

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. 548.003, F.S.;  
66 renaming the Florida State Boxing Commission as the  
67 Florida Athletic Commission; amending s. 548.043,  
68 F.S.; revising rulemaking requirements for the  
69 commission relating to gloves; amending s. 553.841,  
70 F.S.; conforming a provision to changes made by the  
71 act; amending s. 561.01, F.S.; deleting the definition  
72 of the term "permit carrier"; amending s. 561.17,  
73 F.S.; revising a requirement related to the filing of  
74 fingerprints with the division; requiring that  
75 applications be accompanied by certain information

76 relating to right of occupancy; providing requirements  
77 relating to contact information for licensees and  
78 permittees; amending s. 561.19, F.S.; revising  
79 provisions relating to the availability of beverage  
80 licenses to include by reason of the cancellation of a  
81 quota beverage license; amending s. 561.20, F.S.;  
82 conforming cross-references; revising requirements for  
83 issuing special licenses to certain food service  
84 establishments; amending s. 561.42, F.S.; requiring  
85 the division, and authorizing vendors, to use  
86 electronic mail to give certain notice; amending s.  
87 561.55, F.S.; revising requirements for reports  
88 relating to alcoholic beverages; amending s. 562.455,  
89 F.S.; removing grains of paradise as a form of  
90 adulteration of liquor used or intended for drink;  
91 amending s. 718.112, F.S.; providing the circumstances  
92 under which a person is delinquent in the payment of  
93 an assessment in the context of eligibility for  
94 membership on certain condominium boards; requiring  
95 that an annual budget be proposed to unit owners and  
96 adopted by the board before a specified time; amending  
97 s. 718.501, F.S.; authorizing the Division of Florida  
98 Condominiums, Timeshares, and Mobile Homes to adopt  
99 rules regarding the submission of complaints against a  
100 condominium association; amending s. 718.5014, F.S.;

101           revising the location requirements for the principal  
 102           office of the condominium ombudsman; amending s.  
 103           719.106, F.S.; requiring the board of administration  
 104           to propose an annual budget before a specified time;  
 105           amending ss. 455.219, 548.002, 548.05, 548.071, and  
 106           548.077, F.S.; conforming provisions to changes made  
 107           by the act; providing an effective date.

108

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

110

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

113           210.09 Records to be kept; reports to be made;  
 114           examination.—

115           (2) The division is authorized to prescribe and promulgate  
 116           by rules and regulations, which shall have the force and effect  
 117           of the law, such records to be kept and reports to be made to  
 118           the division by any manufacturer, importer, distributing agent,  
 119           wholesale dealer, retail dealer, common carrier, or any other  
 120           person handling, transporting or possessing cigarettes for sale  
 121           or distribution within the state as may be necessary to collect  
 122           and properly distribute the taxes imposed by s. 210.02. All  
 123           reports shall be made on or before the 10th day of the month  
 124           following the month for which the report is made, unless the  
 125           division by rule or regulation shall prescribe that reports be

126 | made more often. All reports shall be filed with the division  
 127 | through the division's electronic data submission system.

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

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

148 | 210.55 Distributors; monthly reports ~~returns~~.—

149 | (1) On or before the 10th of each month, every taxpayer  
 150 | with a place of business in this state shall file a full and

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

166 (2) As soon as practicable after any report ~~return~~ is  
167 filed, the division shall examine each report ~~return~~ and correct  
168 it, if necessary, according to its best judgment and  
169 information. If the division finds that any amount of tax is due  
170 from the taxpayer and unpaid, it shall notify the taxpayer of  
171 the deficiency, stating that it proposes to assess the amount  
172 due together with interest and penalties. If a deficiency  
173 disclosed by the division's examination cannot be allocated to  
174 one or more particular months, the division shall notify the  
175 taxpayer of the deficiency, stating its intention to assess the

176 amount due for a given period without allocating it to any  
177 particular months.

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

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



201 assessment, the taxpayer shall have the burden of establishing  
 202 the incorrectness or invalidity of any report ~~return~~ or  
 203 assessment made by the division because of the failure of the  
 204 taxpayer to make a report ~~return~~.

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

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

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

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

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

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

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

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

250 |             Section 3. Section 210.60, Florida Statutes, is amended to

251 read:

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

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

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

297 489.109 Fees.—

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

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

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

323 489.118 Certification of registered contractors;  
324 grandfathering provisions.—The board shall, upon receipt of a  
325 completed application and appropriate fee, issue a certificate

326 in the appropriate category to any contractor registered under  
327 this part who makes application to the board and can show that  
328 he or she meets each of the following requirements:

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

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

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

350 (4) Has not had his or her contractor's license revoked at

351 any time, had his or her contractor's license suspended within  
352 the last 5 years, or been assessed a fine in excess of \$500  
353 within the last 5 years.

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

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

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

361 489.509 Fees.—

362 ~~(3) Four dollars of each fee under subsection (1) paid to~~  
363 ~~the department at the time of application or renewal shall be~~  
364 ~~transferred at the end of each licensing period to the~~  
365 ~~department to fund projects relating to the building~~  
366 ~~construction industry or continuing education programs offered~~  
367 ~~to persons engaged in the building construction industry in~~  
368 ~~Florida. The board shall, at the time the funds are transferred,~~  
369 ~~advise the department on the most needed areas of research or~~  
370 ~~continuing education based on significant changes in the~~  
371 ~~industry's practices or on the most common types of consumer~~  
372 ~~complaints or on problems costing the state or local~~  
373 ~~governmental entities substantial waste. The board's advice is~~  
374 ~~not binding on the department. The department shall ensure the~~  
375 ~~distribution of research reports and the availability of~~

376 ~~continuing education programs to all segments of the building~~  
377 ~~construction industry to which they relate. The department shall~~  
378 ~~report to the board in October of each year, summarizing the~~  
379 ~~allocation of the funds by institution and summarizing the new~~  
380 ~~projects funded and the status of previously funded projects.~~

381 Section 7. Paragraph (p) of subsection (2) of section  
382 499.01, Florida Statutes, is amended to read:

383 499.01 Permits.—

384 (2) The following permits are established:

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

398 1. An exempt cosmetics manufacturer may only:

399 a. Sell prepackaged cosmetics affixed with a label  
400 containing information required by the United States Food and



401 Drug Administration.

402 b. Manufacture and sell cosmetics that are soaps, not  
403 otherwise exempt from the definition of cosmetics, lotions,  
404 moisturizers, and creams.

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

407 d. Sell cosmetic products that are stored on the premises  
408 of the cosmetic manufacturing operation.

409 2. Each unit of cosmetics manufactured under this  
410 paragraph must contain in contrasting color and not less than  
411 10-point, the following statement: "Made by a manufacturer  
412 exempt from Florida's cosmetic manufacturing permit  
413 requirements."

414 3. The department may investigate any complaint which  
415 alleges that an exempt cosmetics manufacturer has violated an  
416 applicable provision of this chapter or rule adopted under this  
417 chapter. The department's authorized officer or employee may  
418 enter and inspect the premises of an exempt cosmetic  
419 manufacturer to determine compliance with this chapter and  
420 department rules, as applicable. A refusal to permit an  
421 authorized officer or employee of the department to enter the  
422 premises or to conduct an inspection is a violation of s.  
423 499.005(6) and is grounds for disciplinary action pursuant to s.  
424 499.066.

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

426 state or federal tax law, rule, regulation, or certificate, or  
427 from any county or municipal law or ordinance that applies to  
428 cosmetic manufacturing.

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

431 499.012 Permit application requirements.—

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

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

451 A temporary permit may not be extended and shall expire and  
452 become null and void by operation of law without further action  
453 by the department at 12:01 a.m. on the 91st day after the  
454 department authorizes such permit. Upon expiration of the  
455 temporary permit, the establishment may not continue to operate  
456 under such permit.

457

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

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

462 499.066 Penalties; remedies.—In addition to other  
463 penalties and other enforcement provisions:

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

476 pursuant to s. 499.051 of only those alleged violations  
477 contained in the citation. The citation shall be rescinded by  
478 the department if the person remedies or corrects the violations  
479 or deficiencies contained in the citation within 30 days after  
480 the citation is served. If the person does not successfully  
481 contest the citation to the satisfaction of the department, or  
482 complete remedial action pursuant to this paragraph, the  
483 citation becomes a final order and does not constitute  
484 discipline.

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

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

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

495 (e) The department may adopt rules to designate those  
496 violations for which a person is subject to the issuance of a  
497 citation and the monetary assessments and or other remedial  
498 measures that must be taken for those violations. Violations  
499 designated as subject to issuance of a citation shall include  
500 violations for which there is no substantial threat to the

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

503 Section 10. Section 548.003, Florida Statutes, is amended  
 504 to read:

505 548.003 Florida Athletic ~~State Boxing~~ Commission.—

506 (1) The Florida Athletic ~~State Boxing~~ Commission is  
 507 created and is assigned to the Department of Business and  
 508 Professional Regulation for administrative and fiscal  
 509 accountability purposes only. The ~~Florida State Boxing~~  
 510 commission shall consist of five members appointed by the  
 511 Governor, subject to confirmation by the Senate. One member must  
 512 be a physician licensed under ~~pursuant to~~ chapter 458 or chapter  
 513 459, who must maintain an unencumbered license in good standing,  
 514 and who must, at the time of her or his appointment, have  
 515 practiced medicine for at least 5 years. Upon the expiration of  
 516 the term of a commissioner, the Governor shall appoint a  
 517 successor to serve for a 4-year term. A commissioner whose term  
 518 has expired shall continue to serve on the commission until such  
 519 time as a replacement is appointed. If a vacancy on the  
 520 commission occurs before ~~prior to~~ the expiration of the term, it  
 521 shall be filled for the unexpired portion of the term in the  
 522 same manner as the original appointment.

523 (2) The ~~Florida State Boxing~~ commission, as created by  
 524 subsection (1), shall administer the provisions of this chapter.  
 525 The commission has authority to adopt rules pursuant to ss.

526 | 120.536(1) and 120.54 to implement the provisions of this  
527 | chapter and to implement each of the duties and responsibilities  
528 | conferred upon the commission, including, but not limited to:

529 |       (a) Development of an ethical code of conduct for  
530 | commissioners, commission staff, and commission officials.

531 |       (b) Facility and safety requirements relating to the ring,  
532 | floor plan and apron seating, emergency medical equipment and  
533 | services, and other equipment and services necessary for the  
534 | conduct of a program of matches.

535 |       (c) Requirements regarding a participant's apparel,  
536 | bandages, handwraps, gloves, mouthpiece, and appearance during a  
537 | match.

538 |       (d) Requirements relating to a manager's participation,  
539 | presence, and conduct during a match.

540 |       (e) Duties and responsibilities of all licensees under  
541 | this chapter.

542 |       (f) Procedures for hearings and resolution of disputes.

543 |       (g) Qualifications for appointment of referees and judges.

544 |       (h) Qualifications for and appointment of chief inspectors  
545 | and inspectors and duties and responsibilities of chief  
546 | inspectors and inspectors with respect to oversight and  
547 | coordination of activities for each program of matches regulated  
548 | under this chapter.

549 |       (i) Setting fee and reimbursement schedules for referees  
550 | and other officials appointed by the commission or the

551 representative of the commission.

552 (j) Establishment of criteria for approval, disapproval,  
553 suspension of approval, and revocation of approval of amateur  
554 sanctioning organizations for amateur boxing, kickboxing, and  
555 mixed martial arts held in this state, including, but not  
556 limited to, the health and safety standards the organizations  
557 use before, during, and after the matches to ensure the health,  
558 safety, and well-being of the amateurs participating in the  
559 matches, including the qualifications and numbers of health care  
560 personnel required to be present, the qualifications required  
561 for referees, and other requirements relating to the health,  
562 safety, and well-being of the amateurs participating in the  
563 matches. The commission may adopt by rule, or incorporate by  
564 reference into rule, the health and safety standards of USA  
565 Boxing as the minimum health and safety standards for an amateur  
566 boxing sanctioning organization, the health and safety standards  
567 of the International Sport Kickboxing Association as the minimum  
568 health and safety standards for an amateur kickboxing  
569 sanctioning organization, and the minimum health and safety  
570 standards for an amateur mixed martial arts sanctioning  
571 organization. The commission shall review its rules for  
572 necessary revision at least every 2 years and may adopt by rule,  
573 or incorporate by reference into rule, the then-existing current  
574 health and safety standards of USA Boxing and the International  
575 Sport Kickboxing Association. The commission may adopt emergency

576 rules to administer this paragraph.

577 (3) The commission shall maintain an office in  
578 Tallahassee. At the first meeting of the commission after June 1  
579 of each year, the commission shall select a chair and a vice  
580 chair from among its membership. Three members shall constitute  
581 a quorum and the concurrence of at least three members is  
582 necessary for official commission action.

583 (4) Three consecutive unexcused absences or absences  
584 constituting 50 percent or more of the commission's meetings  
585 within any 12-month period shall cause the commission membership  
586 of the member in question to become void, and the position shall  
587 be considered vacant. The commission shall, by rule, define  
588 unexcused absences.

589 (5) Each commission member shall be accountable to the  
590 Governor for the proper performance of duties as a member of the  
591 commission. The Governor shall cause to be investigated any  
592 complaint or unfavorable report received by the Governor or the  
593 department concerning an action of the commission or any member  
594 and shall take appropriate action thereon. The Governor may  
595 remove from office any member for malfeasance, unethical  
596 conduct, misfeasance, neglect of duty, incompetence, permanent  
597 inability to perform official duties, or pleading guilty or nolo  
598 contendere to or being found guilty of a felony.

599 (6) Each member of the commission shall be compensated at  
600 the rate of \$50 for each day she or he attends a commission



601 meeting and shall be reimbursed for other expenses as provided  
 602 in s. 112.061.

603 (7) The commission shall be authorized to join and  
 604 participate in the activities of the Association of Boxing  
 605 Commissions (ABC).

606 (8) The department shall provide all legal and  
 607 investigative services necessary to implement this chapter. The  
 608 department may adopt rules as provided in ss. 120.536(1) and  
 609 120.54 to carry out its duties under this chapter.

610 Section 11. Subsection (3) of section 548.043, Florida  
 611 Statutes, is amended to read:

612 548.043 Weights and classes, limitations; gloves.—

613 (3) The commission shall establish by rule the need for  
 614 gloves, if any, and the weight of any such gloves to be used in  
 615 each pugilistic match ~~the appropriate weight of gloves to be~~  
 616 ~~used in each boxing match; however, all participants in boxing~~  
 617 ~~matches shall wear gloves weighing not less than 8 ounces each~~  
 618 ~~and participants in mixed martial arts matches shall wear gloves~~  
 619 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such  
 620 protective devices as the commission deems necessary.

621 Section 12. Subsection (5) of section 553.841, Florida  
 622 Statutes, is amended to read:

623 553.841 Building code compliance and mitigation program.—

624 ~~(5) Each biennium, upon receipt of funds by the Department~~  
 625 ~~of Business and Professional Regulation from the Construction~~

626 ~~Industry Licensing Board and the Electrical Contractors'~~  
 627 ~~Licensing Board provided under ss. 489.109(3) and 489.509(3),~~  
 628 ~~the department shall determine the amount of funds available for~~  
 629 ~~the Florida Building Code Compliance and Mitigation Program.~~

630 Section 13. Subsection (20) of section 561.01, Florida  
 631 Statutes, is amended to read:

632 561.01 Definitions.—As used in the Beverage Law:

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

635 Section 14. Subsections (1) and (2) of section 561.17,  
 636 Florida Statutes, are amended, and subsection (5) is added to  
 637 that section, to read:

638 561.17 License and registration applications; approved  
 639 person.—

640 (1) Any person, before engaging in the business of  
 641 manufacturing, bottling, distributing, selling, or in any way  
 642 dealing in alcoholic beverages, shall file, with the district  
 643 licensing personnel of the district of the division in which the  
 644 place of business for which a license is sought is located, a  
 645 sworn application in the format prescribed by the division. The  
 646 applicant must be a legal or business entity, person, or persons  
 647 and must include all persons, officers, shareholders, and  
 648 directors of such legal or business entity that have a direct or  
 649 indirect interest in the business seeking to be licensed under  
 650 this part. However, the applicant does not include any person

651 that derives revenue from the license solely through a  
652 contractual relationship with the licensee, the substance of  
653 which contractual relationship is not related to the control of  
654 the sale of alcoholic beverages. Before any application is  
655 approved, the division may require the applicant to file a set  
656 of fingerprints electronically through an approved electronic  
657 fingerprinting vendor or ~~on regular United States Department of~~  
658 ~~Justice forms~~ prescribed by the Florida Department of Law  
659 Enforcement for herself or himself and for any person or persons  
660 interested directly or indirectly with the applicant in the  
661 business for which the license is being sought, when required by  
662 the division. If the applicant or any person who is interested  
663 with the applicant either directly or indirectly in the business  
664 or who has a security interest in the license being sought or  
665 has a right to a percentage payment from the proceeds of the  
666 business, either by lease or otherwise, is not qualified, the  
667 division shall deny the application. However, any company  
668 regularly traded on a national securities exchange and not over  
669 the counter; any insurer, as defined in the Florida Insurance  
670 Code; or any bank or savings and loan association chartered by  
671 this state, another state, or the United States which has an  
672 interest, directly or indirectly, in an alcoholic beverage  
673 license is not required to obtain the division's approval of its  
674 officers, directors, or stockholders or any change of such  
675 positions or interests. A shopping center with five or more

676 stores, one or more of which has an alcoholic beverage license  
677 and is required under a lease common to all shopping center  
678 tenants to pay no more than 10 percent of the gross proceeds of  
679 the business holding the license to the shopping center, is not  
680 considered as having an interest, directly or indirectly, in the  
681 license. A performing arts center, as defined in s. 561.01,  
682 which has an interest, directly or indirectly, in an alcoholic  
683 beverage license is not required to obtain division approval of  
684 its volunteer officers or directors or of any change in such  
685 positions or interests.

686 (2) All applications for any alcoholic beverage license  
687 must be accompanied by proof of the applicant's right of  
688 occupancy for the entire premises sought to be licensed. All  
689 applications for alcoholic beverage licenses for consumption on  
690 the premises shall be accompanied by a certificate of the  
691 Division of Hotels and Restaurants of the Department of Business  
692 and Professional Regulation, the Department of Agriculture and  
693 Consumer Services, the Department of Health, the Agency for  
694 Health Care Administration, or the county health department that  
695 the place of business wherein the business is to be conducted  
696 meets all of the sanitary requirements of the state.

697 (5) Any person or entity licensed or permitted by the  
698 division must provide an electronic mail address to the division  
699 to function as the primary contact for all communication by the  
700 division to the licensee or permittees. Licensees and permittees

701 are responsible for maintaining accurate contact information on  
702 file with the division.

703 Section 15. Paragraph (a) of subsection (2) of section  
704 561.19, Florida Statutes, is amended to read:

705 561.19 License issuance upon approval of division.—

706 (2) (a) When beverage licenses become available by reason  
707 of an increase in the population of a county, by reason of a  
708 county permitting the sale of intoxicating beverages when such  
709 sale had been prohibited, or by reason of the cancellation or  
710 revocation of a quota beverage license, the division, if there  
711 are more applicants than the number of available licenses, shall  
712 provide a method of double random selection by public drawing to  
713 determine which applicants shall be considered for issuance of  
714 licenses. The double random selection drawing method shall allow  
715 each applicant whose application is complete and does not  
716 disclose on its face any matter rendering the applicant  
717 ineligible an equal opportunity of obtaining an available  
718 license. After all applications are filed with the director, the  
719 director shall then determine by random selection drawing the  
720 order in which each applicant's name shall be matched with a  
721 number selected by random drawing, and that number shall  
722 determine the order in which the applicant will be considered  
723 for a license. This paragraph does not prohibit a person holding  
724 a perfected lien or security interest in a quota alcoholic  
725 beverage license, in accordance with s. 561.65, from enforcing

726 the lien or security interest against the license within 180  
727 days after a final order of revocation or suspension. A revoked  
728 quota alcoholic beverage license encumbered by a lien or  
729 security interest, perfected pursuant to s. 561.65, may not be  
730 issued under this subsection until the 180-day period has  
731 elapsed or until such enforcement proceeding is final.

732 Section 16. Paragraph (a) of subsection (2) of section  
733 561.20, Florida Statutes, is amended to read:

734 561.20 Limitation upon number of licenses issued.—

735 (2) (a) The limitation of the number of licenses as  
736 provided in this section does not prohibit the issuance of a  
737 special license to:

738 1. Any bona fide hotel, motel, or motor court of not fewer  
739 than 80 guest rooms in any county having a population of less  
740 than 50,000 residents, and of not fewer than 100 guest rooms in  
741 any county having a population of 50,000 residents or greater;  
742 or any bona fide hotel or motel located in a historic structure,  
743 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100  
744 guest rooms which derives at least 51 percent of its gross  
745 revenue from the rental of hotel or motel rooms, which is  
746 licensed as a public lodging establishment by the Division of  
747 Hotels and Restaurants; provided, however, that a bona fide  
748 hotel or motel with no fewer than 10 and no more than 25 guest  
749 rooms which is a historic structure, as defined in s. 561.01(20)  
750 ~~s. 561.01(21)~~, in a municipality that on the effective date of

751 | this act has a population, according to the University of  
752 | Florida's Bureau of Economic and Business Research Estimates of  
753 | Population for 1998, of no fewer than 25,000 and no more than  
754 | 35,000 residents and that is within a constitutionally chartered  
755 | county may be issued a special license. This special license  
756 | shall allow the sale and consumption of alcoholic beverages only  
757 | on the licensed premises of the hotel or motel. In addition, the  
758 | hotel or motel must derive at least 60 percent of its gross  
759 | revenue from the rental of hotel or motel rooms and the sale of  
760 | food and nonalcoholic beverages; provided that this subparagraph  
761 | shall supersede local laws requiring a greater number of hotel  
762 | rooms;

763 |         2. Any condominium accommodation of which no fewer than  
764 | 100 condominium units are wholly rentable to transients and  
765 | which is licensed under chapter 509, except that the license  
766 | shall be issued only to the person or corporation that operates  
767 | the hotel or motel operation and not to the association of  
768 | condominium owners;

769 |         3. Any condominium accommodation of which no fewer than 50  
770 | condominium units are wholly rentable to transients, which is  
771 | licensed under chapter 509, and which is located in any county  
772 | having home rule under s. 10 or s. 11, Art. VIII of the State  
773 | Constitution of 1885, as amended, and incorporated by reference  
774 | in s. 6(e), Art. VIII of the State Constitution, except that the  
775 | license shall be issued only to the person or corporation that

776 operates the hotel or motel operation and not to the association  
777 of condominium owners;

778 4. A food service establishment that has 2,500 square feet  
779 of service area, is equipped to serve meals to 150 persons at  
780 one time, and derives at least 51 percent of its gross food and  
781 beverage revenue from the sale of food and nonalcoholic  
782 beverages during the first 120-day ~~60-day~~ operating period and  
783 the first each 12-month operating period thereafter. Subsequent  
784 audit timeframes must be based upon the audit percentage  
785 established by the most recent audit and conducted on a  
786 staggered scale as follows: level 1, 51 percent to 60 percent,  
787 every year; level 2, 61 percent to 75 percent, every 2 years;  
788 level 3, 76 percent to 90 percent, every 3 years; and level 4,  
789 91 percent to 100 percent, every 4 years. A food service  
790 establishment granted a special license on or after January 1,  
791 1958, pursuant to general or special law may not operate as a  
792 package store and may not sell intoxicating beverages under such  
793 license after the hours of serving or consumption of food have  
794 elapsed. Failure by a licensee to meet the required percentage  
795 of food and nonalcoholic beverage gross revenues during the  
796 covered operating period shall result in revocation of the  
797 license or denial of the pending license application. A licensee  
798 whose license is revoked or an applicant whose pending  
799 application is denied, or any person required to qualify on the  
800 special license application, is ineligible to have any interest



801 in a subsequent application for such a license for a period of  
802 120 days after the date of the final denial or revocation;

803 5. Any caterer, deriving at least 51 percent of its gross  
804 food and beverage revenue from the sale of food and nonalcoholic  
805 beverages at each catered event, licensed by the Division of  
806 Hotels and Restaurants under chapter 509. This subparagraph does  
807 not apply to a culinary education program, as defined in s.  
808 381.0072(2), which is licensed as a public food service  
809 establishment by the Division of Hotels and Restaurants and  
810 provides catering services. Notwithstanding any law to the  
811 contrary, a licensee under this subparagraph shall sell or serve  
812 alcoholic beverages only for consumption on the premises of a  
813 catered event at which the licensee is also providing prepared  
814 food, and shall prominently display its license at any catered  
815 event at which the caterer is selling or serving alcoholic  
816 beverages. A licensee under this subparagraph shall purchase all  
817 alcoholic beverages it sells or serves at a catered event from a  
818 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
819 under s. 565.02(1) subject to the limitation imposed in  
820 subsection (1), as appropriate. A licensee under this  
821 subparagraph may not store any alcoholic beverages to be sold or  
822 served at a catered event. Any alcoholic beverages purchased by  
823 a licensee under this subparagraph for a catered event that are  
824 not used at that event must remain with the customer; provided  
825 that if the vendor accepts unopened alcoholic beverages, the

826 licensee may return such alcoholic beverages to the vendor for a  
827 credit or reimbursement. Regardless of the county or counties in  
828 which the licensee operates, a licensee under this subparagraph  
829 shall pay the annual state license tax set forth in s.  
830 565.02(1)(b). A licensee under this subparagraph must maintain  
831 for a period of 3 years all records and receipts for each  
832 catered event, including all contracts, customers' names, event  
833 locations, event dates, food purchases and sales, alcoholic  
834 beverage purchases and sales, nonalcoholic beverage purchases  
835 and sales, and any other records required by the department by  
836 rule to demonstrate compliance with the requirements of this  
837 subparagraph. Notwithstanding any law to the contrary, any  
838 vendor licensed under s. 565.02(1) subject to the limitation  
839 imposed in subsection (1), may, without any additional licensure  
840 under this subparagraph, serve or sell alcoholic beverages for  
841 consumption on the premises of a catered event at which prepared  
842 food is provided by a caterer licensed under chapter 509. If a  
843 licensee under this subparagraph also possesses any other  
844 license under the Beverage Law, the license issued under this  
845 subparagraph may ~~shall~~ not authorize the holder to conduct  
846 activities on the premises to which the other license or  
847 licenses apply that would otherwise be prohibited by the terms  
848 of that license or the Beverage Law. Nothing in this section  
849 shall permit the licensee to conduct activities that are  
850 otherwise prohibited by the Beverage Law or local law. The

851 Division of Alcoholic Beverages and Tobacco is hereby authorized  
852 to adopt rules to administer the license created in this  
853 subparagraph, to include rules governing licensure,  
854 recordkeeping, and enforcement. The first \$300,000 in fees  
855 collected by the division each fiscal year pursuant to this  
856 subparagraph shall be deposited in the Department of Children  
857 and Families' Operations and Maintenance Trust Fund to be used  
858 only for alcohol and drug abuse education, treatment, and  
859 prevention programs. The remainder of the fees collected shall  
860 be deposited into the Hotel and Restaurant Trust Fund created  
861 pursuant to s. 509.072; or

862         6. A culinary education program as defined in s.  
863 381.0072(2) which is licensed as a public food service  
864 establishment by the Division of Hotels and Restaurants.

865             a. This special license shall allow the sale and  
866 consumption of alcoholic beverages on the licensed premises of  
867 the culinary education program. The culinary education program  
868 shall specify designated areas in the facility where the  
869 alcoholic beverages may be consumed at the time of application.  
870 Alcoholic beverages sold for consumption on the premises may be  
871 consumed only in areas designated pursuant to s. 561.01(11) and  
872 may not be removed from the designated area. Such license shall  
873 be applicable only in and for designated areas used by the  
874 culinary education program.

875             b. If the culinary education program provides catering

876 services, this special license shall also allow the sale and  
877 consumption of alcoholic beverages on the premises of a catered  
878 event at which the licensee is also providing prepared food. A  
879 culinary education program that provides catering services is  
880 not required to derive at least 51 percent of its gross revenue  
881 from the sale of food and nonalcoholic beverages.  
882 Notwithstanding any law to the contrary, a licensee that  
883 provides catering services under this sub-subparagraph shall  
884 prominently display its beverage license at any catered event at  
885 which the caterer is selling or serving alcoholic beverages.  
886 Regardless of the county or counties in which the licensee  
887 operates, a licensee under this sub-subparagraph shall pay the  
888 annual state license tax set forth in s. 565.02(1)(b). A  
889 licensee under this sub-subparagraph must maintain for a period  
890 of 3 years all records required by the department by rule to  
891 demonstrate compliance with the requirements of this sub-  
892 subparagraph.

893 c. If a licensee under this subparagraph also possesses  
894 any other license under the Beverage Law, the license issued  
895 under this subparagraph does not authorize the holder to conduct  
896 activities on the premises to which the other license or  
897 licenses apply that would otherwise be prohibited by the terms  
898 of that license or the Beverage Law. Nothing in this  
899 subparagraph shall permit the licensee to conduct activities  
900 that are otherwise prohibited by the Beverage Law or local law.

901 Any culinary education program that holds a license to sell  
902 alcoholic beverages shall comply with the age requirements set  
903 forth in ss. 562.11(4), 562.111(2), and 562.13.

904 d. The Division of Alcoholic Beverages and Tobacco may  
905 adopt rules to administer the license created in this  
906 subparagraph, to include rules governing licensure,  
907 recordkeeping, and enforcement.

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

911  
912 However, any license heretofore issued to any such hotel, motel,  
913 motor court, or restaurant or hereafter issued to any such  
914 hotel, motel, or motor court, including a condominium  
915 accommodation, under the general law shall not be moved to a new  
916 location, such license being valid only on the premises of such  
917 hotel, motel, motor court, or restaurant. Licenses issued to  
918 hotels, motels, motor courts, or restaurants under the general  
919 law and held by such hotels, motels, motor courts, or  
920 restaurants on May 24, 1947, shall be counted in the quota  
921 limitation contained in subsection (1). Any license issued for  
922 any hotel, motel, or motor court under this law shall be issued  
923 only to the owner of the hotel, motel, or motor court or, in the  
924 event the hotel, motel, or motor court is leased, to the lessee  
925 of the hotel, motel, or motor court; and the license shall

926 remain in the name of the owner or lessee so long as the license  
927 is in existence. Any special license now in existence heretofore  
928 issued under this law cannot be renewed except in the name of  
929 the owner of the hotel, motel, motor court, or restaurant or, in  
930 the event the hotel, motel, motor court, or restaurant is  
931 leased, in the name of the lessee of the hotel, motel, motor  
932 court, or restaurant in which the license is located and must  
933 remain in the name of the owner or lessee so long as the license  
934 is in existence. Any license issued under this section shall be  
935 marked "Special," and nothing herein provided shall limit,  
936 restrict, or prevent the issuance of a special license for any  
937 restaurant or motel which shall hereafter meet the requirements  
938 of the law existing immediately prior to the effective date of  
939 this act, if construction of such restaurant has commenced prior  
940 to the effective date of this act and is completed within 30  
941 days thereafter, or if an application is on file for such  
942 special license at the time this act takes effect; and any such  
943 licenses issued under this proviso may be annually renewed as  
944 now provided by law. Nothing herein prevents an application for  
945 transfer of a license to a bona fide purchaser of any hotel,  
946 motel, motor court, or restaurant by the purchaser of such  
947 facility or the transfer of such license pursuant to law.

948 Section 17. Subsection (4) of section 561.42, Florida  
949 Statutes, is amended to read:

950 561.42 Tied house evil; financial aid and assistance to

951 vendor by manufacturer, distributor, importer, primary American  
952 source of supply, brand owner or registrant, or any broker,  
953 sales agent, or sales person thereof, prohibited; procedure for  
954 enforcement; exception.—

955 (4) Before the division shall so declare and prohibit such  
956 sales to such vendor, ~~it shall~~, within 2 days after receipt of  
957 such notice, the division shall give ~~written~~ notice to such  
958 vendor by electronic mail of the receipt by the division of such  
959 notification of delinquency and such vendor shall be directed to  
960 forthwith make payment thereof or, upon failure to do so, to  
961 show cause before the division why further sales to such vendor  
962 may ~~shall~~ not be prohibited. Good and sufficient cause to  
963 prevent such action by the division may be made by showing  
964 payment, failure of consideration, or any other defense which  
965 would be considered sufficient in a common-law action. The  
966 vendor shall have 5 days after service ~~receipt~~ of such notice  
967 via electronic mail within which to show such cause, and he or  
968 she may demand a hearing thereon, provided he or she does so in  
969 writing within said 5 days, such written demand to be delivered  
970 to the division either in person, by electronic mail, or by due  
971 course of mail within such 5 days. If no such demand for hearing  
972 is made, the division shall thereupon declare in writing to such  
973 vendor and to all manufacturers and distributors within the  
974 state that all further sales to such vendor are prohibited until  
975 such time as the division certifies in writing that such vendor

976 has fully paid for all liquors previously purchased. In the  
977 event such prohibition of sales and declaration thereof to the  
978 vendor, manufacturers, and distributors is ordered by the  
979 division, the vendor may seek review of such decision by the  
980 Department of Business and Professional Regulation within 5  
981 days. In the event application for such review is filed within  
982 such time, such prohibition of sales may ~~shall~~ not be made,  
983 published, or declared until final disposition of such review by  
984 the department.

985 Section 18. Subsection (2) of section 561.55, Florida  
986 Statutes, is amended to read:

987 561.55 Manufacturers', distributors', brokers', sales  
988 agents', importers', vendors', and exporters' records and  
989 reports.—

990 (2) Each manufacturer, distributor, broker, sales agent,  
991 and importer shall make a full and complete report by the 10th  
992 day of each month for the previous calendar month. The report  
993 must be ~~shall be made out in triplicate; two copies shall be~~  
994 ~~sent to the division, and the third copy shall be retained for~~  
995 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~  
996 ~~importer's record. Reports shall be made on forms prepared and~~  
997 ~~furnished~~ by the division and filed with the division through  
998 the division's electronic data submission system.

999 Section 19. Section 562.455, Florida Statutes, is amended  
1000 to read:



1001           562.455 Adulterating liquor; penalty.—Whoever adulterates,  
 1002 for the purpose of sale, any liquor, used or intended for drink,  
 1003 with cocculus indicus, vitriol, ~~grains of paradise~~, opium, alum,  
 1004 capsicum, copperas, laurel water, logwood, brazil wood,  
 1005 cochineal, sugar of lead, or any other substance which is  
 1006 poisonous or injurious to health, and whoever knowingly sells  
 1007 any liquor so adulterated, commits ~~shall be guilty of~~ a felony  
 1008 of the third degree, punishable as provided in s. 775.082, s.  
 1009 775.083, or s. 775.084.

1010           Section 20. Paragraphs (d) and (f) of subsection (2) of  
 1011 section 718.112, Florida Statutes, are amended to read:

1012           718.112 Bylaws.—

1013           (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
 1014 following and, if they do not do so, shall be deemed to include  
 1015 the following:

1016           (d) *Unit owner meetings*.—

1017           1. An annual meeting of the unit owners must be held at  
 1018 the location provided in the association bylaws and, if the  
 1019 bylaws are silent as to the location, the meeting must be held  
 1020 within 45 miles of the condominium property. However, such  
 1021 distance requirement does not apply to an association governing  
 1022 a timeshare condominium.

1023           2. Unless the bylaws provide otherwise, a vacancy on the  
 1024 board caused by the expiration of a director's term must be  
 1025 filled by electing a new board member, and the election must be

1026 | by secret ballot. An election is not required if the number of  
1027 | vacancies equals or exceeds the number of candidates. For  
1028 | purposes of this paragraph, the term "candidate" means an  
1029 | eligible person who has timely submitted the written notice, as  
1030 | described in sub-subparagraph 4.a., of his or her intention to  
1031 | become a candidate. Except in a timeshare or nonresidential  
1032 | condominium, or if the staggered term of a board member does not  
1033 | expire until a later annual meeting, or if all members' terms  
1034 | would otherwise expire but there are no candidates, the terms of  
1035 | all board members expire at the annual meeting, and such members  
1036 | may stand for reelection unless prohibited by the bylaws. Board  
1037 | members may serve terms longer than 1 year if permitted by the  
1038 | bylaws or articles of incorporation. A board member may not  
1039 | serve more than 8 consecutive years unless approved by an  
1040 | affirmative vote of unit owners representing two-thirds of all  
1041 | votes cast in the election or unless there are not enough  
1042 | eligible candidates to fill the vacancies on the board at the  
1043 | time of the vacancy. If the number of board members whose terms  
1044 | expire at the annual meeting equals or exceeds the number of  
1045 | candidates, the candidates become members of the board effective  
1046 | upon the adjournment of the annual meeting. Unless the bylaws  
1047 | provide otherwise, any remaining vacancies shall be filled by  
1048 | the affirmative vote of the majority of the directors making up  
1049 | the newly constituted board even if the directors constitute  
1050 | less than a quorum or there is only one director. In a

1051 residential condominium association of more than 10 units or in  
1052 a residential condominium association that does not include  
1053 timeshare units or timeshare interests, co-owners of a unit may  
1054 not serve as members of the board of directors at the same time  
1055 unless they own more than one unit or unless there are not  
1056 enough eligible candidates to fill the vacancies on the board at  
1057 the time of the vacancy. A unit owner in a residential  
1058 condominium desiring to be a candidate for board membership must  
1059 comply with sub-subparagraph 4.a. and must be eligible to be a  
1060 candidate to serve on the board of directors at the time of the  
1061 deadline for submitting a notice of intent to run in order to  
1062 have his or her name listed as a proper candidate on the ballot  
1063 or to serve on the board. A person who has been suspended or  
1064 removed by the division under this chapter, or who is delinquent  
1065 in the payment of any assessment ~~monetary obligation~~ due to the  
1066 association, is not eligible to be a candidate for board  
1067 membership and may not be listed on the ballot. For purposes of  
1068 this paragraph, a person is delinquent if a payment is not made  
1069 by the due date as specifically identified in the declaration of  
1070 condominium, bylaws, or articles of incorporation. If a due date  
1071 is not specifically identified in the declaration of  
1072 condominium, bylaws, or articles of incorporation, the due date  
1073 is the first day of the assessment period. A person who has been  
1074 convicted of any felony in this state or in a United States  
1075 District or Territorial Court, or who has been convicted of any

1076 offense in another jurisdiction which would be considered a  
1077 felony if committed in this state, is not eligible for board  
1078 membership unless such felon's civil rights have been restored  
1079 for at least 5 years as of the date such person seeks election  
1080 to the board. The validity of an action by the board is not  
1081 affected if it is later determined that a board member is  
1082 ineligible for board membership due to having been convicted of  
1083 a felony. This subparagraph does not limit the term of a member  
1084 of the board of a nonresidential or timeshare condominium.

1085 3. The bylaws must provide the method of calling meetings  
1086 of unit owners, including annual meetings. Written notice must  
1087 include an agenda, must be mailed, hand delivered, or  
1088 electronically transmitted to each unit owner at least 14 days  
1089 before the annual meeting, and must be posted in a conspicuous  
1090 place on the condominium property at least 14 continuous days  
1091 before the annual meeting. Upon notice to the unit owners, the  
1092 board shall, by duly adopted rule, designate a specific location  
1093 on the condominium property where all notices of unit owner  
1094 meetings must be posted. This requirement does not apply if  
1095 there is no condominium property for posting notices. In lieu  
1096 of, or in addition to, the physical posting of meeting notices,  
1097 the association may, by reasonable rule, adopt a procedure for  
1098 conspicuously posting and repeatedly broadcasting the notice and  
1099 the agenda on a closed-circuit cable television system serving  
1100 the condominium association. However, if broadcast notice is

1101 used in lieu of a notice posted physically on the condominium  
1102 property, the notice and agenda must be broadcast at least four  
1103 times every broadcast hour of each day that a posted notice is  
1104 otherwise required under this section. If broadcast notice is  
1105 provided, the notice and agenda must be broadcast in a manner  
1106 and for a sufficient continuous length of time so as to allow an  
1107 average reader to observe the notice and read and comprehend the  
1108 entire content of the notice and the agenda. In addition to any  
1109 of the authorized means of providing notice of a meeting of the  
1110 board, the association may, by rule, adopt a procedure for  
1111 conspicuously posting the meeting notice and the agenda on a  
1112 website serving the condominium association for at least the  
1113 minimum period of time for which a notice of a meeting is also  
1114 required to be physically posted on the condominium property.  
1115 Any rule adopted shall, in addition to other matters, include a  
1116 requirement that the association send an electronic notice in  
1117 the same manner as a notice for a meeting of the members, which  
1118 must include a hyperlink to the website where the notice is  
1119 posted, to unit owners whose e-mail addresses are included in  
1120 the association's official records. Unless a unit owner waives  
1121 in writing the right to receive notice of the annual meeting,  
1122 such notice must be hand delivered, mailed, or electronically  
1123 transmitted to each unit owner. Notice for meetings and notice  
1124 for all other purposes must be mailed to each unit owner at the  
1125 address last furnished to the association by the unit owner, or

1126 hand delivered to each unit owner. However, if a unit is owned  
1127 by more than one person, the association must provide notice to  
1128 the address that the developer identifies for that purpose and  
1129 thereafter as one or more of the owners of the unit advise the  
1130 association in writing, or if no address is given or the owners  
1131 of the unit do not agree, to the address provided on the deed of  
1132 record. An officer of the association, or the manager or other  
1133 person providing notice of the association meeting, must provide  
1134 an affidavit or United States Postal Service certificate of  
1135 mailing, to be included in the official records of the  
1136 association affirming that the notice was mailed or hand  
1137 delivered in accordance with this provision.

1138 4. The members of the board of a residential condominium  
1139 shall be elected by written ballot or voting machine. Proxies  
1140 may not be used in electing the board in general elections or  
1141 elections to fill vacancies caused by recall, resignation, or  
1142 otherwise, unless otherwise provided in this chapter. This  
1143 subparagraph does not apply to an association governing a  
1144 timeshare condominium.

1145 a. At least 60 days before a scheduled election, the  
1146 association shall mail, deliver, or electronically transmit, by  
1147 separate association mailing or included in another association  
1148 mailing, delivery, or transmission, including regularly  
1149 published newsletters, to each unit owner entitled to a vote, a  
1150 first notice of the date of the election. A unit owner or other

1151 eligible person desiring to be a candidate for the board must  
1152 give written notice of his or her intent to be a candidate to  
1153 the association at least 40 days before a scheduled election.  
1154 Together with the written notice and agenda as set forth in  
1155 subparagraph 3., the association shall mail, deliver, or  
1156 electronically transmit a second notice of the election to all  
1157 unit owners entitled to vote, together with a ballot that lists  
1158 all candidates. Upon request of a candidate, an information  
1159 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1160 furnished by the candidate at least 35 days before the election,  
1161 must be included with the mailing, delivery, or transmission of  
1162 the ballot, with the costs of mailing, delivery, or electronic  
1163 transmission and copying to be borne by the association. The  
1164 association is not liable for the contents of the information  
1165 sheets prepared by the candidates. In order to reduce costs, the  
1166 association may print or duplicate the information sheets on  
1167 both sides of the paper. The division shall by rule establish  
1168 voting procedures consistent with this sub-subparagraph,  
1169 including rules establishing procedures for giving notice by  
1170 electronic transmission and rules providing for the secrecy of  
1171 ballots. Elections shall be decided by a plurality of ballots  
1172 cast. There is no quorum requirement; however, at least 20  
1173 percent of the eligible voters must cast a ballot in order to  
1174 have a valid election. A unit owner may not authorize any other  
1175 person to vote his or her ballot, and any ballots improperly

1176 | cast are invalid. A unit owner who violates this provision may  
1177 | be fined by the association in accordance with s. 718.303. A  
1178 | unit owner who needs assistance in casting the ballot for the  
1179 | reasons stated in s. 101.051 may obtain such assistance. The  
1180 | regular election must occur on the date of the annual meeting.  
1181 | Notwithstanding this sub-subparagraph, an election is not  
1182 | required unless more candidates file notices of intent to run or  
1183 | are nominated than board vacancies exist.

1184 |       b. Within 90 days after being elected or appointed to the  
1185 | board of an association of a residential condominium, each newly  
1186 | elected or appointed director shall certify in writing to the  
1187 | secretary of the association that he or she has read the  
1188 | association's declaration of condominium, articles of  
1189 | incorporation, bylaws, and current written policies; that he or  
1190 | she will work to uphold such documents and policies to the best  
1191 | of his or her ability; and that he or she will faithfully  
1192 | discharge his or her fiduciary responsibility to the  
1193 | association's members. In lieu of this written certification,  
1194 | within 90 days after being elected or appointed to the board,  
1195 | the newly elected or appointed director may submit a certificate  
1196 | of having satisfactorily completed the educational curriculum  
1197 | administered by a division-approved condominium education  
1198 | provider within 1 year before or 90 days after the date of  
1199 | election or appointment. The written certification or  
1200 | educational certificate is valid and does not have to be



1201 resubmitted as long as the director serves on the board without  
1202 interruption. A director of an association of a residential  
1203 condominium who fails to timely file the written certification  
1204 or educational certificate is suspended from service on the  
1205 board until he or she complies with this sub-subparagraph. The  
1206 board may temporarily fill the vacancy during the period of  
1207 suspension. The secretary shall cause the association to retain  
1208 a director's written certification or educational certificate  
1209 for inspection by the members for 5 years after a director's  
1210 election or the duration of the director's uninterrupted tenure,  
1211 whichever is longer. Failure to have such written certification  
1212 or educational certificate on file does not affect the validity  
1213 of any board action.

1214 c. Any challenge to the election process must be commenced  
1215 within 60 days after the election results are announced.

1216 5. Any approval by unit owners called for by this chapter  
1217 or the applicable declaration or bylaws, including, but not  
1218 limited to, the approval requirement in s. 718.111(8), must be  
1219 made at a duly noticed meeting of unit owners and is subject to  
1220 all requirements of this chapter or the applicable condominium  
1221 documents relating to unit owner decisionmaking, except that  
1222 unit owners may take action by written agreement, without  
1223 meetings, on matters for which action by written agreement  
1224 without meetings is expressly allowed by the applicable bylaws  
1225 or declaration or any law that provides for such action.

1226           6. Unit owners may waive notice of specific meetings if  
1227 allowed by the applicable bylaws or declaration or any law.  
1228 Notice of meetings of the board of administration, unit owner  
1229 meetings, except unit owner meetings called to recall board  
1230 members under paragraph (j), and committee meetings may be given  
1231 by electronic transmission to unit owners who consent to receive  
1232 notice by electronic transmission. A unit owner who consents to  
1233 receiving notices by electronic transmission is solely  
1234 responsible for removing or bypassing filters that block receipt  
1235 of mass emails sent to members on behalf of the association in  
1236 the course of giving electronic notices.

1237           7. Unit owners have the right to participate in meetings  
1238 of unit owners with reference to all designated agenda items.  
1239 However, the association may adopt reasonable rules governing  
1240 the frequency, duration, and manner of unit owner participation.

1241           8. A unit owner may tape record or videotape a meeting of  
1242 the unit owners subject to reasonable rules adopted by the  
1243 division.

1244           9. Unless otherwise provided in the bylaws, any vacancy  
1245 occurring on the board before the expiration of a term may be  
1246 filled by the affirmative vote of the majority of the remaining  
1247 directors, even if the remaining directors constitute less than  
1248 a quorum, or by the sole remaining director. In the alternative,  
1249 a board may hold an election to fill the vacancy, in which case  
1250 the election procedures must conform to sub-subparagraph 4.a.

1251 unless the association governs 10 units or fewer and has opted  
1252 out of the statutory election process, in which case the bylaws  
1253 of the association control. Unless otherwise provided in the  
1254 bylaws, a board member appointed or elected under this section  
1255 shall fill the vacancy for the unexpired term of the seat being  
1256 filled. Filling vacancies created by recall is governed by  
1257 paragraph (j) and rules adopted by the division.

1258       10. This chapter does not limit the use of general or  
1259 limited proxies, require the use of general or limited proxies,  
1260 or require the use of a written ballot or voting machine for any  
1261 agenda item or election at any meeting of a timeshare  
1262 condominium association or nonresidential condominium  
1263 association.

1264  
1265 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1266 association of 10 or fewer units may, by affirmative vote of a  
1267 majority of the total voting interests, provide for different  
1268 voting and election procedures in its bylaws, which may be by a  
1269 proxy specifically delineating the different voting and election  
1270 procedures. The different voting and election procedures may  
1271 provide for elections to be conducted by limited or general  
1272 proxy.

1273       (f) *Annual budget.*—

1274       1. The proposed annual budget of estimated revenues and  
1275 expenses must be detailed and must show the amounts budgeted by

1276 accounts and expense classifications, including, at a minimum,  
1277 any applicable expenses listed in s. 718.504(21). The board  
1278 shall adopt the annual budget at least 14 days before the start  
1279 of the association's fiscal year. In the event that the board  
1280 fails to timely adopt the annual budget a second time, it shall  
1281 be deemed a minor violation and the prior year's budget shall  
1282 continue in effect until a new budget is adopted. A  
1283 multicondominium association shall adopt a separate budget of  
1284 common expenses for each condominium the association operates  
1285 and shall adopt a separate budget of common expenses for the  
1286 association. In addition, if the association maintains limited  
1287 common elements with the cost to be shared only by those  
1288 entitled to use the limited common elements as provided for in  
1289 s. 718.113(1), the budget or a schedule attached to it must show  
1290 the amount budgeted for this maintenance. If, after turnover of  
1291 control of the association to the unit owners, any of the  
1292 expenses listed in s. 718.504(21) are not applicable, they need  
1293 not be listed.

1294 2.a. In addition to annual operating expenses, the budget  
1295 must include reserve accounts for capital expenditures and  
1296 deferred maintenance. These accounts must include, but are not  
1297 limited to, roof replacement, building painting, and pavement  
1298 resurfacing, regardless of the amount of deferred maintenance  
1299 expense or replacement cost, and any other item that has a  
1300 deferred maintenance expense or replacement cost that exceeds

1301 \$10,000. The amount to be reserved must be computed using a  
1302 formula based upon estimated remaining useful life and estimated  
1303 replacement cost or deferred maintenance expense of each reserve  
1304 item. The association may adjust replacement reserve assessments  
1305 annually to take into account any changes in estimates or  
1306 extension of the useful life of a reserve item caused by  
1307 deferred maintenance. This subsection does not apply to an  
1308 adopted budget in which the members of an association have  
1309 determined, by a majority vote at a duly called meeting of the  
1310 association, to provide no reserves or less reserves than  
1311 required by this subsection.

1312       b. Before turnover of control of an association by a  
1313 developer to unit owners other than a developer pursuant to s.  
1314 718.301, the developer may vote the voting interests allocated  
1315 to its units to waive the reserves or reduce the funding of  
1316 reserves through the period expiring at the end of the second  
1317 fiscal year after the fiscal year in which the certificate of a  
1318 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or  
1319 an instrument that transfers title to a unit in the condominium  
1320 which is not accompanied by a recorded assignment of developer  
1321 rights in favor of the grantee of such unit is recorded,  
1322 whichever occurs first, after which time reserves may be waived  
1323 or reduced only upon the vote of a majority of all nondeveloper  
1324 voting interests voting in person or by limited proxy at a duly  
1325 called meeting of the association. If a meeting of the unit

1326 owners has been called to determine whether to waive or reduce  
1327 the funding of reserves and no such result is achieved or a  
1328 quorum is not attained, the reserves included in the budget  
1329 shall go into effect. After the turnover, the developer may vote  
1330 its voting interest to waive or reduce the funding of reserves.

1331 3. Reserve funds and any interest accruing thereon shall  
1332 remain in the reserve account or accounts, and may be used only  
1333 for authorized reserve expenditures unless their use for other  
1334 purposes is approved in advance by a majority vote at a duly  
1335 called meeting of the association. Before turnover of control of  
1336 an association by a developer to unit owners other than the  
1337 developer pursuant to s. 718.301, the developer-controlled  
1338 association may not vote to use reserves for purposes other than  
1339 those for which they were intended without the approval of a  
1340 majority of all nondeveloper voting interests, voting in person  
1341 or by limited proxy at a duly called meeting of the association.

1342 4. The only voting interests that are eligible to vote on  
1343 questions that involve waiving or reducing the funding of  
1344 reserves, or using existing reserve funds for purposes other  
1345 than purposes for which the reserves were intended, are the  
1346 voting interests of the units subject to assessment to fund the  
1347 reserves in question. Proxy questions relating to waiving or  
1348 reducing the funding of reserves or using existing reserve funds  
1349 for purposes other than purposes for which the reserves were  
1350 intended must contain the following statement in capitalized,

1351 bold letters in a font size larger than any other used on the  
 1352 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
 1353 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
 1354 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
 1355 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1356 Section 21. Paragraph (m) of subsection (1) of section  
 1357 718.501, Florida Statutes, is amended to read:

1358 718.501 Authority, responsibility, and duties of Division  
 1359 of Florida Condominiums, Timeshares, and Mobile Homes.—

1360 (1) The division may enforce and ensure compliance with  
 1361 the provisions of this chapter and rules relating to the  
 1362 development, construction, sale, lease, ownership, operation,  
 1363 and management of residential condominium units. In performing  
 1364 its duties, the division has complete jurisdiction to  
 1365 investigate complaints and enforce compliance with respect to  
 1366 associations that are still under developer control or the  
 1367 control of a bulk assignee or bulk buyer pursuant to part VII of  
 1368 this chapter and complaints against developers, bulk assignees,  
 1369 or bulk buyers involving improper turnover or failure to  
 1370 turnover, pursuant to s. 718.301. However, after turnover has  
 1371 occurred, the division has jurisdiction to investigate  
 1372 complaints related only to financial issues, elections, and unit  
 1373 owner access to association records pursuant to s. 718.111(12).

1374 (m) If a complaint is made, the division must conduct its  
 1375 inquiry with due regard for the interests of the affected

1376 parties. Within 30 days after receipt of a complaint, the  
1377 division shall acknowledge the complaint in writing and notify  
1378 the complainant whether the complaint is within the jurisdiction  
1379 of the division and whether additional information is needed by  
1380 the division from the complainant. The division shall conduct  
1381 its investigation and, within 90 days after receipt of the  
1382 original complaint or of timely requested additional  
1383 information, take action upon the complaint. However, the  
1384 failure to complete the investigation within 90 days does not  
1385 prevent the division from continuing the investigation,  
1386 accepting or considering evidence obtained or received after 90  
1387 days, or taking administrative action if reasonable cause exists  
1388 to believe that a violation of this chapter or a rule has  
1389 occurred. If an investigation is not completed within the time  
1390 limits established in this paragraph, the division shall, on a  
1391 monthly basis, notify the complainant in writing of the status  
1392 of the investigation. When reporting its action to the  
1393 complainant, the division shall inform the complainant of any  
1394 right to a hearing pursuant to ss. 120.569 and 120.57. The  
1395 division may adopt rules regarding the submission of a complaint  
1396 against an association.

1397 Section 22. Section 718.5014, Florida Statutes, is amended  
1398 to read:

1399 718.5014 Ombudsman location.—The ombudsman shall maintain  
1400 his or her principal office at a ~~in Leon County on the premises~~



1401 ~~of the division or, if suitable space cannot be provided there,~~  
1402 ~~at another~~ place convenient to the offices of the division which  
1403 will enable the ombudsman to expeditiously carry out the duties  
1404 and functions of his or her office. The ombudsman may establish  
1405 branch offices elsewhere in the state upon the concurrence of  
1406 the Governor.

1407 Section 23. Paragraph (j) of subsection (1) of section  
1408 719.106, Florida Statutes, is amended to read:

1409 719.106 Bylaws; cooperative ownership.—

1410 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
1411 documents shall provide for the following, and if they do not,  
1412 they shall be deemed to include the following:

1413 (j) Annual budget.—

1414 1. The proposed annual budget of common expenses shall be  
1415 detailed and shall show the amounts budgeted by accounts and  
1416 expense classifications, including, if applicable, but not  
1417 limited to, those expenses listed in s. 719.504(20). The board  
1418 of administration shall adopt the annual budget at least 14 days  
1419 before the start of the association's fiscal year. In the event  
1420 that the board fails to timely adopt the annual budget a second  
1421 time, it shall be deemed a minor violation and the prior year's  
1422 budget shall continue in effect until a new budget is adopted.

1423 2. In addition to annual operating expenses, the budget  
1424 shall include reserve accounts for capital expenditures and  
1425 deferred maintenance. These accounts shall include, but not be

1426 | limited to, roof replacement, building painting, and pavement  
1427 | resurfacing, regardless of the amount of deferred maintenance  
1428 | expense or replacement cost, and for any other items for which  
1429 | the deferred maintenance expense or replacement cost exceeds  
1430 | \$10,000. The amount to be reserved shall be computed by means of  
1431 | a formula which is based upon estimated remaining useful life  
1432 | and estimated replacement cost or deferred maintenance expense  
1433 | of each reserve item. The association may adjust replacement  
1434 | reserve assessments annually to take into account any changes in  
1435 | estimates or extension of the useful life of a reserve item  
1436 | caused by deferred maintenance. This paragraph shall not apply  
1437 | to any budget in which the members of an association have, at a  
1438 | duly called meeting of the association, determined for a fiscal  
1439 | year to provide no reserves or reserves less adequate than  
1440 | required by this subsection. However, prior to turnover of  
1441 | control of an association by a developer to unit owners other  
1442 | than a developer pursuant to s. 719.301, the developer may vote  
1443 | to waive the reserves or reduce the funding of reserves for the  
1444 | first 2 years of the operation of the association after which  
1445 | time reserves may only be waived or reduced upon the vote of a  
1446 | majority of all nondeveloper voting interests voting in person  
1447 | or by limited proxy at a duly called meeting of the association.  
1448 | If a meeting of the unit owners has been called to determine to  
1449 | provide no reserves, or reserves less adequate than required,  
1450 | and such result is not attained or a quorum is not attained, the

1451 reserves as included in the budget shall go into effect.

1452         3. Reserve funds and any interest accruing thereon shall  
 1453 remain in the reserve account or accounts, and shall be used  
 1454 only for authorized reserve expenditures unless their use for  
 1455 other purposes is approved in advance by a vote of the majority  
 1456 of the voting interests, voting in person or by limited proxy at  
 1457 a duly called meeting of the association. Prior to turnover of  
 1458 control of an association by a developer to unit owners other  
 1459 than the developer under s. 719.301, the developer may not vote  
 1460 to use reserves for purposes other than that for which they were  
 1461 intended without the approval of a majority of all nondeveloper  
 1462 voting interests, voting in person or by limited proxy at a duly  
 1463 called meeting of the association.

1464  
 1465         Section 24. Subsection (1) of section 455.219, Florida  
 1466 Statutes, is amended to read:

1467         455.219 Fees; receipts; disposition; periodic management  
 1468 reports.—

1469         (1) Each board within the department shall determine by  
 1470 rule the amount of license fees for its profession, based upon  
 1471 department-prepared long-range estimates of the revenue required  
 1472 to implement all provisions of law relating to the regulation of  
 1473 professions by the department and any board; however, when the  
 1474 department has determined, based on the long-range estimates of  
 1475 such revenue, that a profession's trust fund moneys are in

1476 excess of the amount required to cover the necessary functions  
1477 of the board, or the department when there is no board, the  
1478 department may adopt rules to implement a waiver of license  
1479 renewal fees for that profession for a period not to exceed 2  
1480 years, as determined by the department. Each board, or the  
1481 department when there is no board, shall ensure license fees are  
1482 adequate to cover all anticipated costs and to maintain a  
1483 reasonable cash balance, as determined by rule of the  
1484 department, with advice of the applicable board. If sufficient  
1485 action is not taken by a board within 1 year of notification by  
1486 the department that license fees are projected to be inadequate,  
1487 the department shall set license fees on behalf of the  
1488 applicable board to cover anticipated costs and to maintain the  
1489 required cash balance. The department shall include recommended  
1490 fee cap increases in its annual report to the Legislature.  
1491 Further, it is legislative intent that no regulated profession  
1492 operate with a negative cash balance. The department may provide  
1493 by rule for the advancement of sufficient funds to any  
1494 profession or the Florida Athletic State ~~Boxing~~ Commission  
1495 operating with a negative cash balance. Such advancement may be  
1496 for a period not to exceed 2 consecutive years and shall require  
1497 interest to be paid by the regulated profession. Interest shall  
1498 be calculated at the current rate earned on Professional  
1499 Regulation Trust Fund investments. Interest earned shall be  
1500 allocated to the various funds in accordance with the allocation

1501 of investment earnings during the period of the advance.

1502 Section 25. Subsection (4) of section 548.002, Florida  
 1503 Statutes, is amended to read:

1504 548.002 Definitions.—As used in this chapter, the term:

1505 (4) "Commission" means the Florida Athletic ~~State Boxing~~  
 1506 Commission.

1507 Section 26. Subsections (3) and (4) of section 548.05,  
 1508 Florida Statutes, are amended to read:

1509 548.05 Control of contracts.—

1510 (3) The commission may require that each contract contain  
 1511 language authorizing the ~~Florida State Boxing~~ commission to  
 1512 withhold any or all of any manager's share of a purse in the  
 1513 event of a contractual dispute as to entitlement to any portion  
 1514 of a purse. The commission may establish rules governing the  
 1515 manner of resolution of such dispute. In addition, if the  
 1516 commission deems it appropriate, the commission is hereby  
 1517 authorized to implead interested parties over any disputed funds  
 1518 into the appropriate circuit court for resolution of the dispute  
 1519 before ~~prior to~~ release of all or any part of the funds.

1520 (4) Each contract subject to this section shall contain  
 1521 the following clause: "This agreement is subject to the  
 1522 provisions of chapter 548, Florida Statutes, and to the rules of  
 1523 the Florida Athletic ~~State Boxing~~ Commission and to any future  
 1524 amendments of either."

1525 Section 27. Subsection (12) of section 548.071, Florida

1526 Statutes, is amended to read:

1527       548.071 Suspension or revocation of license or permit by  
 1528 commission.—The commission may suspend or revoke a license or  
 1529 permit if the commission finds that the licensee or permittee:

1530           (12) Has been disciplined by the ~~Florida State Boxing~~  
 1531 commission or similar agency or body of any jurisdiction.

1532       Section 28. Section 548.077, Florida Statutes, is amended  
 1533 to read:

1534       548.077 Florida Athletic State ~~Boxing~~ Commission;  
 1535 collection and disposition of moneys.—All fees, fines,  
 1536 forfeitures, and other moneys collected under the provisions of  
 1537 this chapter shall be paid by the commission to the Chief  
 1538 Financial Officer who, after the expenses of the commission are  
 1539 paid, shall deposit them in the Professional Regulation Trust  
 1540 Fund to be used for the administration and operation of the  
 1541 commission and to enforce the laws and rules under its  
 1542 jurisdiction. In the event the unexpended balance of such moneys  
 1543 collected under the provisions of this chapter exceeds \$250,000,  
 1544 any excess of that amount shall be deposited in the General  
 1545 Revenue Fund.

1546       Section 29. This act shall take effect July 1, 2021.