

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. 489.509, F.S.; removing provisions  
25          relating to an additional fee for application and

26 renewal, transfer of funds, recommendations by the  
27 Electrical Contractors' Licensing Board for use of  
28 such funds, distribution of such funds by the  
29 department, and required reports of the department,  
30 respectively; amending s. 499.01, F.S.; exempting  
31 certain persons from specified permit requirements  
32 under certain circumstances; requiring an exempt  
33 cosmetics manufacturer to provide, upon request, to  
34 the department specified documentation verifying his  
35 or her annual gross sales; authorizing an exempt  
36 cosmetics manufacturer to only manufacture and sell  
37 specified products; requiring specified labeling for  
38 each unit of cosmetics manufactured by an exempt  
39 cosmetic manufacturer; authorizing the department to  
40 investigate complaints and to enter and inspect the  
41 premises of an exempt cosmetics manufacturer;  
42 providing disciplinary actions; providing  
43 construction; amending s. 499.012, F.S.; authorizing  
44 specified establishments to submit a request for a  
45 temporary permit; requiring such establishments to  
46 submit the request to the department on specified  
47 forms; providing that upon authorization by the  
48 department for a temporary permit for a certain  
49 location, the existing permit for such location is  
50 immediately null and void; prohibiting a temporary

51 permit from being extended; providing for expiration  
52 of a temporary permit; prohibiting an establishment  
53 from operating under an expired temporary permit;  
54 amending s. 499.066, F.S.; authorizing the department  
55 to adopt rules to permit the issuance of remedial,  
56 nondisciplinary citations; providing requirements for  
57 such citations; providing for contest of and the  
58 rescinding of a citation; authorizing the department  
59 to recover specified costs relating to a citation;  
60 providing a timeframe for when a citation may be  
61 issued; providing requirements for the service of a  
62 citation; authorizing the department to adopt and  
63 amend rules, designate violations and monetary  
64 assessments, and order remedial measures that must be  
65 taken for such violations; amending s. 509.241, F.S.;;  
66 revising rulemaking requirements relating to public  
67 lodging and food service licenses; amending s.  
68 509.251, F.S.; deleting provisions relating to fee  
69 schedule requirements; specifying that all fees are  
70 payable in full upon submission of an application for  
71 a public lodging establishment license or a public  
72 food service license; amending s. 548.003, F.S.;;  
73 renaming the Florida State Boxing Commission as the  
74 Florida Athletic Commission; amending s. 548.043,  
75 F.S.;; revising rulemaking requirements for the

76 | commission relating to gloves; amending s. 553.841,  
77 | F.S.; conforming a provision to changes made by the  
78 | act; amending s. 561.01, F.S.; deleting the definition  
79 | of the term "permit carrier"; amending s. 561.17,  
80 | F.S.; revising a requirement related to the filing of  
81 | fingerprints with the division; requiring that  
82 | applications be accompanied by certain information  
83 | relating to right of occupancy; providing requirements  
84 | relating to contact information for licensees and  
85 | permittees; amending s. 561.19, F.S.; revising  
86 | provisions relating to the availability of beverage  
87 | licenses to include by reason of the cancellation of a  
88 | quota beverage license; amending s. 561.20, F.S.;  
89 | conforming cross-references; revising requirements for  
90 | issuing special licenses to certain food service  
91 | establishments; amending s. 561.42, F.S.; requiring  
92 | the division, and authorizing vendors, to use  
93 | electronic mail to give certain notice; amending s.  
94 | 561.55, F.S.; revising requirements for reports  
95 | relating to alcoholic beverages; amending s. 562.455,  
96 | F.S.; removing grains of paradise as a form of  
97 | adulteration of liquor used or intended for drink;  
98 | amending s. 718.112, F.S.; providing the circumstances  
99 | under which a person is delinquent in the payment of  
100 | an assessment in the context of eligibility for

101 membership on certain condominium boards; requiring  
 102 that an annual budget be proposed to unit owners and  
 103 adopted by the board before a specified time; amending  
 104 s. 718.501, F.S.; authorizing the Division of Florida  
 105 Condominiums, Timeshares, and Mobile Homes to adopt  
 106 rules regarding the submission of complaints against a  
 107 condominium association; amending s. 718.5014, F.S.;  
 108 revising the location requirements for the principal  
 109 office of the condominium ombudsman; amending ss.  
 110 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.;  
 111 conforming provisions to changes made by the act;  
 112 providing an effective date.

113

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

115

116 Section 1. Subsections (2) and (3) of section 210.09,  
 117 Florida Statutes, are amended to read:

118 210.09 Records to be kept; reports to be made;  
 119 examination.—

120 (2) The division is authorized to prescribe and promulgate  
 121 by rules and regulations, which shall have the force and effect  
 122 of the law, such records to be kept and reports to be made to  
 123 the division by any manufacturer, importer, distributing agent,  
 124 wholesale dealer, retail dealer, common carrier, or any other  
 125 person handling, transporting or possessing cigarettes for sale

126 or distribution within the state as may be necessary to collect  
127 and properly distribute the taxes imposed by s. 210.02. All  
128 reports shall be made on or before the 10th day of the month  
129 following the month for which the report is made, unless the  
130 division by rule or regulation shall prescribe that reports be  
131 made more often. All reports shall be filed with the division  
132 through the division's electronic data submission system.

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

151 Section 2. Section 210.55, Florida Statutes, is amended to  
152 read:

153 210.55 Distributors; monthly reports ~~returns~~.—

154 (1) On or before the 10th of each month, every taxpayer  
155 with a place of business in this state shall file a full and  
156 complete report ~~return~~ with the division showing the taxable  
157 price of each tobacco product brought or caused to be brought  
158 into this state for sale, or made, manufactured, or fabricated  
159 in this state for sale in this state, during the preceding  
160 month. Every taxpayer outside this state shall file a full and  
161 complete report with the division through the division's  
162 electronic data submission system ~~return~~ showing the quantity  
163 and taxable price of each tobacco product shipped or transported  
164 to retailers in this state, to be sold by those retailers,  
165 during the preceding month. Reports must ~~Returns shall~~ be made  
166 upon forms furnished and prescribed by the division and must  
167 ~~shall~~ contain any other information that the division requires.  
168 Each report must ~~return shall~~ be accompanied by a remittance for  
169 the full tax liability shown and be filed with the division  
170 through the division's electronic data submission system.

171 (2) As soon as practicable after any report ~~return~~ is  
172 filed, the division shall examine each report ~~return~~ and correct  
173 it, if necessary, according to its best judgment and  
174 information. If the division finds that any amount of tax is due  
175 from the taxpayer and unpaid, it shall notify the taxpayer of

176 the deficiency, stating that it proposes to assess the amount  
177 due together with interest and penalties. If a deficiency  
178 disclosed by the division's examination cannot be allocated to  
179 one or more particular months, the division shall notify the  
180 taxpayer of the deficiency, stating its intention to assess the  
181 amount due for a given period without allocating it to any  
182 particular months.

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

195 (4) If any taxpayer required to file any report ~~return~~  
196 fails to do so within the time prescribed, the taxpayer shall,  
197 on the written demand of the division, file the report ~~return~~  
198 within 20 days after mailing of the demand and at the same time  
199 pay the tax due on its basis. If the taxpayer fails within that  
200 time to file the report ~~return~~, the division shall prepare the



201 report ~~return~~ from its own knowledge and from the information  
202 that it obtains and on that basis shall assess a tax, which  
203 shall be paid within 10 days after the division has mailed to  
204 the taxpayer a written notice of the amount and a demand for its  
205 payment. In any action or proceeding in respect to the  
206 assessment, the taxpayer shall have the burden of establishing  
207 the incorrectness or invalidity of any report ~~return~~ or  
208 assessment made by the division because of the failure of the  
209 taxpayer to make a report ~~return~~.

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

216 (6) In issuing its final assessment, the division shall  
217 add to the amount of tax found due and unpaid a penalty of 10  
218 percent, but if it finds that the taxpayer has made a false  
219 report ~~return~~ with intent to evade the tax, the penalty shall be  
220 50 percent of the entire tax as shown by the corrected report  
221 ~~return~~. In assessing a tax on the basis of a report ~~return~~ made  
222 under subsection (4), the division shall add to the amount of  
223 tax found due and unpaid a penalty of 25 percent.

224 (7) For the purpose of compensating the distributor for  
225 the keeping of prescribed records and the proper accounting and

226 remitting of taxes imposed under this part, the distributor  
227 shall be allowed 1 percent of the amount of the tax due and  
228 accounted for and remitted to the division in the form of a  
229 deduction in submitting his or her report and paying the amount  
230 due; and the division shall allow such deduction of 1 percent of  
231 the amount of the tax to the person paying the same for  
232 remitting the tax in the manner herein provided, for paying the  
233 amount due to be paid by him or her, and as further compensation  
234 to the distributor for the keeping of prescribed records and for  
235 collection of taxes and remitting the same.

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

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

242 1. An "incomplete report ~~return~~" means is, for purposes of  
243 this section ~~part~~, a report ~~return~~ which is lacking such  
244 uniformity, completeness, and arrangement that the physical  
245 handling, verification, or review of the report ~~return~~ may not  
246 be readily accomplished.

247 2. The division shall adopt rules requiring such  
248 information as it may deem necessary to ensure that the tax  
249 levied hereunder is properly collected, reviewed, compiled, and  
250 enforced, including, but not limited to: the amount of taxable

251 sales; the amount of tax collected or due; the amount claimed as  
252 the collection allowance; the amount of penalty and interest;  
253 the amount due with the report ~~return~~; and such other  
254 information as the division may specify.

255 Section 3. Section 210.60, Florida Statutes, is amended to  
256 read:

257 210.60 Books, records, and invoices to be kept and  
258 preserved; inspection by agents of division.—Every distributor  
259 shall keep in each licensed place of business complete and  
260 accurate records for that place of business, including itemized  
261 invoices of tobacco products held, purchased, manufactured,  
262 brought in or caused to be brought in from without the state, or  
263 shipped or transported to retailers in this state, and of all  
264 sales of tobacco products made, except sales to an ultimate  
265 consumer. Such records shall show the names and addresses of  
266 purchasers and other pertinent papers and documents relating to  
267 the purchase, sale, or disposition of tobacco products. When a  
268 licensed distributor sells tobacco products exclusively to  
269 ultimate consumers at the addresses given in the license, no  
270 invoice of those sales shall be required, but itemized invoices  
271 shall be made of all tobacco products transferred to other  
272 retail outlets owned or controlled by that licensed distributor.  
273 All books, records and other papers, and other documents  
274 required by this section to be kept shall be preserved for a  
275 period of at least 3 years after the date of the documents, as

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

300 Section 4. Subsection (3) of section 489.109, Florida

301 Statutes, is amended to read:

302 489.109 Fees.—

303 ~~(3) In addition to the fees provided in subsection (1) for~~  
304 ~~application and renewal for certification and registration, all~~  
305 ~~certificateholders and registrants must pay a fee of \$4 to the~~  
306 ~~department at the time of application or renewal. The funds must~~  
307 ~~be transferred at the end of each licensing period to the~~  
308 ~~department to fund projects relating to the building~~  
309 ~~construction industry or continuing education programs offered~~  
310 ~~to persons engaged in the building construction industry in~~  
311 ~~Florida, to be selected by the Florida Building Commission. The~~  
312 ~~board shall, at the time the funds are transferred, advise the~~  
313 ~~department on the most needed areas of research or continuing~~  
314 ~~education based on significant changes in the industry's~~  
315 ~~practices or on changes in the state building code or on the~~  
316 ~~most common types of consumer complaints or on problems costing~~  
317 ~~the state or local governmental entities substantial waste. The~~  
318 ~~board's advice is not binding on the department. The department~~  
319 ~~shall ensure the distribution of research reports and the~~  
320 ~~availability of continuing education programs to all segments of~~  
321 ~~the building construction industry to which they relate. The~~  
322 ~~department shall report to the board in October of each year,~~  
323 ~~summarizing the allocation of the funds by institution and~~  
324 ~~summarizing the new projects funded and the status of previously~~  
325 ~~funded projects.~~

326 Section 5. Section 489.118, Florida Statutes, is amended  
 327 to read:

328 489.118 Certification of registered contractors;  
 329 grandfathering provisions.—The board shall, upon receipt of a  
 330 completed application and appropriate fee, issue a certificate  
 331 in the appropriate category to any contractor registered under  
 332 this part who makes application to the board and can show that  
 333 he or she meets each of the following requirements:

334 (1) Currently holds a valid registered local license in  
 335 one of the contractor categories defined in s. 489.105(3)(a)-  
 336 (p).

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

348 (3) Has at least 5 years of experience as a contractor in  
 349 that contracting category, or as an inspector or building  
 350 administrator with oversight over that category, at the time of

351 application. For contractors, only time periods in which the  
352 contractor license is active and the contractor is not on  
353 probation shall count toward the 5 years required by this  
354 subsection.

355 (4) Has not had his or her contractor's license revoked at  
356 any time, had his or her contractor's license suspended within  
357 the last 5 years, or been assessed a fine in excess of \$500  
358 within the last 5 years.

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

361

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

364 Section 6. Subsection (3) of section 489.509, Florida  
365 Statutes, is amended to read:

366 489.509 Fees.—

367 ~~(3) Four dollars of each fee under subsection (1) paid to~~  
368 ~~the department at the time of application or renewal shall be~~  
369 ~~transferred at the end of each licensing period to the~~  
370 ~~department to fund projects relating to the building~~  
371 ~~construction industry or continuing education programs offered~~  
372 ~~to persons engaged in the building construction industry in~~  
373 ~~Florida. The board shall, at the time the funds are transferred,~~  
374 ~~advise the department on the most needed areas of research or~~  
375 ~~continuing education based on significant changes in the~~

376 ~~industry's practices or on the most common types of consumer~~  
377 ~~complaints or on problems costing the state or local~~  
378 ~~governmental entities substantial waste. The board's advice is~~  
379 ~~not binding on the department. The department shall ensure the~~  
380 ~~distribution of research reports and the availability of~~  
381 ~~continuing education programs to all segments of the building~~  
382 ~~construction industry to which they relate. The department shall~~  
383 ~~report to the board in October of each year, summarizing the~~  
384 ~~allocation of the funds by institution and summarizing the new~~  
385 ~~projects funded and the status of previously funded projects.~~

386 Section 7. Paragraph (p) of subsection (2) of section  
387 499.01, Florida Statutes, is amended to read:

388 499.01 Permits.—

389 (2) The following permits are established:

390 (p) Cosmetic manufacturer permit.—A cosmetic manufacturer  
391 permit is required for any person that manufactures or  
392 repackages cosmetics in this state. A person that only labels or  
393 changes the labeling of a cosmetic but does not open the  
394 container sealed by the manufacturer of the product is exempt  
395 from obtaining a permit under this paragraph. A person who  
396 manufactures cosmetics and has annual gross sales of \$25,000 or  
397 less is exempt from the permit requirements of this subsection.  
398 Upon request, an exempt cosmetics manufacturer must provide to  
399 the department written documentation to verify his or her annual  
400 gross sales, including all sales of cosmetic products at any



401 location, regardless of the types of products sold or the number  
402 of persons involved in the operation.

403 1. An exempt cosmetics manufacturer may only:

404 a. Sell prepackaged cosmetics affixed with a label  
405 containing information required by the United States Food and  
406 Drug Administration.

407 b. Manufacture and sell cosmetics that are soaps, not  
408 otherwise exempt from the definition of cosmetics, lotions,  
409 moisturizers, and creams.

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

412 d. Sell cosmetic products that are stored on the premises  
413 of the cosmetic manufacturing operation.

414 2. Each unit of cosmetics manufactured under this  
415 paragraph must contain in contrasting color and not less than  
416 10-point, the following statement: "Made by a manufacturer  
417 exempt from Florida's cosmetic manufacturing permit  
418 requirements."

419 3. The department may investigate any complaint which  
420 alleges that an exempt cosmetics manufacturer has violated an  
421 applicable provision of this chapter or rule adopted under this  
422 chapter. The department's authorized officer or employee may  
423 enter and inspect the premises of an exempt cosmetic  
424 manufacturer to determine compliance with this chapter and  
425 department rules, as applicable. A refusal to permit entry to

426 | the premises or to conduct an inspection is grounds for  
 427 | disciplinary action pursuant to s. 499.005.

428 | 4. This paragraph does not exempt any person from any  
 429 | state or federal tax law, rule, regulation, or certificate, or  
 430 | from any county or municipal law or ordinance that applies to  
 431 | cosmetic manufacturing.

432 | Section 8. Paragraph (d) is added to subsection (6) of  
 433 | section 499.012, Florida Statutes, to read:

434 | 499.012 Permit application requirements.—

435 | (6) A permit issued by the department is nontransferable.  
 436 | Each permit is valid only for the person or governmental unit to  
 437 | which it is issued and is not subject to sale, assignment, or  
 438 | other transfer, voluntarily or involuntarily; nor is a permit  
 439 | valid for any establishment other than the establishment for  
 440 | which it was originally issued.

441 | (d) When an establishment that requires a permit pursuant  
 442 | to this part submits an application to the department for a  
 443 | change of ownership or controlling interest or a change of  
 444 | location with the required fees under this subsection, the  
 445 | establishment may also submit a request for a temporary permit  
 446 | granting the establishment authority to operate for no more than  
 447 | 90 calendar days. The establishment must submit the request for  
 448 | a temporary permit to the department on a form provided by the  
 449 | department and obtain authorization to operate with the  
 450 | temporary permit before operating under the change of ownership

451 or operating at the new location. Upon authorization of a  
452 temporary permit, the existing permit at the location for which  
453 the temporary permit is submitted is immediately null and void.  
454 A temporary permit may not be extended and shall expire and  
455 become null and void by operation of law without further action  
456 by the department at 12:01 a.m. on the 91st day after the  
457 department authorizes such permit. Upon expiration of the  
458 temporary permit, the establishment may not continue to operate  
459 under such permit.

460

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

463 Section 9. Subsection (8) is added to section 499.066,  
464 Florida Statutes, to read:

465 499.066 Penalties; remedies.—In addition to other  
466 penalties and other enforcement provisions:

467 (8) (a) The department shall adopt rules to authorize the  
468 issuance of a remedial, nondisciplinary citation. A citation  
469 shall be issued to the person alleged to have committed a  
470 violation and contain the person's name, address, and license  
471 number, if applicable; a brief factual statement; the sections  
472 of the law allegedly violated; and the monetary assessment and  
473 or other remedial measures imposed. The person shall have 30  
474 days after the citation is served to contest the citation by  
475 providing supplemental and clarifying information to the

476 department. The citation must clearly state that the person may  
477 choose, in lieu of accepting the citation, to have the  
478 department rescind the citation and conduct an investigation  
479 pursuant to s. 499.051 of only those alleged violations  
480 contained in the citation. The citation shall be rescinded by  
481 the department if the person remedies or corrects the violations  
482 or deficiencies contained in the citation within 30 days after  
483 the citation is served. If the person does not successfully  
484 contest the citation to the satisfaction of the department, or  
485 complete remedial action pursuant to this paragraph, the  
486 citation becomes a final order and does not constitute  
487 discipline.

488 (b) The department is entitled to recover the costs of  
489 investigation, in addition to any penalty provided according to  
490 department rule, as part of the penalty levied pursuant to a  
491 citation.

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

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

498 (e) The department may adopt rules to designate those  
499 violations for which a person is subject to the issuance of a  
500 citation and the monetary assessments and or other remedial

501 measures that must be taken for those violations. Violations  
 502 designated as subject to issuance of a citation shall include  
 503 violations for which there is no substantial threat to the  
 504 public health, safety, or welfare. The department has continuous  
 505 authority to amend its rules adopted pursuant to this section.

506 Section 10. Subsection (1) of section 509.241, Florida  
 507 Statutes, is amended to read:

508 509.241 Licenses required; exceptions.—

509 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging  
 510 establishment and public food service establishment shall obtain  
 511 a license from the division. Such license may not be transferred  
 512 from one place or individual to another. It shall be a  
 513 misdemeanor of the second degree, punishable as provided in s.  
 514 775.082 or s. 775.083, for such an establishment to operate  
 515 without a license. Local law enforcement shall provide immediate  
 516 assistance in pursuing an illegally operating establishment. The  
 517 division may refuse a license, or a renewal thereof, to any  
 518 establishment that is not constructed and maintained in  
 519 accordance with law and with the rules of the division. The  
 520 division may refuse to issue a license, or a renewal thereof, to  
 521 any establishment an operator of which, within the preceding 5  
 522 years, has been adjudicated guilty of, or has forfeited a bond  
 523 when charged with, any crime reflecting on professional  
 524 character, including soliciting for prostitution, pandering,  
 525 letting premises for prostitution, keeping a disorderly place,

526 or illegally dealing in controlled substances as defined in  
527 chapter 893, whether in this state or in any other jurisdiction  
528 within the United States, or has had a license denied, revoked,  
529 or suspended pursuant to s. 429.14. Licenses shall be renewed  
530 annually, and the division shall adopt rules ~~a rule~~ establishing  
531 procedures ~~a staggered schedule~~ for license issuance and  
532 renewals. If any license expires while administrative charges  
533 are pending against the license, the proceedings against the  
534 license shall continue to conclusion as if the license were  
535 still in effect.

536 Section 11. Subsections (1) and (2) of section 509.251,  
537 Florida Statutes, are amended to read:

538 509.251 License fees.—

539 (1) The division shall adopt, by rule, a schedule of fees  
540 to be paid by each public lodging establishment as a  
541 prerequisite to issuance or renewal of a license. Such fees  
542 shall be based on the number of rental units in the  
543 establishment. The aggregate fee per establishment charged any  
544 public lodging establishment may not exceed \$1,000; however, the  
545 fees described in paragraphs (a) and (b) may not be included as  
546 part of the aggregate fee subject to this cap. Vacation rental  
547 units or timeshare projects within separate buildings or at  
548 separate locations but managed by one licensed agent may be  
549 combined in a single license application, and the division shall  
550 charge a license fee as if all units in the application are in a

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

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

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

570 | (2) The division shall adopt, by rule, a schedule of fees  
571 | to be paid by each public food service establishment as a  
572 | prerequisite to issuance or renewal of a license. The fee  
573 | schedule shall prescribe a basic fee and additional fees based  
574 | on seating capacity and services offered. The aggregate fee per  
575 | establishment charged any public food service establishment may

576 not exceed \$400; however, the fees described in paragraphs (a)  
577 and (b) may not be included as part of the aggregate fee subject  
578 to this cap. ~~The fee schedule shall require an establishment~~  
579 ~~which applies for an initial license to pay the full license fee~~  
580 ~~if application is made during the annual renewal period or more~~  
581 ~~than 6 months before the next such renewal period and one-half~~  
582 ~~of the fee if application is made 6 months or less before such~~  
583 ~~period.~~ The fee schedule shall include fees collected for the  
584 purpose of funding the Hospitality Education Program, pursuant  
585 to s. 509.302. All fees, which are payable in full for each  
586 application at the time ~~regardless of when~~ the application is  
587 submitted.

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

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

597 Section 12. Section 548.003, Florida Statutes, is amended  
598 to read:

599 548.003 Florida Athletic State ~~Boxing~~ Commission.—

600 (1) The Florida Athletic State ~~Boxing~~ Commission is



601 created and is assigned to the Department of Business and  
602 Professional Regulation for administrative and fiscal  
603 accountability purposes only. The ~~Florida State Boxing~~  
604 commission shall consist of five members appointed by the  
605 Governor, subject to confirmation by the Senate. One member must  
606 be a physician licensed under ~~pursuant to~~ chapter 458 or chapter  
607 459, who must maintain an unencumbered license in good standing,  
608 and who must, at the time of her or his appointment, have  
609 practiced medicine for at least 5 years. Upon the expiration of  
610 the term of a commissioner, the Governor shall appoint a  
611 successor to serve for a 4-year term. A commissioner whose term  
612 has expired shall continue to serve on the commission until such  
613 time as a replacement is appointed. If a vacancy on the  
614 commission occurs before ~~prior to~~ the expiration of the term, it  
615 shall be filled for the unexpired portion of the term in the  
616 same manner as the original appointment.

617 (2) The ~~Florida State Boxing~~ commission, as created by  
618 subsection (1), shall administer the provisions of this chapter.  
619 The commission has authority to adopt rules pursuant to ss.  
620 120.536(1) and 120.54 to implement the provisions of this  
621 chapter and to implement each of the duties and responsibilities  
622 conferred upon the commission, including, but not limited to:

- 623 (a) Development of an ethical code of conduct for  
624 commissioners, commission staff, and commission officials.  
625 (b) Facility and safety requirements relating to the ring,

626 floor plan and apron seating, emergency medical equipment and  
627 services, and other equipment and services necessary for the  
628 conduct of a program of matches.

629 (c) Requirements regarding a participant's apparel,  
630 bandages, handwraps, gloves, mouthpiece, and appearance during a  
631 match.

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

634 (e) Duties and responsibilities of all licensees under  
635 this chapter.

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

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

638 (h) Qualifications for and appointment of chief inspectors  
639 and inspectors and duties and responsibilities of chief  
640 inspectors and inspectors with respect to oversight and  
641 coordination of activities for each program of matches regulated  
642 under this chapter.

643 (i) Setting fee and reimbursement schedules for referees  
644 and other officials appointed by the commission or the  
645 representative of the commission.

646 (j) Establishment of criteria for approval, disapproval,  
647 suspension of approval, and revocation of approval of amateur  
648 sanctioning organizations for amateur boxing, kickboxing, and  
649 mixed martial arts held in this state, including, but not  
650 limited to, the health and safety standards the organizations

651 use before, during, and after the matches to ensure the health,  
652 safety, and well-being of the amateurs participating in the  
653 matches, including the qualifications and numbers of health care  
654 personnel required to be present, the qualifications required  
655 for referees, and other requirements relating to the health,  
656 safety, and well-being of the amateurs participating in the  
657 matches. The commission may adopt by rule, or incorporate by  
658 reference into rule, the health and safety standards of USA  
659 Boxing as the minimum health and safety standards for an amateur  
660 boxing sanctioning organization, the health and safety standards  
661 of the International Sport Kickboxing Association as the minimum  
662 health and safety standards for an amateur kickboxing  
663 sanctioning organization, and the minimum health and safety  
664 standards for an amateur mixed martial arts sanctioning  
665 organization. The commission shall review its rules for  
666 necessary revision at least every 2 years and may adopt by rule,  
667 or incorporate by reference into rule, the then-existing current  
668 health and safety standards of USA Boxing and the International  
669 Sport Kickboxing Association. The commission may adopt emergency  
670 rules to administer this paragraph.

671 (3) The commission shall maintain an office in  
672 Tallahassee. At the first meeting of the commission after June 1  
673 of each year, the commission shall select a chair and a vice  
674 chair from among its membership. Three members shall constitute  
675 a quorum and the concurrence of at least three members is

676 necessary for official commission action.

677 (4) Three consecutive unexcused absences or absences  
678 constituting 50 percent or more of the commission's meetings  
679 within any 12-month period shall cause the commission membership  
680 of the member in question to become void, and the position shall  
681 be considered vacant. The commission shall, by rule, define  
682 unexcused absences.

683 (5) Each commission member shall be accountable to the  
684 Governor for the proper performance of duties as a member of the  
685 commission. The Governor shall cause to be investigated any  
686 complaint or unfavorable report received by the Governor or the  
687 department concerning an action of the commission or any member  
688 and shall take appropriate action thereon. The Governor may  
689 remove from office any member for malfeasance, unethical  
690 conduct, misfeasance, neglect of duty, incompetence, permanent  
691 inability to perform official duties, or pleading guilty or nolo  
692 contendere to or being found guilty of a felony.

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

697 (7) The commission shall be authorized to join and  
698 participate in the activities of the Association of Boxing  
699 Commissions (ABC).

700 (8) The department shall provide all legal and

701 investigative services necessary to implement this chapter. The  
702 department may adopt rules as provided in ss. 120.536(1) and  
703 120.54 to carry out its duties under this chapter.

704 Section 13. Subsection (3) of section 548.043, Florida  
705 Statutes, is amended to read:

706 548.043 Weights and classes, limitations; gloves.—

707 (3) The commission shall establish by rule the need for  
708 gloves, if any, and the weight of any such gloves to be used in  
709 each pugilistic match ~~the appropriate weight of gloves to be~~  
710 ~~used in each boxing match; however, all participants in boxing~~  
711 ~~matches shall wear gloves weighing not less than 8 ounces each~~  
712 ~~and participants in mixed martial arts matches shall wear gloves~~  
713 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such  
714 protective devices as the commission deems necessary.

715 Section 14. Subsection (5) of section 553.841, Florida  
716 Statutes, is amended to read:

717 553.841 Building code compliance and mitigation program.—

718 ~~(5) Each biennium, upon receipt of funds by the Department~~  
719 ~~of Business and Professional Regulation from the Construction~~  
720 ~~Industry Licensing Board and the Electrical Contractors'~~  
721 ~~Licensing Board provided under ss. 489.109(3) and 489.509(3),~~  
722 ~~the department shall determine the amount of funds available for~~  
723 ~~the Florida Building Code Compliance and Mitigation Program.~~

724 Section 15. Subsection (20) of section 561.01, Florida  
725 Statutes, is amended to read:

726 561.01 Definitions.—As used in the Beverage Law:

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

729 Section 16. Subsections (1) and (2) of section 561.17,  
730 Florida Statutes, are amended, and subsection (5) is added to  
731 that section, to read:

732 561.17 License and registration applications; approved  
733 person.—

734 (1) Any person, before engaging in the business of  
735 manufacturing, bottling, distributing, selling, or in any way  
736 dealing in alcoholic beverages, shall file, with the district  
737 licensing personnel of the district of the division in which the  
738 place of business for which a license is sought is located, a  
739 sworn application in the format prescribed by the division. The  
740 applicant must be a legal or business entity, person, or persons  
741 and must include all persons, officers, shareholders, and  
742 directors of such legal or business entity that have a direct or  
743 indirect interest in the business seeking to be licensed under  
744 this part. However, the applicant does not include any person  
745 that derives revenue from the license solely through a  
746 contractual relationship with the licensee, the substance of  
747 which contractual relationship is not related to the control of  
748 the sale of alcoholic beverages. Before any application is  
749 approved, the division may require the applicant to file a set  
750 of fingerprints electronically through an approved electronic

751 fingerprinting vendor or on ~~regular United States Department of~~  
752 Justice forms prescribed by the Florida Department of Law  
753 Enforcement for herself or himself and for any person or persons  
754 interested directly or indirectly with the applicant in the  
755 business for which the license is being sought, when required by  
756 the division. If the applicant or any person who is interested  
757 with the applicant either directly or indirectly in the business  
758 or who has a security interest in the license being sought or  
759 has a right to a percentage payment from the proceeds of the  
760 business, either by lease or otherwise, is not qualified, the  
761 division shall deny the application. However, any company  
762 regularly traded on a national securities exchange and not over  
763 the counter; any insurer, as defined in the Florida Insurance  
764 Code; or any bank or savings and loan association chartered by  
765 this state, another state, or the United States which has an  
766 interest, directly or indirectly, in an alcoholic beverage  
767 license is not required to obtain the division's approval of its  
768 officers, directors, or stockholders or any change of such  
769 positions or interests. A shopping center with five or more  
770 stores, one or more of which has an alcoholic beverage license  
771 and is required under a lease common to all shopping center  
772 tenants to pay no more than 10 percent of the gross proceeds of  
773 the business holding the license to the shopping center, is not  
774 considered as having an interest, directly or indirectly, in the  
775 license. A performing arts center, as defined in s. 561.01,

776 | which has an interest, directly or indirectly, in an alcoholic  
777 | beverage license is not required to obtain division approval of  
778 | its volunteer officers or directors or of any change in such  
779 | positions or interests.

780 |       (2) All applications for any alcoholic beverage license  
781 | must be accompanied by proof of the applicant's right of  
782 | occupancy for the entire premises sought to be licensed. All  
783 | applications for alcoholic beverage licenses for consumption on  
784 | the premises shall be accompanied by a certificate of the  
785 | Division of Hotels and Restaurants of the Department of Business  
786 | and Professional Regulation, the Department of Agriculture and  
787 | Consumer Services, the Department of Health, the Agency for  
788 | Health Care Administration, or the county health department that  
789 | the place of business wherein the business is to be conducted  
790 | meets all of the sanitary requirements of the state.

791 |       (5) Any person or entity licensed or permitted by the  
792 | division must provide an electronic mail address to the division  
793 | to function as the primary contact for all communication by the  
794 | division to the licensee or permittees. Licensees and permittees  
795 | are responsible for maintaining accurate contact information on  
796 | file with the division.

797 |       Section 17. Paragraph (a) of subsection (2) of section  
798 | 561.19, Florida Statutes, is amended to read:

799 |       561.19 License issuance upon approval of division.—

800 |       (2) (a) When beverage licenses become available by reason



801 of an increase in the population of a county, by reason of a  
802 county permitting the sale of intoxicating beverages when such  
803 sale had been prohibited, or by reason of the cancellation or  
804 revocation of a quota beverage license, the division, if there  
805 are more applicants than the number of available licenses, shall  
806 provide a method of double random selection by public drawing to  
807 determine which applicants shall be considered for issuance of  
808 licenses. The double random selection drawing method shall allow  
809 each applicant whose application is complete and does not  
810 disclose on its face any matter rendering the applicant  
811 ineligible an equal opportunity of obtaining an available  
812 license. After all applications are filed with the director, the  
813 director shall then determine by random selection drawing the  
814 order in which each applicant's name shall be matched with a  
815 number selected by random drawing, and that number shall  
816 determine the order in which the applicant will be considered  
817 for a license. This paragraph does not prohibit a person holding  
818 a perfected lien or security interest in a quota alcoholic  
819 beverage license, in accordance with s. 561.65, from enforcing  
820 the lien or security interest against the license within 180  
821 days after a final order of revocation or suspension. A revoked  
822 quota alcoholic beverage license encumbered by a lien or  
823 security interest, perfected pursuant to s. 561.65, may not be  
824 issued under this subsection until the 180-day period has  
825 elapsed or until such enforcement proceeding is final.

826 Section 18. Paragraph (a) of subsection (2) of section  
 827 561.20, Florida Statutes, is amended to read:

828 561.20 Limitation upon number of licenses issued.—

829 (2) (a) The limitation of the number of licenses as  
 830 provided in this section does not prohibit the issuance of a  
 831 special license to:

832 1. Any bona fide hotel, motel, or motor court of not fewer  
 833 than 80 guest rooms in any county having a population of less  
 834 than 50,000 residents, and of not fewer than 100 guest rooms in  
 835 any county having a population of 50,000 residents or greater;  
 836 or any bona fide hotel or motel located in a historic structure,  
 837 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100  
 838 guest rooms which derives at least 51 percent of its gross  
 839 revenue from the rental of hotel or motel rooms, which is  
 840 licensed as a public lodging establishment by the Division of  
 841 Hotels and Restaurants; provided, however, that a bona fide  
 842 hotel or motel with no fewer than 10 and no more than 25 guest  
 843 rooms which is a historic structure, as defined in s. 561.01(20)  
 844 ~~s. 561.01(21)~~, in a municipality that on the effective date of  
 845 this act has a population, according to the University of  
 846 Florida's Bureau of Economic and Business Research Estimates of  
 847 Population for 1998, of no fewer than 25,000 and no more than  
 848 35,000 residents and that is within a constitutionally chartered  
 849 county may be issued a special license. This special license  
 850 shall allow the sale and consumption of alcoholic beverages only

851 on the licensed premises of the hotel or motel. In addition, the  
852 hotel or motel must derive at least 60 percent of its gross  
853 revenue from the rental of hotel or motel rooms and the sale of  
854 food and nonalcoholic beverages; provided that this subparagraph  
855 shall supersede local laws requiring a greater number of hotel  
856 rooms;

857 2. Any condominium accommodation of which no fewer than  
858 100 condominium units are wholly rentable to transients and  
859 which is licensed under chapter 509, except that the license  
860 shall be issued only to the person or corporation that operates  
861 the hotel or motel operation and not to the association of  
862 condominium owners;

863 3. Any condominium accommodation of which no fewer than 50  
864 condominium units are wholly rentable to transients, which is  
865 licensed under chapter 509, and which is located in any county  
866 having home rule under s. 10 or s. 11, Art. VIII of the State  
867 Constitution of 1885, as amended, and incorporated by reference  
868 in s. 6(e), Art. VIII of the State Constitution, except that the  
869 license shall be issued only to the person or corporation that  
870 operates the hotel or motel operation and not to the association  
871 of condominium owners;

872 4. A food service establishment that has 2,500 square feet  
873 of service area, is equipped to serve meals to 150 persons at  
874 one time, and derives at least 51 percent of its gross food and  
875 beverage revenue from the sale of food and nonalcoholic

876 beverages during the first 120-day ~~60-day~~ operating period and  
877 the first ~~each~~ 12-month operating period thereafter. Subsequent  
878 audit timeframes must be based upon the audit percentage  
879 established by the most recent audit and conducted on a  
880 staggered scale as follows: level 1, 51 percent to 60 percent,  
881 every year; level 2, 61 percent to 75 percent, every 2 years;  
882 level 3, 76 percent to 90 percent, every 3 years; and level 4,  
883 91 percent to 100 percent, every 4 years. A food service  
884 establishment granted a special license on or after January 1,  
885 1958, pursuant to general or special law may not operate as a  
886 package store and may not sell intoxicating beverages under such  
887 license after the hours of serving or consumption of food have  
888 elapsed. Failure by a licensee to meet the required percentage  
889 of food and nonalcoholic beverage gross revenues during the  
890 covered operating period shall result in revocation of the  
891 license or denial of the pending license application. A licensee  
892 whose license is revoked or an applicant whose pending  
893 application is denied, or any person required to qualify on the  
894 special license application, is ineligible to have any interest  
895 in a subsequent application for such a license for a period of  
896 120 days after the date of the final denial or revocation;

897 5. Any caterer, deriving at least 51 percent of its gross  
898 food and beverage revenue from the sale of food and nonalcoholic  
899 beverages at each catered event, licensed by the Division of  
900 Hotels and Restaurants under chapter 509. This subparagraph does

901 not apply to a culinary education program, as defined in s.  
902 381.0072(2), which is licensed as a public food service  
903 establishment by the Division of Hotels and Restaurants and  
904 provides catering services. Notwithstanding any law to the  
905 contrary, a licensee under this subparagraph shall sell or serve  
906 alcoholic beverages only for consumption on the premises of a  
907 catered event at which the licensee is also providing prepared  
908 food, and shall prominently display its license at any catered  
909 event at which the caterer is selling or serving alcoholic  
910 beverages. A licensee under this subparagraph shall purchase all  
911 alcoholic beverages it sells or serves at a catered event from a  
912 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
913 under s. 565.02(1) subject to the limitation imposed in  
914 subsection (1), as appropriate. A licensee under this  
915 subparagraph may not store any alcoholic beverages to be sold or  
916 served at a catered event. Any alcoholic beverages purchased by  
917 a licensee under this subparagraph for a catered event that are  
918 not used at that event must remain with the customer; provided  
919 that if the vendor accepts unopened alcoholic beverages, the  
920 licensee may return such alcoholic beverages to the vendor for a  
921 credit or reimbursement. Regardless of the county or counties in  
922 which the licensee operates, a licensee under this subparagraph  
923 shall pay the annual state license tax set forth in s.  
924 565.02(1)(b). A licensee under this subparagraph must maintain  
925 for a period of 3 years all records and receipts for each

926 catered event, including all contracts, customers' names, event  
927 locations, event dates, food purchases and sales, alcoholic  
928 beverage purchases and sales, nonalcoholic beverage purchases  
929 and sales, and any other records required by the department by  
930 rule to demonstrate compliance with the requirements of this  
931 subparagraph. Notwithstanding any law to the contrary, any  
932 vendor licensed under s. 565.02(1) subject to the limitation  
933 imposed in subsection (1), may, without any additional licensure  
934 under this subparagraph, serve or sell alcoholic beverages for  
935 consumption on the premises of a catered event at which prepared  
936 food is provided by a caterer licensed under chapter 509. If a  
937 licensee under this subparagraph also possesses any other  
938 license under the Beverage Law, the license issued under this  
939 subparagraph may ~~shall~~ not authorize the holder to conduct  
940 activities on the premises to which the other license or  
941 licenses apply that would otherwise be prohibited by the terms  
942 of that license or the Beverage Law. Nothing in this section  
943 shall permit the licensee to conduct activities that are  
944 otherwise prohibited by the Beverage Law or local law. The  
945 Division of Alcoholic Beverages and Tobacco is hereby authorized  
946 to adopt rules to administer the license created in this  
947 subparagraph, to include rules governing licensure,  
948 recordkeeping, and enforcement. The first \$300,000 in fees  
949 collected by the division each fiscal year pursuant to this  
950 subparagraph shall be deposited in the Department of Children

951 and Families' Operations and Maintenance Trust Fund to be used  
952 only for alcohol and drug abuse education, treatment, and  
953 prevention programs. The remainder of the fees collected shall  
954 be deposited into the Hotel and Restaurant Trust Fund created  
955 pursuant to s. 509.072; or

956 6. A culinary education program as defined in s.  
957 381.0072(2) which is licensed as a public food service  
958 establishment by the Division of Hotels and Restaurants.

959 a. This special license shall allow the sale and  
960 consumption of alcoholic beverages on the licensed premises of  
961 the culinary education program. The culinary education program  
962 shall specify designated areas in the facility where the  
963 alcoholic beverages may be consumed at the time of application.  
964 Alcoholic beverages sold for consumption on the premises may be  
965 consumed only in areas designated pursuant to s. 561.01(11) and  
966 may not be removed from the designated area. Such license shall  
967 be applicable only in and for designated areas used by the  
968 culinary education program.

969 b. If the culinary education program provides catering  
970 services, this special license shall also allow the sale and  
971 consumption of alcoholic beverages on the premises of a catered  
972 event at which the licensee is also providing prepared food. A  
973 culinary education program that provides catering services is  
974 not required to derive at least 51 percent of its gross revenue  
975 from the sale of food and nonalcoholic beverages.

976 Notwithstanding any law to the contrary, a licensee that  
977 provides catering services under this sub-subparagraph shall  
978 prominently display its beverage license at any catered event at  
979 which the caterer is selling or serving alcoholic beverages.  
980 Regardless of the county or counties in which the licensee  
981 operates, a licensee under this sub-subparagraph shall pay the  
982 annual state license tax set forth in s. 565.02(1)(b). A  
983 licensee under this sub-subparagraph must maintain for a period  
984 of 3 years all records required by the department by rule to  
985 demonstrate compliance with the requirements of this sub-  
986 subparagraph.

987 c. If a licensee under this subparagraph also possesses  
988 any other license under the Beverage Law, the license issued  
989 under this subparagraph does not authorize the holder to conduct  
990 activities on the premises to which the other license or  
991 licenses apply that would otherwise be prohibited by the terms  
992 of that license or the Beverage Law. Nothing in this  
993 subparagraph shall permit the licensee to conduct activities  
994 that are otherwise prohibited by the Beverage Law or local law.  
995 Any culinary education program that holds a license to sell  
996 alcoholic beverages shall comply with the age requirements set  
997 forth in ss. 562.11(4), 562.111(2), and 562.13.

998 d. The Division of Alcoholic Beverages and Tobacco may  
999 adopt rules to administer the license created in this  
1000 subparagraph, to include rules governing licensure,



1001 recordkeeping, and enforcement.

1002 e. A license issued pursuant to this subparagraph does not  
 1003 permit the licensee to sell alcoholic beverages by the package  
 1004 for off-premises consumption.

1005  
 1006 However, any license heretofore issued to any such hotel, motel,  
 1007 motor court, or restaurant or hereafter issued to any such  
 1008 hotel, motel, or motor court, including a condominium  
 1009 accommodation, under the general law shall not be moved to a new  
 1010 location, such license being valid only on the premises of such  
 1011 hotel, motel, motor court, or restaurant. Licenses issued to  
 1012 hotels, motels, motor courts, or restaurants under the general  
 1013 law and held by such hotels, motels, motor courts, or  
 1014 restaurants on May 24, 1947, shall be counted in the quota  
 1015 limitation contained in subsection (1). Any license issued for  
 1016 any hotel, motel, or motor court under this law shall be issued  
 1017 only to the owner of the hotel, motel, or motor court or, in the  
 1018 event the hotel, motel, or motor court is leased, to the lessee  
 1019 of the hotel, motel, or motor court; and the license shall  
 1020 remain in the name of the owner or lessee so long as the license  
 1021 is in existence. Any special license now in existence heretofore  
 1022 issued under this law cannot be renewed except in the name of  
 1023 the owner of the hotel, motel, motor court, or restaurant or, in  
 1024 the event the hotel, motel, motor court, or restaurant is  
 1025 leased, in the name of the lessee of the hotel, motel, motor

1026 court, or restaurant in which the license is located and must  
 1027 remain in the name of the owner or lessee so long as the license  
 1028 is in existence. Any license issued under this section shall be  
 1029 marked "Special," and nothing herein provided shall limit,  
 1030 restrict, or prevent the issuance of a special license for any  
 1031 restaurant or motel which shall hereafter meet the requirements  
 1032 of the law existing immediately prior to the effective date of  
 1033 this act, if construction of such restaurant has commenced prior  
 1034 to the effective date of this act and is completed within 30  
 1035 days thereafter, or if an application is on file for such  
 1036 special license at the time this act takes effect; and any such  
 1037 licenses issued under this proviso may be annually renewed as  
 1038 now provided by law. Nothing herein prevents an application for  
 1039 transfer of a license to a bona fide purchaser of any hotel,  
 1040 motel, motor court, or restaurant by the purchaser of such  
 1041 facility or the transfer of such license pursuant to law.

1042 Section 19. Subsection (4) of section 561.42, Florida  
 1043 Statutes, is amended to read:

1044 561.42 Tied house evil; financial aid and assistance to  
 1045 vendor by manufacturer, distributor, importer, primary American  
 1046 source of supply, brand owner or registrant, or any broker,  
 1047 sales agent, or sales person thereof, prohibited; procedure for  
 1048 enforcement; exception.—

1049 (4) Before the division shall so declare and prohibit such  
 1050 sales to such vendor, ~~it shall,~~ within 2 days after receipt of

1051 such notice, the division shall give ~~written~~ notice to such  
1052 vendor by electronic mail of the receipt by the division of such  
1053 notification of delinquency and such vendor shall be directed to  
1054 forthwith make payment thereof or, upon failure to do so, to  
1055 show cause before the division why further sales to such vendor  
1056 may ~~shall~~ not be prohibited. Good and sufficient cause to  
1057 prevent such action by the division may be made by showing  
1058 payment, failure of consideration, or any other defense which  
1059 would be considered sufficient in a common-law action. The  
1060 vendor shall have 5 days after service ~~receipt~~ of such notice  
1061 via electronic mail within which to show such cause, and he or  
1062 she may demand a hearing thereon, provided he or she does so in  
1063 writing within said 5 days, such written demand to be delivered  
1064 to the division either in person, by electronic mail, or by due  
1065 course of mail within such 5 days. If no such demand for hearing  
1066 is made, the division shall thereupon declare in writing to such  
1067 vendor and to all manufacturers and distributors within the  
1068 state that all further sales to such vendor are prohibited until  
1069 such time as the division certifies in writing that such vendor  
1070 has fully paid for all liquors previously purchased. In the  
1071 event such prohibition of sales and declaration thereof to the  
1072 vendor, manufacturers, and distributors is ordered by the  
1073 division, the vendor may seek review of such decision by the  
1074 Department of Business and Professional Regulation within 5  
1075 days. In the event application for such review is filed within

1076 such time, such prohibition of sales may ~~shall~~ not be made,  
 1077 published, or declared until final disposition of such review by  
 1078 the department.

1079 Section 20. Subsection (2) of section 561.55, Florida  
 1080 Statutes, is amended to read:

1081 561.55 Manufacturers', distributors', brokers', sales  
 1082 agents', importers', vendors', and exporters' records and  
 1083 reports.-

1084 (2) Each manufacturer, distributor, broker, sales agent,  
 1085 and importer shall make a full and complete report by the 10th  
 1086 day of each month for the previous calendar month. The report  
 1087 must be ~~shall be made out in triplicate; two copies shall be~~  
 1088 ~~sent to the division, and the third copy shall be retained for~~  
 1089 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~  
 1090 ~~importer's record. Reports shall be made on forms prepared and~~  
 1091 ~~furnished~~ by the division and filed with the division through  
 1092 the division's electronic data submission system.

1093 Section 21. Section 562.455, Florida Statutes, is amended  
 1094 to read:

1095 562.455 Adulterating liquor; penalty.-Whoever adulterates,  
 1096 for the purpose of sale, any liquor, used or intended for drink,  
 1097 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,  
 1098 capsicum, copperas, laurel water, logwood, brazil wood,  
 1099 cochineal, sugar of lead, or any other substance which is  
 1100 poisonous or injurious to health, and whoever knowingly sells

1101 any liquor so adulterated, commits ~~shall be guilty of~~ a felony  
 1102 of the third degree, punishable as provided in s. 775.082, s.  
 1103 775.083, or s. 775.084.

1104 Section 22. Paragraphs (d) and (f) of subsection (2) of  
 1105 section 718.112, Florida Statutes, are amended to read:

1106 718.112 Bylaws.—

1107 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
 1108 following and, if they do not do so, shall be deemed to include  
 1109 the following:

1110 (d) *Unit owner meetings.*—

1111 1. An annual meeting of the unit owners must be held at  
 1112 the location provided in the association bylaws and, if the  
 1113 bylaws are silent as to the location, the meeting must be held  
 1114 within 45 miles of the condominium property. However, such  
 1115 distance requirement does not apply to an association governing  
 1116 a timeshare condominium.

1117 2. Unless the bylaws provide otherwise, a vacancy on the  
 1118 board caused by the expiration of a director's term must be  
 1119 filled by electing a new board member, and the election must be  
 1120 by secret ballot. An election is not required if the number of  
 1121 vacancies equals or exceeds the number of candidates. For  
 1122 purposes of this paragraph, the term "candidate" means an  
 1123 eligible person who has timely submitted the written notice, as  
 1124 described in sub-subparagraph 4.a., of his or her intention to  
 1125 become a candidate. Except in a timeshare or nonresidential

1126 condominium, or if the staggered term of a board member does not  
1127 expire until a later annual meeting, or if all members' terms  
1128 would otherwise expire but there are no candidates, the terms of  
1129 all board members expire at the annual meeting, and such members  
1130 may stand for reelection unless prohibited by the bylaws. Board  
1131 members may serve terms longer than 1 year if permitted by the  
1132 bylaws or articles of incorporation. A board member may not  
1133 serve more than 8 consecutive years unless approved by an  
1134 affirmative vote of unit owners representing two-thirds of all  
1135 votes cast in the election or unless there are not enough  
1136 eligible candidates to fill the vacancies on the board at the  
1137 time of the vacancy. If the number of board members whose terms  
1138 expire at the annual meeting equals or exceeds the number of  
1139 candidates, the candidates become members of the board effective  
1140 upon the adjournment of the annual meeting. Unless the bylaws  
1141 provide otherwise, any remaining vacancies shall be filled by  
1142 the affirmative vote of the majority of the directors making up  
1143 the newly constituted board even if the directors constitute  
1144 less than a quorum or there is only one director. In a  
1145 residential condominium association of more than 10 units or in  
1146 a residential condominium association that does not include  
1147 timeshare units or timeshare interests, co-owners of a unit may  
1148 not serve as members of the board of directors at the same time  
1149 unless they own more than one unit or unless there are not  
1150 enough eligible candidates to fill the vacancies on the board at

1151 the time of the vacancy. A unit owner in a residential  
1152 condominium desiring to be a candidate for board membership must  
1153 comply with sub-subparagraph 4.a. and must be eligible to be a  
1154 candidate to serve on the board of directors at the time of the  
1155 deadline for submitting a notice of intent to run in order to  
1156 have his or her name listed as a proper candidate on the ballot  
1157 or to serve on the board. A person who has been suspended or  
1158 removed by the division under this chapter, or who is delinquent  
1159 in the payment of any assessment ~~monetary obligation~~ due to the  
1160 association, is not eligible to be a candidate for board  
1161 membership and may not be listed on the ballot. For purposes of  
1162 this paragraph, a person is delinquent if a payment is not made  
1163 by the due date as specifically identified in the declaration of  
1164 condominium, bylaws, or articles of incorporation. If a due date  
1165 is not specifically identified in the declaration of  
1166 condominium, bylaws, or articles of incorporation, the due date  
1167 is the first day of the assessment period. A person who has been  
1168 convicted of any felony in this state or in a United States  
1169 District or Territorial Court, or who has been convicted of any  
1170 offense in another jurisdiction which would be considered a  
1171 felony if committed in this state, is not eligible for board  
1172 membership unless such felon's civil rights have been restored  
1173 for at least 5 years as of the date such person seeks election  
1174 to the board. The validity of an action by the board is not  
1175 affected if it is later determined that a board member is

1176 ineligible for board membership due to having been convicted of  
1177 a felony. This subparagraph does not limit the term of a member  
1178 of the board of a nonresidential or timeshare condominium.

1179 3. The bylaws must provide the method of calling meetings  
1180 of unit owners, including annual meetings. Written notice must  
1181 include an agenda, must be mailed, hand delivered, or  
1182 electronically transmitted to each unit owner at least 14 days  
1183 before the annual meeting, and must be posted in a conspicuous  
1184 place on the condominium property at least 14 continuous days  
1185 before the annual meeting. Upon notice to the unit owners, the  
1186 board shall, by duly adopted rule, designate a specific location  
1187 on the condominium property where all notices of unit owner  
1188 meetings must be posted. This requirement does not apply if  
1189 there is no condominium property for posting notices. In lieu  
1190 of, or in addition to, the physical posting of meeting notices,  
1191 the association may, by reasonable rule, adopt a procedure for  
1192 conspicuously posting and repeatedly broadcasting the notice and  
1193 the agenda on a closed-circuit cable television system serving  
1194 the condominium association. However, if broadcast notice is  
1195 used in lieu of a notice posted physically on the condominium  
1196 property, the notice and agenda must be broadcast at least four  
1197 times every broadcast hour of each day that a posted notice is  
1198 otherwise required under this section. If broadcast notice is  
1199 provided, the notice and agenda must be broadcast in a manner  
1200 and for a sufficient continuous length of time so as to allow an



1201 average reader to observe the notice and read and comprehend the  
1202 entire content of the notice and the agenda. In addition to any  
1203 of the authorized means of providing notice of a meeting of the  
1204 board, the association may, by rule, adopt a procedure for  
1205 conspicuously posting the meeting notice and the agenda on a  
1206 website serving the condominium association for at least the  
1207 minimum period of time for which a notice of a meeting is also  
1208 required to be physically posted on the condominium property.  
1209 Any rule adopted shall, in addition to other matters, include a  
1210 requirement that the association send an electronic notice in  
1211 the same manner as a notice for a meeting of the members, which  
1212 must include a hyperlink to the website where the notice is  
1213 posted, to unit owners whose e-mail addresses are included in  
1214 the association's official records. Unless a unit owner waives  
1215 in writing the right to receive notice of the annual meeting,  
1216 such notice must be hand delivered, mailed, or electronically  
1217 transmitted to each unit owner. Notice for meetings and notice  
1218 for all other purposes must be mailed to each unit owner at the  
1219 address last furnished to the association by the unit owner, or  
1220 hand delivered to each unit owner. However, if a unit is owned  
1221 by more than one person, the association must provide notice to  
1222 the address that the developer identifies for that purpose and  
1223 thereafter as one or more of the owners of the unit advise the  
1224 association in writing, or if no address is given or the owners  
1225 of the unit do not agree, to the address provided on the deed of

1226 record. An officer of the association, or the manager or other  
1227 person providing notice of the association meeting, must provide  
1228 an affidavit or United States Postal Service certificate of  
1229 mailing, to be included in the official records of the  
1230 association affirming that the notice was mailed or hand  
1231 delivered in accordance with this provision.

1232 4. The members of the board of a residential condominium  
1233 shall be elected by written ballot or voting machine. Proxies  
1234 may not be used in electing the board in general elections or  
1235 elections to fill vacancies caused by recall, resignation, or  
1236 otherwise, unless otherwise provided in this chapter. This  
1237 subparagraph does not apply to an association governing a  
1238 timeshare condominium.

1239 a. At least 60 days before a scheduled election, the  
1240 association shall mail, deliver, or electronically transmit, by  
1241 separate association mailing or included in another association  
1242 mailing, delivery, or transmission, including regularly  
1243 published newsletters, to each unit owner entitled to a vote, a  
1244 first notice of the date of the election. A unit owner or other  
1245 eligible person desiring to be a candidate for the board must  
1246 give written notice of his or her intent to be a candidate to  
1247 the association at least 40 days before a scheduled election.  
1248 Together with the written notice and agenda as set forth in  
1249 subparagraph 3., the association shall mail, deliver, or  
1250 electronically transmit a second notice of the election to all

1251 unit owners entitled to vote, together with a ballot that lists  
1252 all candidates. Upon request of a candidate, an information  
1253 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1254 furnished by the candidate at least 35 days before the election,  
1255 must be included with the mailing, delivery, or transmission of  
1256 the ballot, with the costs of mailing, delivery, or electronic  
1257 transmission and copying to be borne by the association. The  
1258 association is not liable for the contents of the information  
1259 sheets prepared by the candidates. In order to reduce costs, the  
1260 association may print or duplicate the information sheets on  
1261 both sides of the paper. The division shall by rule establish  
1262 voting procedures consistent with this sub-subparagraph,  
1263 including rules establishing procedures for giving notice by  
1264 electronic transmission and rules providing for the secrecy of  
1265 ballots. Elections shall be decided by a plurality of ballots  
1266 cast. There is no quorum requirement; however, at least 20  
1267 percent of the eligible voters must cast a ballot in order to  
1268 have a valid election. A unit owner may not authorize any other  
1269 person to vote his or her ballot, and any ballots improperly  
1270 cast are invalid. A unit owner who violates this provision may  
1271 be fined by the association in accordance with s. 718.303. A  
1272 unit owner who needs assistance in casting the ballot for the  
1273 reasons stated in s. 101.051 may obtain such assistance. The  
1274 regular election must occur on the date of the annual meeting.  
1275 Notwithstanding this sub-subparagraph, an election is not

1276 required unless more candidates file notices of intent to run or  
1277 are nominated than board vacancies exist.

1278       b. Within 90 days after being elected or appointed to the  
1279 board of an association of a residential condominium, each newly  
1280 elected or appointed director shall certify in writing to the  
1281 secretary of the association that he or she has read the  
1282 association's declaration of condominium, articles of  
1283 incorporation, bylaws, and current written policies; that he or  
1284 she will work to uphold such documents and policies to the best  
1285 of his or her ability; and that he or she will faithfully  
1286 discharge his or her fiduciary responsibility to the  
1287 association's members. In lieu of this written certification,  
1288 within 90 days after being elected or appointed to the board,  
1289 the newly elected or appointed director may submit a certificate  
1290 of having satisfactorily completed the educational curriculum  
1291 administered by a division-approved condominium education  
1292 provider within 1 year before or 90 days after the date of  
1293 election or appointment. The written certification or  
1294 educational certificate is valid and does not have to be  
1295 resubmitted as long as the director serves on the board without  
1296 interruption. A director of an association of a residential  
1297 condominium who fails to timely file the written certification  
1298 or educational certificate is suspended from service on the  
1299 board until he or she complies with this sub-subparagraph. The  
1300 board may temporarily fill the vacancy during the period of

1301 suspension. The secretary shall cause the association to retain  
1302 a director's written certification or educational certificate  
1303 for inspection by the members for 5 years after a director's  
1304 election or the duration of the director's uninterrupted tenure,  
1305 whichever is longer. Failure to have such written certification  
1306 or educational certificate on file does not affect the validity  
1307 of any board action.

1308 c. Any challenge to the election process must be commenced  
1309 within 60 days after the election results are announced.

1310 5. Any approval by unit owners called for by this chapter  
1311 or the applicable declaration or bylaws, including, but not  
1312 limited to, the approval requirement in s. 718.111(8), must be  
1313 made at a duly noticed meeting of unit owners and is subject to  
1314 all requirements of this chapter or the applicable condominium  
1315 documents relating to unit owner decisionmaking, except that  
1316 unit owners may take action by written agreement, without  
1317 meetings, on matters for which action by written agreement  
1318 without meetings is expressly allowed by the applicable bylaws  
1319 or declaration or any law that provides for such action.

1320 6. Unit owners may waive notice of specific meetings if  
1321 allowed by the applicable bylaws or declaration or any law.  
1322 Notice of meetings of the board of administration, unit owner  
1323 meetings, except unit owner meetings called to recall board  
1324 members under paragraph (j), and committee meetings may be given  
1325 by electronic transmission to unit owners who consent to receive

1326 notice by electronic transmission. A unit owner who consents to  
1327 receiving notices by electronic transmission is solely  
1328 responsible for removing or bypassing filters that block receipt  
1329 of mass emails sent to members on behalf of the association in  
1330 the course of giving electronic notices.

1331 7. Unit owners have the right to participate in meetings  
1332 of unit owners with reference to all designated agenda items.  
1333 However, the association may adopt reasonable rules governing  
1334 the frequency, duration, and manner of unit owner participation.

1335 8. A unit owner may tape record or videotape a meeting of  
1336 the unit owners subject to reasonable rules adopted by the  
1337 division.

1338 9. Unless otherwise provided in the bylaws, any vacancy  
1339 occurring on the board before the expiration of a term may be  
1340 filled by the affirmative vote of the majority of the remaining  
1341 directors, even if the remaining directors constitute less than  
1342 a quorum, or by the sole remaining director. In the alternative,  
1343 a board may hold an election to fill the vacancy, in which case  
1344 the election procedures must conform to sub-subparagraph 4.a.  
1345 unless the association governs 10 units or fewer and has opted  
1346 out of the statutory election process, in which case the bylaws  
1347 of the association control. Unless otherwise provided in the  
1348 bylaws, a board member appointed or elected under this section  
1349 shall fill the vacancy for the unexpired term of the seat being  
1350 filled. Filling vacancies created by recall is governed by

1351 paragraph (j) and rules adopted by the division.

1352 10. This chapter does not limit the use of general or  
1353 limited proxies, require the use of general or limited proxies,  
1354 or require the use of a written ballot or voting machine for any  
1355 agenda item or election at any meeting of a timeshare  
1356 condominium association or nonresidential condominium  
1357 association.

1358  
1359 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1360 association of 10 or fewer units may, by affirmative vote of a  
1361 majority of the total voting interests, provide for different  
1362 voting and election procedures in its bylaws, which may be by a  
1363 proxy specifically delineating the different voting and election  
1364 procedures. The different voting and election procedures may  
1365 provide for elections to be conducted by limited or general  
1366 proxy.

1367 (f) *Annual budget.*—

1368 1. The proposed annual budget of estimated revenues and  
1369 expenses must be detailed and must show the amounts budgeted by  
1370 accounts and expense classifications, including, at a minimum,  
1371 any applicable expenses listed in s. 718.504(21). The annual  
1372 budget must be proposed to unit owners and adopted by the board  
1373 of directors no later than 30 days before the beginning of the  
1374 fiscal year. A multicondominium association shall adopt a  
1375 separate budget of common expenses for each condominium the

1376 association operates and shall adopt a separate budget of common  
1377 expenses for the association. In addition, if the association  
1378 maintains limited common elements with the cost to be shared  
1379 only by those entitled to use the limited common elements as  
1380 provided for in s. 718.113(1), the budget or a schedule attached  
1381 to it must show the amount budgeted for this maintenance. If,  
1382 after turnover of control of the association to the unit owners,  
1383 any of the expenses listed in s. 718.504(21) are not applicable,  
1384 they need not be listed.

1385       2.a. In addition to annual operating expenses, the budget  
1386 must include reserve accounts for capital expenditures and  
1387 deferred maintenance. These accounts must include, but are not  
1388 limited to, roof replacement, building painting, and pavement  
1389 resurfacing, regardless of the amount of deferred maintenance  
1390 expense or replacement cost, and any other item that has a  
1391 deferred maintenance expense or replacement cost that exceeds  
1392 \$10,000. The amount to be reserved must be computed using a  
1393 formula based upon estimated remaining useful life and estimated  
1394 replacement cost or deferred maintenance expense of each reserve  
1395 item. The association may adjust replacement reserve assessments  
1396 annually to take into account any changes in estimates or  
1397 extension of the useful life of a reserve item caused by  
1398 deferred maintenance. This subsection does not apply to an  
1399 adopted budget in which the members of an association have  
1400 determined, by a majority vote at a duly called meeting of the



1401 association, to provide no reserves or less reserves than  
1402 required by this subsection.

1403       b. Before turnover of control of an association by a  
1404 developer to unit owners other than a developer pursuant to s.  
1405 718.301, the developer may vote the voting interests allocated  
1406 to its units to waive the reserves or reduce the funding of  
1407 reserves through the period expiring at the end of the second  
1408 fiscal year after the fiscal year in which the certificate of a  
1409 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or  
1410 an instrument that transfers title to a unit in the condominium  
1411 which is not accompanied by a recorded assignment of developer  
1412 rights in favor of the grantee of such unit is recorded,  
1413 whichever occurs first, after which time reserves may be waived  
1414 or reduced only upon the vote of a majority of all nondeveloper  
1415 voting interests voting in person or by limited proxy at a duly  
1416 called meeting of the association. If a meeting of the unit  
1417 owners has been called to determine whether to waive or reduce  
1418 the funding of reserves and no such result is achieved or a  
1419 quorum is not attained, the reserves included in the budget  
1420 shall go into effect. After the turnover, the developer may vote  
1421 its voting interest to waive or reduce the funding of reserves.

1422       3. Reserve funds and any interest accruing thereon shall  
1423 remain in the reserve account or accounts, and may be used only  
1424 for authorized reserve expenditures unless their use for other  
1425 purposes is approved in advance by a majority vote at a duly

1426 called meeting of the association. Before turnover of control of  
1427 an association by a developer to unit owners other than the  
1428 developer pursuant to s. 718.301, the developer-controlled  
1429 association may not vote to use reserves for purposes other than  
1430 those for which they were intended without the approval of a  
1431 majority of all nondeveloper voting interests, voting in person  
1432 or by limited proxy at a duly called meeting of the association.

1433 4. The only voting interests that are eligible to vote on  
1434 questions that involve waiving or reducing the funding of  
1435 reserves, or using existing reserve funds for purposes other  
1436 than purposes for which the reserves were intended, are the  
1437 voting interests of the units subject to assessment to fund the  
1438 reserves in question. Proxy questions relating to waiving or  
1439 reducing the funding of reserves or using existing reserve funds  
1440 for purposes other than purposes for which the reserves were  
1441 intended must contain the following statement in capitalized,  
1442 bold letters in a font size larger than any other used on the  
1443 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1444 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1445 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1446 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1447 Section 23. Paragraph (m) of subsection (1) of section  
1448 718.501, Florida Statutes, is amended to read:

1449 718.501 Authority, responsibility, and duties of Division  
1450 of Florida Condominiums, Timeshares, and Mobile Homes.—

1451 (1) The division may enforce and ensure compliance with  
1452 the provisions of this chapter and rules relating to the  
1453 development, construction, sale, lease, ownership, operation,  
1454 and management of residential condominium units. In performing  
1455 its duties, the division has complete jurisdiction to  
1456 investigate complaints and enforce compliance with respect to  
1457 associations that are still under developer control or the  
1458 control of a bulk assignee or bulk buyer pursuant to part VII of  
1459 this chapter and complaints against developers, bulk assignees,  
1460 or bulk buyers involving improper turnover or failure to  
1461 turnover, pursuant to s. 718.301. However, after turnover has  
1462 occurred, the division has jurisdiction to investigate  
1463 complaints related only to financial issues, elections, and unit  
1464 owner access to association records pursuant to s. 718.111(12).

1465 (m) If a complaint is made, the division must conduct its  
1466 inquiry with due regard for the interests of the affected  
1467 parties. Within 30 days after receipt of a complaint, the  
1468 division shall acknowledge the complaint in writing and notify  
1469 the complainant whether the complaint is within the jurisdiction  
1470 of the division and whether additional information is needed by  
1471 the division from the complainant. The division shall conduct  
1472 its investigation and, within 90 days after receipt of the  
1473 original complaint or of timely requested additional  
1474 information, take action upon the complaint. However, the  
1475 failure to complete the investigation within 90 days does not

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1476 prevent the division from continuing the investigation,  
1477 accepting or considering evidence obtained or received after 90  
1478 days, or taking administrative action if reasonable cause exists  
1479 to believe that a violation of this chapter or a rule has  
1480 occurred. If an investigation is not completed within the time  
1481 limits established in this paragraph, the division shall, on a  
1482 monthly basis, notify the complainant in writing of the status  
1483 of the investigation. When reporting its action to the  
1484 complainant, the division shall inform the complainant of any  
1485 right to a hearing pursuant to ss. 120.569 and 120.57. The  
1486 division may adopt rules regarding the submission of a complaint  
1487 against an association.

1488 Section 24. Section 718.5014, Florida Statutes, is amended  
1489 to read:

1490 718.5014 Ombudsman location.—The ombudsman shall maintain  
1491 his or her principal office at a ~~in Leon County on the premises~~  
1492 ~~of the division or, if suitable space cannot be provided there,~~  
1493 ~~at another~~ place convenient to the offices of the division which  
1494 will enable the ombudsman to expeditiously carry out the duties  
1495 and functions of his or her office. The ombudsman may establish  
1496 branch offices elsewhere in the state upon the concurrence of  
1497 the Governor.

1498 Section 25. Subsection (1) of section 455.219, Florida  
1499 Statutes, is amended to read:

1500 455.219 Fees; receipts; disposition; periodic management

1501 reports.—

1502 (1) Each board within the department shall determine by  
1503 rule the amount of license fees for its profession, based upon  
1504 department-prepared long-range estimates of the revenue required  
1505 to implement all provisions of law relating to the regulation of  
1506 professions by the department and any board; however, when the  
1507 department has determined, based on the long-range estimates of  
1508 such revenue, that a profession's trust fund moneys are in  
1509 excess of the amount required to cover the necessary functions  
1510 of the board, or the department when there is no board, the  
1511 department may adopt rules to implement a waiver of license  
1512 renewal fees for that profession for a period not to exceed 2  
1513 years, as determined by the department. Each board, or the  
1514 department when there is no board, shall ensure license fees are  
1515 adequate to cover all anticipated costs and to maintain a  
1516 reasonable cash balance, as determined by rule of the  
1517 department, with advice of the applicable board. If sufficient  
1518 action is not taken by a board within 1 year of notification by  
1519 the department that license fees are projected to be inadequate,  
1520 the department shall set license fees on behalf of the  
1521 applicable board to cover anticipated costs and to maintain the  
1522 required cash balance. The department shall include recommended  
1523 fee cap increases in its annual report to the Legislature.  
1524 Further, it is legislative intent that no regulated profession  
1525 operate with a negative cash balance. The department may provide

1526 | by rule for the advancement of sufficient funds to any  
 1527 | profession or the Florida Athletic ~~State Boxing~~ Commission  
 1528 | operating with a negative cash balance. Such advancement may be  
 1529 | for a period not to exceed 2 consecutive years and shall require  
 1530 | interest to be paid by the regulated profession. Interest shall  
 1531 | be calculated at the current rate earned on Professional  
 1532 | Regulation Trust Fund investments. Interest earned shall be  
 1533 | allocated to the various funds in accordance with the allocation  
 1534 | of investment earnings during the period of the advance.

1535 |       Section 26. Subsection (4) of section 548.002, Florida  
 1536 | Statutes, is amended to read:

1537 |           548.002 Definitions.—As used in this chapter, the term:

1538 |           (4) "Commission" means the Florida Athletic ~~State Boxing~~  
 1539 | Commission.

1540 |       Section 27. Subsections (3) and (4) of section 548.05,  
 1541 | Florida Statutes, are amended to read:

1542 |           548.05 Control of contracts.—

1543 |           (3) The commission may require that each contract contain  
 1544 | language authorizing the ~~Florida State Boxing~~ commission to  
 1545 | withhold any or all of any manager's share of a purse in the  
 1546 | event of a contractual dispute as to entitlement to any portion  
 1547 | of a purse. The commission may establish rules governing the  
 1548 | manner of resolution of such dispute. In addition, if the  
 1549 | commission deems it appropriate, the commission is hereby  
 1550 | authorized to implead interested parties over any disputed funds

1551 into the appropriate circuit court for resolution of the dispute  
 1552 before ~~prior to~~ release of all or any part of the funds.

1553 (4) Each contract subject to this section shall contain  
 1554 the following clause: "This agreement is subject to the  
 1555 provisions of chapter 548, Florida Statutes, and to the rules of  
 1556 the Florida Athletic State-Boxing Commission and to any future  
 1557 amendments of either."

1558 Section 28. Subsection (12) of section 548.071, Florida  
 1559 Statutes, is amended to read:

1560 548.071 Suspension or revocation of license or permit by  
 1561 commission.—The commission may suspend or revoke a license or  
 1562 permit if the commission finds that the licensee or permittee:

1563 (12) Has been disciplined by the ~~Florida State-Boxing~~  
 1564 commission or similar agency or body of any jurisdiction.

1565 Section 29. Section 548.077, Florida Statutes, is amended  
 1566 to read:

1567 548.077 Florida Athletic State-Boxing Commission;  
 1568 collection and disposition of moneys.—All fees, fines,  
 1569 forfeitures, and other moneys collected under the provisions of  
 1570 this chapter shall be paid by the commission to the Chief  
 1571 Financial Officer who, after the expenses of the commission are  
 1572 paid, shall deposit them in the Professional Regulation Trust  
 1573 Fund to be used for the administration and operation of the  
 1574 commission and to enforce the laws and rules under its  
 1575 jurisdiction. In the event the unexpended balance of such moneys

1576 | collected under the provisions of this chapter exceeds \$250,000,  
1577 | any excess of that amount shall be deposited in the General  
1578 | Revenue Fund.

1579 |       Section 30. This act shall take effect July 1, 2021.