

By Senator Diaz

36-01363B-21

20211966\_\_

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; amending s.  
23          489.118, F.S.; removing an obsolete date; amending s.  
24          499.01, F.S.; exempting certain persons from specified  
25          permit requirements under certain circumstances;  
26          requiring an exempt cosmetics manufacturer to provide,  
27          upon request, to the department specified  
28          documentation verifying his or her annual gross sales;  
29          authorizing an exempt cosmetics manufacturer to only

36-01363B-21

20211966\_\_

30 manufacture and sell specified products; requiring  
31 specified labeling for each unit of cosmetics  
32 manufactured by an exempt cosmetics manufacturer;  
33 authorizing the department to investigate complaints  
34 and to enter and inspect the premises of an exempt  
35 cosmetics manufacturer; providing disciplinary  
36 actions; providing construction; amending s. 499.012,  
37 F.S.; authorizing specified establishments to submit a  
38 request for a temporary permit; requiring such  
39 establishments to submit the request to the department  
40 on specified forms; providing that upon authorization  
41 by the department for a temporary permit for a certain  
42 location, the existing permit for such location is  
43 immediately null and void; prohibiting a temporary  
44 permit from being extended; providing for expiration  
45 of a temporary permit; prohibiting an establishment  
46 from operating under an expired temporary permit;  
47 amending s. 499.066, F.S.; requiring the department to  
48 adopt rules to permit the issuance of remedial,  
49 nondisciplinary citations; providing requirements for  
50 such citations; providing for contest of and the  
51 rescinding of a citation; authorizing the department  
52 to recover specified costs relating to a citation;  
53 providing a timeframe for when a citation may be  
54 issued; providing requirements for the service of a  
55 citation; authorizing the department to adopt and  
56 amend rules, designate violations and monetary  
57 assessments, and order remedial measures that must be  
58 taken for such violations; amending s. 509.241, F.S.;

36-01363B-21

20211966\_\_

59       revising rulemaking requirements relating to public  
60       lodging and food service licenses; amending s.  
61       509.251, F.S.; deleting provisions relating to fee  
62       schedule requirements; specifying that all fees are  
63       payable in full upon submission of an application for  
64       a public lodging establishment license or a public  
65       food service license; 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

36-01363B-21

20211966\_\_

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 ss.  
103 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.;  
104 conforming provisions to changes made by the act;  
105 providing an effective date.

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Subsections (2) and (3) of section 210.09,  
110 Florida Statutes, are amended to read:

111 210.09 Records to be kept; reports to be made;  
112 examination.—

113 (2) The division is authorized to prescribe and promulgate  
114 by rules and regulations, which shall have the force and effect  
115 of the law, such records to be kept and reports to be made to  
116 the division by any manufacturer, importer, distributing agent,

36-01363B-21

20211966\_\_

117 wholesale dealer, retail dealer, common carrier, or any other  
118 person handling, transporting or possessing cigarettes for sale  
119 or distribution within the state as may be necessary to collect  
120 and properly distribute the taxes imposed by s. 210.02. All  
121 reports shall be made on or before the 10th day of the month  
122 following the month for which the report is made, unless the  
123 division by rule or regulation shall prescribe that reports be  
124 made more often. All reports shall be filed with the division  
125 through the division's electronic data submission system.

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

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

36-01363B-21

20211966\_\_

146 210.55 Distributors; monthly reports ~~returns~~.—

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

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

36-01363B-21

20211966\_\_

175 particular months.

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

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

203 (5) All taxes are due not later than the 10th day of the

36-01363B-21

20211966\_\_

204 month following the calendar month in which they were incurred,  
205 and thereafter shall bear interest at the annual rate of 12  
206 percent. If the amount of tax due for a given period is assessed  
207 without allocating it to any particular month, the interest  
208 shall begin with the date of the assessment.

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

217 (7) For the purpose of compensating the distributor for the  
218 keeping of prescribed records and the proper accounting and  
219 remitting of taxes imposed under this part, the distributor  
220 shall be allowed 1 percent of the amount of the tax due and  
221 accounted for and remitted to the division in the form of a  
222 deduction in submitting his or her report and paying the amount  
223 due; and the division shall allow such deduction of 1 percent of  
224 the amount of the tax to the person paying the same for  
225 remitting the tax in the manner herein provided, for paying the  
226 amount due to be paid by him or her, and as further compensation  
227 to the distributor for the keeping of prescribed records and for  
228 collection of taxes and remitting the same.

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

232 (b) The division may reduce the collection allowance by 10



36-01363B-21

20211966\_\_

233 percent or \$50, whichever is less, if a taxpayer files an  
234 incomplete report ~~return~~.

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

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

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

250 210.60 Books, records, and invoices to be kept and  
251 preserved; inspection by agents of division.—Every distributor  
252 shall keep in each licensed place of business complete and  
253 accurate records for that place of business, including itemized  
254 invoices of tobacco products held, purchased, manufactured,  
255 brought in or caused to be brought in from without the state, or  
256 shipped or transported to retailers in this state, and of all  
257 sales of tobacco products made, except sales to an ultimate  
258 consumer. Such records shall show the names and addresses of  
259 purchasers and other pertinent papers and documents relating to  
260 the purchase, sale, or disposition of tobacco products. When a  
261 licensed distributor sells tobacco products exclusively to

36-01363B-21

20211966\_\_

262 ultimate consumers at the addresses given in the license, no  
263 invoice of those sales shall be required, but itemized invoices  
264 shall be made of all tobacco products transferred to other  
265 retail outlets owned or controlled by that licensed distributor.  
266 All books, records and other papers, and other documents  
267 required by this section to be kept shall be preserved for a  
268 period of at least 3 years after the date of the documents, as  
269 aforesaid, or the date of the entries thereof appearing in the  
270 records, unless the division, in writing, authorizes their  
271 destruction or disposal at an earlier date. At any time during  
272 usual business hours, duly authorized agents or employees of the  
273 division may enter any place of business of a distributor and  
274 inspect the premises, the records required to be kept under this  
275 part, and the tobacco products contained therein to determine  
276 whether all the provisions of this part are being fully complied  
277 with. Refusal to permit such inspection by a duly authorized  
278 agent or employee of the division shall be grounds for  
279 revocation of the license. Every person who sells tobacco  
280 products to persons other than an ultimate consumer shall render  
281 with each sale an itemized invoice showing the seller's name and  
282 address, the purchaser's name and address, the date of sale, and  
283 all prices and discounts. The seller shall preserve legible  
284 copies of all such invoices for 3 years from the date of sale.  
285 Every retailer shall produce itemized invoices of all tobacco  
286 products purchased. The invoices shall show the name and address  
287 of the seller and the date of purchase. The retailer shall  
288 preserve a legible copy of each such invoice for 3 years from  
289 the date of purchase. Invoices shall be available for inspection  
290 by authorized agents or employees of the division at the

36-01363B-21

20211966\_\_

291 retailer's place of business. Any records required by this  
292 section may be kept in an electronic or paper format.

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

295 489.109 Fees.—

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

319 Section 5. Section 489.118, Florida Statutes, is amended to

36-01363B-21

20211966\_\_

320 read:

321 489.118 Certification of registered contractors;  
322 grandfathering provisions.—The board shall, upon receipt of a  
323 completed application and appropriate fee, issue a certificate  
324 in the appropriate category to any contractor registered under  
325 this part who makes application to the board and can show that  
326 he or she meets each of the following requirements:

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

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

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

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

36-01363B-21

20211966\_\_

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

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

353

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

356 Section 6. Paragraph (p) of subsection (2) of section  
357 499.01, Florida Statutes, is amended to read:

358 499.01 Permits.—

359 (2) The following permits are established:

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

373 1. An exempt cosmetics manufacturer may only:

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

377 b. Manufacture and sell cosmetics that are soaps, not

36-01363B-21

20211966\_\_

378 otherwise exempt from the definition of cosmetics, lotions,  
379 moisturizers, and creams.

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

382 d. Sell cosmetic products that are stored on the premises  
383 of the cosmetic manufacturing operation.

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

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

397 4. This paragraph does not exempt any person from any state  
398 or federal tax law, rule, regulation, or certificate or from any  
399 county or municipal law or ordinance that applies to cosmetic  
400 manufacturing.

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

403 499.012 Permit application requirements.—

404 (6)A permit issued by the department is nontransferable.  
405 Each permit is valid only for the person or governmental unit to  
406 which it is issued and is not subject to sale, assignment, or

36-01363B-21

20211966\_\_

407 other transfer, voluntarily or involuntarily; nor is a permit  
408 valid for any establishment other than the establishment for  
409 which it was originally issued.

410 (d) When an establishment that requires a permit pursuant  
411 to this part submits an application to the department for a  
412 change of ownership or controlling interest or a change of  
413 location with the required fees under this subsection, the  
414 establishment may also submit a request for a temporary permit  
415 granting the establishment authority to operate for no more than  
416 90 calendar days. The establishment must submit the request for  
417 a temporary permit to the department on a form provided by the  
418 department and obtain authorization to operate with the  
419 temporary permit before operating under the change of ownership  
420 or operating at the new location. Upon authorization of a  
421 temporary permit, the existing permit at the location for which  
422 the temporary permit is submitted is immediately null and void.  
423 A temporary permit may not be extended and shall expire and  
424 become null and void by operation of law without further action  
425 by the department at 12:01 a.m. on the 91st day after the  
426 department authorizes such permit. Upon expiration of the  
427 temporary permit, the establishment may not continue to operate  
428 under such permit.

429  
430 The department may revoke the permit of any person that fails to  
431 comply with the requirements of this subsection.

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

434 499.066 Penalties; remedies.—In addition to other penalties  
435 and other enforcement provisions:

36-01363B-21

20211966\_\_

436       (8) (a) The department shall adopt rules to authorize the  
437 issuance of a remedial, nondisciplinary citation. A citation  
438 shall be issued to the person alleged to have committed a  
439 violation and contain the person's name, address, and license  
440 number, if applicable; a brief factual statement; the sections  
441 of the law allegedly violated; and the monetary assessment and  
442 or other remedial measures imposed. The person shall have 30  
443 days after the citation is served to contest the citation by  
444 providing supplemental and clarifying information to the  
445 department. The citation must clearly state that the person may  
446 choose, in lieu of accepting the citation, to have the  
447 department rescind the citation and conduct an investigation  
448 pursuant to s. 499.051 of only those alleged violations  
449 contained in the citation. The citation shall be rescinded by  
450 the department if the person remedies or corrects the violations  
451 or deficiencies contained in the citation within 30 days after  
452 the citation is served. If the person does not successfully  
453 contest the citation to the satisfaction of the department, or  
454 complete remedial action pursuant to this paragraph, the  
455 citation becomes a final order and does not constitute  
456 discipline.

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

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

463       (d) Service of a citation may be made by personal service  
464 or certified mail, restricted delivery, to the person at the



36-01363B-21

20211966\_\_

465 person's last known address of record with the department, or to  
466 the person's Florida registered agent.

467 (e) The department may adopt rules to designate those  
468 violations for which a person is subject to the issuance of a  
469 citation and the monetary assessments or other remedial measures  
470 that must be taken for those violations. Violations designated  
471 as subject to issuance of a citation shall include violations  
472 for which there is no substantial threat to the public health,  
473 safety, or welfare. The department has continuous authority to  
474 amend its rules adopted pursuant to this section.

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

477 509.241 Licenses required; exceptions.—

478 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging  
479 establishment and public food service establishment shall obtain  
480 a license from the division. Such license may not be transferred  
481 from one place or individual to another. It shall be a  
482 misdemeanor of the second degree, punishable as provided in s.  
483 775.082 or s. 775.083, for such an establishment to operate  
484 without a license. Local law enforcement shall provide immediate  
485 assistance in pursuing an illegally operating establishment. The  
486 division may refuse a license, or a renewal thereof, to any  
487 establishment that is not constructed and maintained in  
488 accordance with law and with the rules of the division. The  
489 division may refuse to issue a license, or a renewal thereof, to  
490 any establishment an operator of which, within the preceding 5  
491 years, has been adjudicated guilty of, or has forfeited a bond  
492 when charged with, any crime reflecting on professional  
493 character, including soliciting for prostitution, pandering,

36-01363B-21

20211966\_\_

494 letting premises for prostitution, keeping a disorderly place,  
495 or illegally dealing in controlled substances as defined in  
496 chapter 893, whether in this state or in any other jurisdiction  
497 within the United States, or has had a license denied, revoked,  
498 or suspended pursuant to s. 429.14. Licenses shall be renewed  
499 annually, and the division shall adopt rules ~~a rule~~ establishing  
500 procedures ~~a staggered schedule~~ for license issuance and  
501 renewals. If any license expires while administrative charges  
502 are pending against the license, the proceedings against the  
503 license shall continue to conclusion as if the license were  
504 still in effect.

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

507 509.251 License fees.—

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

36-01363B-21

20211966\_\_

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

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

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

539 (2) The division shall adopt, by rule, a schedule of fees  
540 to be paid by each public food service establishment as a  
541 prerequisite to issuance or renewal of a license. The fee  
542 schedule shall prescribe a basic fee and additional fees based  
543 on seating capacity and services offered. The aggregate fee per  
544 establishment charged any public food service establishment may  
545 not exceed \$400; however, the fees described in paragraphs (a)  
546 and (b) may not be included as part of the aggregate fee subject  
547 to this cap. ~~The fee schedule shall require an establishment~~  
548 ~~which applies for an initial license to pay the full license fee~~  
549 ~~if application is made during the annual renewal period or more~~  
550 ~~than 6 months before the next such renewal period and one-half~~  
551 ~~of the fee if application is made 6 months or less before such~~

36-01363B-21

20211966\_\_

552 ~~period.~~ The fee schedule shall include fees collected for the  
553 purpose of funding the Hospitality Education Program, pursuant  
554 to s. 509.302. All fees, ~~which~~ are payable in full for each  
555 application at the time ~~regardless of when~~ the application is  
556 submitted.

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

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

566 Section 11. Section 548.003, Florida Statutes, is amended  
567 to read:

568 548.003 Florida Athletic State ~~Boxing~~ Commission.—

569 (1) The Florida Athletic State ~~Boxing~~ Commission is created  
570 and is assigned to the Department of Business and Professional  
571 Regulation for administrative and fiscal accountability purposes  
572 only. The ~~Florida State Boxing~~ commission shall consist of five  
573 members appointed by the Governor, subject to confirmation by  
574 the Senate. One member must be a physician licensed under  
575 ~~pursuant to~~ chapter 458 or chapter 459, who must maintain an  
576 unencumbered license in good standing, and who must, at the time  
577 of her or his appointment, have practiced medicine for at least  
578 5 years. Upon the expiration of the term of a commissioner, the  
579 Governor shall appoint a successor to serve for a 4-year term. A  
580 commissioner whose term has expired shall continue to serve on

36-01363B-21

20211966\_\_

581 the commission until such time as a replacement is appointed. If  
582 a vacancy on the commission occurs before ~~prior to~~ the  
583 expiration of the term, it shall be filled for the unexpired  
584 portion of the term in the same manner as the original  
585 appointment.

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

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

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

598 (c) Requirements regarding a participant's apparel,  
599 bandages, handwraps, gloves, mouthpiece, and appearance during a  
600 match.

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

603 (e) Duties and responsibilities of all licensees under this  
604 chapter.

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

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

607 (h) Qualifications for and appointment of chief inspectors  
608 and inspectors and duties and responsibilities of chief  
609 inspectors and inspectors with respect to oversight and

36-01363B-21

20211966\_\_

610 coordination of activities for each program of matches regulated  
611 under this chapter.

612 (i) Setting fee and reimbursement schedules for referees  
613 and other officials appointed by the commission or the  
614 representative of the commission.

615 (j) Establishment of criteria for approval, disapproval,  
616 suspension of approval, and revocation of approval of amateur  
617 sanctioning organizations for amateur boxing, kickboxing, and  
618 mixed martial arts held in this state, including, but not  
619 limited to, the health and safety standards the organizations  
620 use before, during, and after the matches to ensure the health,  
621 safety, and well-being of the amateurs participating in the  
622 matches, including the qualifications and numbers of health care  
623 personnel required to be present, the qualifications required  
624 for referees, and other requirements relating to the health,  
625 safety, and well-being of the amateurs participating in the  
626 matches. The commission may adopt by rule, or incorporate by  
627 reference into rule, the health and safety standards of USA  
628 Boxing as the minimum health and safety standards for an amateur  
629 boxing sanctioning organization, the health and safety standards  
630 of the International Sport Kickboxing Association as the minimum  
631 health and safety standards for an amateur kickboxing  
632 sanctioning organization, and the minimum health and safety  
633 standards for an amateur mixed martial arts sanctioning  
634 organization. The commission shall review its rules for  
635 necessary revision at least every 2 years and may adopt by rule,  
636 or incorporate by reference into rule, the then-existing current  
637 health and safety standards of USA Boxing and the International  
638 Sport Kickboxing Association. The commission may adopt emergency

36-01363B-21

20211966\_\_

639 rules to administer this paragraph.

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

646 (4) Three consecutive unexcused absences or absences  
647 constituting 50 percent or more of the commission's meetings  
648 within any 12-month period shall cause the commission membership  
649 of the member in question to become void, and the position shall  
650 be considered vacant. The commission shall, by rule, define  
651 unexcused absences.

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

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

666 (7) The commission shall be authorized to join and  
667 participate in the activities of the Association of Boxing

36-01363B-21

20211966\_\_

668 Commissions (ABC).

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

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

675 548.043 Weights and classes, limitations; gloves.—

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

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

686 553.841 Building code compliance and mitigation program.—

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

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

695 561.01 Definitions.—As used in the Beverage Law:

696 ~~(20) "Permit carrier" means a licensee authorized to make~~



36-01363B-21

20211966\_\_

697 ~~deliveries as provided in s. 561.57.~~

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

701 561.17 License and registration applications; approved  
702 person.—

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

36-01363B-21

20211966\_\_

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

749 (2) All applications for any alcoholic beverage license  
750 must be accompanied by proof of the applicant's right of  
751 occupancy for the entire premises sought to be licensed. All  
752 applications for alcoholic beverage licenses for consumption on  
753 the premises shall be accompanied by a certificate of the  
754 Division of Hotels and Restaurants of the Department of Business

36-01363B-21

20211966\_\_

755 and Professional Regulation, the Department of Agriculture and  
756 Consumer Services, the Department of Health, the Agency for  
757 Health Care Administration, or the county health department that  
758 the place of business wherein the business is to be conducted  
759 meets all of the sanitary requirements of the state.

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

766 Section 16. Paragraph (a) of subsection (2) of section  
767 561.19, Florida Statutes, is amended to read:

768 561.19 License issuance upon approval of division.—

769 (2) (a) When beverage licenses become available by reason of  
770 an increase in the population of a county, by reason of a county  
771 permitting the sale of intoxicating beverages when such sale had  
772 been prohibited, or by reason of the cancellation or revocation  
773 of a quota beverage license, the division, if there are more  
774 applicants than the number of available licenses, shall provide  
775 a method of double random selection by public drawing to  
776 determine which applicants shall be considered for issuance of  
777 licenses. The double random selection drawing method shall allow  
778 each applicant whose application is complete and does not  
779 disclose on its face any matter rendering the applicant  
780 ineligible an equal opportunity of obtaining an available  
781 license. After all applications are filed with the director, the  
782 director shall then determine by random selection drawing the  
783 order in which each applicant's name shall be matched with a

36-01363B-21

20211966\_\_

784 number selected by random drawing, and that number shall  
785 determine the order in which the applicant will be considered  
786 for a license. This paragraph does not prohibit a person holding  
787 a perfected lien or security interest in a quota alcoholic  
788 beverage license, in accordance with s. 561.65, from enforcing  
789 the lien or security interest against the license within 180  
790 days after a final order of revocation or suspension. A revoked  
791 quota alcoholic beverage license encumbered by a lien or  
792 security interest, perfected pursuant to s. 561.65, may not be  
793 issued under this subsection until the 180-day period has  
794 elapsed or until such enforcement proceeding is final.

795 Section 17. Paragraph (a) of subsection (2) of section  
796 561.20, Florida Statutes, is amended to read:

797 561.20 Limitation upon number of licenses issued.—

798 (2) (a) The limitation of the number of licenses as provided  
799 in this section does not prohibit the issuance of a special  
800 license to:

801 1. Any bona fide hotel, motel, or motor court of not fewer  
802 than 80 guest rooms in any county having a population of less  
803 than 50,000 residents, and of not fewer than 100 guest rooms in  
804 any county having a population of 50,000 residents or greater;  
805 or any bona fide hotel or motel located in a historic structure,  
806 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100  
807 guest rooms which derives at least 51 percent of its gross  
808 revenue from the rental of hotel or motel rooms, which is  
809 licensed as a public lodging establishment by the Division of  
810 Hotels and Restaurants; provided, however, that a bona fide  
811 hotel or motel with no fewer than 10 and no more than 25 guest  
812 rooms which is a historic structure, as defined in s. 561.01(20)

36-01363B-21

20211966\_\_

813 ~~s. 561.01(21)~~, in a municipality that on the effective date of  
814 this act has a population, according to the University of  
815 Florida's Bureau of Economic and Business Research Estimates of  
816 Population for 1998, of no fewer than 25,000 and no more than  
817 35,000 residents and that is within a constitutionally chartered  
818 county may be issued a special license. This special license  
819 shall allow the sale and consumption of alcoholic beverages only  
820 on the licensed premises of the hotel or motel. In addition, the  
821 hotel or motel must derive at least 60 percent of its gross  
822 revenue from the rental of hotel or motel rooms and the sale of  
823 food and nonalcoholic beverages; provided that this subparagraph  
824 shall supersede local laws requiring a greater number of hotel  
825 rooms;

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

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

841       4. A food service establishment that has 2,500 square feet

36-01363B-21

20211966\_\_

842 of service area, is equipped to serve meals to 150 persons at  
843 one time, and derives at least 51 percent of its gross food and  
844 beverage revenue from the sale of food and nonalcoholic  
845 beverages during the first 120-day ~~60-day~~ operating period and  
846 the first ~~each~~ 12-month operating period thereafter. Subsequent  
847 audit timeframes must be based upon the audit percentage  
848 established by the most recent audit and conducted on a  
849 staggered scale as follows: level 1, 51 percent to 60 percent,  
850 every year; level 2, 61 percent to 75 percent, every 2 years;  
851 level 3, 76 percent to 90 percent, every 3 years; and level 4,  
852 91 percent to 100 percent, every 4 years. A food service  
853 establishment granted a special license on or after January 1,  
854 1958, pursuant to general or special law may not operate as a  
855 package store and may not sell intoxicating beverages under such  
856 license after the hours of serving or consumption of food have  
857 elapsed. Failure by a licensee to meet the required percentage  
858 of food and nonalcoholic beverage gross revenues during the  
859 covered operating period shall result in revocation of the  
860 license or denial of the pending license application. A licensee  
861 whose license is revoked or an applicant whose pending  
862 application is denied, or any person required to qualify on the  
863 special license application, is ineligible to have any interest  
864 in a subsequent application for such a license for a period of  
865 120 days after the date of the final denial or revocation;

866 5. Any caterer, deriving at least 51 percent of its gross  
867 food and beverage revenue from the sale of food and nonalcoholic  
868 beverages at each catered event, licensed by the Division of  
869 Hotels and Restaurants under chapter 509. This subparagraph does  
870 not apply to a culinary education program, as defined in s.

36-01363B-21

20211966\_\_

871 381.0072(2), which is licensed as a public food service  
872 establishment by the Division of Hotels and Restaurants and  
873 provides catering services. Notwithstanding any law to the  
874 contrary, a licensee under this subparagraph shall sell or serve  
875 alcoholic beverages only for consumption on the premises of a  
876 catered event at which the licensee is also providing prepared  
877 food, and shall prominently display its license at any catered  
878 event at which the caterer is selling or serving alcoholic  
879 beverages. A licensee under this subparagraph shall purchase all  
880 alcoholic beverages it sells or serves at a catered event from a  
881 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
882 under s. 565.02(1) subject to the limitation imposed in  
883 subsection (1), as appropriate. A licensee under this  
884 subparagraph may not store any alcoholic beverages to be sold or  
885 served at a catered event. Any alcoholic beverages purchased by  
886 a licensee under this subparagraph for a catered event that are  
887 not used at that event must remain with the customer; provided  
888 that if the vendor accepts unopened alcoholic beverages, the  
889 licensee may return such alcoholic beverages to the vendor for a  
890 credit or reimbursement. Regardless of the county or counties in  
891 which the licensee operates, a licensee under this subparagraph  
892 shall pay the annual state license tax set forth in s.  
893 565.02(1)(b). A licensee under this subparagraph must maintain  
894 for a period of 3 years all records and receipts for each  
895 catered event, including all contracts, customers' names, event  
896 locations, event dates, food purchases and sales, alcoholic  
897 beverage purchases and sales, nonalcoholic beverage purchases  
898 and sales, and any other records required by the department by  
899 rule to demonstrate compliance with the requirements of this

36-01363B-21

20211966\_\_

900 subparagraph. Notwithstanding any law to the contrary, any  
901 vendor licensed under s. 565.02(1) subject to the limitation  
902 imposed in subsection (1), may, without any additional licensure  
903 under this subparagraph, serve or sell alcoholic beverages for  
904 consumption on the premises of a catered event at which prepared  
905 food is provided by a caterer licensed under chapter 509. If a  
906 licensee under this subparagraph also possesses any other  
907 license under the Beverage Law, the license issued under this  
908 subparagraph may ~~shall~~ not authorize the holder to conduct  
909 activities on the premises to which the other license or  
910 licenses apply that would otherwise be prohibited by the terms  
911 of that license or the Beverage Law. Nothing in this section  
912 shall permit the licensee to conduct activities that are  
913 otherwise prohibited by the Beverage Law or local law. The  
914 Division of Alcoholic Beverages and Tobacco is hereby authorized  
915 to adopt rules to administer the license created in this  
916 subparagraph, to include rules governing licensure,  
917 recordkeeping, and enforcement. The first \$300,000 in fees  
918 collected by the division each fiscal year pursuant to this  
919 subparagraph shall be deposited in the Department of Children  
920 and Families' Operations and Maintenance Trust Fund to be used  
921 only for alcohol and drug abuse education, treatment, and  
922 prevention programs. The remainder of the fees collected shall  
923 be deposited into the Hotel and Restaurant Trust Fund created  
924 pursuant to s. 509.072; or

925         6. A culinary education program as defined in s.  
926 381.0072(2) which is licensed as a public food service  
927 establishment by the Division of Hotels and Restaurants.

928         a. This special license shall allow the sale and



36-01363B-21

20211966\_\_

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

938       b. If the culinary education program provides catering  
939 services, this special license shall also allow the sale and  
940 consumption of alcoholic beverages on the premises of a catered  
941 event at which the licensee is also providing prepared food. A  
942 culinary education program that provides catering services is  
943 not required to derive at least 51 percent of its gross revenue  
944 from the sale of food and nonalcoholic beverages.  
945 Notwithstanding any law to the contrary, a licensee that  
946 provides catering services under this sub-subparagraph shall  
947 prominently display its beverage license at any catered event at  
948 which the caterer is selling or serving alcoholic beverages.  
949 Regardless of the county or counties in which the licensee  
950 operates, a licensee under this sub-subparagraph shall pay the  
951 annual state license tax set forth in s. 565.02(1)(b). A  
952 licensee under this sub-subparagraph must maintain for a period  
953 of 3 years all records required by the department by rule to  
954 demonstrate compliance with the requirements of this sub-  
955 subparagraph.

956       c. If a licensee under this subparagraph also possesses any  
957 other license under the Beverage Law, the license issued under

36-01363B-21

20211966\_\_

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

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

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

974  
975 However, any license heretofore issued to any such hotel, motel,  
976 motor court, or restaurant or hereafter issued to any such  
977 hotel, motel, or motor court, including a condominium  
978 accommodation, under the general law shall not be moved to a new  
979 location, such license being valid only on the premises of such  
980 hotel, motel, motor court, or restaurant. Licenses issued to  
981 hotels, motels, motor courts, or restaurants under the general  
982 law and held by such hotels, motels, motor courts, or  
983 restaurants on May 24, 1947, shall be counted in the quota  
984 limitation contained in subsection (1). Any license issued for  
985 any hotel, motel, or motor court under this law shall be issued  
986 only to the owner of the hotel, motel, or motor court or, in the

36-01363B-21

20211966\_\_

987 event the hotel, motel, or motor court is leased, to the lessee  
988 of the hotel, motel, or motor court; and the license shall  
989 remain in the name of the owner or lessee so long as the license  
990 is in existence. Any special license now in existence heretofore  
991 issued under this law cannot be renewed except in the name of  
992 the owner of the hotel, motel, motor court, or restaurant or, in  
993 the event the hotel, motel, motor court, or restaurant is  
994 leased, in the name of the lessee of the hotel, motel, motor  
995 court, or restaurant in which the license is located and must  
996 remain in the name of the owner or lessee so long as the license  
997 is in existence. Any license issued under this section shall be  
998 marked "Special," and nothing herein provided shall limit,  
999 restrict, or prevent the issuance of a special license for any  
1000 restaurant or motel which shall hereafter meet the requirements  
1001 of the law existing immediately prior to the effective date of  
1002 this act, if construction of such restaurant has commenced prior  
1003 to the effective date of this act and is completed within 30  
1004 days thereafter, or if an application is on file for such  
1005 special license at the time this act takes effect; and any such  
1006 licenses issued under this proviso may be annually renewed as  
1007 now provided by law. Nothing herein prevents an application for  
1008 transfer of a license to a bona fide purchaser of any hotel,  
1009 motel, motor court, or restaurant by the purchaser of such  
1010 facility or the transfer of such license pursuant to law.

1011 Section 18. Subsection (4) of section 561.42, Florida  
1012 Statutes, is amended to read:

1013 561.42 Tied house evil; financial aid and assistance to  
1014 vendor by manufacturer, distributor, importer, primary American  
1015 source of supply, brand owner or registrant, or any broker,

36-01363B-21

20211966\_\_

1016 sales agent, or sales person thereof, prohibited; procedure for  
1017 enforcement; exception.-

1018 (4) Before the division shall so declare and prohibit such  
1019 sales to such vendor, ~~it shall,~~ within 2 days after receipt of  
1020 such notice, the division shall give written notice to such  
1021 vendor by electronic mail of the receipt by the division of such  
1022 notification of delinquency and such vendor shall be directed to  
1023 forthwith make payment thereof or, upon failure to do so, to  
1024 show cause before the division why further sales to such vendor  
1025 may shall not be prohibited. Good and sufficient cause to  
1026 prevent such action by the division may be made by showing  
1027 payment, failure of consideration, or any other defense which  
1028 would be considered sufficient in a common-law action. The  
1029 vendor shall have 5 days after service receipt of such notice  
1030 via electronic mail within which to show such cause, and he or  
1031 she may demand a hearing thereon, provided he or she does so in  
1032 writing within said 5 days, such written demand to be delivered  
1033 to the division either in person, by electronic mail, or by due  
1034 course of mail within such 5 days. If no such demand for hearing  
1035 is made, the division shall thereupon declare in writing to such  
1036 vendor and to all manufacturers and distributors within the  
1037 state that all further sales to such vendor are prohibited until  
1038 such time as the division certifies in writing that such vendor  
1039 has fully paid for all liquors previously purchased. In the  
1040 event such prohibition of sales and declaration thereof to the  
1041 vendor, manufacturers, and distributors is ordered by the  
1042 division, the vendor may seek review of such decision by the  
1043 Department of Business and Professional Regulation within 5  
1044 days. In the event application for such review is filed within

36-01363B-21

20211966\_\_

1045 such time, such prohibition of sales may ~~shall~~ not be made,  
1046 published, or declared until final disposition of such review by  
1047 the department.

1048 Section 19. Subsection (2) of section 561.55, Florida  
1049 Statutes, is amended to read:

1050 561.55 Manufacturers', distributors', brokers', sales  
1051 agents', importers', vendors', and exporters' records and  
1052 reports.-

1053 (2) Each manufacturer, distributor, broker, sales agent,  
1054 and importer shall make a full and complete report by the 10th  
1055 day of each month for the previous calendar month. The report  
1056 must be ~~shall be made out in triplicate; two copies shall be~~  
1057 ~~sent to the division, and the third copy shall be retained for~~  
1058 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~  
1059 ~~importer's record. Reports shall be made on forms prepared and~~  
1060 ~~furnished~~ by the division and filed with the division through  
1061 the division's electronic data submission system.

1062 Section 20. Section 562.455, Florida Statutes, is amended  
1063 to read:

1064 562.455 Adulterating liquor; penalty.-Whoever adulterates,  
1065 for the purpose of sale, any liquor, used or intended for drink,  
1066 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,  
1067 capsicum, copperas, laurel water, logwood, brazil wood,  
1068 cochineal, sugar of lead, or any other substance which is  
1069 poisonous or injurious to health, and whoever knowingly sells  
1070 any liquor so adulterated, commits ~~shall be guilty of~~ a felony  
1071 of the third degree, punishable as provided in s. 775.082, s.  
1072 775.083, or s. 775.084.

1073 Section 21. Paragraphs (d) and (f) of subsection (2) of

36-01363B-21

20211966\_\_

1074 section 718.112, Florida Statutes, are amended to read:

1075 718.112 Bylaws.—

1076 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
1077 following and, if they do not do so, shall be deemed to include  
1078 the following:

1079 (d) *Unit owner meetings*.—

1080 1. An annual meeting of the unit owners must be held at the  
1081 location provided in the association bylaws and, if the bylaws  
1082 are silent as to the location, the meeting must be held within  
1083 45 miles of the condominium property. However, such distance  
1084 requirement does not apply to an association governing a  
1085 timeshare condominium.

1086 2. Unless the bylaws provide otherwise, a vacancy on the  
1087 board caused by the expiration of a director's term must be  
1088 filled by electing a new board member, and the election must be  
1089 by secret ballot. An election is not required if the number of  
1090 vacancies equals or exceeds the number of candidates. For  
1091 purposes of this paragraph, the term "candidate" means an  
1092 eligible person who has timely submitted the written notice, as  
1093 described in sub-subparagraph 4.a., of his or her intention to  
1094 become a candidate. Except in a timeshare or nonresidential  
1095 condominium, or if the staggered term of a board member does not  
1096 expire until a later annual meeting, or if all members' terms  
1097 would otherwise expire but there are no candidates, the terms of  
1098 all board members expire at the annual meeting, and such members  
1099 may stand for reelection unless prohibited by the bylaws. Board  
1100 members may serve terms longer than 1 year if permitted by the  
1101 bylaws or articles of incorporation. A board member may not  
1102 serve more than 8 consecutive years unless approved by an

36-01363B-21

20211966\_\_

1103 affirmative vote of unit owners representing two-thirds of all  
1104 votes cast in the election or unless there are not enough  
1105 eligible candidates to fill the vacancies on the board at the  
1106 time of the vacancy. If the number of board members whose terms  
1107 expire at the annual meeting equals or exceeds the number of  
1108 candidates, the candidates become members of the board effective  
1109 upon the adjournment of the annual meeting. Unless the bylaws  
1110 provide otherwise, any remaining vacancies shall be filled by  
1111 the affirmative vote of the majority of the directors making up  
1112 the newly constituted board even if the directors constitute  
1113 less than a quorum or there is only one director. In a  
1114 residential condominium association of more than 10 units or in  
1115 a residential condominium association that does not include  
1116 timeshare units or timeshare interests, co-owners of a unit may  
1117 not serve as members of the board of directors at the same time  
1118 unless they own more than one unit or unless there are not  
1119 enough eligible candidates to fill the vacancies on the board at  
1120 the time of the vacancy. A unit owner in a residential  
1121 condominium desiring to be a candidate for board membership must  
1122 comply with sub-subparagraph 4.a. and must be eligible to be a  
1123 candidate to serve on the board of directors at the time of the  
1124 deadline for submitting a notice of intent to run in order to  
1125 have his or her name listed as a proper candidate on the ballot  
1126 or to serve on the board. A person who has been suspended or  
1127 removed by the division under this chapter, or who is delinquent  
1128 in the payment of any assessment ~~monetary obligation~~ due to the  
1129 association, is not eligible to be a candidate for board  
1130 membership and may not be listed on the ballot. For purposes of  
1131 this paragraph, a person is delinquent if a payment is not made

36-01363B-21

20211966\_\_

1132 by the due date as specifically identified in the declaration of  
1133 condominium, bylaws, or articles of incorporation. If a due date  
1134 is not specifically identified in the declaration of  
1135 condominium, bylaws, or articles of incorporation, the due date  
1136 is the first day of the assessment period. A person who has been  
1137 convicted of any felony in this state or in a United States  
1138 District or Territorial Court, or who has been convicted of any  
1139 offense in another jurisdiction which would be considered a  
1140 felony if committed in this state, is not eligible for board  
1141 membership unless such felon's civil rights have been restored  
1142 for at least 5 years as of the date such person seeks election  
1143 to the board. The validity of an action by the board is not  
1144 affected if it is later determined that a board member is  
1145 ineligible for board membership due to having been convicted of  
1146 a felony. This subparagraph does not limit the term of a member  
1147 of the board of a nonresidential or timeshare condominium.

1148 3. The bylaws must provide the method of calling meetings  
1149 of unit owners, including annual meetings. Written notice must  
1150 include an agenda, must be mailed, hand delivered, or  
1151 electronically transmitted to each unit owner at least 14 days  
1152 before the annual meeting, and must be posted in a conspicuous  
1153 place on the condominium property at least 14 continuous days  
1154 before the annual meeting. Upon notice to the unit owners, the  
1155 board shall, by duly adopted rule, designate a specific location  
1156 on the condominium property where all notices of unit owner  
1157 meetings must be posted. This requirement does not apply if  
1158 there is no condominium property for posting notices. In lieu  
1159 of, or in addition to, the physical posting of meeting notices,  
1160 the association may, by reasonable rule, adopt a procedure for



36-01363B-21

20211966\_\_

1161 conspicuously posting and repeatedly broadcasting the notice and  
1162 the agenda on a closed-circuit cable television system serving  
1163 the condominium association. However, if broadcast notice is  
1164 used in lieu of a notice posted physically on the condominium  
1165 property, the notice and agenda must be broadcast at least four  
1166 times every broadcast hour of each day that a posted notice is  
1167 otherwise required under this section. If broadcast notice is  
1168 provided, the notice and agenda must be broadcast in a manner  
1169 and for a sufficient continuous length of time so as to allow an  
1170 average reader to observe the notice and read and comprehend the  
1171 entire content of the notice and the agenda. In addition to any  
1172 of the authorized means of providing notice of a meeting of the  
1173 board, the association may, by rule, adopt a procedure for  
1174 conspicuously posting the meeting notice and the agenda on a  
1175 website serving the condominium association for at least the  
1176 minimum period of time for which a notice of a meeting is also  
1177 required to be physically posted on the condominium property.  
1178 Any rule adopted shall, in addition to other matters, include a  
1179 requirement that the association send an electronic notice in  
1180 the same manner as a notice for a meeting of the members, which  
1181 must include a hyperlink to the website where the notice is  
1182 posted, to unit owners whose e-mail addresses are included in  
1183 the association's official records. Unless a unit owner waives  
1184 in writing the right to receive notice of the annual meeting,  
1185 such notice must be hand delivered, mailed, or electronically  
1186 transmitted to each unit owner. Notice for meetings and notice  
1187 for all other purposes must be mailed to each unit owner at the  
1188 address last furnished to the association by the unit owner, or  
1189 hand delivered to each unit owner. However, if a unit is owned

36-01363B-21

20211966\_\_

1190 by more than one person, the association must provide notice to  
1191 the address that the developer identifies for that purpose and  
1192 thereafter as one or more of the owners of the unit advise the  
1193 association in writing, or if no address is given or the owners  
1194 of the unit do not agree, to the address provided on the deed of  
1195 record. An officer of the association, or the manager or other  
1196 person providing notice of the association meeting, must provide  
1197 an affidavit or United States Postal Service certificate of  
1198 mailing, to be included in the official records of the  
1199 association affirming that the notice was mailed or hand  
1200 delivered in accordance with this provision.

1201 4. The members of the board of a residential condominium  
1202 shall be elected by written ballot or voting machine. Proxies  
1203 may not be used in electing the board in general elections or  
1204 elections to fill vacancies caused by recall, resignation, or  
1205 otherwise, unless otherwise provided in this chapter. This  
1206 subparagraph does not apply to an association governing a  
1207 timeshare condominium.

1208 a. At least 60 days before a scheduled election, the  
1209 association shall mail, deliver, or electronically transmit, by  
1210 separate association mailing or included in another association  
1211 mailing, delivery, or transmission, including regularly  
1212 published newsletters, to each unit owner entitled to a vote, a  
1213 first notice of the date of the election. A unit owner or other  
1214 eligible person desiring to be a candidate for the board must  
1215 give written notice of his or her intent to be a candidate to  
1216 the association at least 40 days before a scheduled election.  
1217 Together with the written notice and agenda as set forth in  
1218 subparagraph 3., the association shall mail, deliver, or

36-01363B-21

20211966\_\_

1219 electronically transmit a second notice of the election to all  
1220 unit owners entitled to vote, together with a ballot that lists  
1221 all candidates. Upon request of a candidate, an information  
1222 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
1223 furnished by the candidate at least 35 days before the election,  
1224 must be included with the mailing, delivery, or transmission of  
1225 the ballot, with the costs of mailing, delivery, or electronic  
1226 transmission and copying to be borne by the association. The  
1227 association is not liable for the contents of the information  
1228 sheets prepared by the candidates. In order to reduce costs, the  
1229 association may print or duplicate the information sheets on  
1230 both sides of the paper. The division shall by rule establish  
1231 voting procedures consistent with this sub-subparagraph,  
1232 including rules establishing procedures for giving notice by  
1233 electronic transmission and rules providing for the secrecy of  
1234 ballots. Elections shall be decided by a plurality of ballots  
1235 cast. There is no quorum requirement; however, at least 20  
1236 percent of the eligible voters must cast a ballot in order to  
1237 have a valid election. A unit owner may not authorize any other  
1238 person to vote his or her ballot, and any ballots improperly  
1239 cast are invalid. A unit owner who violates this provision may  
1240 be fined by the association in accordance with s. 718.303. A  
1241 unit owner who needs assistance in casting the ballot for the  
1242 reasons stated in s. 101.051 may obtain such assistance. The  
1243 regular election must occur on the date of the annual meeting.  
1244 Notwithstanding this sub-subparagraph, an election is not  
1245 required unless more candidates file notices of intent to run or  
1246 are nominated than board vacancies exist.

1247       b. Within 90 days after being elected or appointed to the

36-01363B-21

20211966\_\_

1248 board of an association of a residential condominium, each newly  
1249 elected or appointed director shall certify in writing to the  
1250 secretary of the association that he or she has read the  
1251 association's declaration of condominium, articles of  
1252 incorporation, bylaws, and current written policies; that he or  
1253 she will work to uphold such documents and policies to the best  
1254 of his or her ability; and that he or she will faithfully  
1255 discharge his or her fiduciary responsibility to the  
1256 association's members. In lieu of this written certification,  
1257 within 90 days after being elected or appointed to the board,  
1258 the newly elected or appointed director may submit a certificate  
1259 of having satisfactorily completed the educational curriculum  
1260 administered by a division-approved condominium education  
1261 provider within 1 year before or 90 days after the date of  
1262 election or appointment. The written certification or  
1263 educational certificate is valid and does not have to be  
1264 resubmitted as long as the director serves on the board without  
1265 interruption. A director of an association of a residential  
1266 condominium who fails to timely file the written certification  
1267 or educational certificate is suspended from service on the  
1268 board until he or she complies with this sub-subparagraph. The  
1269 board may temporarily fill the vacancy during the period of  
1270 suspension. The secretary shall cause the association to retain  
1271 a director's written certification or educational certificate  
1272 for inspection by the members for 5 years after a director's  
1273 election or the duration of the director's uninterrupted tenure,  
1274 whichever is longer. Failure to have such written certification  
1275 or educational certificate on file does not affect the validity  
1276 of any board action.

36-01363B-21

20211966\_\_

1277 c. Any challenge to the election process must be commenced  
1278 within 60 days after the election results are announced.

1279 5. Any approval by unit owners called for by this chapter  
1280 or the applicable declaration or bylaws, including, but not  
1281 limited to, the approval requirement in s. 718.111(8), must be  
1282 made at a duly noticed meeting of unit owners and is subject to  
1283 all requirements of this chapter or the applicable condominium  
1284 documents relating to unit owner decisionmaking, except that  
1285 unit owners may take action by written agreement, without  
1286 meetings, on matters for which action by written agreement  
1287 without meetings is expressly allowed by the applicable bylaws  
1288 or declaration or any law that provides for such action.

1289 6. Unit owners may waive notice of specific meetings if  
1290 allowed by the applicable bylaws or declaration or any law.  
1291 Notice of meetings of the board of administration, unit owner  
1292 meetings, except unit owner meetings called to recall board  
1293 members under paragraph (j), and committee meetings may be given  
1294 by electronic transmission to unit owners who consent to receive  
1295 notice by electronic transmission. A unit owner who consents to  
1296 receiving notices by electronic transmission is solely  
1297 responsible for removing or bypassing filters that block receipt  
1298 of mass emails sent to members on behalf of the association in  
1299 the course of giving electronic notices.

1300 7. Unit owners have the right to participate in meetings of  
1301 unit owners with reference to all designated agenda items.  
1302 However, the association may adopt reasonable rules governing  
1303 the frequency, duration, and manner of unit owner participation.

1304 8. A unit owner may tape record or videotape a meeting of  
1305 the unit owners subject to reasonable rules adopted by the

36-01363B-21

20211966\_\_

1306 division.

1307 9. Unless otherwise provided in the bylaws, any vacancy  
1308 occurring on the board before the expiration of a term may be  
1309 filled by the affirmative vote of the majority of the remaining  
1310 directors, even if the remaining directors constitute less than  
1311 a quorum, or by the sole remaining director. In the alternative,  
1312 a board may hold an election to fill the vacancy, in which case  
1313 the election procedures must conform to sub-subparagraph 4.a.  
1314 unless the association governs 10 units or fewer and has opted  
1315 out of the statutory election process, in which case the bylaws  
1316 of the association control. Unless otherwise provided in the  
1317 bylaws, a board member appointed or elected under this section  
1318 shall fill the vacancy for the unexpired term of the seat being  
1319 filled. Filling vacancies created by recall is governed by  
1320 paragraph (j) and rules adopted by the division.

1321 10. This chapter does not limit the use of general or  
1322 limited proxies, require the use of general or limited proxies,  
1323 or require the use of a written ballot or voting machine for any  
1324 agenda item or election at any meeting of a timeshare  
1325 condominium association or nonresidential condominium  
1326 association.

1327  
1328 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1329 association of 10 or fewer units may, by affirmative vote of a  
1330 majority of the total voting interests, provide for different  
1331 voting and election procedures in its bylaws, which may be by a  
1332 proxy specifically delineating the different voting and election  
1333 procedures. The different voting and election procedures may  
1334 provide for elections to be conducted by limited or general

36-01363B-21

20211966\_\_

1335 proxy.

1336 (f) *Annual budget.*—

1337 1. The proposed annual budget of estimated revenues and  
1338 expenses must be detailed and must show the amounts budgeted by  
1339 accounts and expense classifications, including, at a minimum,  
1340 any applicable expenses listed in s. 718.504(21). The annual  
1341 budget must be proposed to unit owners and adopted by the board  
1342 of directors no later than 30 days before the beginning of the  
1343 fiscal year. A multicondominium association shall adopt a  
1344 separate budget of common expenses for each condominium the  
1345 association operates and shall adopt a separate budget of common  
1346 expenses for the association. In addition, if the association  
1347 maintains limited common elements with the cost to be shared  
1348 only by those entitled to use the limited common elements as  
1349 provided for in s. 718.113(1), the budget or a schedule attached  
1350 to it must show the amount budgeted for this maintenance. If,  
1351 after turnover of control of the association to the unit owners,  
1352 any of the expenses listed in s. 718.504(21) are not applicable,  
1353 they need not be listed.

1354 2.a. In addition to annual operating expenses, the budget  
1355 must include reserve accounts for capital expenditures and  
1356 deferred maintenance. These accounts must include, but are not  
1357 limited to, roof replacement, building painting, and pavement  
1358 resurfacing, regardless of the amount of deferred maintenance  
1359 expense or replacement cost, and any other item that has a  
1360 deferred maintenance expense or replacement cost that exceeds  
1361 \$10,000. The amount to be reserved must be computed using a  
1362 formula based upon estimated remaining useful life and estimated  
1363 replacement cost or deferred maintenance expense of each reserve

36-01363B-21

20211966\_\_

1364 item. The association may adjust replacement reserve assessments  
1365 annually to take into account any changes in estimates or  
1366 extension of the useful life of a reserve item caused by  
1367 deferred maintenance. This subsection does not apply to an  
1368 adopted budget in which the members of an association have  
1369 determined, by a majority vote at a duly called meeting of the  
1370 association, to provide no reserves or less reserves than  
1371 required by this subsection.

1372       b. Before turnover of control of an association by a  
1373 developer to unit owners other than a developer pursuant to s.  
1374 718.301, the developer may vote the voting interests allocated  
1375 to its units to waive the reserves or reduce the funding of  
1376 reserves through the period expiring at the end of the second  
1377 fiscal year after the fiscal year in which the certificate of a  
1378 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or  
1379 an instrument that transfers title to a unit in the condominium  
1380 which is not accompanied by a recorded assignment of developer  
1381 rights in favor of the grantee of such unit is recorded,  
1382 whichever occurs first, after which time reserves may be waived  
1383 or reduced only upon the vote of a majority of all nondeveloper  
1384 voting interests voting in person or by limited proxy at a duly  
1385 called meeting of the association. If a meeting of the unit  
1386 owners has been called to determine whether to waive or reduce  
1387 the funding of reserves and no such result is achieved or a  
1388 quorum is not attained, the reserves included in the budget  
1389 shall go into effect. After the turnover, the developer may vote  
1390 its voting interest to waive or reduce the funding of reserves.

1391       3. Reserve funds and any interest accruing thereon shall  
1392 remain in the reserve account or accounts, and may be used only



36-01363B-21

20211966\_\_

1393 for authorized reserve expenditures unless their use for other  
1394 purposes is approved in advance by a majority vote at a duly  
1395 called meeting of the association. Before turnover of control of  
1396 an association by a developer to unit owners other than the  
1397 developer pursuant to s. 718.301, the developer-controlled  
1398 association may not vote to use reserves for purposes other than  
1399 those for which they were intended without the approval of a  
1400 majority of all nondeveloper voting interests, voting in person  
1401 or by limited proxy at a duly called meeting of the association.

1402 4. The only voting interests that are eligible to vote on  
1403 questions that involve waiving or reducing the funding of  
1404 reserves, or using existing reserve funds for purposes other  
1405 than purposes for which the reserves were intended, are the  
1406 voting interests of the units subject to assessment to fund the  
1407 reserves in question. Proxy questions relating to waiving or  
1408 reducing the funding of reserves or using existing reserve funds  
1409 for purposes other than purposes for which the reserves were  
1410 intended must contain the following statement in capitalized,  
1411 bold letters in a font size larger than any other used on the  
1412 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1413 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1414 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1415 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1416 Section 22. Paragraph (m) of subsection (1) of section  
1417 718.501, Florida Statutes, is amended to read:

1418 718.501 Authority, responsibility, and duties of Division  
1419 of Florida Condominiums, Timeshares, and Mobile Homes.—

1420 (1) The division may enforce and ensure compliance with the  
1421 provisions of this chapter and rules relating to the

36-01363B-21

20211966\_\_

1422 development, construction, sale, lease, ownership, operation,  
1423 and management of residential condominium units. In performing  
1424 its duties, the division has complete jurisdiction to  
1425 investigate complaints and enforce compliance with respect to  
1426 associations that are still under developer control or the  
1427 control of a bulk assignee or bulk buyer pursuant to part VII of  
1428 this chapter and complaints against developers, bulk assignees,  
1429 or bulk buyers involving improper turnover or failure to  
1430 turnover, pursuant to s. 718.301. However, after turnover has  
1431 occurred, the division has jurisdiction to investigate  
1432 complaints related only to financial issues, elections, and unit  
1433 owner access to association records pursuant to s. 718.111(12).

1434 (m) If a complaint is made, the division must conduct its  
1435 inquiry with due regard for the interests of the affected  
1436 parties. Within 30 days after receipt of a complaint, the  
1437 division shall acknowledge the complaint in writing and notify  
1438 the complainant whether the complaint is within the jurisdiction  
1439 of the division and whether additional information is needed by  
1440 the division from the complainant. The division shall conduct  
1441 its investigation and, within 90 days after receipt of the  
1442 original complaint or of timely requested additional  
1443 information, take action upon the complaint. However, the  
1444 failure to complete the investigation within 90 days does not  
1445 prevent the division from continuing the investigation,  
1446 accepting or considering evidence obtained or received after 90  
1447 days, or taking administrative action if reasonable cause exists  
1448 to believe that a violation of this chapter or a rule has  
1449 occurred. If an investigation is not completed within the time  
1450 limits established in this paragraph, the division shall, on a

36-01363B-21

20211966\_\_

1451 monthly basis, notify the complainant in writing of the status  
1452 of the investigation. When reporting its action to the  
1453 complainant, the division shall inform the complainant of any  
1454 right to a hearing pursuant to ss. 120.569 and 120.57. The  
1455 division may adopt rules regarding the submission of a complaint  
1456 against an association.

1457 Section 23. Section 718.5014, Florida Statutes, is amended  
1458 to read:

1459 718.5014 Ombudsman location.—The ombudsman shall maintain  
1460 his or her principal office at a ~~in Leon County on the premises~~  
1461 ~~of the division or, if suitable space cannot be provided there,~~  
1462 ~~at another~~ place convenient to the offices of the division which  
1463 will enable the ombudsman to expeditiously carry out the duties  
1464 and functions of his or her office. The ombudsman may establish  
1465 branch offices elsewhere in the state upon the concurrence of  
1466 the Governor.

1467 Section 24. Subsection (1) of section 455.219, Florida  
1468 Statutes, is amended to read:

1469 455.219 Fees; receipts; disposition; periodic management  
1470 reports.—

1471 (1) Each board within the department shall determine by  
1472 rule the amount of license fees for its profession, based upon  
1473 department-prepared long-range estimates of the revenue required  
1474 to implement all provisions of law relating to the regulation of  
1475 professions by the department and any board; however, when the  
1476 department has determined, based on the long-range estimates of  
1477 such revenue, that a profession's trust fund moneys are in  
1478 excess of the amount required to cover the necessary functions  
1479 of the board, or the department when there is no board, the

36-01363B-21

20211966\_\_

1480 department may adopt rules to implement a waiver of license  
1481 renewal fees for that profession for a period not to exceed 2  
1482 years, as determined by the department. Each board, or the  
1483 department when there is no board, shall ensure license fees are  
1484 adequate to cover all anticipated costs and to maintain a  
1485 reasonable cash balance, as determined by rule of the  
1486 department, with advice of the applicable board. If sufficient  
1487 action is not taken by a board within 1 year of notification by  
1488 the department that license fees are projected to be inadequate,  
1489 the department shall set license fees on behalf of the  
1490 applicable board to cover anticipated costs and to maintain the  
1491 required cash balance. The department shall include recommended  
1492 fee cap increases in its annual report to the Legislature.  
1493 Further, it is legislative intent that no regulated profession  
1494 operate with a negative cash balance. The department may provide  
1495 by rule for the advancement of sufficient funds to any  
1496 profession or the Florida Athletic State ~~Boxing~~ Commission  
1497 operating with a negative cash balance. Such advancement may be  
1498 for a period not to exceed 2 consecutive years and shall require  
1499 interest to be paid by the regulated profession. Interest shall  
1500 be calculated at the current rate earned on Professional  
1501 Regulation Trust Fund investments. Interest earned shall be  
1502 allocated to the various funds in accordance with the allocation  
1503 of investment earnings during the period of the advance.

1504 Section 25. Subsection (4) of section 548.002, Florida  
1505 Statutes, is amended to read:

1506 548.002 Definitions.—As used in this chapter, the term:

1507 (4) "Commission" means the Florida Athletic State ~~Boxing~~  
1508 Commission.

36-01363B-21

20211966\_\_

1509 Section 26. Subsections (3) and (4) of section 548.05,  
1510 Florida Statutes, are amended to read:

1511 548.05 Control of contracts.—

1512 (3) The commission may require that each contract contain  
1513 language authorizing the ~~Florida State Boxing~~ commission to  
1514 withhold any or all of any manager's share of a purse in the  
1515 event of a contractual dispute as to entitlement to any portion  
1516 of a purse. The commission may establish rules governing the  
1517 manner of resolution of such dispute. In addition, if the  
1518 commission deems it appropriate, the commission is hereby  
1519 authorized to implead interested parties over any disputed funds  
1520 into the appropriate circuit court for resolution of the dispute  
1521 before ~~prior to~~ release of all or any part of the funds.

1522 (4) Each contract subject to this section shall contain the  
1523 following clause: "This agreement is subject to the provisions  
1524 of chapter 548, Florida Statutes, and to the rules of the  
1525 Florida Athletic State ~~Boxing~~ Commission and to any future  
1526 amendments of either."

1527 Section 27. Subsection (12) of section 548.071, Florida  
1528 Statutes, is amended to read:

1529 548.071 Suspension or revocation of license or permit by  
1530 commission.—The commission may suspend or revoke a license or  
1531 permit if the commission finds that the licensee or permittee:

1532 (12) Has been disciplined by the ~~Florida State Boxing~~  
1533 commission or similar agency or body of any jurisdiction.

1534 Section 28. Section 548.077, Florida Statutes, is amended  
1535 to read:

1536 548.077 Florida Athletic State ~~Boxing~~ Commission;  
1537 collection and disposition of moneys.—All fees, fines,

36-01363B-21

20211966\_\_

1538 forfeitures, and other moneys collected under the provisions of  
1539 this chapter shall be paid by the commission to the Chief  
1540 Financial Officer who, after the expenses of the commission are  
1541 paid, shall deposit them in the Professional Regulation Trust  
1542 Fund to be used for the administration and operation of the  
1543 commission and to enforce the laws and rules under its  
1544 jurisdiction. In the event the unexpended balance of such moneys  
1545 collected under the provisions of this chapter exceeds \$250,000,  
1546 any excess of that amount shall be deposited in the General  
1547 Revenue Fund.

1548       Section 29. This act shall take effect July 1, 2021.