

By the Committee on Regulated Industries; and Senators Diaz and Garcia

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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.
24 488.509, F.S.; deleting requirements relating to
25 certain fees collected by the department for
26 electrical and alarm system contracting; amending s.
27 499.01, F.S.; exempting certain persons from specified
28 permit requirements under certain circumstances;
29 requiring an exempt cosmetics manufacturer to provide,

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

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59 amend rules, designate violations and monetary
60 assessments, and order remedial measures that must be
61 taken for such violations; amending s. 509.241, F.S.;
62 revising rulemaking requirements relating to public
63 lodging and food service licenses; amending s.
64 509.251, F.S.; deleting provisions relating to fee
65 schedule requirements; specifying that all fees are
66 payable in full upon submission of an application for
67 a public lodging establishment license or a public
68 food service license; amending s. 548.003, F.S.;
69 renaming the Florida State Boxing Commission as the
70 Florida Athletic Commission; amending s. 548.043,
71 F.S.; revising rulemaking requirements for the
72 commission relating to gloves; amending s. 553.841,
73 F.S.; conforming a provision to changes made by the
74 act; amending s. 561.01, F.S.; deleting the definition
75 of the term "permit carrier"; amending s. 561.17,
76 F.S.; revising a requirement related to the filing of
77 fingerprints with the division; requiring that
78 applications be accompanied by certain information
79 relating to right of occupancy; providing requirements
80 relating to contact information for licensees and
81 permittees; amending s. 561.19, F.S.; revising
82 provisions relating to the availability of beverage
83 licenses to include by reason of the cancellation of a
84 quota beverage license; amending s. 561.20, F.S.;
85 conforming cross-references; revising requirements for
86 issuing special licenses to certain food service
87 establishments; amending s. 561.42, F.S.; requiring

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88 the division, and authorizing vendors, to use
89 electronic mail to give certain notice; amending s.
90 561.55, F.S.; revising requirements for reports
91 relating to alcoholic beverages; amending s. 562.455,
92 F.S.; removing grains of paradise as a form of
93 adulteration of liquor used or intended for drink;
94 amending s. 718.112, F.S.; providing the circumstances
95 under which a person is delinquent in the payment of
96 an assessment in the context of eligibility for
97 membership on certain condominium boards; requiring
98 that an annual budget be proposed to unit owners and
99 adopted by the board before a specified time; amending
100 s. 718.501, F.S.; authorizing the Division of Florida
101 Condominiums, Timeshares, and Mobile Homes to adopt
102 rules regarding the submission of complaints against a
103 condominium association; amending s. 718.5014, F.S.;
104 revising the location requirements for the principal
105 office of the condominium ombudsman; amending ss.
106 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.;
107 conforming provisions to changes made by the act;
108 providing an effective date.

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

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

114 210.09 Records to be kept; reports to be made;
115 examination.-

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

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

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

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146 provided for and required.

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

149 210.55 Distributors; monthly reports ~~returns~~.—

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

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

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175 one or more particular months, the division shall notify the
176 taxpayer of the deficiency, stating its intention to assess the
177 amount due for a given period without allocating it to any
178 particular months.

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

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

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204 assessment made by the division because of the failure of the
205 taxpayer to make a report ~~return~~.

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

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

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

232 (a) The collection allowance may not be granted, nor may

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233 any deduction be permitted, if the tax is delinquent at the time
234 of payment.

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

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

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

251 Section 3. Section 210.60, Florida Statutes, is amended to
252 read:

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

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

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291 preserve a legible copy of each such invoice for 3 years from
292 the date of purchase. Invoices shall be available for inspection
293 by authorized agents or employees of the division at the
294 retailer's place of business. Any records required by this
295 section may be kept in an electronic or paper format.

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

298 489.109 Fees.—

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

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320 ~~summarizing the new projects funded and the status of previously~~
321 ~~funded projects.~~

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

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

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

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

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

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349 subsection.

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

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

356

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

359 Section 6. Subsection (3) of section 489.509, Florida
360 Statutes, is amended, and subsection (1) of that section is
361 republished, to read:

362 489.509 Fees.—

363 (1) The board, by rule, shall establish fees to be paid for
364 applications, examination, reexamination, transfers, licensing
365 and renewal, reinstatement, and recordmaking and recordkeeping.
366 The examination fee shall be in an amount that covers the cost
367 of obtaining and administering the examination and shall be
368 refunded if the applicant is found ineligible to sit for the
369 examination. The application fee is nonrefundable. The fee for
370 initial application and examination for certification of
371 electrical contractors may not exceed \$400. The initial
372 application fee for registration may not exceed \$150. The
373 biennial renewal fee may not exceed \$400 for certificateholders
374 and \$200 for registrants. The fee for initial application and
375 examination for certification of alarm system contractors may
376 not exceed \$400. The biennial renewal fee for certified alarm
377 system contractors may not exceed \$450. The board may establish

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378 a fee for a temporary certificate as an alarm system contractor
379 not to exceed \$75. The board may also establish by rule a
380 delinquency fee not to exceed \$50. The fee to transfer a
381 certificate or registration from one business organization to
382 another may not exceed \$200. The fee for reactivation of an
383 inactive license may not exceed \$50. The board shall establish
384 fees that are adequate to ensure the continued operation of the
385 board. Fees shall be based on department estimates of the
386 revenue required to implement this part and the provisions of
387 law with respect to the regulation of electrical contractors and
388 alarm system contractors.

389 ~~(3) Four dollars of each fee under subsection (1) paid to~~
390 ~~the department at the time of application or renewal shall be~~
391 ~~transferred at the end of each licensing period to the~~
392 ~~department to fund projects relating to the building~~
393 ~~construction industry or continuing education programs offered~~
394 ~~to persons engaged in the building construction industry in~~
395 ~~Florida. The board shall, at the time the funds are transferred,~~
396 ~~advise the department on the most needed areas of research or~~
397 ~~continuing education based on significant changes in the~~
398 ~~industry's practices or on the most common types of consumer~~
399 ~~complaints or on problems costing the state or local~~
400 ~~governmental entities substantial waste. The board's advice is~~
401 ~~not binding on the department. The department shall ensure the~~
402 ~~distribution of research reports and the availability of~~
403 ~~continuing education programs to all segments of the building~~
404 ~~construction industry to which they relate. The department shall~~
405 ~~report to the board in October of each year, summarizing the~~
406 ~~allocation of the funds by institution and summarizing the new~~

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407 ~~projects funded and the status of previously funded projects.~~

408 Section 7. Paragraph (p) of subsection (2) of section
409 499.01, Florida Statutes, is amended to read:

410 499.01 Permits.—

411 (2) The following permits are established:

412 (p) *Cosmetic manufacturer permit.*—A cosmetic manufacturer
413 permit is required for any person that manufactures or
414 repackages cosmetics in this state. A person that only labels or
415 changes the labeling of a cosmetic but does not open the
416 container sealed by the manufacturer of the product is exempt
417 from obtaining a permit under this paragraph. A person who
418 manufactures cosmetics and has annual gross sales of \$25,000 or
419 less is exempt from the permit requirements of this paragraph.
420 Upon request, an exempt cosmetics manufacturer must provide to
421 the department written documentation to verify his or her annual
422 gross sales, including all sales of cosmetic products at any
423 location, regardless of the types of products sold or the number
424 of persons involved in the operation.

425 1. An exempt cosmetics manufacturer may only:

426 a. Sell prepackaged cosmetics affixed with a label
427 containing information required by the United States Food and
428 Drug Administration.

429 b. Manufacture and sell cosmetics that are soaps, not
430 otherwise exempt from the definition of cosmetics, lotions,
431 moisturizers, and creams.

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

434 d. Sell cosmetic products that are stored on the premises
435 of the cosmetic manufacturing operation.

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

440 3. The department may investigate any complaint which
441 alleges that an exempt cosmetics manufacturer has violated an
442 applicable provision of this chapter or a rule adopted under
443 this chapter. The department's authorized officer or employee
444 may enter and inspect the premises of an exempt cosmetic
445 manufacturer to determine compliance with this chapter and
446 department rules, as applicable. A refusal to permit an
447 authorized officer or employee of the department to enter the
448 premises or to conduct an inspection is a violation of s.
449 499.005(6) and is grounds for disciplinary action pursuant to s.
450 499.066.

451 4. This paragraph does not exempt any person from any state
452 or federal tax law, rule, regulation, or certificate or from any
453 county or municipal law or ordinance that applies to cosmetic
454 manufacturing.

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

457 499.012 Permit application requirements.—

458 (6)A permit issued by the department is nontransferable.
459 Each permit is valid only for the person or governmental unit to
460 which it is issued and is not subject to sale, assignment, or
461 other transfer, voluntarily or involuntarily; nor is a permit
462 valid for any establishment other than the establishment for
463 which it was originally issued.

464 (d) When an establishment that requires a permit pursuant

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465 to this part submits an application to the department for a
466 change of ownership or controlling interest or a change of
467 location with the required fees under this subsection, the
468 establishment may also submit a request for a temporary permit
469 granting the establishment authority to operate for no more than
470 90 calendar days. The establishment must submit the request for
471 a temporary permit to the department on a form provided by the
472 department and obtain authorization to operate with the
473 temporary permit before operating under the change of ownership
474 or operating at the new location. Upon authorization of a
475 temporary permit, the existing permit at the location for which
476 the temporary permit is submitted is immediately null and void.
477 A temporary permit may not be extended and shall expire and
478 become null and void by operation of law without further action
479 by the department at 12:01 a.m. on the 91st day after the
480 department authorizes such permit. Upon expiration of the
481 temporary permit, the establishment may not continue to operate
482 under such permit.

483

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

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

488 499.066 Penalties; remedies.—In addition to other penalties
489 and other enforcement provisions:

490 (8) (a) The department shall adopt rules to authorize the
491 issuance of a remedial, nondisciplinary citation. A citation
492 shall be issued to the person alleged to have committed a
493 violation and contain the person's name, address, and license

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494 number, if applicable; a brief factual statement; the sections
495 of the law allegedly violated; and the monetary assessment and
496 or other remedial measures imposed. The person shall have 30
497 days after the citation is served to contest the citation by
498 providing supplemental and clarifying information to the
499 department. The citation must clearly state that the person may
500 choose, in lieu of accepting the citation, to have the
501 department rescind the citation and conduct an investigation
502 pursuant to s. 499.051 of only those alleged violations
503 contained in the citation. The citation shall be rescinded by
504 the department if the person remedies or corrects the violations
505 or deficiencies contained in the citation within 30 days after
506 the citation is served. If the person does not successfully
507 contest the citation to the satisfaction of the department, or
508 complete remedial action pursuant to this paragraph, the
509 citation becomes a final order and does not constitute
510 discipline.

511 (b) The department is entitled to recover the costs of
512 investigation, in addition to any penalty provided according to
513 department rule, as part of the penalty levied pursuant to a
514 citation.

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

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

521 (e) The department may adopt rules to designate those
522 violations for which a person is subject to the issuance of a

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523 citation and the monetary assessments or other remedial measures
524 that must be taken for those violations. Violations designated
525 as subject to issuance of a citation shall include violations
526 for which there is no substantial threat to the public health,
527 safety, or welfare. The department has continuous authority to
528 amend its rules adopted pursuant to this section.

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

531 509.241 Licenses required; exceptions.—

532 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
533 establishment and public food service establishment shall obtain
534 a license from the division. Such license may not be transferred
535 from one place or individual to another. It shall be a
536 misdemeanor of the second degree, punishable as provided in s.
537 775.082 or s. 775.083, for such an establishment to operate
538 without a license. Local law enforcement shall provide immediate
539 assistance in pursuing an illegally operating establishment. The
540 division may refuse a license, or a renewal thereof, to any
541 establishment that is not constructed and maintained in
542 accordance with law and with the rules of the division. The
543 division may refuse to issue a license, or a renewal thereof, to
544 any establishment an operator of which, within the preceding 5
545 years, has been adjudicated guilty of, or has forfeited a bond
546 when charged with, any crime reflecting on professional
547 character, including soliciting for prostitution, pandering,
548 letting premises for prostitution, keeping a disorderly place,
549 or illegally dealing in controlled substances as defined in
550 chapter 893, whether in this state or in any other jurisdiction
551 within the United States, or has had a license denied, revoked,

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552 or suspended pursuant to s. 429.14. Licenses shall be renewed
553 annually, and the division shall adopt rules ~~a rule~~ establishing
554 procedures ~~a staggered schedule~~ for license issuance and
555 renewals. If any license expires while administrative charges
556 are pending against the license, the proceedings against the
557 license shall continue to conclusion as if the license were
558 still in effect.

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

561 509.251 License fees.—

562 (1) The division shall adopt, by rule, a schedule of fees
563 to be paid by each public lodging establishment as a
564 prerequisite to issuance or renewal of a license. Such fees
565 shall be based on the number of rental units in the
566 establishment. The aggregate fee per establishment charged any
567 public lodging establishment may not exceed \$1,000; however, the
568 fees described in paragraphs (a) and (b) may not be included as
569 part of the aggregate fee subject to this cap. Vacation rental
570 units or timeshare projects within separate buildings or at
571 separate locations but managed by one licensed agent may be
572 combined in a single license application, and the division shall
573 charge a license fee as if all units in the application are in a
574 single licensed establishment. ~~The fee schedule shall require an~~
575 ~~establishment which applies for an initial license to pay the~~
576 ~~full license fee if application is made during the annual~~
577 ~~renewal period or more than 6 months before the next such~~
578 ~~renewal period and one-half of the fee if application is made 6~~
579 ~~months or less before such period.~~ The fee schedule shall
580 include fees collected for the purpose of funding the

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581 Hospitality Education Program, pursuant to s. 509.302. All fees,
582 ~~which~~ are payable in full for each application at the time
583 ~~regardless of when~~ the application is submitted.

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

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

593 (2) The division shall adopt, by rule, a schedule of fees
594 to be paid by each public food service establishment as a
595 prerequisite to issuance or renewal of a license. The fee
596 schedule shall prescribe a basic fee and additional fees based
597 on seating capacity and services offered. The aggregate fee per
598 establishment charged any public food service establishment may
599 not exceed \$400; however, the fees described in paragraphs (a)
600 and (b) may not be included as part of the aggregate fee subject
601 to this cap. ~~The fee schedule shall require an establishment~~
602 ~~which applies for an initial license to pay the full license fee~~
603 ~~if application is made during the annual renewal period or more~~
604 ~~than 6 months before the next such renewal period and one-half~~
605 ~~of the fee if application is made 6 months or less before such~~
606 ~~period.~~ The fee schedule shall include fees collected for the
607 purpose of funding the Hospitality Education Program, pursuant
608 to s. 509.302. All fees, ~~which~~ are payable in full for each
609 application at the time ~~regardless of when~~ the application is

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610 submitted.

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

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

620 Section 12. Section 548.003, Florida Statutes, is amended
621 to read:

622 548.003 Florida Athletic State~~Boxing~~ Commission.—

623 (1) The Florida Athletic State~~Boxing~~ Commission is created
624 and is assigned to the Department of Business and Professional
625 Regulation for administrative and fiscal accountability purposes
626 only. The ~~Florida State Boxing~~ commission shall consist of five
627 members appointed by the Governor, subject to confirmation by
628 the Senate. One member must be a physician licensed under
629 ~~pursuant to~~ chapter 458 or chapter 459, who must maintain an
630 unencumbered license in good standing, and who must, at the time
631 of her or his appointment, have practiced medicine for at least
632 5 years. Upon the expiration of the term of a commissioner, the
633 Governor shall appoint a successor to serve for a 4-year term. A
634 commissioner whose term has expired shall continue to serve on
635 the commission until such time as a replacement is appointed. If
636 a vacancy on the commission occurs before ~~prior to~~ the
637 expiration of the term, it shall be filled for the unexpired
638 portion of the term in the same manner as the original

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639 appointment.

640 (2) The ~~Florida State Boxing~~ commission, as created by
641 subsection (1), shall administer the provisions of this chapter.
642 The commission has authority to adopt rules pursuant to ss.
643 120.536(1) and 120.54 to implement the provisions of this
644 chapter and to implement each of the duties and responsibilities
645 conferred upon the commission, including, but not limited to:

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

648 (b) Facility and safety requirements relating to the ring,
649 floor plan and apron seating, emergency medical equipment and
650 services, and other equipment and services necessary for the
651 conduct of a program of matches.

652 (c) Requirements regarding a participant's apparel,
653 bandages, handwraps, gloves, mouthpiece, and appearance during a
654 match.

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

657 (e) Duties and responsibilities of all licensees under this
658 chapter.

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

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

661 (h) Qualifications for and appointment of chief inspectors
662 and inspectors and duties and responsibilities of chief
663 inspectors and inspectors with respect to oversight and
664 coordination of activities for each program of matches regulated
665 under this chapter.

666 (i) Setting fee and reimbursement schedules for referees
667 and other officials appointed by the commission or the

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668 representative of the commission.

669 (j) Establishment of criteria for approval, disapproval,
670 suspension of approval, and revocation of approval of amateur
671 sanctioning organizations for amateur boxing, kickboxing, and
672 mixed martial arts held in this state, including, but not
673 limited to, the health and safety standards the organizations
674 use before, during, and after the matches to ensure the health,
675 safety, and well-being of the amateurs participating in the
676 matches, including the qualifications and numbers of health care
677 personnel required to be present, the qualifications required
678 for referees, and other requirements relating to the health,
679 safety, and well-being of the amateurs participating in the
680 matches. The commission may adopt by rule, or incorporate by
681 reference into rule, the health and safety standards of USA
682 Boxing as the minimum health and safety standards for an amateur
683 boxing sanctioning organization, the health and safety standards
684 of the International Sport Kickboxing Association as the minimum
685 health and safety standards for an amateur kickboxing
686 sanctioning organization, and the minimum health and safety
687 standards for an amateur mixed martial arts sanctioning
688 organization. The commission shall review its rules for
689 necessary revision at least every 2 years and may adopt by rule,
690 or incorporate by reference into rule, the then-existing current
691 health and safety standards of USA Boxing and the International
692 Sport Kickboxing Association. The commission may adopt emergency
693 rules to administer this paragraph.

694 (3) The commission shall maintain an office in Tallahassee.
695 At the first meeting of the commission after June 1 of each
696 year, the commission shall select a chair and a vice chair from

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697 among its membership. Three members shall constitute a quorum
698 and the concurrence of at least three members is necessary for
699 official commission action.

700 (4) Three consecutive unexcused absences or absences
701 constituting 50 percent or more of the commission's meetings
702 within any 12-month period shall cause the commission membership
703 of the member in question to become void, and the position shall
704 be considered vacant. The commission shall, by rule, define
705 unexcused absences.

706 (5) Each commission member shall be accountable to the
707 Governor for the proper performance of duties as a member of the
708 commission. The Governor shall cause to be investigated any
709 complaint or unfavorable report received by the Governor or the
710 department concerning an action of the commission or any member
711 and shall take appropriate action thereon. The Governor may
712 remove from office any member for malfeasance, unethical
713 conduct, misfeasance, neglect of duty, incompetence, permanent
714 inability to perform official duties, or pleading guilty or nolo
715 contendere to or being found guilty of a felony.

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

720 (7) The commission shall be authorized to join and
721 participate in the activities of the Association of Boxing
722 Commissions (ABC).

723 (8) The department shall provide all legal and
724 investigative services necessary to implement this chapter. The
725 department may adopt rules as provided in ss. 120.536(1) and

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726 120.54 to carry out its duties under this chapter.

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

729 548.043 Weights and classes, limitations; gloves.—

730 (3) The commission shall establish by rule the need for
731 gloves, if any, and the weight of any such gloves to be used in
732 each pugilistic match ~~the appropriate weight of gloves to be~~
733 ~~used in each boxing match; however, all participants in boxing~~
734 ~~matches shall wear gloves weighing not less than 8 ounces each~~
735 ~~and participants in mixed martial arts matches shall wear gloves~~
736 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
737 protective devices as the commission deems necessary.

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

740 553.841 Building code compliance and mitigation program.—

741 ~~(5) Each biennium, upon receipt of funds by the Department~~
742 ~~of Business and Professional Regulation from the Construction~~
743 ~~Industry Licensing Board and the Electrical Contractors'~~
744 ~~Licensing Board provided under ss. 489.109(3) and 489.509(3),~~
745 ~~the department shall determine the amount of funds available for~~
746 ~~the Florida Building Code Compliance and Mitigation Program.~~

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

749 561.01 Definitions.—As used in the Beverage Law:

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

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

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755 561.17 License and registration applications; approved
756 person.—

757 (1) Any person, before engaging in the business of
758 manufacturing, bottling, distributing, selling, or in any way
759 dealing in alcoholic beverages, shall file, with the district
760 licensing personnel of the district of the division in which the
761 place of business for which a license is sought is located, a
762 sworn application in the format prescribed by the division. The
763 applicant must be a legal or business entity, person, or persons
764 and must include all persons, officers, shareholders, and
765 directors of such legal or business entity that have a direct or
766 indirect interest in the business seeking to be licensed under
767 this part. However, the applicant does not include any person
768 that derives revenue from the license solely through a
769 contractual relationship with the licensee, the substance of
770 which contractual relationship is not related to the control of
771 the sale of alcoholic beverages. Before any application is
772 approved, the division may require the applicant to file a set
773 of fingerprints electronically through an approved electronic
774 fingerprinting vendor or ~~on regular United States Department of~~
775 ~~Justice~~ forms prescribed by the Florida Department of Law
776 Enforcement for herself or himself and for any person or persons
777 interested directly or indirectly with the applicant in the
778 business for which the license is being sought, when required by
779 the division. If the applicant or any person who is interested
780 with the applicant either directly or indirectly in the business
781 or who has a security interest in the license being sought or
782 has a right to a percentage payment from the proceeds of the
783 business, either by lease or otherwise, is not qualified, the

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784 division shall deny the application. However, any company
785 regularly traded on a national securities exchange and not over
786 the counter; any insurer, as defined in the Florida Insurance
787 Code; or any bank or savings and loan association chartered by
788 this state, another state, or the United States which has an
789 interest, directly or indirectly, in an alcoholic beverage
790 license is not required to obtain the division's approval of its
791 officers, directors, or stockholders or any change of such
792 positions or interests. A shopping center with five or more
793 stores, one or more of which has an alcoholic beverage license
794 and is required under a lease common to all shopping center
795 tenants to pay no more than 10 percent of the gross proceeds of
796 the business holding the license to the shopping center, is not
797 considered as having an interest, directly or indirectly, in the
798 license. A performing arts center, as defined in s. 561.01,
799 which has an interest, directly or indirectly, in an alcoholic
800 beverage license is not required to obtain division approval of
801 its volunteer officers or directors or of any change in such
802 positions or interests.

803 (2) All applications for any alcoholic beverage license
804 must be accompanied by proof of the applicant's right of
805 occupancy for the entire premises sought to be licensed. All
806 applications for alcoholic beverage licenses for consumption on
807 the premises shall be accompanied by a certificate of the
808 Division of Hotels and Restaurants of the Department of Business
809 and Professional Regulation, the Department of Agriculture and
810 Consumer Services, the Department of Health, the Agency for
811 Health Care Administration, or the county health department that
812 the place of business wherein the business is to be conducted

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813 meets all of the sanitary requirements of the state.

814 (5) Any person or entity licensed or permitted by the
815 division must provide an electronic mail address to the division
816 to function as the primary contact for all communication by the
817 division to the licensee or permittees. Licensees and permittees
818 are responsible for maintaining accurate contact information on
819 file with the division.

820 Section 17. Paragraph (a) of subsection (2) of section
821 561.19, Florida Statutes, is amended to read:

822 561.19 License issuance upon approval of division.—

823 (2) (a) When beverage licenses become available by reason of
824 an increase in the population of a county, by reason of a county
825 permitting the sale of intoxicating beverages when such sale had
826 been prohibited, or by reason of the cancellation or revocation
827 of a quota beverage license, the division, if there are more
828 applicants than the number of available licenses, shall provide
829 a method of double random selection by public drawing to
830 determine which applicants shall be considered for issuance of
831 licenses. The double random selection drawing method shall allow
832 each applicant whose application is complete and does not
833 disclose on its face any matter rendering the applicant
834 ineligible an equal opportunity of obtaining an available
835 license. After all applications are filed with the director, the
836 director shall then determine by random selection drawing the
837 order in which each applicant's name shall be matched with a
838 number selected by random drawing, and that number shall
839 determine the order in which the applicant will be considered
840 for a license. This paragraph does not prohibit a person holding
841 a perfected lien or security interest in a quota alcoholic

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842 beverage license, in accordance with s. 561.65, from enforcing
843 the lien or security interest against the license within 180
844 days after a final order of revocation or suspension. A revoked
845 quota alcoholic beverage license encumbered by a lien or
846 security interest, perfected pursuant to s. 561.65, may not be
847 issued under this subsection until the 180-day period has
848 elapsed or until such enforcement proceeding is final.

849 Section 18. Paragraph (a) of subsection (2) of section
850 561.20, Florida Statutes, is amended to read:

851 561.20 Limitation upon number of licenses issued.—

852 (2) (a) The limitation of the number of licenses as provided
853 in this section does not prohibit the issuance of a special
854 license to:

855 1. Any bona fide hotel, motel, or motor court of not fewer
856 than 80 guest rooms in any county having a population of less
857 than 50,000 residents, and of not fewer than 100 guest rooms in
858 any county having a population of 50,000 residents or greater;
859 or any bona fide hotel or motel located in a historic structure,
860 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
861 guest rooms which derives at least 51 percent of its gross
862 revenue from the rental of hotel or motel rooms, which is
863 licensed as a public lodging establishment by the Division of
864 Hotels and Restaurants; provided, however, that a bona fide
865 hotel or motel with no fewer than 10 and no more than 25 guest
866 rooms which is a historic structure, as defined in s. 561.01(20)
867 ~~s. 561.01(21)~~, in a municipality that on the effective date of
868 this act has a population, according to the University of
869 Florida's Bureau of Economic and Business Research Estimates of
870 Population for 1998, of no fewer than 25,000 and no more than

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871 35,000 residents and that is within a constitutionally chartered
872 county may be issued a special license. This special license
873 shall allow the sale and consumption of alcoholic beverages only
874 on the licensed premises of the hotel or motel. In addition, the
875 hotel or motel must derive at least 60 percent of its gross
876 revenue from the rental of hotel or motel rooms and the sale of
877 food and nonalcoholic beverages; provided that this subparagraph
878 shall supersede local laws requiring a greater number of hotel
879 rooms;

880 2. Any condominium accommodation of which no fewer than 100
881 condominium units are wholly rentable to transients and which is
882 licensed under chapter 509, except that the license shall be
883 issued only to the person or corporation that operates the hotel
884 or motel operation and not to the association of condominium
885 owners;

886 3. Any condominium accommodation of which no fewer than 50
887 condominium units are wholly rentable to transients, which is
888 licensed under chapter 509, and which is located in any county
889 having home rule under s. 10 or s. 11, Art. VIII of the State
890 Constitution of 1885, as amended, and incorporated by reference
891 in s. 6(e), Art. VIII of the State Constitution, except that the
892 license shall be issued only to the person or corporation that
893 operates the hotel or motel operation and not to the association
894 of condominium owners;

895 4. A food service establishment that has 2,500 square feet
896 of service area, is equipped to serve meals to 150 persons at
897 one time, and derives at least 51 percent of its gross food and
898 beverage revenue from the sale of food and nonalcoholic
899 beverages during the first 120-day ~~60-day~~ operating period and

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900 the first ~~each~~ 12-month operating period thereafter. Subsequent
901 audit timeframes must be based upon the audit percentage
902 established by the most recent audit and conducted on a
903 staggered scale as follows: level 1, 51 percent to 60 percent,
904 every year; level 2, 61 percent to 75 percent, every 2 years;
905 level 3, 76 percent to 90 percent, every 3 years; and level 4,
906 91 percent to 100 percent, every 4 years. A food service
907 establishment granted a special license on or after January 1,
908 1958, pursuant to general or special law may not operate as a
909 package store and may not sell intoxicating beverages under such
910 license after the hours of serving or consumption of food have
911 elapsed. Failure by a licensee to meet the required percentage
912 of food and nonalcoholic beverage gross revenues during the
913 covered operating period shall result in revocation of the
914 license or denial of the pending license application. A licensee
915 whose license is revoked or an applicant whose pending
916 application is denied, or any person required to qualify on the
917 special license application, is ineligible to have any interest
918 in a subsequent application for such a license for a period of
919 120 days after the date of the final denial or revocation;

920 5. Any caterer, deriving at least 51 percent of its gross
921 food and beverage revenue from the sale of food and nonalcoholic
922 beverages at each catered event, licensed by the Division of
923 Hotels and Restaurants under chapter 509. This subparagraph does
924 not apply to a culinary education program, as defined in s.
925 381.0072(2), which is licensed as a public food service
926 establishment by the Division of Hotels and Restaurants and
927 provides catering services. Notwithstanding any law to the
928 contrary, a licensee under this subparagraph shall sell or serve

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929 alcoholic beverages only for consumption on the premises of a
930 catered event at which the licensee is also providing prepared
931 food, and shall prominently display its license at any catered
932 event at which the caterer is selling or serving alcoholic
933 beverages. A licensee under this subparagraph shall purchase all
934 alcoholic beverages it sells or serves at a catered event from a
935 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
936 under s. 565.02(1) subject to the limitation imposed in
937 subsection (1), as appropriate. A licensee under this
938 subparagraph may not store any alcoholic beverages to be sold or
939 served at a catered event. Any alcoholic beverages purchased by
940 a licensee under this subparagraph for a catered event that are
941 not used at that event must remain with the customer; provided
942 that if the vendor accepts unopened alcoholic beverages, the
943 licensee may return such alcoholic beverages to the vendor for a
944 credit or reimbursement. Regardless of the county or counties in
945 which the licensee operates, a licensee under this subparagraph
946 shall pay the annual state license tax set forth in s.
947 565.02(1)(b). A licensee under this subparagraph must maintain
948 for a period of 3 years all records and receipts for each
949 catered event, including all contracts, customers' names, event
950 locations, event dates, food purchases and sales, alcoholic
951 beverage purchases and sales, nonalcoholic beverage purchases
952 and sales, and any other records required by the department by
953 rule to demonstrate compliance with the requirements of this
954 subparagraph. Notwithstanding any law to the contrary, any
955 vendor licensed under s. 565.02(1) subject to the limitation
956 imposed in subsection (1), may, without any additional licensure
957 under this subparagraph, serve or sell alcoholic beverages for

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958 consumption on the premises of a catered event at which prepared
959 food is provided by a caterer licensed under chapter 509. If a
960 licensee under this subparagraph also possesses any other
961 license under the Beverage Law, the license issued under this
962 subparagraph may ~~shall~~ not authorize the holder to conduct
963 activities on the premises to which the other license or
964 licenses apply that would otherwise be prohibited by the terms
965 of that license or the Beverage Law. Nothing in this section
966 shall permit the licensee to conduct activities that are
967 otherwise prohibited by the Beverage Law or local law. The
968 Division of Alcoholic Beverages and Tobacco is hereby authorized
969 to adopt rules to administer the license created in this
970 subparagraph, to include rules governing licensure,
971 recordkeeping, and enforcement. The first \$300,000 in fees
972 collected by the division each fiscal year pursuant to this
973 subparagraph shall be deposited in the Department of Children
974 and Families' Operations and Maintenance Trust Fund to be used
975 only for alcohol and drug abuse education, treatment, and
976 prevention programs. The remainder of the fees collected shall
977 be deposited into the Hotel and Restaurant Trust Fund created
978 pursuant to s. 509.072; or

979 6. A culinary education program as defined in s.
980 381.0072(2) which is licensed as a public food service
981 establishment by the Division of Hotels and Restaurants.

982 a. This special license shall allow the sale and
983 consumption of alcoholic beverages on the licensed premises of
984 the culinary education program. The culinary education program
985 shall specify designated areas in the facility where the
986 alcoholic beverages may be consumed at the time of application.

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987 Alcoholic beverages sold for consumption on the premises may be
988 consumed only in areas designated pursuant to s. 561.01(11) and
989 may not be removed from the designated area. Such license shall
990 be applicable only in and for designated areas used by the
991 culinary education program.

992 b. If the culinary education program provides catering
993 services, this special license shall also allow the sale and
994 consumption of alcoholic beverages on the premises of a catered
995 event at which the licensee is also providing prepared food. A
996 culinary education program that provides catering services is
997 not required to derive at least 51 percent of its gross revenue
998 from the sale of food and nonalcoholic beverages.
999 Notwithstanding any law to the contrary, a licensee that
1000 provides catering services under this sub-subparagraph shall
1001 prominently display its beverage license at any catered event at
1002 which the caterer is selling or serving alcoholic beverages.
1003 Regardless of the county or counties in which the licensee
1004 operates, a licensee under this sub-subparagraph shall pay the
1005 annual state license tax set forth in s. 565.02(1)(b). A
1006 licensee under this sub-subparagraph must maintain for a period
1007 of 3 years all records required by the department by rule to
1008 demonstrate compliance with the requirements of this sub-
1009 subparagraph.

1010 c. If a licensee under this subparagraph also possesses any
1011 other license under the Beverage Law, the license issued under
1012 this subparagraph does not authorize the holder to conduct
1013 activities on the premises to which the other license or
1014 licenses apply that would otherwise be prohibited by the terms
1015 of that license or the Beverage Law. Nothing in this

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1016 subparagraph shall permit the licensee to conduct activities
1017 that are otherwise prohibited by the Beverage Law or local law.
1018 Any culinary education program that holds a license to sell
1019 alcoholic beverages shall comply with the age requirements set
1020 forth in ss. 562.11(4), 562.111(2), and 562.13.

1021 d. The Division of Alcoholic Beverages and Tobacco may
1022 adopt rules to administer the license created in this
1023 subparagraph, to include rules governing licensure,
1024 recordkeeping, and enforcement.

1025 e. A license issued pursuant to this subparagraph does not
1026 permit the licensee to sell alcoholic beverages by the package
1027 for off-premises consumption.

1028
1029 However, any license heretofore issued to any such hotel, motel,
1030 motor court, or restaurant or hereafter issued to any such
1031 hotel, motel, or motor court, including a condominium
1032 accommodation, under the general law shall not be moved to a new
1033 location, such license being valid only on the premises of such
1034 hotel, motel, motor court, or restaurant. Licenses issued to
1035 hotels, motels, motor courts, or restaurants under the general
1036 law and held by such hotels, motels, motor courts, or
1037 restaurants on May 24, 1947, shall be counted in the quota
1038 limitation contained in subsection (1). Any license issued for
1039 any hotel, motel, or motor court under this law shall be issued
1040 only to the owner of the hotel, motel, or motor court or, in the
1041 event the hotel, motel, or motor court is leased, to the lessee
1042 of the hotel, motel, or motor court; and the license shall
1043 remain in the name of the owner or lessee so long as the license
1044 is in existence. Any special license now in existence heretofore

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1045 issued under this law cannot be renewed except in the name of
1046 the owner of the hotel, motel, motor court, or restaurant or, in
1047 the event the hotel, motel, motor court, or restaurant is
1048 leased, in the name of the lessee of the hotel, motel, motor
1049 court, or restaurant in which the license is located and must
1050 remain in the name of the owner or lessee so long as the license
1051 is in existence. Any license issued under this section shall be
1052 marked "Special," and nothing herein provided shall limit,
1053 restrict, or prevent the issuance of a special license for any
1054 restaurant or motel which shall hereafter meet the requirements
1055 of the law existing immediately prior to the effective date of
1056 this act, if construction of such restaurant has commenced prior
1057 to the effective date of this act and is completed within 30
1058 days thereafter, or if an application is on file for such
1059 special license at the time this act takes effect; and any such
1060 licenses issued under this proviso may be annually renewed as
1061 now provided by law. Nothing herein prevents an application for
1062 transfer of a license to a bona fide purchaser of any hotel,
1063 motel, motor court, or restaurant by the purchaser of such
1064 facility or the transfer of such license pursuant to law.

1065 Section 19. Subsection (4) of section 561.42, Florida
1066 Statutes, is amended to read:

1067 561.42 Tied house evil; financial aid and assistance to
1068 vendor by manufacturer, distributor, importer, primary American
1069 source of supply, brand owner or registrant, or any broker,
1070 sales agent, or sales person thereof, prohibited; procedure for
1071 enforcement; exception.-

1072 (4) Before the division shall so declare and prohibit such
1073 sales to such vendor, ~~it shall~~, within 2 days after receipt of

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1074 such notice, the division shall give ~~written~~ notice to such
1075 vendor by electronic mail of the receipt by the division of such
1076 notification of delinquency and such vendor shall be directed to
1077 forthwith make payment thereof or, upon failure to do so, to
1078 show cause before the division why further sales to such vendor
1079 may shall not be prohibited. Good and sufficient cause to
1080 prevent such action by the division may be made by showing
1081 payment, failure of consideration, or any other defense which
1082 would be considered sufficient in a common-law action. The
1083 vendor shall have 5 days after service ~~receipt~~ of such notice
1084 via electronic mail within which to show such cause, and he or
1085 she may demand a hearing thereon, provided he or she does so in
1086 writing within said 5 days, such written demand to be delivered
1087 to the division either in person, by electronic mail, or by due
1088 course of mail within such 5 days. If no such demand for hearing
1089 is made, the division shall thereupon declare in writing to such
1090 vendor and to all manufacturers and distributors within the
1091 state that all further sales to such vendor are prohibited until
1092 such time as the division certifies in writing that such vendor
1093 has fully paid for all liquors previously purchased. In the
1094 event such prohibition of sales and declaration thereof to the
1095 vendor, manufacturers, and distributors is ordered by the
1096 division, the vendor may seek review of such decision by the
1097 Department of Business and Professional Regulation within 5
1098 days. In the event application for such review is filed within
1099 such time, such prohibition of sales may shall not be made,
1100 published, or declared until final disposition of such review by
1101 the department.

1102 Section 20. Subsection (2) of section 561.55, Florida

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1103 Statutes, is amended to read:

1104 561.55 Manufacturers', distributors', brokers', sales
1105 agents', importers', vendors', and exporters' records and
1106 reports.-

1107 (2) Each manufacturer, distributor, broker, sales agent,
1108 and importer shall make a full and complete report by the 10th
1109 day of each month for the previous calendar month. The report
1110 must be ~~shall be made out in triplicate; two copies shall be~~
1111 ~~sent to the division, and the third copy shall be retained for~~
1112 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
1113 ~~importer's record. Reports shall be made on forms prepared and~~
1114 ~~furnished~~ by the division and filed with the division through
1115 the division's electronic data submission system.

1116 Section 21. Section 562.455, Florida Statutes, is amended
1117 to read:

1118 562.455 Adulterating liquor; penalty.-Whoever adulterates,
1119 for the purpose of sale, any liquor, used or intended for drink,
1120 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,
1121 capsicum, copperas, laurel water, logwood, brazil wood,
1122 cochineal, sugar of lead, or any other substance which is
1123 poisonous or injurious to health, and whoever knowingly sells
1124 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
1125 of the third degree, punishable as provided in s. 775.082, s.
1126 775.083, or s. 775.084.

1127 Section 22. Paragraphs (d) and (f) of subsection (2) of
1128 section 718.112, Florida Statutes, are amended to read:

1129 718.112 Bylaws.-

1130 (2) REQUIRED PROVISIONS.-The bylaws shall provide for the
1131 following and, if they do not do so, shall be deemed to include

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1132 the following:

1133 (d) *Unit owner meetings.*—

1134 1. An annual meeting of the unit owners must be held at the
1135 location provided in the association bylaws and, if the bylaws
1136 are silent as to the location, the meeting must be held within
1137 45 miles of the condominium property. However, such distance
1138 requirement does not apply to an association governing a
1139 timeshare condominium.

1140 2. Unless the bylaws provide otherwise, a vacancy on the
1141 board caused by the expiration of a director's term must be
1142 filled by electing a new board member, and the election must be
1143 by secret ballot. An election is not required if the number of
1144 vacancies equals or exceeds the number of candidates. For
1145 purposes of this paragraph, the term "candidate" means an
1146 eligible person who has timely submitted the written notice, as
1147 described in sub-subparagraph 4.a., of his or her intention to
1148 become a candidate. Except in a timeshare or nonresidential
1149 condominium, or if the staggered term of a board member does not
1150 expire until a later annual meeting, or if all members' terms
1151 would otherwise expire but there are no candidates, the terms of
1152 all board members expire at the annual meeting, and such members
1153 may stand for reelection unless prohibited by the bylaws. Board
1154 members may serve terms longer than 1 year if permitted by the
1155 bylaws or articles of incorporation. A board member may not
1156 serve more than 8 consecutive years unless approved by an
1157 affirmative vote of unit owners representing two-thirds of all
1158 votes cast in the election or unless there are not enough
1159 eligible candidates to fill the vacancies on the board at the
1160 time of the vacancy. If the number of board members whose terms

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1161 expire at the annual meeting equals or exceeds the number of
1162 candidates, the candidates become members of the board effective
1163 upon the adjournment of the annual meeting. Unless the bylaws
1164 provide otherwise, any remaining vacancies shall be filled by
1165 the affirmative vote of the majority of the directors making up
1166 the newly constituted board even if the directors constitute
1167 less than a quorum or there is only one director. In a
1168 residential condominium association of more than 10 units or in
1169 a residential condominium association that does not include
1170 timeshare units or timeshare interests, co-owners of a unit may
1171 not serve as members of the board of directors at the same time
1172 unless they own more than one unit or unless there are not
1173 enough eligible candidates to fill the vacancies on the board at
1174 the time of the vacancy. A unit owner in a residential
1175 condominium desiring to be a candidate for board membership must
1176 comply with sub-subparagraph 4.a. and must be eligible to be a
1177 candidate to serve on the board of directors at the time of the
1178 deadline for submitting a notice of intent to run in order to
1179 have his or her name listed as a proper candidate on the ballot
1180 or to serve on the board. A person who has been suspended or
1181 removed by the division under this chapter, or who is delinquent
1182 in the payment of any assessment ~~monetary obligation~~ due to the
1183 association, is not eligible to be a candidate for board
1184 membership and may not be listed on the ballot. For purposes of
1185 this paragraph, a person is delinquent if a payment is not made
1186 by the due date as specifically identified in the declaration of
1187 condominium, bylaws, or articles of incorporation. If a due date
1188 is not specifically identified in the declaration of
1189 condominium, bylaws, or articles of incorporation, the due date

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1190 is the first day of the assessment period. A person who has been
1191 convicted of any felony in this state or in a United States
1192 District or Territorial Court, or who has been convicted of any
1193 offense in another jurisdiction which would be considered a
1194 felony if committed in this state, is not eligible for board
1195 membership unless such felon's civil rights have been restored
1196 for at least 5 years as of the date such person seeks election
1197 to the board. The validity of an action by the board is not
1198 affected if it is later determined that a board member is
1199 ineligible for board membership due to having been convicted of
1200 a felony. This subparagraph does not limit the term of a member
1201 of the board of a nonresidential or timeshare condominium.

1202 3. The bylaws must provide the method of calling meetings
1203 of unit owners, including annual meetings. Written notice must
1204 include an agenda, must be mailed, hand delivered, or
1205 electronically transmitted to each unit owner at least 14 days
1206 before the annual meeting, and must be posted in a conspicuous
1207 place on the condominium property at least 14 continuous days
1208 before the annual meeting. Upon notice to the unit owners, the
1209 board shall, by duly adopted rule, designate a specific location
1210 on the condominium property where all notices of unit owner
1211 meetings must be posted. This requirement does not apply if
1212 there is no condominium property for posting notices. In lieu
1213 of, or in addition to, the physical posting of meeting notices,
1214 the association may, by reasonable rule, adopt a procedure for
1215 conspicuously posting and repeatedly broadcasting the notice and
1216 the agenda on a closed-circuit cable television system serving
1217 the condominium association. However, if broadcast notice is
1218 used in lieu of a notice posted physically on the condominium

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1219 property, the notice and agenda must be broadcast at least four
1220 times every broadcast hour of each day that a posted notice is
1221 otherwise required under this section. If broadcast notice is
1222 provided, the notice and agenda must be broadcast in a manner
1223 and for a sufficient continuous length of time so as to allow an
1224 average reader to observe the notice and read and comprehend the
1225 entire content of the notice and the agenda. In addition to any
1226 of the authorized means of providing notice of a meeting of the
1227 board, the association may, by rule, adopt a procedure for
1228 conspicuously posting the meeting notice and the agenda on a
1229 website serving the condominium association for at least the
1230 minimum period of time for which a notice of a meeting is also
1231 required to be physically posted on the condominium property.
1232 Any rule adopted shall, in addition to other matters, include a
1233 requirement that the association send an electronic notice in
1234 the same manner as a notice for a meeting of the members, which
1235 must include a hyperlink to the website where the notice is
1236 posted, to unit owners whose e-mail addresses are included in
1237 the association's official records. Unless a unit owner waives
1238 in writing the right to receive notice of the annual meeting,
1239 such notice must be hand delivered, mailed, or electronically
1240 transmitted to each unit owner. Notice for meetings and notice
1241 for all other purposes must be mailed to each unit owner at the
1242 address last furnished to the association by the unit owner, or
1243 hand delivered to each unit owner. However, if a unit is owned
1244 by more than one person, the association must provide notice to
1245 the address that the developer identifies for that purpose and
1246 thereafter as one or more of the owners of the unit advise the
1247 association in writing, or if no address is given or the owners

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1248 of the unit do not agree, to the address provided on the deed of
1249 record. An officer of the association, or the manager or other
1250 person providing notice of the association meeting, must provide
1251 an affidavit or United States Postal Service certificate of
1252 mailing, to be included in the official records of the
1253 association affirming that the notice was mailed or hand
1254 delivered in accordance with this provision.

1255 4. The members of the board of a residential condominium
1256 shall be elected by written ballot or voting machine. Proxies
1257 may not be used in electing the board in general elections or
1258 elections to fill vacancies caused by recall, resignation, or
1259 otherwise, unless otherwise provided in this chapter. This
1260 subparagraph does not apply to an association governing a
1261 timeshare condominium.

1262 a. At least 60 days before a scheduled election, the
1263 association shall mail, deliver, or electronically transmit, by
1264 separate association mailing or included in another association
1265 mailing, delivery, or transmission, including regularly
1266 published newsletters, to each unit owner entitled to a vote, a
1267 first notice of the date of the election. A unit owner or other
1268 eligible person desiring to be a candidate for the board must
1269 give written notice of his or her intent to be a candidate to
1270 the association at least 40 days before a scheduled election.
1271 Together with the written notice and agenda as set forth in
1272 subparagraph 3., the association shall mail, deliver, or
1273 electronically transmit a second notice of the election to all
1274 unit owners entitled to vote, together with a ballot that lists
1275 all candidates. Upon request of a candidate, an information
1276 sheet, no larger than 8 1/2 inches by 11 inches, which must be

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1277 furnished by the candidate at least 35 days before the election,
1278 must be included with the mailing, delivery, or transmission of
1279 the ballot, with the costs of mailing, delivery, or electronic
1280 transmission and copying to be borne by the association. The
1281 association is not liable for the contents of the information
1282 sheets prepared by the candidates. In order to reduce costs, the
1283 association may print or duplicate the information sheets on
1284 both sides of the paper. The division shall by rule establish
1285 voting procedures consistent with this sub-subparagraph,
1286 including rules establishing procedures for giving notice by
1287 electronic transmission and rules providing for the secrecy of
1288 ballots. Elections shall be decided by a plurality of ballots
1289 cast. There is no quorum requirement; however, at least 20
1290 percent of the eligible voters must cast a ballot in order to
1291 have a valid election. A unit owner may not authorize any other
1292 person to vote his or her ballot, and any ballots improperly
1293 cast are invalid. A unit owner who violates this provision may
1294 be fined by the association in accordance with s. 718.303. A
1295 unit owner who needs assistance in casting the ballot for the
1296 reasons stated in s. 101.051 may obtain such assistance. The
1297 regular election must occur on the date of the annual meeting.
1298 Notwithstanding this sub-subparagraph, an election is not
1299 required unless more candidates file notices of intent to run or
1300 are nominated than board vacancies exist.

1301 b. Within 90 days after being elected or appointed to the
1302 board of an association of a residential condominium, each newly
1303 elected or appointed director shall certify in writing to the
1304 secretary of the association that he or she has read the
1305 association's declaration of condominium, articles of

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1306 incorporation, bylaws, and current written policies; that he or
1307 she will work to uphold such documents and policies to the best
1308 of his or her ability; and that he or she will faithfully
1309 discharge his or her fiduciary responsibility to the
1310 association's members. In lieu of this written certification,
1311 within 90 days after being elected or appointed to the board,
1312 the newly elected or appointed director may submit a certificate
1313 of having satisfactorily completed the educational curriculum
1314 administered by a division-approved condominium education
1315 provider within 1 year before or 90 days after the date of
1316 election or appointment. The written certification or
1317 educational certificate is valid and does not have to be
1318 resubmitted as long as the director serves on the board without
1319 interruption. A director of an association of a residential
1320 condominium who fails to timely file the written certification
1321 or educational certificate is suspended from service on the
1322 board until he or she complies with this sub-subparagraph. The
1323 board may temporarily fill the vacancy during the period of
1324 suspension. The secretary shall cause the association to retain
1325 a director's written certification or educational certificate
1326 for inspection by the members for 5 years after a director's
1327 election or the duration of the director's uninterrupted tenure,
1328 whichever is longer. Failure to have such written certification
1329 or educational certificate on file does not affect the validity
1330 of any board action.

1331 c. Any challenge to the election process must be commenced
1332 within 60 days after the election results are announced.

1333 5. Any approval by unit owners called for by this chapter
1334 or the applicable declaration or bylaws, including, but not

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1335 limited to, the approval requirement in s. 718.111(8), must be
1336 made at a duly noticed meeting of unit owners and is subject to
1337 all requirements of this chapter or the applicable condominium
1338 documents relating to unit owner decisionmaking, except that
1339 unit owners may take action by written agreement, without
1340 meetings, on matters for which action by written agreement
1341 without meetings is expressly allowed by the applicable bylaws
1342 or declaration or any law that provides for such action.

1343 6. Unit owners may waive notice of specific meetings if
1344 allowed by the applicable bylaws or declaration or any law.
1345 Notice of meetings of the board of administration, unit owner
1346 meetings, except unit owner meetings called to recall board
1347 members under paragraph (j), and committee meetings may be given
1348 by electronic transmission to unit owners who consent to receive
1349 notice by electronic transmission. A unit owner who consents to
1350 receiving notices by electronic transmission is solely
1351 responsible for removing or bypassing filters that block receipt
1352 of mass emails sent to members on behalf of the association in
1353 the course of giving electronic notices.

1354 7. Unit owners have the right to participate in meetings of
1355 unit owners with reference to all designated agenda items.
1356 However, the association may adopt reasonable rules governing
1357 the frequency, duration, and manner of unit owner participation.

1358 8. A unit owner may tape record or videotape a meeting of
1359 the unit owners subject to reasonable rules adopted by the
1360 division.

1361 9. Unless otherwise provided in the bylaws, any vacancy
1362 occurring on the board before the expiration of a term may be
1363 filled by the affirmative vote of the majority of the remaining

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1364 directors, even if the remaining directors constitute less than
1365 a quorum, or by the sole remaining director. In the alternative,
1366 a board may hold an election to fill the vacancy, in which case
1367 the election procedures must conform to sub-subparagraph 4.a.
1368 unless the association governs 10 units or fewer and has opted
1369 out of the statutory election process, in which case the bylaws
1370 of the association control. Unless otherwise provided in the
1371 bylaws, a board member appointed or elected under this section
1372 shall fill the vacancy for the unexpired term of the seat being
1373 filled. Filling vacancies created by recall is governed by
1374 paragraph (j) and rules adopted by the division.

1375 10. This chapter does not limit the use of general or
1376 limited proxies, require the use of general or limited proxies,
1377 or require the use of a written ballot or voting machine for any
1378 agenda item or election at any meeting of a timeshare
1379 condominium association or nonresidential condominium
1380 association.

1381
1382 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1383 association of 10 or fewer units may, by affirmative vote of a
1384 majority of the total voting interests, provide for different
1385 voting and election procedures in its bylaws, which may be by a
1386 proxy specifically delineating the different voting and election
1387 procedures. The different voting and election procedures may
1388 provide for elections to be conducted by limited or general
1389 proxy.

1390 (f) *Annual budget.*—

1391 1. The proposed annual budget of estimated revenues and
1392 expenses must be detailed and must show the amounts budgeted by

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1393 accounts and expense classifications, including, at a minimum,
1394 any applicable expenses listed in s. 718.504(21). The annual
1395 budget must be proposed to unit owners and adopted by the board
1396 of directors no later than 30 days before the beginning of the
1397 fiscal year. A multicondominium association shall adopt a
1398 separate budget of common expenses for each condominium the
1399 association operates and shall adopt a separate budget of common
1400 expenses for the association. In addition, if the association
1401 maintains limited common elements with the cost to be shared
1402 only by those entitled to use the limited common elements as
1403 provided for in s. 718.113(1), the budget or a schedule attached
1404 to it must show the amount budgeted for this maintenance. If,
1405 after turnover of control of the association to the unit owners,
1406 any of the expenses listed in s. 718.504(21) are not applicable,
1407 they need not be listed.

1408 2.a. In addition to annual operating expenses, the budget
1409 must include reserve accounts for capital expenditures and
1410 deferred maintenance. These accounts must include, but are not
1411 limited to, roof replacement, building painting, and pavement
1412 resurfacing, regardless of the amount of deferred maintenance
1413 expense or replacement cost, and any other item that has a
1414 deferred maintenance expense or replacement cost that exceeds
1415 \$10,000. The amount to be reserved must be computed using a
1416 formula based upon estimated remaining useful life and estimated
1417 replacement cost or deferred maintenance expense of each reserve
1418 item. The association may adjust replacement reserve assessments
1419 annually to take into account any changes in estimates or
1420 extension of the useful life of a reserve item caused by
1421 deferred maintenance. This subsection does not apply to an

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1422 adopted budget in which the members of an association have
1423 determined, by a majority vote at a duly called meeting of the
1424 association, to provide no reserves or less reserves than
1425 required by this subsection.

1426 b. Before turnover of control of an association by a
1427 developer to unit owners other than a developer pursuant to s.
1428 718.301, the developer may vote the voting interests allocated
1429 to its units to waive the reserves or reduce the funding of
1430 reserves through the period expiring at the end of the second
1431 fiscal year after the fiscal year in which the certificate of a
1432 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
1433 an instrument that transfers title to a unit in the condominium
1434 which is not accompanied by a recorded assignment of developer
1435 rights in favor of the grantee of such unit is recorded,
1436 whichever occurs first, after which time reserves may be waived
1437 or reduced only upon the vote of a majority of all nondeveloper
1438 voting interests voting in person or by limited proxy at a duly
1439 called meeting of the association. If a meeting of the unit
1440 owners has been called to determine whether to waive or reduce
1441 the funding of reserves and no such result is achieved or a
1442 quorum is not attained, the reserves included in the budget
1443 shall go into effect. After the turnover, the developer may vote
1444 its voting interest to waive or reduce the funding of reserves.

1445 3. Reserve funds and any interest accruing thereon shall
1446 remain in the reserve account or accounts, and may be used only
1447 for authorized reserve expenditures unless their use for other
1448 purposes is approved in advance by a majority vote at a duly
1449 called meeting of the association. Before turnover of control of
1450 an association by a developer to unit owners other than the

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1451 developer pursuant to s. 718.301, the developer-controlled
1452 association may not vote to use reserves for purposes other than
1453 those for which they were intended without the approval of a
1454 majority of all nondeveloper voting interests, voting in person
1455 or by limited proxy at a duly called meeting of the association.

1456 4. The only voting interests that are eligible to vote on
1457 questions that involve waiving or reducing the funding of
1458 reserves, or using existing reserve funds for purposes other
1459 than purposes for which the reserves were intended, are the
1460 voting interests of the units subject to assessment to fund the
1461 reserves in question. Proxy questions relating to waiving or
1462 reducing the funding of reserves or using existing reserve funds
1463 for purposes other than purposes for which the reserves were
1464 intended must contain the following statement in capitalized,
1465 bold letters in a font size larger than any other used on the
1466 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1467 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1468 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1469 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1470 Section 23. Paragraph (m) of subsection (1) of section
1471 718.501, Florida Statutes, is amended to read:

1472 718.501 Authority, responsibility, and duties of Division
1473 of Florida Condominiums, Timeshares, and Mobile Homes.—

1474 (1) The division may enforce and ensure compliance with the
1475 provisions of this chapter and rules relating to the
1476 development, construction, sale, lease, ownership, operation,
1477 and management of residential condominium units. In performing
1478 its duties, the division has complete jurisdiction to
1479 investigate complaints and enforce compliance with respect to

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1480 associations that are still under developer control or the
1481 control of a bulk assignee or bulk buyer pursuant to part VII of
1482 this chapter and complaints against developers, bulk assignees,
1483 or bulk buyers involving improper turnover or failure to
1484 turnover, pursuant to s. 718.301. However, after turnover has
1485 occurred, the division has jurisdiction to investigate
1486 complaints related only to financial issues, elections, and unit
1487 owner access to association records pursuant to s. 718.111(12).

1488 (m) If a complaint is made, the division must conduct its
1489 inquiry with due regard for the interests of the affected
1490 parties. Within 30 days after receipt of a complaint, the
1491 division shall acknowledge the complaint in writing and notify
1492 the complainant whether the complaint is within the jurisdiction
1493 of the division and whether additional information is needed by
1494 the division from the complainant. The division shall conduct
1495 its investigation and, within 90 days after receipt of the
1496 original complaint or of timely requested additional
1497 information, take action upon the complaint. However, the
1498 failure to complete the investigation within 90 days does not
1499 prevent the division from continuing the investigation,
1500 accepting or considering evidence obtained or received after 90
1501 days, or taking administrative action if reasonable cause exists
1502 to believe that a violation of this chapter or a rule has
1503 occurred. If an investigation is not completed within the time
1504 limits established in this paragraph, the division shall, on a
1505 monthly basis, notify the complainant in writing of the status
1506 of the investigation. When reporting its action to the
1507 complainant, the division shall inform the complainant of any
1508 right to a hearing pursuant to ss. 120.569 and 120.57. The

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1509 division may adopt rules regarding the submission of a complaint
1510 against an association.

1511 Section 24. Section 718.5014, Florida Statutes, is amended
1512 to read:

1513 718.5014 Ombudsman location.—The ombudsman shall maintain
1514 his or her principal office at a ~~in Leon County on the premises~~
1515 ~~of the division or, if suitable space cannot be provided there,~~
1516 ~~at another~~ place convenient to the offices of the division which
1517 will enable the ombudsman to expeditiously carry out the duties
1518 and functions of his or her office. The ombudsman may establish
1519 branch offices elsewhere in the state upon the concurrence of
1520 the Governor.

1521 Section 25. Subsection (1) of section 455.219, Florida
1522 Statutes, is amended to read:

1523 455.219 Fees; receipts; disposition; periodic management
1524 reports.—

1525 (1) Each board within the department shall determine by
1526 rule the amount of license fees for its profession, based upon
1527 department-prepared long-range estimates of the revenue required
1528 to implement all provisions of law relating to the regulation of
1529 professions by the department and any board; however, when the
1530 department has determined, based on the long-range estimates of
1531 such revenue, that a profession's trust fund moneys are in
1532 excess of the amount required to cover the necessary functions
1533 of the board, or the department when there is no board, the
1534 department may adopt rules to implement a waiver of license
1535 renewal fees for that profession for a period not to exceed 2
1536 years, as determined by the department. Each board, or the
1537 department when there is no board, shall ensure license fees are

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1538 adequate to cover all anticipated costs and to maintain a
1539 reasonable cash balance, as determined by rule of the
1540 department, with advice of the applicable board. If sufficient
1541 action is not taken by a board within 1 year of notification by
1542 the department that license fees are projected to be inadequate,
1543 the department shall set license fees on behalf of the
1544 applicable board to cover anticipated costs and to maintain the
1545 required cash balance. The department shall include recommended
1546 fee cap increases in its annual report to the Legislature.
1547 Further, it is legislative intent that no regulated profession
1548 operate with a negative cash balance. The department may provide
1549 by rule for the advancement of sufficient funds to any
1550 profession or the Florida Athletic State~~Boxing~~ Commission
1551 operating with a negative cash balance. Such advancement may be
1552 for a period not to exceed 2 consecutive years and shall require
1553 interest to be paid by the regulated profession. Interest shall
1554 be calculated at the current rate earned on Professional
1555 Regulation Trust Fund investments. Interest earned shall be
1556 allocated to the various funds in accordance with the allocation
1557 of investment earnings during the period of the advance.

1558 Section 26. Subsection (4) of section 548.002, Florida
1559 Statutes, is amended to read:

1560 548.002 Definitions.—As used in this chapter, the term:

1561 (4) "Commission" means the Florida Athletic State~~Boxing~~
1562 Commission.

1563 Section 27. Subsections (3) and (4) of section 548.05,
1564 Florida Statutes, are amended to read:

1565 548.05 Control of contracts.—

1566 (3) The commission may require that each contract contain

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1567 language authorizing the ~~Florida State Boxing~~ commission to
1568 withhold any or all of any manager's share of a purse in the
1569 event of a contractual dispute as to entitlement to any portion
1570 of a purse. The commission may establish rules governing the
1571 manner of resolution of such dispute. In addition, if the
1572 commission deems it appropriate, the commission is hereby
1573 authorized to implead interested parties over any disputed funds
1574 into the appropriate circuit court for resolution of the dispute
1575 before ~~prior to~~ release of all or any part of the funds.

1576 (4) Each contract subject to this section shall contain the
1577 following clause: "This agreement is subject to the provisions
1578 of chapter 548, Florida Statutes, and to the rules of the
1579 Florida Athletic State Boxing Commission and to any future
1580 amendments of either."

1581 Section 28. Subsection (12) of section 548.071, Florida
1582 Statutes, is amended to read:

1583 548.071 Suspension or revocation of license or permit by
1584 commission.—The commission may suspend or revoke a license or
1585 permit if the commission finds that the licensee or permittee:

1586 (12) Has been disciplined by the ~~Florida State Boxing~~
1587 commission or similar agency or body of any jurisdiction.

1588 Section 29. Section 548.077, Florida Statutes, is amended
1589 to read:

1590 548.077 Florida Athletic State Boxing Commission;
1591 collection and disposition of moneys.—All fees, fines,
1592 forfeitures, and other moneys collected under the provisions of
1593 this chapter shall be paid by the commission to the Chief
1594 Financial Officer who, after the expenses of the commission are
1595 paid, shall deposit them in the Professional Regulation Trust

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1596 Fund to be used for the administration and operation of the
1597 commission and to enforce the laws and rules under its
1598 jurisdiction. In the event the unexpended balance of such moneys
1599 collected under the provisions of this chapter exceeds \$250,000,
1600 any excess of that amount shall be deposited in the General
1601 Revenue Fund.

1602 Section 30. This act shall take effect July 1, 2021.