368 manufactures cosmetics and has annual gross sales of \$25,000 or
369 less is exempt from the permit requirements of this subsection.
370 Upon request, an exempt cosmetics manufacturer must provide to
371 the department written documentation to verify his or her annual
372 gross sales, including all sales of cosmetic products at any
373 location, regardless of the types of products sold or the number
374 of persons involved in the operation.

375 1. An exempt cosmetics manufacturer may only:

376 a. Sell prepackaged cosmetics affixed with a label
377 containing information required by the United States Food and
378 Drug Administration.

379 b. Manufacture and sell cosmetics that are soaps, not
380 otherwise exempt from the definition of cosmetics, lotions,
381 moisturizers, and creams.

382 c. Sell cosmetics that are not adulterated or misbranded
383 in accordance with 21 U.S.C. ss. 361 and 362.

384 d. Sell cosmetic products that are stored on the premises
385 of the cosmetic manufacturing operation.

386 2. Each unit of cosmetics manufactured under this
387 paragraph must contain in contrasting color and not less than
388 10-point, the following statement: "Made by a manufacturer
389 exempt from Florida's cosmetic manufacturing permit
390 requirements."

391 3. The department may investigate any complaint which
392 alleges that an exempt cosmetics manufacturer has violated an
393 applicable provision of this chapter or rule adopted under this
394 chapter. The department's authorized officer or employee may
395 enter and inspect the premises of an exempt cosmetic
396 manufacturer to determine compliance with this chapter and
397 department rules, as applicable. A refusal to permit entry to
398 the premises or to conduct an inspection is grounds for
399 disciplinary action pursuant to s. 499.005.

400 4. This paragraph does not exempt any person from any

401 state or federal tax law, rule, regulation, or certificate, or
402 from any county or municipal law or ordinance that applies to
403 cosmetic manufacturing.

404 Section 7. Paragraph (d) is added to subsection (6) of
405 section 499.012, Florida Statutes, to read:

406 499.012 Permit application requirements.—

407 (6) A permit issued by the department is nontransferable.
408 Each permit is valid only for the person or governmental unit to
409 which it is issued and is not subject to sale, assignment, or
410 other transfer, voluntarily or involuntarily; nor is a permit
411 valid for any establishment other than the establishment for
412 which it was originally issued.

413 (d) When an establishment that requires a permit pursuant
414 to this part submits an application to the department for a
415 change of ownership or controlling interest or a change of
416 location with the required fees under this subsection, the
417 establishment may also submit a request for a temporary permit
418 granting the establishment authority to operate for no more than
419 90 calendar days. The establishment must submit the request for
420 a temporary permit to the department on a form provided by the
421 department and obtain authorization to operate with the
422 temporary permit before operating under the change of ownership
423 or operating at the new location. Upon authorization of a
424 temporary permit, the existing permit at the location for which
425 the temporary permit is submitted is immediately null and void.

426 A temporary permit may not be extended and shall expire and
427 become null and void by operation of law without further action
428 by the department at 12:01 a.m. on the 91st day after the
429 department authorizes such permit. Upon expiration of the
430 temporary permit, the establishment may not continue to operate
431 under such permit.

432

433 The department may revoke the permit of any person that fails to
434 comply with the requirements of this subsection.

435 Section 8. Subsection (8) is added to section 499.066,
436 Florida Statutes, to read:

437 499.066 Penalties; remedies.—In addition to other
438 penalties and other enforcement provisions:

439 (8) (a) The department shall adopt rules to authorize the
440 issuance of a remedial, nondisciplinary citation. A citation
441 shall be issued to the person alleged to have committed a
442 violation and contain the person's name, address, and license
443 number, if applicable; a brief factual statement; the sections
444 of the law allegedly violated; and the monetary assessment and
445 or other remedial measures imposed. The person shall have 30
446 days after the citation is served to contest the citation by
447 providing supplemental and clarifying information to the
448 department. The citation must clearly state that the person may
449 choose, in lieu of accepting the citation, to have the
450 department rescind the citation and conduct an investigation

451 pursuant to s. 499.051 of only those alleged violations
452 contained in the citation. The citation shall be rescinded by
453 the department if the person remedies or corrects the violations
454 or deficiencies contained in the citation within 30 days after
455 the citation is served. If the person does not successfully
456 contest the citation to the satisfaction of the department, or
457 complete remedial action pursuant to this paragraph, the
458 citation becomes a final order and does not constitute
459 discipline.

460 (b) The department is entitled to recover the costs of
461 investigation, in addition to any penalty provided according to
462 department rule, as part of the penalty levied pursuant to a
463 citation.

464 (c) A citation must be issued within 6 months after the
465 filing of the complaint that is the basis for the citation.

466 (d) Service of a citation may be made by personal service
467 or certified mail, restricted delivery, to the person at the
468 person's last known address of record with the department, or to
469 the person's Florida registered agent.

470 (e) The department may adopt rules to designate those
471 violations for which a person is subject to the issuance of a
472 citation and the monetary assessments and or other remedial
473 measures that must be taken for those violations. Violations
474 designated as subject to issuance of a citation shall include
475 violations for which there is no substantial threat to the

476 public health, safety, or welfare. The department has continuous
 477 authority to amend its rules adopted pursuant to this section.

478 Section 9. Subsection (1) of section 509.241, Florida
 479 Statutes, is amended to read:

480 509.241 Licenses required; exceptions.—

481 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
 482 establishment and public food service establishment shall obtain
 483 a license from the division. Such license may not be transferred
 484 from one place or individual to another. It shall be a
 485 misdemeanor of the second degree, punishable as provided in s.
 486 775.082 or s. 775.083, for such an establishment to operate
 487 without a license. Local law enforcement shall provide immediate
 488 assistance in pursuing an illegally operating establishment. The
 489 division may refuse a license, or a renewal thereof, to any
 490 establishment that is not constructed and maintained in
 491 accordance with law and with the rules of the division. The
 492 division may refuse to issue a license, or a renewal thereof, to
 493 any establishment an operator of which, within the preceding 5
 494 years, has been adjudicated guilty of, or has forfeited a bond
 495 when charged with, any crime reflecting on professional
 496 character, including soliciting for prostitution, pandering,
 497 letting premises for prostitution, keeping a disorderly place,
 498 or illegally dealing in controlled substances as defined in
 499 chapter 893, whether in this state or in any other jurisdiction
 500 within the United States, or has had a license denied, revoked,

501 or suspended pursuant to s. 429.14. Licenses shall be renewed
 502 annually, and the division shall adopt rules ~~a rule~~ establishing
 503 procedures ~~a staggered schedule~~ for license issuance and
 504 renewals. If any license expires while administrative charges
 505 are pending against the license, the proceedings against the
 506 license shall continue to conclusion as if the license were
 507 still in effect.

508 Section 10. Subsections (1) and (2) of section 509.251,
 509 Florida Statutes, are amended to read:

510 509.251 License fees.—

511 (1) The division shall adopt, by rule, a schedule of fees
 512 to be paid by each public lodging establishment as a
 513 prerequisite to issuance or renewal of a license. Such fees
 514 shall be based on the number of rental units in the
 515 establishment. The aggregate fee per establishment charged any
 516 public lodging establishment may not exceed \$1,000; however, the
 517 fees described in paragraphs (a) and (b) may not be included as
 518 part of the aggregate fee subject to this cap. Vacation rental
 519 units or timeshare projects within separate buildings or at
 520 separate locations but managed by one licensed agent may be
 521 combined in a single license application, and the division shall
 522 charge a license fee as if all units in the application are in a
 523 single licensed establishment. ~~The fee schedule shall require an~~
 524 ~~establishment which applies for an initial license to pay the~~
 525 ~~full license fee if application is made during the annual~~

526 ~~renewal period or more than 6 months before the next such~~
527 ~~renewal period and one-half of the fee if application is made 6~~
528 ~~months or less before such period.~~ The fee schedule shall
529 include fees collected for the purpose of funding the
530 Hospitality Education Program, pursuant to s. 509.302. All fees,
531 ~~which~~ are payable in full for each application at the time
532 ~~regardless of when~~ the application is submitted.

533 (a) Upon making initial application or an application for
534 change of ownership, the applicant shall pay to the division a
535 fee as prescribed by rule, not to exceed \$50, in addition to any
536 other fees required by law, which shall cover all costs
537 associated with initiating regulation of the establishment.

538 (b) A license renewal filed with the division after the
539 expiration date shall be accompanied by a delinquent fee as
540 prescribed by rule, not to exceed \$50, in addition to the
541 renewal fee and any other fees required by law.

542 (2) The division shall adopt, by rule, a schedule of fees
543 to be paid by each public food service establishment as a
544 prerequisite to issuance or renewal of a license. The fee
545 schedule shall prescribe a basic fee and additional fees based
546 on seating capacity and services offered. The aggregate fee per
547 establishment charged any public food service establishment may
548 not exceed \$400; however, the fees described in paragraphs (a)
549 and (b) may not be included as part of the aggregate fee subject
550 to this cap. ~~The fee schedule shall require an establishment~~

551 ~~which applies for an initial license to pay the full license fee~~
552 ~~if application is made during the annual renewal period or more~~
553 ~~than 6 months before the next such renewal period and one-half~~
554 ~~of the fee if application is made 6 months or less before such~~
555 ~~period.~~ The fee schedule shall include fees collected for the
556 purpose of funding the Hospitality Education Program, pursuant
557 to s. 509.302. All fees, which are payable in full for each
558 application at the time ~~regardless of when~~ the application is
559 submitted.

560 (a) Upon making initial application or an application for
561 change of ownership, the applicant shall pay to the division a
562 fee as prescribed by rule, not to exceed \$50, in addition to any
563 other fees required by law, which shall cover all costs
564 associated with initiating regulation of the establishment.

565 (b) A license renewal filed with the division after the
566 expiration date shall be accompanied by a delinquent fee as
567 prescribed by rule, not to exceed \$50, in addition to the
568 renewal fee and any other fees required by law.

569 Section 11. Section 548.003, Florida Statutes, is amended
570 to read:

571 548.003 Florida Athletic ~~State Boxing~~ Commission.—

572 (1) The Florida Athletic ~~State Boxing~~ Commission is
573 created and is assigned to the Department of Business and
574 Professional Regulation for administrative and fiscal
575 accountability purposes only. The ~~Florida State Boxing~~

576 commission shall consist of five members appointed by the
577 Governor, subject to confirmation by the Senate. One member must
578 be a physician licensed under ~~pursuant to~~ chapter 458 or chapter
579 459, who must maintain an unencumbered license in good standing,
580 and who must, at the time of her or his appointment, have
581 practiced medicine for at least 5 years. Upon the expiration of
582 the term of a commissioner, the Governor shall appoint a
583 successor to serve for a 4-year term. A commissioner whose term
584 has expired shall continue to serve on the commission until such
585 time as a replacement is appointed. If a vacancy on the
586 commission occurs before ~~prior to~~ the expiration of the term, it
587 shall be filled for the unexpired portion of the term in the
588 same manner as the original appointment.

589 (2) The ~~Florida State Boxing~~ commission, as created by
590 subsection (1), shall administer the provisions of this chapter.
591 The commission has authority to adopt rules pursuant to ss.
592 120.536(1) and 120.54 to implement the provisions of this
593 chapter and to implement each of the duties and responsibilities
594 conferred upon the commission, including, but not limited to:

595 (a) Development of an ethical code of conduct for
596 commissioners, commission staff, and commission officials.

597 (b) Facility and safety requirements relating to the ring,
598 floor plan and apron seating, emergency medical equipment and
599 services, and other equipment and services necessary for the
600 conduct of a program of matches.

601 (c) Requirements regarding a participant's apparel,
602 bandages, handwraps, gloves, mouthpiece, and appearance during a
603 match.

604 (d) Requirements relating to a manager's participation,
605 presence, and conduct during a match.

606 (e) Duties and responsibilities of all licensees under
607 this chapter.

608 (f) Procedures for hearings and resolution of disputes.

609 (g) Qualifications for appointment of referees and judges.

610 (h) Qualifications for and appointment of chief inspectors
611 and inspectors and duties and responsibilities of chief
612 inspectors and inspectors with respect to oversight and
613 coordination of activities for each program of matches regulated
614 under this chapter.

615 (i) Setting fee and reimbursement schedules for referees
616 and other officials appointed by the commission or the
617 representative of the commission.

618 (j) Establishment of criteria for approval, disapproval,
619 suspension of approval, and revocation of approval of amateur
620 sanctioning organizations for amateur boxing, kickboxing, and
621 mixed martial arts held in this state, including, but not
622 limited to, the health and safety standards the organizations
623 use before, during, and after the matches to ensure the health,
624 safety, and well-being of the amateurs participating in the
625 matches, including the qualifications and numbers of health care

626 personnel required to be present, the qualifications required
627 for referees, and other requirements relating to the health,
628 safety, and well-being of the amateurs participating in the
629 matches. The commission may adopt by rule, or incorporate by
630 reference into rule, the health and safety standards of USA
631 Boxing as the minimum health and safety standards for an amateur
632 boxing sanctioning organization, the health and safety standards
633 of the International Sport Kickboxing Association as the minimum
634 health and safety standards for an amateur kickboxing
635 sanctioning organization, and the minimum health and safety
636 standards for an amateur mixed martial arts sanctioning
637 organization. The commission shall review its rules for
638 necessary revision at least every 2 years and may adopt by rule,
639 or incorporate by reference into rule, the then-existing current
640 health and safety standards of USA Boxing and the International
641 Sport Kickboxing Association. The commission may adopt emergency
642 rules to administer this paragraph.

643 (3) The commission shall maintain an office in
644 Tallahassee. At the first meeting of the commission after June 1
645 of each year, the commission shall select a chair and a vice
646 chair from among its membership. Three members shall constitute
647 a quorum and the concurrence of at least three members is
648 necessary for official commission action.

649 (4) Three consecutive unexcused absences or absences
650 constituting 50 percent or more of the commission's meetings

651 within any 12-month period shall cause the commission membership
652 of the member in question to become void, and the position shall
653 be considered vacant. The commission shall, by rule, define
654 unexcused absences.

655 (5) Each commission member shall be accountable to the
656 Governor for the proper performance of duties as a member of the
657 commission. The Governor shall cause to be investigated any
658 complaint or unfavorable report received by the Governor or the
659 department concerning an action of the commission or any member
660 and shall take appropriate action thereon. The Governor may
661 remove from office any member for malfeasance, unethical
662 conduct, misfeasance, neglect of duty, incompetence, permanent
663 inability to perform official duties, or pleading guilty or nolo
664 contendere to or being found guilty of a felony.

665 (6) Each member of the commission shall be compensated at
666 the rate of \$50 for each day she or he attends a commission
667 meeting and shall be reimbursed for other expenses as provided
668 in s. 112.061.

669 (7) The commission shall be authorized to join and
670 participate in the activities of the Association of Boxing
671 Commissions (ABC).

672 (8) The department shall provide all legal and
673 investigative services necessary to implement this chapter. The
674 department may adopt rules as provided in ss. 120.536(1) and
675 120.54 to carry out its duties under this chapter.

676 Section 12. Subsection (3) of section 548.043, Florida
 677 Statutes, is amended to read:

678 548.043 Weights and classes, limitations; gloves.—

679 (3) The commission shall establish by rule the need for
 680 gloves, if any, and the weight of any such gloves to be used in
 681 each pugilistic match ~~the appropriate weight of gloves to be~~
 682 ~~used in each boxing match; however, all participants in boxing~~
 683 ~~matches shall wear gloves weighing not less than 8 ounces each~~
 684 ~~and participants in mixed martial arts matches shall wear gloves~~
 685 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
 686 protective devices as the commission deems necessary.

687 Section 13. Subsection (5) of section 553.841, Florida
 688 Statutes, is amended to read:

689 553.841 Building code compliance and mitigation program.—

690 ~~(5) Each biennium, upon receipt of funds by the Department~~
 691 ~~of Business and Professional Regulation from the Construction~~
 692 ~~Industry Licensing Board and the Electrical Contractors'~~
 693 ~~Licensing Board provided under ss. 489.109(3) and 489.509(3),~~
 694 ~~the department shall determine the amount of funds available for~~
 695 ~~the Florida Building Code Compliance and Mitigation Program.~~

696 Section 14. Subsection (20) of section 561.01, Florida
 697 Statutes, is amended to read:

698 561.01 Definitions.—As used in the Beverage Law:

699 ~~(20) "Permit carrier" means a licensee authorized to make~~
 700 ~~deliveries as provided in s. 561.57.~~

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701 Section 15. Subsections (1) and (2) of section 561.17,
702 Florida Statutes, are amended, and subsection (5) is added to
703 that section, to read:

704 561.17 License and registration applications; approved
705 person.—

706 (1) Any person, before engaging in the business of
707 manufacturing, bottling, distributing, selling, or in any way
708 dealing in alcoholic beverages, shall file, with the district
709 licensing personnel of the district of the division in which the
710 place of business for which a license is sought is located, a
711 sworn application in the format prescribed by the division. The
712 applicant must be a legal or business entity, person, or persons
713 and must include all persons, officers, shareholders, and
714 directors of such legal or business entity that have a direct or
715 indirect interest in the business seeking to be licensed under
716 this part. However, the applicant does not include any person
717 that derives revenue from the license solely through a
718 contractual relationship with the licensee, the substance of
719 which contractual relationship is not related to the control of
720 the sale of alcoholic beverages. Before any application is
721 approved, the division may require the applicant to file a set
722 of fingerprints electronically through an approved electronic
723 fingerprinting vendor or on ~~regular United States Department of~~
724 Justice forms prescribed by the Florida Department of Law
725 Enforcement for herself or himself and for any person or persons

726 interested directly or indirectly with the applicant in the
727 business for which the license is being sought, when required by
728 the division. If the applicant or any person who is interested
729 with the applicant either directly or indirectly in the business
730 or who has a security interest in the license being sought or
731 has a right to a percentage payment from the proceeds of the
732 business, either by lease or otherwise, is not qualified, the
733 division shall deny the application. However, any company
734 regularly traded on a national securities exchange and not over
735 the counter; any insurer, as defined in the Florida Insurance
736 Code; or any bank or savings and loan association chartered by
737 this state, another state, or the United States which has an
738 interest, directly or indirectly, in an alcoholic beverage
739 license is not required to obtain the division's approval of its
740 officers, directors, or stockholders or any change of such
741 positions or interests. A shopping center with five or more
742 stores, one or more of which has an alcoholic beverage license
743 and is required under a lease common to all shopping center
744 tenants to pay no more than 10 percent of the gross proceeds of
745 the business holding the license to the shopping center, is not
746 considered as having an interest, directly or indirectly, in the
747 license. A performing arts center, as defined in s. 561.01,
748 which has an interest, directly or indirectly, in an alcoholic
749 beverage license is not required to obtain division approval of
750 its volunteer officers or directors or of any change in such

751 positions or interests.

752 (2) All applications for any alcoholic beverage license
753 must be accompanied by proof of the applicant's right of
754 occupancy for the entire premises sought to be licensed. All
755 applications for alcoholic beverage licenses for consumption on
756 the premises shall be accompanied by a certificate of the
757 Division of Hotels and Restaurants of the Department of Business
758 and Professional Regulation, the Department of Agriculture and
759 Consumer Services, the Department of Health, the Agency for
760 Health Care Administration, or the county health department that
761 the place of business wherein the business is to be conducted
762 meets all of the sanitary requirements of the state.

763 (5) Any person or entity licensed or permitted by the
764 division must provide an electronic mail address to the division
765 to function as the primary contact for all communication by the
766 division to the licensee or permittees. Licensees and permittees
767 are responsible for maintaining accurate contact information on
768 file with the division.

769 Section 16. Paragraph (a) of subsection (2) of section
770 561.19, Florida Statutes, is amended to read:

771 561.19 License issuance upon approval of division.—

772 (2) (a) When beverage licenses become available by reason
773 of an increase in the population of a county, by reason of a
774 county permitting the sale of intoxicating beverages when such
775 sale had been prohibited, or by reason of the cancellation or

776 revocation of a quota beverage license, the division, if there
777 are more applicants than the number of available licenses, shall
778 provide a method of double random selection by public drawing to
779 determine which applicants shall be considered for issuance of
780 licenses. The double random selection drawing method shall allow
781 each applicant whose application is complete and does not
782 disclose on its face any matter rendering the applicant
783 ineligible an equal opportunity of obtaining an available
784 license. After all applications are filed with the director, the
785 director shall then determine by random selection drawing the
786 order in which each applicant's name shall be matched with a
787 number selected by random drawing, and that number shall
788 determine the order in which the applicant will be considered
789 for a license. This paragraph does not prohibit a person holding
790 a perfected lien or security interest in a quota alcoholic
791 beverage license, in accordance with s. 561.65, from enforcing
792 the lien or security interest against the license within 180
793 days after a final order of revocation or suspension. A revoked
794 quota alcoholic beverage license encumbered by a lien or
795 security interest, perfected pursuant to s. 561.65, may not be
796 issued under this subsection until the 180-day period has
797 elapsed or until such enforcement proceeding is final.

798 Section 17. Paragraph (a) of subsection (2) of section
799 561.20, Florida Statutes, is amended to read:

800 561.20 Limitation upon number of licenses issued.—

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801 (2) (a) The limitation of the number of licenses as
802 provided in this section does not prohibit the issuance of a
803 special license to:

804 1. Any bona fide hotel, motel, or motor court of not fewer
805 than 80 guest rooms in any county having a population of less
806 than 50,000 residents, and of not fewer than 100 guest rooms in
807 any county having a population of 50,000 residents or greater;
808 or any bona fide hotel or motel located in a historic structure,
809 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
810 guest rooms which derives at least 51 percent of its gross
811 revenue from the rental of hotel or motel rooms, which is
812 licensed as a public lodging establishment by the Division of
813 Hotels and Restaurants; provided, however, that a bona fide
814 hotel or motel with no fewer than 10 and no more than 25 guest
815 rooms which is a historic structure, as defined in s. 561.01(20)
816 ~~s. 561.01(21)~~, in a municipality that on the effective date of
817 this act has a population, according to the University of
818 Florida's Bureau of Economic and Business Research Estimates of
819 Population for 1998, of no fewer than 25,000 and no more than
820 35,000 residents and that is within a constitutionally chartered
821 county may be issued a special license. This special license
822 shall allow the sale and consumption of alcoholic beverages only
823 on the licensed premises of the hotel or motel. In addition, the
824 hotel or motel must derive at least 60 percent of its gross
825 revenue from the rental of hotel or motel rooms and the sale of

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826 food and nonalcoholic beverages; provided that this subparagraph
827 shall supersede local laws requiring a greater number of hotel
828 rooms;

829 2. Any condominium accommodation of which no fewer than
830 100 condominium units are wholly rentable to transients and
831 which is licensed under chapter 509, except that the license
832 shall be issued only to the person or corporation that operates
833 the hotel or motel operation and not to the association of
834 condominium owners;

835 3. Any condominium accommodation of which no fewer than 50
836 condominium units are wholly rentable to transients, which is
837 licensed under chapter 509, and which is located in any county
838 having home rule under s. 10 or s. 11, Art. VIII of the State
839 Constitution of 1885, as amended, and incorporated by reference
840 in s. 6(e), Art. VIII of the State Constitution, except that the
841 license shall be issued only to the person or corporation that
842 operates the hotel or motel operation and not to the association
843 of condominium owners;

844 4. A food service establishment that has 2,500 square feet
845 of service area, is equipped to serve meals to 150 persons at
846 one time, and derives at least 51 percent of its gross food and
847 beverage revenue from the sale of food and nonalcoholic
848 beverages during the first 120-day ~~60-day~~ operating period and
849 the first ~~each~~ 12-month operating period thereafter. Subsequent
850 audit timeframes must be based upon the audit percentage

851 established by the most recent audit and conducted on a
852 staggered scale as follows: level 1, 51 percent to 60 percent,
853 every year; level 2, 61 percent to 75 percent, every 2 years;
854 level 3, 76 percent to 90 percent, every 3 years; and level 4,
855 91 percent to 100 percent, every 4 years. A food service
856 establishment granted a special license on or after January 1,
857 1958, pursuant to general or special law may not operate as a
858 package store and may not sell intoxicating beverages under such
859 license after the hours of serving or consumption of food have
860 elapsed. Failure by a licensee to meet the required percentage
861 of food and nonalcoholic beverage gross revenues during the
862 covered operating period shall result in revocation of the
863 license or denial of the pending license application. A licensee
864 whose license is revoked or an applicant whose pending
865 application is denied, or any person required to qualify on the
866 special license application, is ineligible to have any interest
867 in a subsequent application for such a license for a period of
868 120 days after the date of the final denial or revocation;

869 5. Any caterer, deriving at least 51 percent of its gross
870 food and beverage revenue from the sale of food and nonalcoholic
871 beverages at each catered event, licensed by the Division of
872 Hotels and Restaurants under chapter 509. This subparagraph does
873 not apply to a culinary education program, as defined in s.
874 381.0072(2), which is licensed as a public food service
875 establishment by the Division of Hotels and Restaurants and

876 provides catering services. Notwithstanding any law to the
877 contrary, a licensee under this subparagraph shall sell or serve
878 alcoholic beverages only for consumption on the premises of a
879 catered event at which the licensee is also providing prepared
880 food, and shall prominently display its license at any catered
881 event at which the caterer is selling or serving alcoholic
882 beverages. A licensee under this subparagraph shall purchase all
883 alcoholic beverages it sells or serves at a catered event from a
884 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
885 under s. 565.02(1) subject to the limitation imposed in
886 subsection (1), as appropriate. A licensee under this
887 subparagraph may not store any alcoholic beverages to be sold or
888 served at a catered event. Any alcoholic beverages purchased by
889 a licensee under this subparagraph for a catered event that are
890 not used at that event must remain with the customer; provided
891 that if the vendor accepts unopened alcoholic beverages, the
892 licensee may return such alcoholic beverages to the vendor for a
893 credit or reimbursement. Regardless of the county or counties in
894 which the licensee operates, a licensee under this subparagraph
895 shall pay the annual state license tax set forth in s.
896 565.02(1)(b). A licensee under this subparagraph must maintain
897 for a period of 3 years all records and receipts for each
898 catered event, including all contracts, customers' names, event
899 locations, event dates, food purchases and sales, alcoholic
900 beverage purchases and sales, nonalcoholic beverage purchases

901 and sales, and any other records required by the department by
902 rule to demonstrate compliance with the requirements of this
903 subparagraph. Notwithstanding any law to the contrary, any
904 vendor licensed under s. 565.02(1) subject to the limitation
905 imposed in subsection (1), may, without any additional licensure
906 under this subparagraph, serve or sell alcoholic beverages for
907 consumption on the premises of a catered event at which prepared
908 food is provided by a caterer licensed under chapter 509. If a
909 licensee under this subparagraph also possesses any other
910 license under the Beverage Law, the license issued under this
911 subparagraph may ~~shall~~ not authorize the holder to conduct
912 activities on the premises to which the other license or
913 licenses apply that would otherwise be prohibited by the terms
914 of that license or the Beverage Law. Nothing in this section
915 shall permit the licensee to conduct activities that are
916 otherwise prohibited by the Beverage Law or local law. The
917 Division of Alcoholic Beverages and Tobacco is hereby authorized
918 to adopt rules to administer the license created in this
919 subparagraph, to include rules governing licensure,
920 recordkeeping, and enforcement. The first \$300,000 in fees
921 collected by the division each fiscal year pursuant to this
922 subparagraph shall be deposited in the Department of Children
923 and Families' Operations and Maintenance Trust Fund to be used
924 only for alcohol and drug abuse education, treatment, and
925 prevention programs. The remainder of the fees collected shall

926 | be deposited into the Hotel and Restaurant Trust Fund created
927 | pursuant to s. 509.072; or

928 | 6. A culinary education program as defined in s.
929 | 381.0072(2) which is licensed as a public food service
930 | establishment by the Division of Hotels and Restaurants.

931 | a. This special license shall allow the sale and
932 | consumption of alcoholic beverages on the licensed premises of
933 | the culinary education program. The culinary education program
934 | shall specify designated areas in the facility where the
935 | alcoholic beverages may be consumed at the time of application.
936 | Alcoholic beverages sold for consumption on the premises may be
937 | consumed only in areas designated pursuant to s. 561.01(11) and
938 | may not be removed from the designated area. Such license shall
939 | be applicable only in and for designated areas used by the
940 | culinary education program.

941 | b. If the culinary education program provides catering
942 | services, this special license shall also allow the sale and
943 | consumption of alcoholic beverages on the premises of a catered
944 | event at which the licensee is also providing prepared food. A
945 | culinary education program that provides catering services is
946 | not required to derive at least 51 percent of its gross revenue
947 | from the sale of food and nonalcoholic beverages.
948 | Notwithstanding any law to the contrary, a licensee that
949 | provides catering services under this sub-subparagraph shall
950 | prominently display its beverage license at any catered event at

951 which the caterer is selling or serving alcoholic beverages.
952 Regardless of the county or counties in which the licensee
953 operates, a licensee under this sub-subparagraph shall pay the
954 annual state license tax set forth in s. 565.02(1)(b). A
955 licensee under this sub-subparagraph must maintain for a period
956 of 3 years all records required by the department by rule to
957 demonstrate compliance with the requirements of this sub-
958 subparagraph.

959 c. If a licensee under this subparagraph also possesses
960 any other license under the Beverage Law, the license issued
961 under this subparagraph does not authorize the holder to conduct
962 activities on the premises to which the other license or
963 licenses apply that would otherwise be prohibited by the terms
964 of that license or the Beverage Law. Nothing in this
965 subparagraph shall permit the licensee to conduct activities
966 that are otherwise prohibited by the Beverage Law or local law.
967 Any culinary education program that holds a license to sell
968 alcoholic beverages shall comply with the age requirements set
969 forth in ss. 562.11(4), 562.111(2), and 562.13.

970 d. The Division of Alcoholic Beverages and Tobacco may
971 adopt rules to administer the license created in this
972 subparagraph, to include rules governing licensure,
973 recordkeeping, and enforcement.

974 e. A license issued pursuant to this subparagraph does not
975 permit the licensee to sell alcoholic beverages by the package

976 | for off-premises consumption.
977 |
978 | However, any license heretofore issued to any such hotel, motel,
979 | motor court, or restaurant or hereafter issued to any such
980 | hotel, motel, or motor court, including a condominium
981 | accommodation, under the general law shall not be moved to a new
982 | location, such license being valid only on the premises of such
983 | hotel, motel, motor court, or restaurant. Licenses issued to
984 | hotels, motels, motor courts, or restaurants under the general
985 | law and held by such hotels, motels, motor courts, or
986 | restaurants on May 24, 1947, shall be counted in the quota
987 | limitation contained in subsection (1). Any license issued for
988 | any hotel, motel, or motor court under this law shall be issued
989 | only to the owner of the hotel, motel, or motor court or, in the
990 | event the hotel, motel, or motor court is leased, to the lessee
991 | of the hotel, motel, or motor court; and the license shall
992 | remain in the name of the owner or lessee so long as the license
993 | is in existence. Any special license now in existence heretofore
994 | issued under this law cannot be renewed except in the name of
995 | the owner of the hotel, motel, motor court, or restaurant or, in
996 | the event the hotel, motel, motor court, or restaurant is
997 | leased, in the name of the lessee of the hotel, motel, motor
998 | court, or restaurant in which the license is located and must
999 | remain in the name of the owner or lessee so long as the license
1000 | is in existence. Any license issued under this section shall be

1001 marked "Special," and nothing herein provided shall limit,
 1002 restrict, or prevent the issuance of a special license for any
 1003 restaurant or motel which shall hereafter meet the requirements
 1004 of the law existing immediately prior to the effective date of
 1005 this act, if construction of such restaurant has commenced prior
 1006 to the effective date of this act and is completed within 30
 1007 days thereafter, or if an application is on file for such
 1008 special license at the time this act takes effect; and any such
 1009 licenses issued under this proviso may be annually renewed as
 1010 now provided by law. Nothing herein prevents an application for
 1011 transfer of a license to a bona fide purchaser of any hotel,
 1012 motel, motor court, or restaurant by the purchaser of such
 1013 facility or the transfer of such license pursuant to law.

1014 Section 18. Subsection (4) of section 561.42, Florida
 1015 Statutes, is amended to read:

1016 561.42 Tied house evil; financial aid and assistance to
 1017 vendor by manufacturer, distributor, importer, primary American
 1018 source of supply, brand owner or registrant, or any broker,
 1019 sales agent, or sales person thereof, prohibited; procedure for
 1020 enforcement; exception.—

1021 (4) Before the division shall so declare and prohibit such
 1022 sales to such vendor, ~~it shall,~~ within 2 days after receipt of
 1023 such notice, the division shall give ~~written~~ notice to such
 1024 vendor by electronic mail of the receipt by the division of such
 1025 notification of delinquency and such vendor shall be directed to

1026 | forthwith make payment thereof or, upon failure to do so, to
1027 | show cause before the division why further sales to such vendor
1028 | may ~~shall~~ not be prohibited. Good and sufficient cause to
1029 | prevent such action by the division may be made by showing
1030 | payment, failure of consideration, or any other defense which
1031 | would be considered sufficient in a common-law action. The
1032 | vendor shall have 5 days after service ~~receipt~~ of such notice
1033 | via electronic mail within which to show such cause, and he or
1034 | she may demand a hearing thereon, provided he or she does so in
1035 | writing within said 5 days, such written demand to be delivered
1036 | to the division either in person, by electronic mail, or by due
1037 | course of mail within such 5 days. If no such demand for hearing
1038 | is made, the division shall thereupon declare in writing to such
1039 | vendor and to all manufacturers and distributors within the
1040 | state that all further sales to such vendor are prohibited until
1041 | such time as the division certifies in writing that such vendor
1042 | has fully paid for all liquors previously purchased. In the
1043 | event such prohibition of sales and declaration thereof to the
1044 | vendor, manufacturers, and distributors is ordered by the
1045 | division, the vendor may seek review of such decision by the
1046 | Department of Business and Professional Regulation within 5
1047 | days. In the event application for such review is filed within
1048 | such time, such prohibition of sales may ~~shall~~ not be made,
1049 | published, or declared until final disposition of such review by
1050 | the department.

1051 Section 19. Subsection (2) of section 561.55, Florida
 1052 Statutes, is amended to read:

1053 561.55 Manufacturers', distributors', brokers', sales
 1054 agents', importers', vendors', and exporters' records and
 1055 reports.—

1056 (2) Each manufacturer, distributor, broker, sales agent,
 1057 and importer shall make a full and complete report by the 10th
 1058 day of each month for the previous calendar month. The report
 1059 must be ~~shall be made out in triplicate; two copies shall be~~
 1060 ~~sent to the division, and the third copy shall be retained for~~
 1061 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
 1062 ~~importer's record. Reports shall be made on forms prepared and~~
 1063 ~~furnished by the division~~ and filed with the division through
 1064 the division's electronic data submission system.

1065 Section 20. Section 562.455, Florida Statutes, is amended
 1066 to read:

1067 562.455 Adulterating liquor; penalty.—Whoever adulterates,
 1068 for the purpose of sale, any liquor, used or intended for drink,
 1069 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,
 1070 capsicum, copperas, laurel water, logwood, brazil wood,
 1071 cochineal, sugar of lead, or any other substance which is
 1072 poisonous or injurious to health, and whoever knowingly sells
 1073 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
 1074 of the third degree, punishable as provided in s. 775.082, s.
 1075 775.083, or s. 775.084.

1076 Section 21. Paragraphs (d) and (f) of subsection (2) of
 1077 section 718.112, Florida Statutes, are amended to read:

1078 718.112 Bylaws.—

1079 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 1080 following and, if they do not do so, shall be deemed to include
 1081 the following:

1082 (d) *Unit owner meetings*.—

1083 1. An annual meeting of the unit owners must be held at
 1084 the location provided in the association bylaws and, if the
 1085 bylaws are silent as to the location, the meeting must be held
 1086 within 45 miles of the condominium property. However, such
 1087 distance requirement does not apply to an association governing
 1088 a timeshare condominium.

1089 2. Unless the bylaws provide otherwise, a vacancy on the
 1090 board caused by the expiration of a director's term must be
 1091 filled by electing a new board member, and the election must be
 1092 by secret ballot. An election is not required if the number of
 1093 vacancies equals or exceeds the number of candidates. For
 1094 purposes of this paragraph, the term "candidate" means an
 1095 eligible person who has timely submitted the written notice, as
 1096 described in sub-subparagraph 4.a., of his or her intention to
 1097 become a candidate. Except in a timeshare or nonresidential
 1098 condominium, or if the staggered term of a board member does not
 1099 expire until a later annual meeting, or if all members' terms
 1100 would otherwise expire but there are no candidates, the terms of

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1101 all board members expire at the annual meeting, and such members
1102 may stand for reelection unless prohibited by the bylaws. Board
1103 members may serve terms longer than 1 year if permitted by the
1104 bylaws or articles of incorporation. A board member may not
1105 serve more than 8 consecutive years unless approved by an
1106 affirmative vote of unit owners representing two-thirds of all
1107 votes cast in the election or unless there are not enough
1108 eligible candidates to fill the vacancies on the board at the
1109 time of the vacancy. If the number of board members whose terms
1110 expire at the annual meeting equals or exceeds the number of
1111 candidates, the candidates become members of the board effective
1112 upon the adjournment of the annual meeting. Unless the bylaws
1113 provide otherwise, any remaining vacancies shall be filled by
1114 the affirmative vote of the majority of the directors making up
1115 the newly constituted board even if the directors constitute
1116 less than a quorum or there is only one director. In a
1117 residential condominium association of more than 10 units or in
1118 a residential condominium association that does not include
1119 timeshare units or timeshare interests, co-owners of a unit may
1120 not serve as members of the board of directors at the same time
1121 unless they own more than one unit or unless there are not
1122 enough eligible candidates to fill the vacancies on the board at
1123 the time of the vacancy. A unit owner in a residential
1124 condominium desiring to be a candidate for board membership must
1125 comply with sub-subparagraph 4.a. and must be eligible to be a

1126 candidate to serve on the board of directors at the time of the
1127 deadline for submitting a notice of intent to run in order to
1128 have his or her name listed as a proper candidate on the ballot
1129 or to serve on the board. A person who has been suspended or
1130 removed by the division under this chapter, or who is delinquent
1131 in the payment of any assessment ~~monetary obligation~~ due to the
1132 association, is not eligible to be a candidate for board
1133 membership and may not be listed on the ballot. For purposes of
1134 this paragraph, a person is delinquent if a payment is not made
1135 by the due date as specifically identified in the declaration of
1136 condominium, bylaws, or articles of incorporation. If a due date
1137 is not specifically identified in the declaration of
1138 condominium, bylaws, or articles of incorporation, the due date
1139 is the first day of the assessment period. A person who has been
1140 convicted of any felony in this state or in a United States
1141 District or Territorial Court, or who has been convicted of any
1142 offense in another jurisdiction which would be considered a
1143 felony if committed in this state, is not eligible for board
1144 membership unless such felon's civil rights have been restored
1145 for at least 5 years as of the date such person seeks election
1146 to the board. The validity of an action by the board is not
1147 affected if it is later determined that a board member is
1148 ineligible for board membership due to having been convicted of
1149 a felony. This subparagraph does not limit the term of a member
1150 of the board of a nonresidential or timeshare condominium.

1151 3. The bylaws must provide the method of calling meetings
1152 of unit owners, including annual meetings. Written notice must
1153 include an agenda, must be mailed, hand delivered, or
1154 electronically transmitted to each unit owner at least 14 days
1155 before the annual meeting, and must be posted in a conspicuous
1156 place on the condominium property at least 14 continuous days
1157 before the annual meeting. Upon notice to the unit owners, the
1158 board shall, by duly adopted rule, designate a specific location
1159 on the condominium property where all notices of unit owner
1160 meetings must be posted. This requirement does not apply if
1161 there is no condominium property for posting notices. In lieu
1162 of, or in addition to, the physical posting of meeting notices,
1163 the association may, by reasonable rule, adopt a procedure for
1164 conspicuously posting and repeatedly broadcasting the notice and
1165 the agenda on a closed-circuit cable television system serving
1166 the condominium association. However, if broadcast notice is
1167 used in lieu of a notice posted physically on the condominium
1168 property, the notice and agenda must be broadcast at least four
1169 times every broadcast hour of each day that a posted notice is
1170 otherwise required under this section. If broadcast notice is
1171 provided, the notice and agenda must be broadcast in a manner
1172 and for a sufficient continuous length of time so as to allow an
1173 average reader to observe the notice and read and comprehend the
1174 entire content of the notice and the agenda. In addition to any
1175 of the authorized means of providing notice of a meeting of the

1176 board, the association may, by rule, adopt a procedure for
1177 conspicuously posting the meeting notice and the agenda on a
1178 website serving the condominium association for at least the
1179 minimum period of time for which a notice of a meeting is also
1180 required to be physically posted on the condominium property.
1181 Any rule adopted shall, in addition to other matters, include a
1182 requirement that the association send an electronic notice in
1183 the same manner as a notice for a meeting of the members, which
1184 must include a hyperlink to the website where the notice is
1185 posted, to unit owners whose e-mail addresses are included in
1186 the association's official records. Unless a unit owner waives
1187 in writing the right to receive notice of the annual meeting,
1188 such notice must be hand delivered, mailed, or electronically
1189 transmitted to each unit owner. Notice for meetings and notice
1190 for all other purposes must be mailed to each unit owner at the
1191 address last furnished to the association by the unit owner, or
1192 hand delivered to each unit owner. However, if a unit is owned
1193 by more than one person, the association must provide notice to
1194 the address that the developer identifies for that purpose and
1195 thereafter as one or more of the owners of the unit advise the
1196 association in writing, or if no address is given or the owners
1197 of the unit do not agree, to the address provided on the deed of
1198 record. An officer of the association, or the manager or other
1199 person providing notice of the association meeting, must provide
1200 an affidavit or United States Postal Service certificate of

1201 mailing, to be included in the official records of the
1202 association affirming that the notice was mailed or hand
1203 delivered in accordance with this provision.

1204 4. The members of the board of a residential condominium
1205 shall be elected by written ballot or voting machine. Proxies
1206 may not be used in electing the board in general elections or
1207 elections to fill vacancies caused by recall, resignation, or
1208 otherwise, unless otherwise provided in this chapter. This
1209 subparagraph does not apply to an association governing a
1210 timeshare condominium.

1211 a. At least 60 days before a scheduled election, the
1212 association shall mail, deliver, or electronically transmit, by
1213 separate association mailing or included in another association
1214 mailing, delivery, or transmission, including regularly
1215 published newsletters, to each unit owner entitled to a vote, a
1216 first notice of the date of the election. A unit owner or other
1217 eligible person desiring to be a candidate for the board must
1218 give written notice of his or her intent to be a candidate to
1219 the association at least 40 days before a scheduled election.
1220 Together with the written notice and agenda as set forth in
1221 subparagraph 3., the association shall mail, deliver, or
1222 electronically transmit a second notice of the election to all
1223 unit owners entitled to vote, together with a ballot that lists
1224 all candidates. Upon request of a candidate, an information
1225 sheet, no larger than 8 1/2 inches by 11 inches, which must be

1226 furnished by the candidate at least 35 days before the election,
1227 must be included with the mailing, delivery, or transmission of
1228 the ballot, with the costs of mailing, delivery, or electronic
1229 transmission and copying to be borne by the association. The
1230 association is not liable for the contents of the information
1231 sheets prepared by the candidates. In order to reduce costs, the
1232 association may print or duplicate the information sheets on
1233 both sides of the paper. The division shall by rule establish
1234 voting procedures consistent with this sub-subparagraph,
1235 including rules establishing procedures for giving notice by
1236 electronic transmission and rules providing for the secrecy of
1237 ballots. Elections shall be decided by a plurality of ballots
1238 cast. There is no quorum requirement; however, at least 20
1239 percent of the eligible voters must cast a ballot in order to
1240 have a valid election. A unit owner may not authorize any other
1241 person to vote his or her ballot, and any ballots improperly
1242 cast are invalid. A unit owner who violates this provision may
1243 be fined by the association in accordance with s. 718.303. A
1244 unit owner who needs assistance in casting the ballot for the
1245 reasons stated in s. 101.051 may obtain such assistance. The
1246 regular election must occur on the date of the annual meeting.
1247 Notwithstanding this sub-subparagraph, an election is not
1248 required unless more candidates file notices of intent to run or
1249 are nominated than board vacancies exist.

1250 b. Within 90 days after being elected or appointed to the

1251 board of an association of a residential condominium, each newly
1252 elected or appointed director shall certify in writing to the
1253 secretary of the association that he or she has read the
1254 association's declaration of condominium, articles of
1255 incorporation, bylaws, and current written policies; that he or
1256 she will work to uphold such documents and policies to the best
1257 of his or her ability; and that he or she will faithfully
1258 discharge his or her fiduciary responsibility to the
1259 association's members. In lieu of this written certification,
1260 within 90 days after being elected or appointed to the board,
1261 the newly elected or appointed director may submit a certificate
1262 of having satisfactorily completed the educational curriculum
1263 administered by a division-approved condominium education
1264 provider within 1 year before or 90 days after the date of
1265 election or appointment. The written certification or
1266 educational certificate is valid and does not have to be
1267 resubmitted as long as the director serves on the board without
1268 interruption. A director of an association of a residential
1269 condominium who fails to timely file the written certification
1270 or educational certificate is suspended from service on the
1271 board until he or she complies with this sub-subparagraph. The
1272 board may temporarily fill the vacancy during the period of
1273 suspension. The secretary shall cause the association to retain
1274 a director's written certification or educational certificate
1275 for inspection by the members for 5 years after a director's

1276 election or the duration of the director's uninterrupted tenure,
1277 whichever is longer. Failure to have such written certification
1278 or educational certificate on file does not affect the validity
1279 of any board action.

1280 c. Any challenge to the election process must be commenced
1281 within 60 days after the election results are announced.

1282 5. Any approval by unit owners called for by this chapter
1283 or the applicable declaration or bylaws, including, but not
1284 limited to, the approval requirement in s. 718.111(8), must be
1285 made at a duly noticed meeting of unit owners and is subject to
1286 all requirements of this chapter or the applicable condominium
1287 documents relating to unit owner decisionmaking, except that
1288 unit owners may take action by written agreement, without
1289 meetings, on matters for which action by written agreement
1290 without meetings is expressly allowed by the applicable bylaws
1291 or declaration or any law that provides for such action.

1292 6. Unit owners may waive notice of specific meetings if
1293 allowed by the applicable bylaws or declaration or any law.
1294 Notice of meetings of the board of administration, unit owner
1295 meetings, except unit owner meetings called to recall board
1296 members under paragraph (j), and committee meetings may be given
1297 by electronic transmission to unit owners who consent to receive
1298 notice by electronic transmission. A unit owner who consents to
1299 receiving notices by electronic transmission is solely
1300 responsible for removing or bypassing filters that block receipt

1301 of mass emails sent to members on behalf of the association in
1302 the course of giving electronic notices.

1303 7. Unit owners have the right to participate in meetings
1304 of unit owners with reference to all designated agenda items.
1305 However, the association may adopt reasonable rules governing
1306 the frequency, duration, and manner of unit owner participation.

1307 8. A unit owner may tape record or videotape a meeting of
1308 the unit owners subject to reasonable rules adopted by the
1309 division.

1310 9. Unless otherwise provided in the bylaws, any vacancy
1311 occurring on the board before the expiration of a term may be
1312 filled by the affirmative vote of the majority of the remaining
1313 directors, even if the remaining directors constitute less than
1314 a quorum, or by the sole remaining director. In the alternative,
1315 a board may hold an election to fill the vacancy, in which case
1316 the election procedures must conform to sub-subparagraph 4.a.
1317 unless the association governs 10 units or fewer and has opted
1318 out of the statutory election process, in which case the bylaws
1319 of the association control. Unless otherwise provided in the
1320 bylaws, a board member appointed or elected under this section
1321 shall fill the vacancy for the unexpired term of the seat being
1322 filled. Filling vacancies created by recall is governed by
1323 paragraph (j) and rules adopted by the division.

1324 10. This chapter does not limit the use of general or
1325 limited proxies, require the use of general or limited proxies,

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1326 or require the use of a written ballot or voting machine for any
1327 agenda item or election at any meeting of a timeshare
1328 condominium association or nonresidential condominium
1329 association.

1330

1331 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1332 association of 10 or fewer units may, by affirmative vote of a
1333 majority of the total voting interests, provide for different
1334 voting and election procedures in its bylaws, which may be by a
1335 proxy specifically delineating the different voting and election
1336 procedures. The different voting and election procedures may
1337 provide for elections to be conducted by limited or general
1338 proxy.

1339 (f) *Annual budget.*—

1340 1. The proposed annual budget of estimated revenues and
1341 expenses must be detailed and must show the amounts budgeted by
1342 accounts and expense classifications, including, at a minimum,
1343 any applicable expenses listed in s. 718.504(21). The annual
1344 budget must be proposed to unit owners and adopted by the board
1345 of directors no later than 30 days before the beginning of the
1346 fiscal year. A multicondominium association shall adopt a
1347 separate budget of common expenses for each condominium the
1348 association operates and shall adopt a separate budget of common
1349 expenses for the association. In addition, if the association
1350 maintains limited common elements with the cost to be shared

1351 only by those entitled to use the limited common elements as
1352 provided for in s. 718.113(1), the budget or a schedule attached
1353 to it must show the amount budgeted for this maintenance. If,
1354 after turnover of control of the association to the unit owners,
1355 any of the expenses listed in s. 718.504(21) are not applicable,
1356 they need not be listed.

1357 2.a. In addition to annual operating expenses, the budget
1358 must include reserve accounts for capital expenditures and
1359 deferred maintenance. These accounts must include, but are not
1360 limited to, roof replacement, building painting, and pavement
1361 resurfacing, regardless of the amount of deferred maintenance
1362 expense or replacement cost, and any other item that has a
1363 deferred maintenance expense or replacement cost that exceeds
1364 \$10,000. The amount to be reserved must be computed using a
1365 formula based upon estimated remaining useful life and estimated
1366 replacement cost or deferred maintenance expense of each reserve
1367 item. The association may adjust replacement reserve assessments
1368 annually to take into account any changes in estimates or
1369 extension of the useful life of a reserve item caused by
1370 deferred maintenance. This subsection does not apply to an
1371 adopted budget in which the members of an association have
1372 determined, by a majority vote at a duly called meeting of the
1373 association, to provide no reserves or less reserves than
1374 required by this subsection.

1375 b. Before turnover of control of an association by a

1376 developer to unit owners other than a developer pursuant to s.
1377 718.301, the developer may vote the voting interests allocated
1378 to its units to waive the reserves or reduce the funding of
1379 reserves through the period expiring at the end of the second
1380 fiscal year after the fiscal year in which the certificate of a
1381 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
1382 an instrument that transfers title to a unit in the condominium
1383 which is not accompanied by a recorded assignment of developer
1384 rights in favor of the grantee of such unit is recorded,
1385 whichever occurs first, after which time reserves may be waived
1386 or reduced only upon the vote of a majority of all nondeveloper
1387 voting interests voting in person or by limited proxy at a duly
1388 called meeting of the association. If a meeting of the unit
1389 owners has been called to determine whether to waive or reduce
1390 the funding of reserves and no such result is achieved or a
1391 quorum is not attained, the reserves included in the budget
1392 shall go into effect. After the turnover, the developer may vote
1393 its voting interest to waive or reduce the funding of reserves.

1394 3. Reserve funds and any interest accruing thereon shall
1395 remain in the reserve account or accounts, and may be used only
1396 for authorized reserve expenditures unless their use for other
1397 purposes is approved in advance by a majority vote at a duly
1398 called meeting of the association. Before turnover of control of
1399 an association by a developer to unit owners other than the
1400 developer pursuant to s. 718.301, the developer-controlled

1401 association may not vote to use reserves for purposes other than
1402 those for which they were intended without the approval of a
1403 majority of all nondeveloper voting interests, voting in person
1404 or by limited proxy at a duly called meeting of the association.

1405 4. The only voting interests that are eligible to vote on
1406 questions that involve waiving or reducing the funding of
1407 reserves, or using existing reserve funds for purposes other
1408 than purposes for which the reserves were intended, are the
1409 voting interests of the units subject to assessment to fund the
1410 reserves in question. Proxy questions relating to waiving or
1411 reducing the funding of reserves or using existing reserve funds
1412 for purposes other than purposes for which the reserves were
1413 intended must contain the following statement in capitalized,
1414 bold letters in a font size larger than any other used on the
1415 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1416 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1417 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1418 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1419 Section 22. Paragraph (m) of subsection (1) of section
1420 718.501, Florida Statutes, is amended to read:

1421 718.501 Authority, responsibility, and duties of Division
1422 of Florida Condominiums, Timeshares, and Mobile Homes.—

1423 (1) The division may enforce and ensure compliance with
1424 the provisions of this chapter and rules relating to the
1425 development, construction, sale, lease, ownership, operation,

1426 and management of residential condominium units. In performing
1427 its duties, the division has complete jurisdiction to
1428 investigate complaints and enforce compliance with respect to
1429 associations that are still under developer control or the
1430 control of a bulk assignee or bulk buyer pursuant to part VII of
1431 this chapter and complaints against developers, bulk assignees,
1432 or bulk buyers involving improper turnover or failure to
1433 turnover, pursuant to s. 718.301. However, after turnover has
1434 occurred, the division has jurisdiction to investigate
1435 complaints related only to financial issues, elections, and unit
1436 owner access to association records pursuant to s. 718.111(12).

1437 (m) If a complaint is made, the division must conduct its
1438 inquiry with due regard for the interests of the affected
1439 parties. Within 30 days after receipt of a complaint, the
1440 division shall acknowledge the complaint in writing and notify
1441 the complainant whether the complaint is within the jurisdiction
1442 of the division and whether additional information is needed by
1443 the division from the complainant. The division shall conduct
1444 its investigation and, within 90 days after receipt of the
1445 original complaint or of timely requested additional
1446 information, take action upon the complaint. However, the
1447 failure to complete the investigation within 90 days does not
1448 prevent the division from continuing the investigation,
1449 accepting or considering evidence obtained or received after 90
1450 days, or taking administrative action if reasonable cause exists

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1451 to believe that a violation of this chapter or a rule has
1452 occurred. If an investigation is not completed within the time
1453 limits established in this paragraph, the division shall, on a
1454 monthly basis, notify the complainant in writing of the status
1455 of the investigation. When reporting its action to the
1456 complainant, the division shall inform the complainant of any
1457 right to a hearing pursuant to ss. 120.569 and 120.57. The
1458 division may adopt rules regarding the submission of a complaint
1459 against an association.

1460 Section 23. Section 718.5014, Florida Statutes, is amended
1461 to read:

1462 718.5014 Ombudsman location.—The ombudsman shall maintain
1463 his or her principal office at a ~~in Leon County on the premises~~
1464 ~~of the division or, if suitable space cannot be provided there,~~
1465 ~~at another~~ place convenient to the offices of the division which
1466 will enable the ombudsman to expeditiously carry out the duties
1467 and functions of his or her office. The ombudsman may establish
1468 branch offices elsewhere in the state upon the concurrence of
1469 the Governor.

1470 Section 24. Subsection (1) of section 455.219, Florida
1471 Statutes, is amended to read:

1472 455.219 Fees; receipts; disposition; periodic management
1473 reports.—

1474 (1) Each board within the department shall determine by
1475 rule the amount of license fees for its profession, based upon

1476 department-prepared long-range estimates of the revenue required
1477 to implement all provisions of law relating to the regulation of
1478 professions by the department and any board; however, when the
1479 department has determined, based on the long-range estimates of
1480 such revenue, that a profession's trust fund moneys are in
1481 excess of the amount required to cover the necessary functions
1482 of the board, or the department when there is no board, the
1483 department may adopt rules to implement a waiver of license
1484 renewal fees for that profession for a period not to exceed 2
1485 years, as determined by the department. Each board, or the
1486 department when there is no board, shall ensure license fees are
1487 adequate to cover all anticipated costs and to maintain a
1488 reasonable cash balance, as determined by rule of the
1489 department, with advice of the applicable board. If sufficient
1490 action is not taken by a board within 1 year of notification by
1491 the department that license fees are projected to be inadequate,
1492 the department shall set license fees on behalf of the
1493 applicable board to cover anticipated costs and to maintain the
1494 required cash balance. The department shall include recommended
1495 fee cap increases in its annual report to the Legislature.
1496 Further, it is legislative intent that no regulated profession
1497 operate with a negative cash balance. The department may provide
1498 by rule for the advancement of sufficient funds to any
1499 profession or the Florida Athletic State ~~Boxing~~ Commission
1500 operating with a negative cash balance. Such advancement may be

1501 for a period not to exceed 2 consecutive years and shall require
 1502 interest to be paid by the regulated profession. Interest shall
 1503 be calculated at the current rate earned on Professional
 1504 Regulation Trust Fund investments. Interest earned shall be
 1505 allocated to the various funds in accordance with the allocation
 1506 of investment earnings during the period of the advance.

1507 Section 25. Subsection (4) of section 548.002, Florida
 1508 Statutes, is amended to read:

1509 548.002 Definitions.—As used in this chapter, the term:

1510 (4) "Commission" means the Florida Athletic State~~Boxing~~
 1511 Commission.

1512 Section 26. Subsections (3) and (4) of section 548.05,
 1513 Florida Statutes, are amended to read:

1514 548.05 Control of contracts.—

1515 (3) The commission may require that each contract contain
 1516 language authorizing the ~~Florida State Boxing~~ commission to
 1517 withhold any or all of any manager's share of a purse in the
 1518 event of a contractual dispute as to entitlement to any portion
 1519 of a purse. The commission may establish rules governing the
 1520 manner of resolution of such dispute. In addition, if the
 1521 commission deems it appropriate, the commission is hereby
 1522 authorized to implead interested parties over any disputed funds
 1523 into the appropriate circuit court for resolution of the dispute
 1524 before ~~prior to~~ release of all or any part of the funds.

1525 (4) Each contract subject to this section shall contain

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1526 | the following clause: "This agreement is subject to the
 1527 | provisions of chapter 548, Florida Statutes, and to the rules of
 1528 | the Florida Athletic State-Boxing Commission and to any future
 1529 | amendments of either."

1530 | Section 27. Subsection (12) of section 548.071, Florida
 1531 | Statutes, is amended to read:

1532 | 548.071 Suspension or revocation of license or permit by
 1533 | commission.—The commission may suspend or revoke a license or
 1534 | permit if the commission finds that the licensee or permittee:

1535 | (12) Has been disciplined by the ~~Florida State-Boxing~~
 1536 | commission or similar agency or body of any jurisdiction.

1537 | Section 28. Section 548.077, Florida Statutes, is amended
 1538 | to read:

1539 | 548.077 Florida Athletic State-Boxing Commission;
 1540 | collection and disposition of moneys.—All fees, fines,
 1541 | forfeitures, and other moneys collected under the provisions of
 1542 | this chapter shall be paid by the commission to the Chief
 1543 | Financial Officer who, after the expenses of the commission are
 1544 | paid, shall deposit them in the Professional Regulation Trust
 1545 | Fund to be used for the administration and operation of the
 1546 | commission and to enforce the laws and rules under its
 1547 | jurisdiction. In the event the unexpended balance of such moneys
 1548 | collected under the provisions of this chapter exceeds \$250,000,
 1549 | any excess of that amount shall be deposited in the General
 1550 | Revenue Fund.

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1551 | Section 29. This act shall take effect July 1, 2021. |