

By the Committees on Appropriations; and 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.
24 489.509, 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. 548.003, F.S.;
62 renaming the Florida State Boxing Commission as the
63 Florida Athletic Commission; amending s. 548.043,
64 F.S.; revising rulemaking requirements for the
65 commission relating to gloves; amending s. 553.841,
66 F.S.; conforming a provision to changes made by the
67 act; amending s. 561.01, F.S.; deleting the definition
68 of the term "permit carrier"; amending s. 561.17,
69 F.S.; revising a requirement related to the filing of
70 fingerprints with the division; requiring that
71 applications be accompanied by certain information
72 relating to right of occupancy; providing requirements
73 relating to contact information for licensees and
74 permittees; amending s. 561.19, F.S.; revising
75 provisions relating to the availability of beverage
76 licenses to include by reason of the cancellation of a
77 quota beverage license; amending s. 561.20, F.S.;
78 conforming cross-references; revising requirements for
79 issuing special licenses to certain food service
80 establishments; amending s. 561.42, F.S.; requiring
81 the division, and authorizing vendors, to use
82 electronic mail to give certain notice; amending s.
83 561.55, F.S.; revising requirements for reports
84 relating to alcoholic beverages; amending s. 562.455,
85 F.S.; removing grains of paradise as a form of
86 adulteration of liquor used or intended for drink;
87 amending s. 718.112, F.S.; providing the circumstances

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88 under which a person is delinquent in the payment of
89 an assessment in the context of eligibility for
90 membership on certain condominium boards; requiring
91 boards to adopt annual budgets within a specified
92 timeframe; specifying that the failure to adopt a
93 timely budget a second time is a minor violation and
94 that the previous year's budget continues in effect
95 until a new budget is adopted; amending s. 718.501,
96 F.S.; authorizing the Division of Florida
97 Condominiums, Timeshares, and Mobile Homes to adopt
98 rules regarding the submission of complaints against a
99 condominium association; amending s. 718.5014, F.S.;
100 revising the location requirements for the principal
101 office of the condominium ombudsman; amending s.
102 719.106, F.S.; requiring boards of administration to
103 adopt annual budgets within a specified timeframe;
104 specifying that the failure to adopt a timely budget a
105 second time is a minor violation and that the previous
106 year's budget continues in effect until a new budget
107 is adopted; amending ss. 455.219, 548.002, 548.05,
108 548.071, and 548.077, F.S.; conforming provisions to
109 changes made by the act; providing an effective date.

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

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

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

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

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

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146 facilities, and opportunity for such examinations as are herein
147 provided for and required.

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

150 210.55 Distributors; monthly reports ~~returns~~.—

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

168 (2) As soon as practicable after any report ~~return~~ is
169 filed, the division shall examine each report ~~return~~ and correct
170 it, if necessary, according to its best judgment and
171 information. If the division finds that any amount of tax is due
172 from the taxpayer and unpaid, it shall notify the taxpayer of
173 the deficiency, stating that it proposes to assess the amount
174 due together with interest and penalties. If a deficiency

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175 disclosed by the division's examination cannot be allocated to
176 one or more particular months, the division shall notify the
177 taxpayer of the deficiency, stating its intention to assess the
178 amount due for a given period without allocating it to any
179 particular months.

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

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

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204 the incorrectness or invalidity of any report ~~return~~ or
205 assessment made by the division because of the failure of the
206 taxpayer to make a report ~~return~~.

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

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

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

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

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

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

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

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

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

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

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

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

299 489.109 Fees.—

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

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320 ~~summarizing the allocation of the funds by institution and~~
321 ~~summarizing the new projects funded and the status of previously~~
322 ~~funded projects.~~

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

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

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

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

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

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349 probation shall count toward the 5 years required by this
350 subsection.

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

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

357

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

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

363 489.509 Fees.—

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

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378 system contractors may not exceed \$450. The board may establish
379 a fee for a temporary certificate as an alarm system contractor
380 not to exceed \$75. The board may also establish by rule a
381 delinquency fee not to exceed \$50. The fee to transfer a
382 certificate or registration from one business organization to
383 another may not exceed \$200. The fee for reactivation of an
384 inactive license may not exceed \$50. The board shall establish
385 fees that are adequate to ensure the continued operation of the
386 board. Fees shall be based on department estimates of the
387 revenue required to implement this part and the provisions of
388 law with respect to the regulation of electrical contractors and
389 alarm system contractors.

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

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407 ~~allocation of the funds by institution and summarizing the new~~
408 ~~projects funded and the status of previously funded projects.~~

409 Section 7. Paragraph (p) of subsection (2) of section
410 499.01, Florida Statutes, is amended to read:

411 499.01 Permits.—

412 (2) The following permits are established:

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

426 1. An exempt cosmetics manufacturer may only:

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

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

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

435 d. Sell cosmetic products that are stored on the premises

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436 of the cosmetic manufacturing operation.

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

441 3. The department may investigate any complaint which
442 alleges that an exempt cosmetics manufacturer has violated an
443 applicable provision of this chapter or a rule adopted under
444 this chapter. The department's authorized officer or employee
445 may enter and inspect the premises of an exempt cosmetic
446 manufacturer to determine compliance with this chapter and
447 department rules, as applicable. A refusal to permit an
448 authorized officer or employee of the department to enter the
449 premises or to conduct an inspection is a violation of s.
450 499.005(6) and is grounds for disciplinary action pursuant to s.
451 499.066.

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

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

458 499.012 Permit application requirements.—

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

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

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

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

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

491 (8) (a) The department shall adopt rules to authorize the
492 issuance of a remedial, nondisciplinary citation. A citation
493 shall be issued to the person alleged to have committed a

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

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

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

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

522 (e) The department may adopt rules to designate those

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

530 Section 10. Section 548.003, Florida Statutes, is amended
531 to read:

532 548.003 Florida Athletic State~~Boxing~~ Commission.—

533 (1) The Florida Athletic State~~Boxing~~ Commission is created
534 and is assigned to the Department of Business and Professional
535 Regulation for administrative and fiscal accountability purposes
536 only. The ~~Florida State Boxing~~ commission shall consist of five
537 members appointed by the Governor, subject to confirmation by
538 the Senate. One member must be a physician licensed under
539 ~~pursuant to~~ chapter 458 or chapter 459, who must maintain an
540 unencumbered license in good standing, and who must, at the time
541 of her or his appointment, have practiced medicine for at least
542 5 years. Upon the expiration of the term of a commissioner, the
543 Governor shall appoint a successor to serve for a 4-year term. A
544 commissioner whose term has expired shall continue to serve on
545 the commission until such time as a replacement is appointed. If
546 a vacancy on the commission occurs before ~~prior to~~ the
547 expiration of the term, it shall be filled for the unexpired
548 portion of the term in the same manner as the original
549 appointment.

550 (2) The ~~Florida State Boxing~~ commission, as created by
551 subsection (1), shall administer the provisions of this chapter.

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552 The commission has authority to adopt rules pursuant to ss.
553 120.536(1) and 120.54 to implement the provisions of this
554 chapter and to implement each of the duties and responsibilities
555 conferred upon the commission, including, but not limited to:

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

558 (b) Facility and safety requirements relating to the ring,
559 floor plan and apron seating, emergency medical equipment and
560 services, and other equipment and services necessary for the
561 conduct of a program of matches.

562 (c) Requirements regarding a participant's apparel,
563 bandages, handwraps, gloves, mouthpiece, and appearance during a
564 match.

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

567 (e) Duties and responsibilities of all licensees under this
568 chapter.

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

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

571 (h) Qualifications for and appointment of chief inspectors
572 and inspectors and duties and responsibilities of chief
573 inspectors and inspectors with respect to oversight and
574 coordination of activities for each program of matches regulated
575 under this chapter.

576 (i) Setting fee and reimbursement schedules for referees
577 and other officials appointed by the commission or the
578 representative of the commission.

579 (j) Establishment of criteria for approval, disapproval,
580 suspension of approval, and revocation of approval of amateur

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581 sanctioning organizations for amateur boxing, kickboxing, and
582 mixed martial arts held in this state, including, but not
583 limited to, the health and safety standards the organizations
584 use before, during, and after the matches to ensure the health,
585 safety, and well-being of the amateurs participating in the
586 matches, including the qualifications and numbers of health care
587 personnel required to be present, the qualifications required
588 for referees, and other requirements relating to the health,
589 safety, and well-being of the amateurs participating in the
590 matches. The commission may adopt by rule, or incorporate by
591 reference into rule, the health and safety standards of USA
592 Boxing as the minimum health and safety standards for an amateur
593 boxing sanctioning organization, the health and safety standards
594 of the International Sport Kickboxing Association as the minimum
595 health and safety standards for an amateur kickboxing
596 sanctioning organization, and the minimum health and safety
597 standards for an amateur mixed martial arts sanctioning
598 organization. The commission shall review its rules for
599 necessary revision at least every 2 years and may adopt by rule,
600 or incorporate by reference into rule, the then-existing current
601 health and safety standards of USA Boxing and the International
602 Sport Kickboxing Association. The commission may adopt emergency
603 rules to administer this paragraph.

604 (3) The commission shall maintain an office in Tallahassee.
605 At the first meeting of the commission after June 1 of each
606 year, the commission shall select a chair and a vice chair from
607 among its membership. Three members shall constitute a quorum
608 and the concurrence of at least three members is necessary for
609 official commission action.

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610 (4) Three consecutive unexcused absences or absences
611 constituting 50 percent or more of the commission's meetings
612 within any 12-month period shall cause the commission membership
613 of the member in question to become void, and the position shall
614 be considered vacant. The commission shall, by rule, define
615 unexcused absences.

616 (5) Each commission member shall be accountable to the
617 Governor for the proper performance of duties as a member of the
618 commission. The Governor shall cause to be investigated any
619 complaint or unfavorable report received by the Governor or the
620 department concerning an action of the commission or any member
621 and shall take appropriate action thereon. The Governor may
622 remove from office any member for malfeasance, unethical
623 conduct, misfeasance, neglect of duty, incompetence, permanent
624 inability to perform official duties, or pleading guilty or nolo
625 contendere to or being found guilty of a felony.

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

630 (7) The commission shall be authorized to join and
631 participate in the activities of the Association of Boxing
632 Commissions (ABC).

633 (8) The department shall provide all legal and
634 investigative services necessary to implement this chapter. The
635 department may adopt rules as provided in ss. 120.536(1) and
636 120.54 to carry out its duties under this chapter.

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

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639 548.043 Weights and classes, limitations; gloves.-

640 (3) The commission shall establish by rule the need for
641 gloves, if any, and the weight of any such gloves to be used in
642 each pugilistic match ~~the appropriate weight of gloves to be~~
643 ~~used in each boxing match; however, all participants in boxing~~
644 ~~matches shall wear gloves weighing not less than 8 ounces each~~
645 ~~and participants in mixed martial arts matches shall wear gloves~~
646 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
647 protective devices as the commission deems necessary.

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

650 553.841 Building code compliance and mitigation program.-

651 ~~(5) Each biennium, upon receipt of funds by the Department~~
652 ~~of Business and Professional Regulation from the Construction~~
653 ~~Industry Licensing Board and the Electrical Contractors'~~
654 ~~Licensing Board provided under ss. 489.109(3) and 489.509(3),~~
655 ~~the department shall determine the amount of funds available for~~
656 ~~the Florida Building Code Compliance and Mitigation Program.~~

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

659 561.01 Definitions.-As used in the Beverage Law:

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

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

665 561.17 License and registration applications; approved
666 person.-

667 (1) Any person, before engaging in the business of

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668 manufacturing, bottling, distributing, selling, or in any way
669 dealing in alcoholic beverages, shall file, with the district
670 licensing personnel of the district of the division in which the
671 place of business for which a license is sought is located, a
672 sworn application in the format prescribed by the division. The
673 applicant must be a legal or business entity, person, or persons
674 and must include all persons, officers, shareholders, and
675 directors of such legal or business entity that have a direct or
676 indirect interest in the business seeking to be licensed under
677 this part. However, the applicant does not include any person
678 that derives revenue from the license solely through a
679 contractual relationship with the licensee, the substance of
680 which contractual relationship is not related to the control of
681 the sale of alcoholic beverages. Before any application is
682 approved, the division may require the applicant to file a set
683 of fingerprints electronically through an approved electronic
684 fingerprinting vendor or on ~~regular United States Department of~~
685 Justice forms prescribed by the Florida Department of Law
686 Enforcement for herself or himself and for any person or persons
687 interested directly or indirectly with the applicant in the
688 business for which the license is being sought, when required by
689 the division. If the applicant or any person who is interested
690 with the applicant either directly or indirectly in the business
691 or who has a security interest in the license being sought or
692 has a right to a percentage payment from the proceeds of the
693 business, either by lease or otherwise, is not qualified, the
694 division shall deny the application. However, any company
695 regularly traded on a national securities exchange and not over
696 the counter; any insurer, as defined in the Florida Insurance

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697 Code; or any bank or savings and loan association chartered by
698 this state, another state, or the United States which has an
699 interest, directly or indirectly, in an alcoholic beverage
700 license is not required to obtain the division's approval of its
701 officers, directors, or stockholders or any change of such
702 positions or interests. A shopping center with five or more
703 stores, one or more of which has an alcoholic beverage license
704 and is required under a lease common to all shopping center
705 tenants to pay no more than 10 percent of the gross proceeds of
706 the business holding the license to the shopping center, is not
707 considered as having an interest, directly or indirectly, in the
708 license. A performing arts center, as defined in s. 561.01,
709 which has an interest, directly or indirectly, in an alcoholic
710 beverage license is not required to obtain division approval of
711 its volunteer officers or directors or of any change in such
712 positions or interests.

713 (2) All applications for any alcoholic beverage license
714 must be accompanied by proof of the applicant's right of
715 occupancy for the entire premises sought to be licensed. All
716 applications for alcoholic beverage licenses for consumption on
717 the premises shall be accompanied by a certificate of the
718 Division of Hotels and Restaurants of the Department of Business
719 and Professional Regulation, the Department of Agriculture and
720 Consumer Services, the Department of Health, the Agency for
721 Health Care Administration, or the county health department that
722 the place of business wherein the business is to be conducted
723 meets all of the sanitary requirements of the state.

724 (5) Any person or entity licensed or permitted by the
725 division must provide an electronic mail address to the division

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726 to function as the primary contact for all communication by the
727 division to the licensee or permittees. Licensees and permittees
728 are responsible for maintaining accurate contact information on
729 file with the division.

730 Section 15. Paragraph (a) of subsection (2) of section
731 561.19, Florida Statutes, is amended to read:

732 561.19 License issuance upon approval of division.—

733 (2) (a) When beverage licenses become available by reason of
734 an increase in the population of a county, by reason of a county
735 permitting the sale of intoxicating beverages when such sale had
736 been prohibited, or by reason of the cancellation or revocation
737 of a quota beverage license, the division, if there are more
738 applicants than the number of available licenses, shall provide
739 a method of double random selection by public drawing to
740 determine which applicants shall be considered for issuance of
741 licenses. The double random selection drawing method shall allow
742 each applicant whose application is complete and does not
743 disclose on its face any matter rendering the applicant
744 ineligible an equal opportunity of obtaining an available
745 license. After all applications are filed with the director, the
746 director shall then determine by random selection drawing the
747 order in which each applicant's name shall be matched with a
748 number selected by random drawing, and that number shall
749 determine the order in which the applicant will be considered
750 for a license. This paragraph does not prohibit a person holding
751 a perfected lien or security interest in a quota alcoholic
752 beverage license, in accordance with s. 561.65, from enforcing
753 the lien or security interest against the license within 180
754 days after a final order of revocation or suspension. A revoked

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755 quota alcoholic beverage license encumbered by a lien or
756 security interest, perfected pursuant to s. 561.65, may not be
757 issued under this subsection until the 180-day period has
758 elapsed or until such enforcement proceeding is final.

759 Section 16. Paragraph (a) of subsection (2) of section
760 561.20, Florida Statutes, is amended to read:

761 561.20 Limitation upon number of licenses issued.—

762 (2) (a) The limitation of the number of licenses as provided
763 in this section does not prohibit the issuance of a special
764 license to:

765 1. Any bona fide hotel, motel, or motor court of not fewer
766 than 80 guest rooms in any county having a population of less
767 than 50,000 residents, and of not fewer than 100 guest rooms in
768 any county having a population of 50,000 residents or greater;
769 or any bona fide hotel or motel located in a historic structure,
770 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
771 guest rooms which derives at least 51 percent of its gross
772 revenue from the rental of hotel or motel rooms, which is
773 licensed as a public lodging establishment by the Division of
774 Hotels and Restaurants; provided, however, that a bona fide
775 hotel or motel with no fewer than 10 and no more than 25 guest
776 rooms which is a historic structure, as defined in s. 561.01(20)
777 ~~s. 561.01(21)~~, in a municipality that on the effective date of
778 this act has a population, according to the University of
779 Florida's Bureau of Economic and Business Research Estimates of
780 Population for 1998, of no fewer than 25,000 and no more than
781 35,000 residents and that is within a constitutionally chartered
782 county may be issued a special license. This special license
783 shall allow the sale and consumption of alcoholic beverages only

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784 on the licensed premises of the hotel or motel. In addition, the
785 hotel or motel must derive at least 60 percent of its gross
786 revenue from the rental of hotel or motel rooms and the sale of
787 food and nonalcoholic beverages; provided that this subparagraph
788 shall supersede local laws requiring a greater number of hotel
789 rooms;

790 2. Any condominium accommodation of which no fewer than 100
791 condominium units are wholly rentable to transients and which is
792 licensed under chapter 509, except that the license shall be
793 issued only to the person or corporation that operates the hotel
794 or motel operation and not to the association of condominium
795 owners;

796 3. Any condominium accommodation of which no fewer than 50
797 condominium units are wholly rentable to transients, which is
798 licensed under chapter 509, and which is located in any county
799 having home rule under s. 10 or s. 11, Art. VIII of the State
800 Constitution of 1885, as amended, and incorporated by reference
801 in s. 6(e), Art. VIII of the State Constitution, except that the
802 license shall be issued only to the person or corporation that
803 operates the hotel or motel operation and not to the association
804 of condominium owners;

805 4. A food service establishment that has 2,500 square feet
806 of service area, is equipped to serve meals to 150 persons at
807 one time, and derives at least 51 percent of its gross food and
808 beverage revenue from the sale of food and nonalcoholic
809 beverages during the first 120-day ~~60-day~~ operating period and
810 the first each 12-month operating period thereafter. Subsequent
811 audit timeframes must be based upon the audit percentage
812 established by the most recent audit and conducted on a

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813 staggered scale as follows: level 1, 51 percent to 60 percent,
814 every year; level 2, 61 percent to 75 percent, every 2 years;
815 level 3, 76 percent to 90 percent, every 3 years; and level 4,
816 91 percent to 100 percent, every 4 years. A food service
817 establishment granted a special license on or after January 1,
818 1958, pursuant to general or special law may not operate as a
819 package store and may not sell intoxicating beverages under such
820 license after the hours of serving or consumption of food have
821 elapsed. Failure by a licensee to meet the required percentage
822 of food and nonalcoholic beverage gross revenues during the
823 covered operating period shall result in revocation of the
824 license or denial of the pending license application. A licensee
825 whose license is revoked or an applicant whose pending
826 application is denied, or any person required to qualify on the
827 special license application, is ineligible to have any interest
828 in a subsequent application for such a license for a period of
829 120 days after the date of the final denial or revocation;

830 5. Any caterer, deriving at least 51 percent of its gross
831 food and beverage revenue from the sale of food and nonalcoholic
832 beverages at each catered event, licensed by the Division of
833 Hotels and Restaurants under chapter 509. This subparagraph does
834 not apply to a culinary education program, as defined in s.
835 381.0072(2), which is licensed as a public food service
836 establishment by the Division of Hotels and Restaurants and
837 provides catering services. Notwithstanding any law to the
838 contrary, a licensee under this subparagraph shall sell or serve
839 alcoholic beverages only for consumption on the premises of a
840 catered event at which the licensee is also providing prepared
841 food, and shall prominently display its license at any catered

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842 event at which the caterer is selling or serving alcoholic
843 beverages. A licensee under this subparagraph shall purchase all
844 alcoholic beverages it sells or serves at a catered event from a
845 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
846 under s. 565.02(1) subject to the limitation imposed in
847 subsection (1), as appropriate. A licensee under this
848 subparagraph may not store any alcoholic beverages to be sold or
849 served at a catered event. Any alcoholic beverages purchased by
850 a licensee under this subparagraph for a catered event that are
851 not used at that event must remain with the customer; provided
852 that if the vendor accepts unopened alcoholic beverages, the
853 licensee may return such alcoholic beverages to the vendor for a
854 credit or reimbursement. Regardless of the county or counties in
855 which the licensee operates, a licensee under this subparagraph
856 shall pay the annual state license tax set forth in s.
857 565.02(1)(b). A licensee under this subparagraph must maintain
858 for a period of 3 years all records and receipts for each
859 catered event, including all contracts, customers' names, event
860 locations, event dates, food purchases and sales, alcoholic
861 beverage purchases and sales, nonalcoholic beverage purchases
862 and sales, and any other records required by the department by
863 rule to demonstrate compliance with the requirements of this
864 subparagraph. Notwithstanding any law to the contrary, any
865 vendor licensed under s. 565.02(1) subject to the limitation
866 imposed in subsection (1), may, without any additional licensure
867 under this subparagraph, serve or sell alcoholic beverages for
868 consumption on the premises of a catered event at which prepared
869 food is provided by a caterer licensed under chapter 509. If a
870 licensee under this subparagraph also possesses any other

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871 license under the Beverage Law, the license issued under this
872 subparagraph may ~~shall~~ not authorize the holder to conduct
873 activities on the premises to which the other license or
874 licenses apply that would otherwise be prohibited by the terms
875 of that license or the Beverage Law. Nothing in this section
876 shall permit the licensee to conduct activities that are
877 otherwise prohibited by the Beverage Law or local law. The
878 Division of Alcoholic Beverages and Tobacco is hereby authorized
879 to adopt rules to administer the license created in this
880 subparagraph, to include rules governing licensure,
881 recordkeeping, and enforcement. The first \$300,000 in fees
882 collected by the division each fiscal year pursuant to this
883 subparagraph shall be deposited in the Department of Children
884 and Families' Operations and Maintenance Trust Fund to be used
885 only for alcohol and drug abuse education, treatment, and
886 prevention programs. The remainder of the fees collected shall
887 be deposited into the Hotel and Restaurant Trust Fund created
888 pursuant to s. 509.072; or

889 6. A culinary education program as defined in s.
890 381.0072(2) which is licensed as a public food service
891 establishment by the Division of Hotels and Restaurants.

892 a. This special license shall allow the sale and
893 consumption of alcoholic beverages on the licensed premises of
894 the culinary education program. The culinary education program
895 shall specify designated areas in the facility where the
896 alcoholic beverages may be consumed at the time of application.
897 Alcoholic beverages sold for consumption on the premises may be
898 consumed only in areas designated pursuant to s. 561.01(11) and
899 may not be removed from the designated area. Such license shall

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900 be applicable only in and for designated areas used by the
901 culinary education program.

902 b. If the culinary education program provides catering
903 services, this special license shall also allow the sale and
904 consumption of alcoholic beverages on the premises of a catered
905 event at which the licensee is also providing prepared food. A
906 culinary education program that provides catering services is
907 not required to derive at least 51 percent of its gross revenue
908 from the sale of food and nonalcoholic beverages.
909 Notwithstanding any law to the contrary, a licensee that
910 provides catering services under this sub-subparagraph shall
911 prominently display its beverage license at any catered event at
912 which the caterer is selling or serving alcoholic beverages.
913 Regardless of the county or counties in which the licensee
914 operates, a licensee under this sub-subparagraph shall pay the
915 annual state license tax set forth in s. 565.02(1)(b). A
916 licensee under this sub-subparagraph must maintain for a period
917 of 3 years all records required by the department by rule to
918 demonstrate compliance with the requirements of this sub-
919 subparagraph.

920 c. If a licensee under this subparagraph also possesses any
921 other license under the Beverage Law, the license issued under
922 this subparagraph does not authorize the holder to conduct
923 activities on the premises to which the other license or
924 licenses apply that would otherwise be prohibited by the terms
925 of that license or the Beverage Law. Nothing in this
926 subparagraph shall permit the licensee to conduct activities
927 that are otherwise prohibited by the Beverage Law or local law.
928 Any culinary education program that holds a license to sell

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929 alcoholic beverages shall comply with the age requirements set
930 forth in ss. 562.11(4), 562.111(2), and 562.13.

931 d. The Division of Alcoholic Beverages and Tobacco may
932 adopt rules to administer the license created in this
933 subparagraph, to include rules governing licensure,
934 recordkeeping, and enforcement.

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

938

939 However, any license heretofore issued to any such hotel, motel,
940 motor court, or restaurant or hereafter issued to any such
941 hotel, motel, or motor court, including a condominium
942 accommodation, under the general law shall not be moved to a new
943 location, such license being valid only on the premises of such
944 hotel, motel, motor court, or restaurant. Licenses issued to
945 hotels, motels, motor courts, or restaurants under the general
946 law and held by such hotels, motels, motor courts, or
947 restaurants on May 24, 1947, shall be counted in the quota
948 limitation contained in subsection (1). Any license issued for
949 any hotel, motel, or motor court under this law shall be issued
950 only to the owner of the hotel, motel, or motor court or, in the
951 event the hotel, motel, or motor court is leased, to the lessee
952 of the hotel, motel, or motor court; and the license shall
953 remain in the name of the owner or lessee so long as the license
954 is in existence. Any special license now in existence heretofore
955 issued under this law cannot be renewed except in the name of
956 the owner of the hotel, motel, motor court, or restaurant or, in
957 the event the hotel, motel, motor court, or restaurant is

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958 leased, in the name of the lessee of the hotel, motel, motor
959 court, or restaurant in which the license is located and must
960 remain in the name of the owner or lessee so long as the license
961 is in existence. Any license issued under this section shall be
962 marked "Special," and nothing herein provided shall limit,
963 restrict, or prevent the issuance of a special license for any
964 restaurant or motel which shall hereafter meet the requirements
965 of the law existing immediately prior to the effective date of
966 this act, if construction of such restaurant has commenced prior
967 to the effective date of this act and is completed within 30
968 days thereafter, or if an application is on file for such
969 special license at the time this act takes effect; and any such
970 licenses issued under this proviso may be annually renewed as
971 now provided by law. Nothing herein prevents an application for
972 transfer of a license to a bona fide purchaser of any hotel,
973 motel, motor court, or restaurant by the purchaser of such
974 facility or the transfer of such license pursuant to law.

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

977 561.42 Tied house evil; financial aid and assistance to
978 vendor by manufacturer, distributor, importer, primary American
979 source of supply, brand owner or registrant, or any broker,
980 sales agent, or sales person thereof, prohibited; procedure for
981 enforcement; exception.—

982 (4) Before the division shall so declare and prohibit such
983 sales to such vendor, ~~it shall,~~ within 2 days after receipt of
984 such notice, the division shall give ~~written~~ notice to such
985 vendor by electronic mail of the receipt by the division of such
986 notification of delinquency and such vendor shall be directed to

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987 forthwith make payment thereof or, upon failure to do so, to
988 show cause before the division why further sales to such vendor
989 may ~~shall~~ not be prohibited. Good and sufficient cause to
990 prevent such action by the division may be made by showing
991 payment, failure of consideration, or any other defense which
992 would be considered sufficient in a common-law action. The
993 vendor shall have 5 days after service receipt of such notice
994 via electronic mail within which to show such cause, and he or
995 she may demand a hearing thereon, provided he or she does so in
996 writing within said 5 days, such written demand to be delivered
997 to the division either in person, by electronic mail, or by due
998 course of mail within such 5 days. If no such demand for hearing
999 is made, the division shall thereupon declare in writing to such
1000 vendor and to all manufacturers and distributors within the
1001 state that all further sales to such vendor are prohibited until
1002 such time as the division certifies in writing that such vendor
1003 has fully paid for all liquors previously purchased. In the
1004 event such prohibition of sales and declaration thereof to the
1005 vendor, manufacturers, and distributors is ordered by the
1006 division, the vendor may seek review of such decision by the
1007 Department of Business and Professional Regulation within 5
1008 days. In the event application for such review is filed within
1009 such time, such prohibition of sales may ~~shall~~ not be made,
1010 published, or declared until final disposition of such review by
1011 the department.

1012 Section 18. Subsection (2) of section 561.55, Florida
1013 Statutes, is amended to read:

1014 561.55 Manufacturers', distributors', brokers', sales
1015 agents', importers', vendors', and exporters' records and

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1016 reports.-

1017 (2) Each manufacturer, distributor, broker, sales agent,
 1018 and importer shall make a full and complete report by the 10th
 1019 day of each month for the previous calendar month. The report
 1020 must be ~~shall be made out in triplicate; two copies shall be~~
 1021 ~~sent to the division, and the third copy shall be retained for~~
 1022 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
 1023 ~~importer's record. Reports shall be made on forms prepared and~~
 1024 ~~furnished by the division~~ and filed with the division through
 1025 the division's electronic data submission system.

1026 Section 19. Section 562.455, Florida Statutes, is amended
 1027 to read:

1028 562.455 Adulterating liquor; penalty.—Whoever adulterates,
 1029 for the purpose of sale, any liquor, used or intended for drink,
 1030 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,
 1031 capsicum, copperas, laurel water, logwood, brazil wood,
 1032 cochineal, sugar of lead, or any other substance which is
 1033 poisonous or injurious to health, and whoever knowingly sells
 1034 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
 1035 of the third degree, punishable as provided in s. 775.082, s.
 1036 775.083, or s. 775.084.

1037 Section 20. Paragraphs (d) and (f) of subsection (2) of
 1038 section 718.112, Florida Statutes, are amended to read:

1039 718.112 Bylaws.—

1040 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 1041 following and, if they do not do so, shall be deemed to include
 1042 the following:

1043 (d) *Unit owner meetings.*—

1044 1. An annual meeting of the unit owners must be held at the

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1045 location provided in the association bylaws and, if the bylaws
1046 are silent as to the location, the meeting must be held within
1047 45 miles of the condominium property. However, such distance
1048 requirement does not apply to an association governing a
1049 timeshare condominium.

1050 2. Unless the bylaws provide otherwise, a vacancy on the
1051 board caused by the expiration of a director's term must be
1052 filled by electing a new board member, and the election must be
1053 by secret ballot. An election is not required if the number of
1054 vacancies equals or exceeds the number of candidates. For
1055 purposes of this paragraph, the term "candidate" means an
1056 eligible person who has timely submitted the written notice, as
1057 described in sub-subparagraph 4.a., of his or her intention to
1058 become a candidate. Except in a timeshare or nonresidential
1059 condominium, or if the staggered term of a board member does not
1060 expire until a later annual meeting, or if all members' terms
1061 would otherwise expire but there are no candidates, the terms of
1062 all board members expire at the annual meeting, and such members
1063 may stand for reelection unless prohibited by the bylaws. Board
1064 members may serve terms longer than 1 year if permitted by the
1065 bylaws or articles of incorporation. A board member may not
1066 serve more than 8 consecutive years unless approved by an
1067 affirmative vote of unit owners representing two-thirds of all
1068 votes cast in the election or unless there are not enough
1069 eligible candidates to fill the vacancies on the board at the
1070 time of the vacancy. If the number of board members whose terms
1071 expire at the annual meeting equals or exceeds the number of
1072 candidates, the candidates become members of the board effective
1073 upon the adjournment of the annual meeting. Unless the bylaws

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1074 provide otherwise, any remaining vacancies shall be filled by
1075 the affirmative vote of the majority of the directors making up
1076 the newly constituted board even if the directors constitute
1077 less than a quorum or there is only one director. In a
1078 residential condominium association of more than 10 units or in
1079 a residential condominium association that does not include
1080 timeshare units or timeshare interests, co-owners of a unit may
1081 not serve as members of the board of directors at the same time
1082 unless they own more than one unit or unless there are not
1083 enough eligible candidates to fill the vacancies on the board at
1084 the time of the vacancy. A unit owner in a residential
1085 condominium desiring to be a candidate for board membership must
1086 comply with sub-subparagraph 4.a. and must be eligible to be a
1087 candidate to serve on the board of directors at the time of the
1088 deadline for submitting a notice of intent to run in order to
1089 have his or her name listed as a proper candidate on the ballot
1090 or to serve on the board. A person who has been suspended or
1091 removed by the division under this chapter, or who is delinquent
1092 in the payment of any assessment ~~monetary obligation~~ due to the
1093 association, is not eligible to be a candidate for board
1094 membership and may not be listed on the ballot. For purposes of
1095 this paragraph, a person is delinquent if a payment is not made
1096 by the due date as specifically identified in the declaration of
1097 condominium, bylaws, or articles of incorporation. If a due date
1098 is not specifically identified in the declaration of
1099 condominium, bylaws, or articles of incorporation, the due date
1100 is the first day of the assessment period. A person who has been
1101 convicted of any felony in this state or in a United States
1102 District or Territorial Court, or who has been convicted of any

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1103 offense in another jurisdiction which would be considered a
1104 felony if committed in this state, is not eligible for board
1105 membership unless such felon's civil rights have been restored
1106 for at least 5 years as of the date such person seeks election
1107 to the board. The validity of an action by the board is not
1108 affected if it is later determined that a board member is
1109 ineligible for board membership due to having been convicted of
1110 a felony. This subparagraph does not limit the term of a member
1111 of the board of a nonresidential or timeshare condominium.

1112 3. The bylaws must provide the method of calling meetings
1113 of unit owners, including annual meetings. Written notice must
1114 include an agenda, must be mailed, hand delivered, or
1115 electronically transmitted to each unit owner at least 14 days
1116 before the annual meeting, and must be posted in a conspicuous
1117 place on the condominium property at least 14 continuous days
1118 before the annual meeting. Upon notice to the unit owners, the
1119 board shall, by duly adopted rule, designate a specific location
1120 on the condominium property where all notices of unit owner
1121 meetings must be posted. This requirement does not apply if
1122 there is no condominium property for posting notices. In lieu
1123 of, or in addition to, the physical posting of meeting notices,
1124 the association may, by reasonable rule, adopt a procedure for
1125 conspicuously posting and repeatedly broadcasting the notice and
1126 the agenda on a closed-circuit cable television system serving
1127 the condominium association. However, if broadcast notice is
1128 used in lieu of a notice posted physically on the condominium
1129 property, the notice and agenda must be broadcast at least four
1130 times every broadcast hour of each day that a posted notice is
1131 otherwise required under this section. If broadcast notice is

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1132 provided, the notice and agenda must be broadcast in a manner
1133 and for a sufficient continuous length of time so as to allow an
1134 average reader to observe the notice and read and comprehend the
1135 entire content of the notice and the agenda. In addition to any
1136 of the authorized means of providing notice of a meeting of the
1137 board, the association may, by rule, adopt a procedure for
1138 conspicuously posting the meeting notice and the agenda on a
1139 website serving the condominium association for at least the
1140 minimum period of time for which a notice of a meeting is also
1141 required to be physically posted on the condominium property.
1142 Any rule adopted shall, in addition to other matters, include a
1143 requirement that the association send an electronic notice in
1144 the same manner as a notice for a meeting of the members, which
1145 must include a hyperlink to the website where the notice is
1146 posted, to unit owners whose e-mail addresses are included in
1147 the association's official records. Unless a unit owner waives
1148 in writing the right to receive notice of the annual meeting,
1149 such notice must be hand delivered, mailed, or electronically
1150 transmitted to each unit owner. Notice for meetings and notice
1151 for all other purposes must be mailed to each unit owner at the
1152 address last furnished to the association by the unit owner, or
1153 hand delivered to each unit owner. However, if a unit is owned
1154 by more than one person, the association must provide notice to
1155 the address that the developer identifies for that purpose and
1156 thereafter as one or more of the owners of the unit advise the
1157 association in writing, or if no address is given or the owners
1158 of the unit do not agree, to the address provided on the deed of
1159 record. An officer of the association, or the manager or other
1160 person providing notice of the association meeting, must provide

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1161 an affidavit or United States Postal Service certificate of
1162 mailing, to be included in the official records of the
1163 association affirming that the notice was mailed or hand
1164 delivered in accordance with this provision.

1165 4. The members of the board of a residential condominium
1166 shall be elected by written ballot or voting machine. Proxies
1167 may not be used in electing the board in general elections or
1168 elections to fill vacancies caused by recall, resignation, or
1169 otherwise, unless otherwise provided in this chapter. This
1170 subparagraph does not apply to an association governing a
1171 timeshare condominium.

1172 a. At least 60 days before a scheduled election, the
1173 association shall mail, deliver, or electronically transmit, by
1174 separate association mailing or included in another association
1175 mailing, delivery, or transmission, including regularly
1176 published newsletters, to each unit owner entitled to a vote, a
1177 first notice of the date of the election. A unit owner or other
1178 eligible person desiring to be a candidate for the board must
1179 give written notice of his or her intent to be a candidate to
1180 the association at least 40 days before a scheduled election.
1181 Together with the written notice and agenda as set forth in
1182 subparagraph 3., the association shall mail, deliver, or
1183 electronically transmit a second notice of the election to all
1184 unit owners entitled to vote, together with a ballot that lists
1185 all candidates. Upon request of a candidate, an information
1186 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1187 furnished by the candidate at least 35 days before the election,
1188 must be included with the mailing, delivery, or transmission of
1189 the ballot, with the costs of mailing, delivery, or electronic

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1190 transmission and copying to be borne by the association. The
1191 association is not liable for the contents of the information
1192 sheets prepared by the candidates. In order to reduce costs, the
1193 association may print or duplicate the information sheets on
1194 both sides of the paper. The division shall by rule establish
1195 voting procedures consistent with this sub-subparagraph,
1196 including rules establishing procedures for giving notice by
1197 electronic transmission and rules providing for the secrecy of
1198 ballots. Elections shall be decided by a plurality of ballots
1199 cast. There is no quorum requirement; however, at least 20
1200 percent of the eligible voters must cast a ballot in order to
1201 have a valid election. A unit owner may not authorize any other
1202 person to vote his or her ballot, and any ballots improperly
1203 cast are invalid. A unit owner who violates this provision may
1204 be fined by the association in accordance with s. 718.303. A
1205 unit owner who needs assistance in casting the ballot for the
1206 reasons stated in s. 101.051 may obtain such assistance. The
1207 regular election must occur on the date of the annual meeting.
1208 Notwithstanding this sub-subparagraph, an election is not
1209 required unless more candidates file notices of intent to run or
1210 are nominated than board vacancies exist.

1211 b. Within 90 days after being elected or appointed to the
1212 board of an association of a residential condominium, each newly
1213 elected or appointed director shall certify in writing to the
1214 secretary of the association that he or she has read the
1215 association's declaration of condominium, articles of
1216 incorporation, bylaws, and current written policies; that he or
1217 she will work to uphold such documents and policies to the best
1218 of his or her ability; and that he or she will faithfully

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1219 discharge his or her fiduciary responsibility to the
1220 association's members. In lieu of this written certification,
1221 within 90 days after being elected or appointed to the board,
1222 the newly elected or appointed director may submit a certificate
1223 of having satisfactorily completed the educational curriculum
1224 administered by a division-approved condominium education
1225 provider within 1 year before or 90 days after the date of
1226 election or appointment. The written certification or
1227 educational certificate is valid and does not have to be
1228 resubmitted as long as the director serves on the board without
1229 interruption. A director of an association of a residential
1230 condominium who fails to timely file the written certification
1231 or educational certificate is suspended from service on the
1232 board until he or she complies with this sub-subparagraph. The
1233 board may temporarily fill the vacancy during the period of
1234 suspension. The secretary shall cause the association to retain
1235 a director's written certification or educational certificate
1236 for inspection by the members for 5 years after a director's
1237 election or the duration of the director's uninterrupted tenure,
1238 whichever is longer. Failure to have such written certification
1239 or educational certificate on file does not affect the validity
1240 of any board action.

1241 c. Any challenge to the election process must be commenced
1242 within 60 days after the election results are announced.

1243 5. Any approval by unit owners called for by this chapter
1244 or the applicable declaration or bylaws, including, but not
1245 limited to, the approval requirement in s. 718.111(8), must be
1246 made at a duly noticed meeting of unit owners and is subject to
1247 all requirements of this chapter or the applicable condominium

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1248 documents relating to unit owner decisionmaking, except that
1249 unit owners may take action by written agreement, without
1250 meetings, on matters for which action by written agreement
1251 without meetings is expressly allowed by the applicable bylaws
1252 or declaration or any law that provides for such action.

1253 6. Unit owners may waive notice of specific meetings if
1254 allowed by the applicable bylaws or declaration or any law.
1255 Notice of meetings of the board of administration, unit owner
1256 meetings, except unit owner meetings called to recall board
1257 members under paragraph (j), and committee meetings may be given
1258 by electronic transmission to unit owners who consent to receive
1259 notice by electronic transmission. A unit owner who consents to
1260 receiving notices by electronic transmission is solely
1261 responsible for removing or bypassing filters that block receipt
1262 of mass emails sent to members on behalf of the association in
1263 the course of giving electronic notices.

1264 7. Unit owners have the right to participate in meetings of
1265 unit owners with reference to all designated agenda items.
1266 However, the association may adopt reasonable rules governing
1267 the frequency, duration, and manner of unit owner participation.

1268 8. A unit owner may tape record or videotape a meeting of
1269 the unit owners subject to reasonable rules adopted by the
1270 division.

1271 9. Unless otherwise provided in the bylaws, any vacancy
1272 occurring on the board before the expiration of a term may be
1273 filled by the affirmative vote of the majority of the remaining
1274 directors, even if the remaining directors constitute less than
1275 a quorum, or by the sole remaining director. In the alternative,
1276 a board may hold an election to fill the vacancy, in which case

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1277 the election procedures must conform to sub-subparagraph 4.a.
1278 unless the association governs 10 units or fewer and has opted
1279 out of the statutory election process, in which case the bylaws
1280 of the association control. Unless otherwise provided in the
1281 bylaws, a board member appointed or elected under this section
1282 shall fill the vacancy for the unexpired term of the seat being
1283 filled. Filling vacancies created by recall is governed by
1284 paragraph (j) and rules adopted by the division.

1285 10. This chapter does not limit the use of general or
1286 limited proxies, require the use of general or limited proxies,
1287 or require the use of a written ballot or voting machine for any
1288 agenda item or election at any meeting of a timeshare
1289 condominium association or nonresidential condominium
1290 association.

1291
1292 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1293 association of 10 or fewer units may, by affirmative vote of a
1294 majority of the total voting interests, provide for different
1295 voting and election procedures in its bylaws, which may be by a
1296 proxy specifically delineating the different voting and election
1297 procedures. The different voting and election procedures may
1298 provide for elections to be conducted by limited or general
1299 proxy.

1300 (f) *Annual budget.*—

1301 1. The proposed annual budget of estimated revenues and
1302 expenses must be detailed and must show the amounts budgeted by
1303 accounts and expense classifications, including, at a minimum,
1304 any applicable expenses listed in s. 718.504(21). The board
1305 shall adopt the annual budget at least 14 days prior to the

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1306 start of the association's fiscal year. In the event that the
1307 board fails to timely adopt the annual budget a second time, it
1308 shall be deemed a minor violation and the prior year's budget
1309 shall continue in effect until a new budget is adopted. A
1310 multicondominium association shall adopt a separate budget of
1311 common expenses for each condominium the association operates
1312 and shall adopt a separate budget of common expenses for the
1313 association. In addition, if the association maintains limited
1314 common elements with the cost to be shared only by those
1315 entitled to use the limited common elements as provided for in
1316 s. 718.113(1), the budget or a schedule attached to it must show
1317 the amount budgeted for this maintenance. If, after turnover of
1318 control of the association to the unit owners, any of the
1319 expenses listed in s. 718.504(21) are not applicable, they need
1320 not be listed.

1321 2.a. In addition to annual operating expenses, the budget
1322 must include reserve accounts for capital expenditures and
1323 deferred maintenance. These accounts must include, but are not
1324 limited to, roof replacement, building painting, and pavement
1325 resurfacing, regardless of the amount of deferred maintenance
1326 expense or replacement cost, and any other item that has a
1327 deferred maintenance expense or replacement cost that exceeds
1328 \$10,000. The amount to be reserved must be computed using a
1329 formula based upon estimated remaining useful life and estimated
1330 replacement cost or deferred maintenance expense of each reserve
1331 item. The association may adjust replacement reserve assessments
1332 annually to take into account any changes in estimates or
1333 extension of the useful life of a reserve item caused by
1334 deferred maintenance. This subsection does not apply to an

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1335 adopted budget in which the members of an association have
1336 determined, by a majority vote at a duly called meeting of the
1337 association, to provide no reserves or less reserves than
1338 required by this subsection.

1339 b. Before turnover of control of an association by a
1340 developer to unit owners other than a developer pursuant to s.
1341 718.301, the developer may vote the voting interests allocated
1342 to its units to waive the reserves or reduce the funding of
1343 reserves through the period expiring at the end of the second
1344 fiscal year after the fiscal year in which the certificate of a
1345 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
1346 an instrument that transfers title to a unit in the condominium
1347 which is not accompanied by a recorded assignment of developer
1348 rights in favor of the grantee of such unit is recorded,
1349 whichever occurs first, after which time reserves may be waived
1350 or reduced only upon the vote of a majority of all nondeveloper
1351 voting interests voting in person or by limited proxy at a duly
1352 called meeting of the association. If a meeting of the unit
1353 owners has been called to determine whether to waive or reduce
1354 the funding of reserves and no such result is achieved or a
1355 quorum is not attained, the reserves included in the budget
1356 shall go into effect. After the turnover, the developer may vote
1357 its voting interest to waive or reduce the funding of reserves.

1358 3. Reserve funds and any interest accruing thereon shall
1359 remain in the reserve account or accounts, and may be used only
1360 for authorized reserve expenditures unless their use for other
1361 purposes is approved in advance by a majority vote at a duly
1362 called meeting of the association. Before turnover of control of
1363 an association by a developer to unit owners other than the

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1364 developer pursuant to s. 718.301, the developer-controlled
1365 association may not vote to use reserves for purposes other than
1366 those for which they were intended without the approval of a
1367 majority of all nondeveloper voting interests, voting in person
1368 or by limited proxy at a duly called meeting of the association.

1369 4. The only voting interests that are eligible to vote on
1370 questions that involve waiving or reducing the funding of
1371 reserves, or using existing reserve funds for purposes other
1372 than purposes for which the reserves were intended, are the
1373 voting interests of the units subject to assessment to fund the
1374 reserves in question. Proxy questions relating to waiving or
1375 reducing the funding of reserves or using existing reserve funds
1376 for purposes other than purposes for which the reserves were
1377 intended must contain the following statement in capitalized,
1378 bold letters in a font size larger than any other used on the
1379 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1380 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1381 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1382 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1383 Section 21. Paragraph (m) of subsection (1) of section
1384 718.501, Florida Statutes, is amended to read:

1385 718.501 Authority, responsibility, and duties of Division
1386 of Florida Condominiums, Timeshares, and Mobile Homes.—

1387 (1) The division may enforce and ensure compliance with the
1388 provisions of this chapter and rules relating to the
1389 development, construction, sale, lease, ownership, operation,
1390 and management of residential condominium units. In performing
1391 its duties, the division has complete jurisdiction to
1392 investigate complaints and enforce compliance with respect to

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1393 associations that are still under developer control or the
1394 control of a bulk assignee or bulk buyer pursuant to part VII of
1395 this chapter and complaints against developers, bulk assignees,
1396 or bulk buyers involving improper turnover or failure to
1397 turnover, pursuant to s. 718.301. However, after turnover has
1398 occurred, the division has jurisdiction to investigate
1399 complaints related only to financial issues, elections, and unit
1400 owner access to association records pursuant to s. 718.111(12).

1401 (m) If a complaint is made, the division must conduct its
1402 inquiry with due regard for the interests of the affected
1403 parties. Within 30 days after receipt of a complaint, the
1404 division shall acknowledge the complaint in writing and notify
1405 the complainant whether the complaint is within the jurisdiction
1406 of the division and whether additional information is needed by
1407 the division from the complainant. The division shall conduct
1408 its investigation and, within 90 days after receipt of the
1409 original complaint or of timely requested additional
1410 information, take action upon the complaint. However, the
1411 failure to complete the investigation within 90 days does not
1412 prevent the division from continuing the investigation,
1413 accepting or considering evidence obtained or received after 90
1414 days, or taking administrative action if reasonable cause exists
1415 to believe that a violation of this chapter or a rule has
1416 occurred. If an investigation is not completed within the time
1417 limits established in this paragraph, the division shall, on a
1418 monthly basis, notify the complainant in writing of the status
1419 of the investigation. When reporting its action to the
1420 complainant, the division shall inform the complainant of any
1421 right to a hearing pursuant to ss. 120.569 and 120.57. The

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1422 division may adopt rules regarding the submission of a complaint
1423 against an association.

1424 Section 22. Section 718.5014, Florida Statutes, is amended
1425 to read:

1426 718.5014 Ombudsman location.—The ombudsman shall maintain
1427 his or her principal office at a ~~in Leon County on the premises~~
1428 ~~of the division or, if suitable space cannot be provided there,~~
1429 ~~at another~~ place convenient to the offices of the division which
1430 will enable the ombudsman to expeditiously carry out the duties
1431 and functions of his or her office. The ombudsman may establish
1432 branch offices elsewhere in the state upon the concurrence of
1433 the Governor.

1434 Section 23. Paragraph (j) of subsection (1) of section
1435 719.106, Florida Statutes, is amended to read:

1436 719.106 Bylaws; cooperative ownership.—

1437 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1438 documents shall provide for the following, and if they do not,
1439 they shall be deemed to include the following:

1440 (j) *Annual budget.*—

1441 1. The proposed annual budget of common expenses shall be
1442 detailed and shall show the amounts budgeted by accounts and
1443 expense classifications, including, if applicable, but not
1444 limited to, those expenses listed in s. 719.504(20). The board
1445 of administration shall adopt the annual budget at least 14 days
1446 prior to the start of the association's fiscal year. In the
1447 event that the board fails to timely adopt the annual budget a
1448 second time, it shall be deemed a minor violation and the prior
1449 year's budget shall continue in effect until a new budget is
1450 adopted.

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1451 2. In addition to annual operating expenses, the budget
1452 shall include reserve accounts for capital expenditures and
1453 deferred maintenance. These accounts shall include, but not be
1454 limited to, roof replacement, building painting, and pavement
1455 resurfacing, regardless of the amount of deferred maintenance
1456 expense or replacement cost, and for any other items for which
1457 the deferred maintenance expense or replacement cost exceeds
1458 \$10,000. The amount to be reserved shall be computed by means of
1459 a formula which is based upon estimated remaining useful life
1460 and estimated replacement cost or deferred maintenance expense
1461 of each reserve item. The association may adjust replacement
1462 reserve assessments annually to take into account any changes in
1463 estimates or extension of the useful life of a reserve item
1464 caused by deferred maintenance. This paragraph shall not apply
1465 to any budget in which the members of an association have, at a
1466 duly called meeting of the association, determined for a fiscal
1467 year to provide no reserves or reserves less adequate than
1468 required by this subsection. However, prior to turnover of
1469 control of an association by a developer to unit owners other
1470 than a developer pursuant to s. 719.301, the developer may vote
1471 to waive the reserves or reduce the funding of reserves for the
1472 first 2 years of the operation of the association after which
1473 time reserves may only be waived or reduced upon the vote of a
1474 majority of all nondeveloper voting interests voting in person
1475 or by limited proxy at a duly called meeting of the association.
1476 If a meeting of the unit owners has been called to determine to
1477 provide no reserves, or reserves less adequate than required,
1478 and such result is not attained or a quorum is not attained, the
1479 reserves as included in the budget shall go into effect.

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1480 3. Reserve funds and any interest accruing thereon shall
1481 remain in the reserve account or accounts, and shall be used
1482 only for authorized reserve expenditures unless their use for
1483 other purposes is approved in advance by a vote of the majority
1484 of the voting interests, voting in person or by limited proxy at
1485 a duly called meeting of the association. Prior to turnover of
1486 control of an association by a developer to unit owners other
1487 than the developer under s. 719.301, the developer may not vote
1488 to use reserves for purposes other than that for which they were
1489 intended without the approval of a majority of all nondeveloper
1490 voting interests, voting in person or by limited proxy at a duly
1491 called meeting of the association.

1492 Section 24. Subsection (1) of section 455.219, Florida
1493 Statutes, is amended to read:

1494 455.219 Fees; receipts; disposition; periodic management
1495 reports.—

1496 (1) Each board within the department shall determine by
1497 rule the amount of license fees for its profession, based upon
1498 department-prepared long-range estimates of the revenue required
1499 to implement all provisions of law relating to the regulation of
1500 professions by the department and any board; however, when the
1501 department has determined, based on the long-range estimates of
1502 such revenue, that a profession's trust fund moneys are in
1503 excess of the amount required to cover the necessary functions
1504 of the board, or the department when there is no board, the
1505 department may adopt rules to implement a waiver of license
1506 renewal fees for that profession for a period not to exceed 2
1507 years, as determined by the department. Each board, or the
1508 department when there is no board, shall ensure license fees are

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1509 adequate to cover all anticipated costs and to maintain a
1510 reasonable cash balance, as determined by rule of the
1511 department, with advice of the applicable board. If sufficient
1512 action is not taken by a board within 1 year of notification by
1513 the department that license fees are projected to be inadequate,
1514 the department shall set license fees on behalf of the
1515 applicable board to cover anticipated costs and to maintain the
1516 required cash balance. The department shall include recommended
1517 fee cap increases in its annual report to the Legislature.
1518 Further, it is legislative intent that no regulated profession
1519 operate with a negative cash balance. The department may provide
1520 by rule for the advancement of sufficient funds to any
1521 profession or the Florida Athletic State~~Boxing~~ Commission
1522 operating with a negative cash balance. Such advancement may be
1523 for a period not to exceed 2 consecutive years and shall require
1524 interest to be paid by the regulated profession. Interest shall
1525 be calculated at the current rate earned on Professional
1526 Regulation Trust Fund investments. Interest earned shall be
1527 allocated to the various funds in accordance with the allocation
1528 of investment earnings during the period of the advance.

1529 Section 25. Subsection (4) of section 548.002, Florida
1530 Statutes, is amended to read:

1531 548.002 Definitions.—As used in this chapter, the term:

1532 (4) "Commission" means the Florida Athletic State~~Boxing~~
1533 Commission.

1534 Section 26. Subsections (3) and (4) of section 548.05,
1535 Florida Statutes, are amended to read:

1536 548.05 Control of contracts.—

1537 (3) The commission may require that each contract contain

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1538 language authorizing the ~~Florida State Boxing~~ commission to
1539 withhold any or all of any manager's share of a purse in the
1540 event of a contractual dispute as to entitlement to any portion
1541 of a purse. The commission may establish rules governing the
1542 manner of resolution of such dispute. In addition, if the
1543 commission deems it appropriate, the commission is hereby
1544 authorized to implead interested parties over any disputed funds
1545 into the appropriate circuit court for resolution of the dispute
1546 before ~~prior to~~ release of all or any part of the funds.

1547 (4) Each contract subject to this section shall contain the
1548 following clause: "This agreement is subject to the provisions
1549 of chapter 548, Florida Statutes, and to the rules of the
1550 Florida Athletic State Boxing Commission and to any future
1551 amendments of either."

1552 Section 27. Subsection (12) of section 548.071, Florida
1553 Statutes, is amended to read:

1554 548.071 Suspension or revocation of license or permit by
1555 commission.—The commission may suspend or revoke a license or
1556 permit if the commission finds that the licensee or permittee:

1557 (12) Has been disciplined by the ~~Florida State Boxing~~
1558 commission or similar agency or body of any jurisdiction.

1559 Section 28. Section 548.077, Florida Statutes, is amended
1560 to read:

1561 548.077 Florida Athletic State Boxing Commission;
1562 collection and disposition of moneys.—All fees, fines,
1563 forfeitures, and other moneys collected under the provisions of
1564 this chapter shall be paid by the commission to the Chief
1565 Financial Officer who, after the expenses of the commission are
1566 paid, shall deposit them in the Professional Regulation Trust

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1567 Fund to be used for the administration and operation of the
1568 commission and to enforce the laws and rules under its
1569 jurisdiction. In the event the unexpended balance of such moneys
1570 collected under the provisions of this chapter exceeds \$250,000,
1571 any excess of that amount shall be deposited in the General
1572 Revenue Fund.

1573 Section 29. This act shall take effect July 1, 2021.