

20211966e1

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,

20211966e1

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

20211966e1

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. 562.03,
85 F.S.; revising requirements for the storage of
86 alcoholic beverages on a vendor's licensed premises;
87 providing applicability; amending s. 562.455, F.S.;

20211966e1

88 removing grains of paradise as a form of adulteration
89 of liquor used or intended for drink; amending s.
90 718.112, F.S.; providing the circumstances under which
91 a person is delinquent in the payment of an assessment
92 in the context of eligibility for membership on
93 certain condominium boards; requiring boards to adopt
94 annual budgets within a specified timeframe;
95 specifying that the failure to adopt a timely budget a
96 second time is a minor violation and that the previous
97 year's budget continues in effect until a new budget
98 is adopted; amending s. 718.501, F.S.; authorizing the
99 Division of Florida Condominiums, Timeshares, and
100 Mobile Homes to adopt rules regarding the submission
101 of complaints against a condominium association;
102 amending s. 718.5014, F.S.; revising the location
103 requirements for the principal office of the
104 condominium ombudsman; amending s. 719.106, F.S.;
105 requiring boards of administration to adopt annual
106 budgets within a specified timeframe; specifying that
107 the failure to adopt a timely budget a second time is
108 a minor violation and that the previous year's budget
109 continues in effect until a new budget is adopted;
110 amending ss. 455.219, 548.002, 548.05, 548.071, and
111 548.077, F.S.; conforming provisions to changes made
112 by the act; providing an effective date.

113
114 Be It Enacted by the Legislature of the State of Florida:

115
116 Section 1. Subsections (2) and (3) of section 210.09,

20211966e1

117 Florida Statutes, are amended to read:

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

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

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

20211966e1

146 verify the accuracy of the tax imposed and assessed by this
147 part, each person is hereby directed and required to give to the
148 division or its duly authorized representatives the means,
149 facilities, and opportunity for such examinations as are herein
150 provided for and required.

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

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

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

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

20211966e1

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

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

195 (4) If any taxpayer required to file any report ~~return~~
196 fails to do so within the time prescribed, the taxpayer shall,
197 on the written demand of the division, file the report ~~return~~
198 within 20 days after mailing of the demand and at the same time
199 pay the tax due on its basis. If the taxpayer fails within that
200 time to file the report ~~return~~, the division shall prepare the
201 report ~~return~~ from its own knowledge and from the information
202 that it obtains and on that basis shall assess a tax, which
203 shall be paid within 10 days after the division has mailed to

20211966e1

204 the taxpayer a written notice of the amount and a demand for its
205 payment. In any action or proceeding in respect to the
206 assessment, the taxpayer shall have the burden of establishing
207 the incorrectness or invalidity of any report ~~return~~ or
208 assessment made by the division because of the failure of the
209 taxpayer to make a report ~~return~~.

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

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

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

20211966e1

233 amount due to be paid by him or her, and as further compensation
234 to the distributor for the keeping of prescribed records and for
235 collection of taxes and remitting the same.

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

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

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

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

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

257 210.60 Books, records, and invoices to be kept and
258 preserved; inspection by agents of division.—Every distributor
259 shall keep in each licensed place of business complete and
260 accurate records for that place of business, including itemized
261 invoices of tobacco products held, purchased, manufactured,

20211966e1

262 brought in or caused to be brought in from without the state, or
263 shipped or transported to retailers in this state, and of all
264 sales of tobacco products made, except sales to an ultimate
265 consumer. Such records shall show the names and addresses of
266 purchasers and other pertinent papers and documents relating to
267 the purchase, sale, or disposition of tobacco products. When a
268 licensed distributor sells tobacco products exclusively to
269 ultimate consumers at the addresses given in the license, no
270 invoice of those sales shall be required, but itemized invoices
271 shall be made of all tobacco products transferred to other
272 retail outlets owned or controlled by that licensed distributor.
273 All books, records and other papers, and other documents
274 required by this section to be kept shall be preserved for a
275 period of at least 3 years after the date of the documents, as
276 aforesaid, or the date of the entries thereof appearing in the
277 records, unless the division, in writing, authorizes their
278 destruction or disposal at an earlier date. At any time during
279 usual business hours, duly authorized agents or employees of the
280 division may enter any place of business of a distributor and
281 inspect the premises, the records required to be kept under this
282 part, and the tobacco products contained therein to determine
283 whether all the provisions of this part are being fully complied
284 with. Refusal to permit such inspection by a duly authorized
285 agent or employee of the division shall be grounds for
286 revocation of the license. Every person who sells tobacco
287 products to persons other than an ultimate consumer shall render
288 with each sale an itemized invoice showing the seller's name and
289 address, the purchaser's name and address, the date of sale, and
290 all prices and discounts. The seller shall preserve legible

20211966e1

291 copies of all such invoices for 3 years from the date of sale.
292 Every retailer shall produce itemized invoices of all tobacco
293 products purchased. The invoices shall show the name and address
294 of the seller and the date of purchase. The retailer shall
295 preserve a legible copy of each such invoice for 3 years from
296 the date of purchase. Invoices shall be available for inspection
297 by authorized agents or employees of the division at the
298 retailer's place of business. Any records required by this
299 section may be kept in an electronic or paper format.

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

302 489.109 Fees.—

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

20211966e1

320 ~~availability of continuing education programs to all segments of~~
321 ~~the building construction industry to which they relate. The~~
322 ~~department shall report to the board in October of each year,~~
323 ~~summarizing the allocation of the funds by institution and~~
324 ~~summarizing the new projects funded and the status of previously~~
325 ~~funded projects.~~

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

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

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

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

347 (3) Has at least 5 years of experience as a contractor in
348 that contracting category, or as an inspector or building

20211966e1

349 administrator with oversight over that category, at the time of
350 application. For contractors, only time periods in which the
351 contractor license is active and the contractor is not on
352 probation shall count toward the 5 years required by this
353 subsection.

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

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

360

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

363 Section 6. Subsection (3) of section 489.509, Florida
364 Statutes, is amended, and subsection (1) of that section is
365 republished, to read:

366 489.509 Fees.—

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

20211966e1

378 and \$200 for registrants. The fee for initial application and
379 examination for certification of alarm system contractors may
380 not exceed \$400. The biennial renewal fee for certified alarm
381 system contractors may not exceed \$450. The board may establish
382 a fee for a temporary certificate as an alarm system contractor
383 not to exceed \$75. The board may also establish by rule a
384 delinquency fee not to exceed \$50. The fee to transfer a
385 certificate or registration from one business organization to
386 another may not exceed \$200. The fee for reactivation of an
387 inactive license may not exceed \$50. The board shall establish
388 fees that are adequate to ensure the continued operation of the
389 board. Fees shall be based on department estimates of the
390 revenue required to implement this part and the provisions of
391 law with respect to the regulation of electrical contractors and
392 alarm system contractors.

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

20211966e1

407 ~~continuing education programs to all segments of the building~~
408 ~~construction industry to which they relate. The department shall~~
409 ~~report to the board in October of each year, summarizing the~~
410 ~~allocation of the funds by institution and summarizing the new~~
411 ~~projects funded and the status of previously funded projects.~~

412 Section 7. Paragraph (p) of subsection (2) of section
413 499.01, Florida Statutes, is amended to read:

414 499.01 Permits.—

415 (2) The following permits are established:

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

429 1. An exempt cosmetics manufacturer may only:

430 a. Sell prepackaged cosmetics affixed with a label
431 containing information required by the United States Food and
432 Drug Administration.

433 b. Manufacture and sell cosmetics that are soaps, not
434 otherwise exempt from the definition of cosmetics, lotions,
435 moisturizers, and creams.

20211966e1

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

438 d. Sell cosmetic products that are stored on the premises
439 of the cosmetic manufacturing operation.

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

444 3. The department may investigate any complaint which
445 alleges that an exempt cosmetics manufacturer has violated an
446 applicable provision of this chapter or a rule adopted under
447 this chapter. The department's authorized officer or employee
448 may enter and inspect the premises of an exempt cosmetic
449 manufacturer to determine compliance with this chapter and
450 department rules, as applicable. A refusal to permit an
451 authorized officer or employee of the department to enter the
452 premises or to conduct an inspection is a violation of s.
453 499.005(6) and is grounds for disciplinary action pursuant to s.
454 499.066.

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

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

461 499.012 Permit application requirements.—

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

20211966e1

465 other transfer, voluntarily or involuntarily; nor is a permit
466 valid for any establishment other than the establishment for
467 which it was originally issued.

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

487
488 The department may revoke the permit of any person that fails to
489 comply with the requirements of this subsection.

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

492 499.066 Penalties; remedies.—In addition to other penalties
493 and other enforcement provisions:

20211966e1

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

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

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

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

20211966e1

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

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

533 Section 10. Section 548.003, Florida Statutes, is amended
534 to read:

535 548.003 Florida Athletic State ~~Boxing~~ Commission.—

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

20211966e1

552 appointment.

553 (2) The ~~Florida State Boxing~~ commission, as created by
554 subsection (1), shall administer the provisions of this chapter.
555 The commission has authority to adopt rules pursuant to ss.
556 120.536(1) and 120.54 to implement the provisions of this
557 chapter and to implement each of the duties and responsibilities
558 conferred upon the commission, including, but not limited to:

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

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

565 (c) Requirements regarding a participant's apparel,
566 bandages, handwraps, gloves, mouthpiece, and appearance during a
567 match.

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

570 (e) Duties and responsibilities of all licensees under this
571 chapter.

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

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

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

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

20211966e1

581 representative of the commission.

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

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

20211966e1

610 among its membership. Three members shall constitute a quorum
611 and the concurrence of at least three members is necessary for
612 official commission action.

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

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

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

633 (7) The commission shall be authorized to join and
634 participate in the activities of the Association of Boxing
635 Commissions (ABC).

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

20211966e1

639 120.54 to carry out its duties under this chapter.

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

642 548.043 Weights and classes, limitations; gloves.—

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

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

653 553.841 Building code compliance and mitigation program.—

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

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

662 561.01 Definitions.—As used in the Beverage Law:

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

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

20211966e1

668 561.17 License and registration applications; approved
669 person.—

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

20211966e1

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

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

20211966e1

726 meets all of the sanitary requirements of the state.

727 (5) Any person or entity licensed or permitted by the
728 division must provide an electronic mail address to the division
729 to function as the primary contact for all communication by the
730 division to the licensee or permittees. Licensees and permittees
731 are responsible for maintaining accurate contact information on
732 file with the division.

733 Section 15. Paragraph (a) of subsection (2) of section
734 561.19, Florida Statutes, is amended to read:

735 561.19 License issuance upon approval of division.—

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

20211966e1

755 beverage license, in accordance with s. 561.65, from enforcing
756 the lien or security interest against the license within 180
757 days after a final order of revocation or suspension. A revoked
758 quota alcoholic beverage license encumbered by a lien or
759 security interest, perfected pursuant to s. 561.65, may not be
760 issued under this subsection until the 180-day period has
761 elapsed or until such enforcement proceeding is final.

762 Section 16. Paragraph (a) of subsection (2) of section
763 561.20, Florida Statutes, is amended to read:

764 561.20 Limitation upon number of licenses issued.—

765 (2) (a) The limitation of the number of licenses as provided
766 in this section does not prohibit the issuance of a special
767 license to:

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

20211966e1

784 35,000 residents and that is within a constitutionally chartered
785 county may be issued a special license. This special license
786 shall allow the sale and consumption of alcoholic beverages only
787 on the licensed premises of the hotel or motel. In addition, the
788 hotel or motel must derive at least 60 percent of its gross
789 revenue from the rental of hotel or motel rooms and the sale of
790 food and nonalcoholic beverages; provided that this subparagraph
791 shall supersede local laws requiring a greater number of hotel
792 rooms;

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

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

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

20211966e1

813 the first ~~each~~ 12-month operating period thereafter. Subsequent
814 audit timeframes must be based upon the audit percentage
815 established by the most recent audit and conducted on a
816 staggered scale as follows: level 1, 51 percent to 60 percent,
817 every year; level 2, 61 percent to 75 percent, every 2 years;
818 level 3, 76 percent to 90 percent, every 3 years; and level 4,
819 91 percent to 100 percent, every 4 years. A food service
820 establishment granted a special license on or after January 1,
821 1958, pursuant to general or special law may not operate as a
822 package store and may not sell intoxicating beverages under such
823 license after the hours of serving or consumption of food have
824 elapsed. Failure by a licensee to meet the required percentage
825 of food and nonalcoholic beverage gross revenues during the
826 covered operating period shall result in revocation of the
827 license or denial of the pending license application. A licensee
828 whose license is revoked or an applicant whose pending
829 application is denied, or any person required to qualify on the
830 special license application, is ineligible to have any interest
831 in a subsequent application for such a license for a period of
832 120 days after the date of the final denial or revocation;

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

20211966e1

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

20211966e1

871 consumption on the premises of a catered event at which prepared
872 food is provided by a caterer licensed under chapter 509. If a
873 licensee under this subparagraph also possesses any other
874 license under the Beverage Law, the license issued under this
875 subparagraph may ~~shall~~ not authorize the holder to conduct
876 activities on the premises to which the other license or
877 licenses apply that would otherwise be prohibited by the terms
878 of that license or the Beverage Law. Nothing in this section
879 shall permit the licensee to conduct activities that are
880 otherwise prohibited by the Beverage Law or local law. The
881 Division of Alcoholic Beverages and Tobacco is hereby authorized
882 to adopt rules to administer the license created in this
883 subparagraph, to include rules governing licensure,
884 recordkeeping, and enforcement. The first \$300,000 in fees
885 collected by the division each fiscal year pursuant to this
886 subparagraph shall be deposited in the Department of Children
887 and Families' Operations and Maintenance Trust Fund to be used
888 only for alcohol and drug abuse education, treatment, and
889 prevention programs. The remainder of the fees collected shall
890 be deposited into the Hotel and Restaurant Trust Fund created
891 pursuant to s. 509.072; or

892 6. A culinary education program as defined in s.
893 381.0072(2) which is licensed as a public food service
894 establishment by the Division of Hotels and Restaurants.

895 a. This special license shall allow the sale and
896 consumption of alcoholic beverages on the licensed premises of
897 the culinary education program. The culinary education program
898 shall specify designated areas in the facility where the
899 alcoholic beverages may be consumed at the time of application.

20211966e1

900 Alcoholic beverages sold for consumption on the premises may be
901 consumed only in areas designated pursuant to s. 561.01(11) and
902 may not be removed from the designated area. Such license shall
903 be applicable only in and for designated areas used by the
904 culinary education program.

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

923 c. If a licensee under this subparagraph also possesses any
924 other license under the Beverage Law, the license issued under
925 this subparagraph does not authorize the holder to conduct
926 activities on the premises to which the other license or
927 licenses apply that would otherwise be prohibited by the terms
928 of that license or the Beverage Law. Nothing in this

20211966e1

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

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

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

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

20211966e1

958 issued under this law cannot be renewed except in the name of
959 the owner of the hotel, motel, motor court, or restaurant or, in
960 the event the hotel, motel, motor court, or restaurant is
961 leased, in the name of the lessee of the hotel, motel, motor
962 court, or restaurant in which the license is located and must
963 remain in the name of the owner or lessee so long as the license
964 is in existence. Any license issued under this section shall be
965 marked "Special," and nothing herein provided shall limit,
966 restrict, or prevent the issuance of a special license for any
967 restaurant or motel which shall hereafter meet the requirements
968 of the law existing immediately prior to the effective date of
969 this act, if construction of such restaurant has commenced prior
970 to the effective date of this act and is completed within 30
971 days thereafter, or if an application is on file for such
972 special license at the time this act takes effect; and any such
973 licenses issued under this proviso may be annually renewed as
974 now provided by law. Nothing herein prevents an application for
975 transfer of a license to a bona fide purchaser of any hotel,
976 motel, motor court, or restaurant by the purchaser of such
977 facility or the transfer of such license pursuant to law.

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

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

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

20211966e1

987 such notice, the division shall give ~~written~~ notice to such
988 vendor by electronic mail of the receipt by the division of such
989 notification of delinquency and such vendor shall be directed to
990 forthwith make payment thereof or, upon failure to do so, to
991 show cause before the division why further sales to such vendor
992 may shall not be prohibited. Good and sufficient cause to
993 prevent such action by the division may be made by showing
994 payment, failure of consideration, or any other defense which
995 would be considered sufficient in a common-law action. The
996 vendor shall have 5 days after service receipt of such notice
997 via electronic mail within which to show such cause, and he or
998 she may demand a hearing thereon, provided he or she does so in
999 writing within said 5 days, such written demand to be delivered
1000 to the division either in person, by electronic mail, or by due
1001 course of mail within such 5 days. If no such demand for hearing
1002 is made, the division shall thereupon declare in writing to such
1003 vendor and to all manufacturers and distributors within the
1004 state that all further sales to such vendor are prohibited until
1005 such time as the division certifies in writing that such vendor
1006 has fully paid for all liquors previously purchased. In the
1007 event such prohibition of sales and declaration thereof to the
1008 vendor, manufacturers, and distributors is ordered by the
1009 division, the vendor may seek review of such decision by the
1010 Department of Business and Professional Regulation within 5
1011 days. In the event application for such review is filed within
1012 such time, such prohibition of sales may shall not be made,
1013 published, or declared until final disposition of such review by
1014 the department.

1015 Section 18. Subsection (2) of section 561.55, Florida

20211966e1

1016 Statutes, is amended to read:

1017 561.55 Manufacturers', distributors', brokers', sales
1018 agents', importers', vendors', and exporters' records and
1019 reports.-

1020 (2) Each manufacturer, distributor, broker, sales agent,
1021 and importer shall make a full and complete report by the 10th
1022 day of each month for the previous calendar month. The report
1023 must be ~~shall be made out in triplicate; two copies shall be~~
1024 ~~sent to the division, and the third copy shall be retained for~~
1025 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
1026 ~~importer's record. Reports shall be made on forms prepared and~~
1027 ~~furnished~~ by the division and filed with the division through
1028 the division's electronic data submission system.

1029 Section 19. Section 562.03, Florida Statutes, is amended to
1030 read:

1031 562.03 Storage on licensed premises.-

1032 (1) It is unlawful for any vendor to store or keep any
1033 alcoholic beverages in any building or room other than:

1034 (a) The building or room shown in the diagram accompanying
1035 the vendor's license application;

1036 (b) A building or room approved by the division and located
1037 in a county where the vendor has a license; or

1038 (c) A building or room approved by the division and used
1039 only in conjunction with a catered event operated by an entity
1040 with a license issued pursuant to s. 565.02(1)(a)-(f).

1041 (2) This section does not apply to any alcoholic beverages
1042 that are intended only ~~except~~ for the personal consumption of
1043 the vendor, the vendor's family, or the vendor's personal guests
1044 ~~and guest in any building or room other than the building or~~

20211966e1

1045 ~~room shown in the diagram accompanying his or her license~~
1046 ~~application or in another building or room approved by the~~
1047 ~~division.~~

1048 Section 20. Section 562.455, Florida Statutes, is amended
1049 to read:

1050 562.455 Adulterating liquor; penalty.—Whoever adulterates,
1051 for the purpose of sale, any liquor, used or intended for drink,
1052 with cocculus indicus, vitriol, ~~grains of paradise~~, opium, alum,
1053 capsicum, copperas, laurel water, logwood, brazil wood,
1054 cochineal, sugar of lead, or any other substance which is
1055 poisonous or injurious to health, and whoever knowingly sells
1056 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
1057 of the third degree, punishable as provided in s. 775.082, s.
1058 775.083, or s. 775.084.

1059 Section 21. Paragraphs (d) and (f) of subsection (2) of
1060 section 718.112, Florida Statutes, are amended to read:

1061 718.112 Bylaws.—

1062 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1063 following and, if they do not do so, shall be deemed to include
1064 the following:

1065 (d) *Unit owner meetings*.—

1066 1. An annual meeting of the unit owners must be held at the
1067 location provided in the association bylaws and, if the bylaws
1068 are silent as to the location, the meeting must be held within
1069 45 miles of the condominium property. However, such distance
1070 requirement does not apply to an association governing a
1071 timeshare condominium.

1072 2. Unless the bylaws provide otherwise, a vacancy on the
1073 board caused by the expiration of a director's term must be

20211966e1

1074 filled by electing a new board member, and the election must be
1075 by secret ballot. An election is not required if the number of
1076 vacancies equals or exceeds the number of candidates. For
1077 purposes of this paragraph, the term "candidate" means an
1078 eligible person who has timely submitted the written notice, as
1079 described in sub-subparagraph 4.a., of his or her intention to
1080 become a candidate. Except in a timeshare or nonresidential
1081 condominium, or if the staggered term of a board member does not
1082 expire until a later annual meeting, or if all members' terms
1083 would otherwise expire but there are no candidates, the terms of
1084 all board members expire at the annual meeting, and such members
1085 may stand for reelection unless prohibited by the bylaws. Board
1086 members may serve terms longer than 1 year if permitted by the
1087 bylaws or articles of incorporation. A board member may not
1088 serve more than 8 consecutive years unless approved by an
1089 affirmative vote of unit owners representing two-thirds of all
1090 votes cast in the election or unless there are not enough
1091 eligible candidates to fill the vacancies on the board at the
1092 time of the vacancy. If the number of board members whose terms
1093 expire at the annual meeting equals or exceeds the number of
1094 candidates, the candidates become members of the board effective
1095 upon the adjournment of the annual meeting. Unless the bylaws
1096 provide otherwise, any remaining vacancies shall be filled by
1097 the affirmative vote of the majority of the directors making up
1098 the newly constituted board even if the directors constitute
1099 less than a quorum or there is only one director. In a
1100 residential condominium association of more than 10 units or in
1101 a residential condominium association that does not include
1102 timeshare units or timeshare interests, co-owners of a unit may

20211966e1

1103 not serve as members of the board of directors at the same time
1104 unless they own more than one unit or unless there are not
1105 enough eligible candidates to fill the vacancies on the board at
1106 the time of the vacancy. A unit owner in a residential
1107 condominium desiring to be a candidate for board membership must
1108 comply with sub-subparagraph 4.a. and must be eligible to be a
1109 candidate to serve on the board of directors at the time of the
1110 deadline for submitting a notice of intent to run in order to
1111 have his or her name listed as a proper candidate on the ballot
1112 or to serve on the board. A person who has been suspended or
1113 removed by the division under this chapter, or who is delinquent
1114 in the payment of any assessment ~~monetary obligation~~ due to the
1115 association, is not eligible to be a candidate for board
1116 membership and may not be listed on the ballot. For purposes of
1117 this paragraph, a person is delinquent if a payment is not made
1118 by the due date as specifically identified in the declaration of
1119 condominium, bylaws, or articles of incorporation. If a due date
1120 is not specifically identified in the declaration of
1121 condominium, bylaws, or articles of incorporation, the due date
1122 is the first day of the assessment period. A person who has been
1123 convicted of any felony in this state or in a United States
1124 District or Territorial Court, or who has been convicted of any
1125 offense in another jurisdiction which would be considered a
1126 felony if committed in this state, is not eligible for board
1127 membership unless such felon's civil rights have been restored
1128 for at least 5 years as of the date such person seeks election
1129 to the board. The validity of an action by the board is not
1130 affected if it is later determined that a board member is
1131 ineligible for board membership due to having been convicted of

20211966e1

1132 a felony. This subparagraph does not limit the term of a member
1133 of the board of a nonresidential or timeshare condominium.

1134 3. The bylaws must provide the method of calling meetings
1135 of unit owners, including annual meetings. Written notice must
1136 include an agenda, must be mailed, hand delivered, or
1137 electronically transmitted to each unit owner at least 14 days
1138 before the annual meeting, and must be posted in a conspicuous
1139 place on the condominium property at least 14 continuous days
1140 before the annual meeting. Upon notice to the unit owners, the
1141 board shall, by duly adopted rule, designate a specific location
1142 on the condominium property where all notices of unit owner
1143 meetings must be posted. This requirement does not apply if
1144 there is no condominium property for posting notices. In lieu
1145 of, or in addition to, the physical posting of meeting notices,
1146 the association may, by reasonable rule, adopt a procedure for
1147 conspicuously posting and repeatedly broadcasting the notice and
1148 the agenda on a closed-circuit cable television system serving
1149 the condominium association. However, if broadcast notice is
1150 used in lieu of a notice posted physically on the condominium
1151 property, the notice and agenda must be broadcast at least four
1152 times every broadcast hour of each day that a posted notice is
1153 otherwise required under this section. If broadcast notice is
1154 provided, the notice and agenda must be broadcast in a manner
1155 and for a sufficient continuous length of time so as to allow an
1156 average reader to observe the notice and read and comprehend the
1157 entire content of the notice and the agenda. In addition to any
1158 of the authorized means of providing notice of a meeting of the
1159 board, the association may, by rule, adopt a procedure for
1160 conspicuously posting the meeting notice and the agenda on a

20211966e1

1161 website serving the condominium association for at least the
1162 minimum period of time for which a notice of a meeting is also
1163 required to be physically posted on the condominium property.
1164 Any rule adopted shall, in addition to other matters, include a
1165 requirement that the association send an electronic notice in
1166 the same manner as a notice for a meeting of the members, which
1167 must include a hyperlink to the website where the notice is
1168 posted, to unit owners whose e-mail addresses are included in
1169 the association's official records. Unless a unit owner waives
1170 in writing the right to receive notice of the annual meeting,
1171 such notice must be hand delivered, mailed, or electronically
1172 transmitted to each unit owner. Notice for meetings and notice
1173 for all other purposes must be mailed to each unit owner at the
1174 address last furnished to the association by the unit owner, or
1175 hand delivered to each unit owner. However, if a unit is owned
1176 by more than one person, the association must provide notice to
1177 the address that the developer identifies for that purpose and
1178 thereafter as one or more of the owners of the unit advise the
1179 association in writing, or if no address is given or the owners
1180 of the unit do not agree, to the address provided on the deed of
1181 record. An officer of the association, or the manager or other
1182 person providing notice of the association meeting, must provide
1183 an affidavit or United States Postal Service certificate of
1184 mailing, to be included in the official records of the
1185 association affirming that the notice was mailed or hand
1186 delivered in accordance with this provision.

1187 4. The members of the board of a residential condominium
1188 shall be elected by written ballot or voting machine. Proxies
1189 may not be used in electing the board in general elections or

20211966e1

1190 elections to fill vacancies caused by recall, resignation, or
1191 otherwise, unless otherwise provided in this chapter. This
1192 subparagraph does not apply to an association governing a
1193 timeshare condominium.

1194 a. At least 60 days before a scheduled election, the
1195 association shall mail, deliver, or electronically transmit, by
1196 separate association mailing or included in another association
1197 mailing, delivery, or transmission, including regularly
1198 published newsletters, to each unit owner entitled to a vote, a
1199 first notice of the date of the election. A unit owner or other
1200 eligible person desiring to be a candidate for the board must
1201 give written notice of his or her intent to be a candidate to
1202 the association at least 40 days before a scheduled election.
1203 Together with the written notice and agenda as set forth in
1204 subparagraph 3., the association shall mail, deliver, or
1205 electronically transmit a second notice of the election to all
1206 unit owners entitled to vote, together with a ballot that lists
1207 all candidates. Upon request of a candidate, an information
1208 sheet, no larger than 8 1/2 inches by 11 inches, which must be
1209 furnished by the candidate at least 35 days before the election,
1210 must be included with the mailing, delivery, or transmission of
1211 the ballot, with the costs of mailing, delivery, or electronic
1212 transmission and copying to be borne by the association. The
1213 association is not liable for the contents of the information
1214 sheets prepared by the candidates. In order to reduce costs, the
1215 association may print or duplicate the information sheets on
1216 both sides of the paper. The division shall by rule establish
1217 voting procedures consistent with this sub-subparagraph,
1218 including rules establishing procedures for giving notice by

20211966e1

1219 electronic transmission and rules providing for the secrecy of
1220 ballots. Elections shall be decided by a plurality of ballots
1221 cast. There is no quorum requirement; however, at least 20
1222 percent of the eligible voters must cast a ballot in order to
1223 have a valid election. A unit owner may not authorize any other
1224 person to vote his or her ballot, and any ballots improperly
1225 cast are invalid. A unit owner who violates this provision may
1226 be fined by the association in accordance with s. 718.303. A
1227 unit owner who needs assistance in casting the ballot for the
1228 reasons stated in s. 101.051 may obtain such assistance. The
1229 regular election must occur on the date of the annual meeting.
1230 Notwithstanding this sub-subparagraph, an election is not
1231 required unless more candidates file notices of intent to run or
1232 are nominated than board vacancies exist.

1233 b. Within 90 days after being elected or appointed to the
1234 board of an association of a residential condominium, each newly
1235 elected or appointed director shall certify in writing to the
1236 secretary of the association that he or she has read the
1237 association's declaration of condominium, articles of
1238 incorporation, bylaws, and current written policies; that he or
1239 she will work to uphold such documents and policies to the best
1240 of his or her ability; and that he or she will faithfully
1241 discharge his or her fiduciary responsibility to the
1242 association's members. In lieu of this written certification,
1243 within 90 days after being elected or appointed to the board,
1244 the newly elected or appointed director may submit a certificate
1245 of having satisfactorily completed the educational curriculum
1246 administered by a division-approved condominium education
1247 provider within 1 year before or 90 days after the date of

20211966e1

1248 election or appointment. The written certification or
1249 educational certificate is valid and does not have to be
1250 resubmitted as long as the director serves on the board without
1251 interruption. A director of an association of a residential
1252 condominium who fails to timely file the written certification
1253 or educational certificate is suspended from service on the
1254 board until he or she complies with this sub-subparagraph. The
1255 board may temporarily fill the vacancy during the period of
1256 suspension. The secretary shall cause the association to retain
1257 a director's written certification or educational certificate
1258 for inspection by the members for 5 years after a director's
1259 election or the duration of the director's uninterrupted tenure,
1260 whichever is longer. Failure to have such written certification
1261 or educational certificate on file does not affect the validity
1262 of any board action.

1263 c. Any challenge to the election process must be commenced
1264 within 60 days after the election results are announced.

1265 5. Any approval by unit owners called for by this chapter
1266 or the applicable declaration or bylaws, including, but not
1267 limited to, the approval requirement in s. 718.111(8), must be
1268 made at a duly noticed meeting of unit owners and is subject to
1269 all requirements of this chapter or the applicable condominium
1270 documents relating to unit owner decisionmaking, except that
1271 unit owners may take action by written agreement, without
1272 meetings, on matters for which action by written agreement
1273 without meetings is expressly allowed by the applicable bylaws
1274 or declaration or any law that provides for such action.

1275 6. Unit owners may waive notice of specific meetings if
1276 allowed by the applicable bylaws or declaration or any law.

20211966e1

1277 Notice of meetings of the board of administration, unit owner
1278 meetings, except unit owner meetings called to recall board
1279 members under paragraph (j), and committee meetings may be given
1280 by electronic transmission to unit owners who consent to receive
1281 notice by electronic transmission. A unit owner who consents to
1282 receiving notices by electronic transmission is solely
1283 responsible for removing or bypassing filters that block receipt
1284 of mass emails sent to members on behalf of the association in
1285 the course of giving electronic notices.

1286 7. Unit owners have the right to participate in meetings of
1287 unit owners with reference to all designated agenda items.
1288 However, the association may adopt reasonable rules governing
1289 the frequency, duration, and manner of unit owner participation.

1290 8. A unit owner may tape record or videotape a meeting of
1291 the unit owners subject to reasonable rules adopted by the
1292 division.

1293 9. Unless otherwise provided in the bylaws, any vacancy
1294 occurring on the board before the expiration of a term may be
1295 filled by the affirmative vote of the majority of the remaining
1296 directors, even if the remaining directors constitute less than
1297 a quorum, or by the sole remaining director. In the alternative,
1298 a board may hold an election to fill the vacancy, in which case
1299 the election procedures must conform to sub-subparagraph 4.a.
1300 unless the association governs 10 units or fewer and has opted
1301 out of the statutory election process, in which case the bylaws
1302 of the association control. Unless otherwise provided in the
1303 bylaws, a board member appointed or elected under this section
1304 shall fill the vacancy for the unexpired term of the seat being
1305 filled. Filling vacancies created by recall is governed by

20211966e1

1306 paragraph (j) and rules adopted by the division.

1307 10. This chapter does not limit the use of general or
1308 limited proxies, require the use of general or limited proxies,
1309 or require the use of a written ballot or voting machine for any
1310 agenda item or election at any meeting of a timeshare
1311 condominium association or nonresidential condominium
1312 association.

1313
1314 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1315 association of 10 or fewer units may, by affirmative vote of a
1316 majority of the total voting interests, provide for different
1317 voting and election procedures in its bylaws, which may be by a
1318 proxy specifically delineating the different voting and election
1319 procedures. The different voting and election procedures may
1320 provide for elections to be conducted by limited or general
1321 proxy.

1322 (f) *Annual budget.*—

1323 1. The proposed annual budget of estimated revenues and
1324 expenses must be detailed and must show the amounts budgeted by
1325 accounts and expense classifications, including, at a minimum,
1326 any applicable expenses listed in s. 718.504(21). The board
1327 shall adopt the annual budget at least 14 days prior to the
1328 start of the association's fiscal year. In the event that the
1329 board fails to timely adopt the annual budget a second time, it
1330 shall be deemed a minor violation and the prior year's budget
1331 shall continue in effect until a new budget is adopted. A
1332 multicondominium association shall adopt a separate budget of
1333 common expenses for each condominium the association operates
1334 and shall adopt a separate budget of common expenses for the

20211966e1

1335 association. In addition, if the association maintains limited
1336 common elements with the cost to be shared only by those
1337 entitled to use the limited common elements as provided for in
1338 s. 718.113(1), the budget or a schedule attached to it must show
1339 the amount budgeted for this maintenance. If, after turnover of
1340 control of the association to the unit owners, any of the
1341 expenses listed in s. 718.504(21) are not applicable, they need
1342 not be listed.

1343 2.a. In addition to annual operating expenses, the budget
1344 must include reserve accounts for capital expenditures and
1345 deferred maintenance. These accounts must include, but are not
1346 limited to, roof replacement, building painting, and pavement
1347 resurfacing, regardless of the amount of deferred maintenance
1348 expense or replacement cost, and any other item that has a
1349 deferred maintenance expense or replacement cost that exceeds
1350 \$10,000. The amount to be reserved must be computed using a
1351 formula based upon estimated remaining useful life and estimated
1352 replacement cost or deferred maintenance expense of each reserve
1353 item. The association may adjust replacement reserve assessments
1354 annually to take into account any changes in estimates or
1355 extension of the useful life of a reserve item caused by
1356 deferred maintenance. This subsection does not apply to an
1357 adopted budget in which the members of an association have
1358 determined, by a majority vote at a duly called meeting of the
1359 association, to provide no reserves or less reserves than
1360 required by this subsection.

1361 b. Before turnover of control of an association by a
1362 developer to unit owners other than a developer pursuant to s.
1363 718.301, the developer may vote the voting interests allocated

20211966e1

1364 to its units to waive the reserves or reduce the funding of
1365 reserves through the period expiring at the end of the second
1366 fiscal year after the fiscal year in which the certificate of a
1367 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
1368 an instrument that transfers title to a unit in the condominium
1369 which is not accompanied by a recorded assignment of developer
1370 rights in favor of the grantee of such unit is recorded,
1371 whichever occurs first, after which time reserves may be waived
1372 or reduced only upon the vote of a majority of all nondeveloper
1373 voting interests voting in person or by limited proxy at a duly
1374 called meeting of the association. If a meeting of the unit
1375 owners has been called to determine whether to waive or reduce
1376 the funding of reserves and no such result is achieved or a
1377 quorum is not attained, the reserves included in the budget
1378 shall go into effect. After the turnover, the developer may vote
1379 its voting interest to waive or reduce the funding of reserves.

1380 3. Reserve funds and any interest accruing thereon shall
1381 remain in the reserve account or accounts, and may be used only
1382 for authorized reserve expenditures unless their use for other
1383 purposes is approved in advance by a majority vote at a duly
1384 called meeting of the association. Before turnover of control of
1385 an association by a developer to unit owners other than the
1386 developer pursuant to s. 718.301, the developer-controlled
1387 association may not vote to use reserves for purposes other than
1388 those for which they were intended without the approval of a
1389 majority of all nondeveloper voting interests, voting in person
1390 or by limited proxy at a duly called meeting of the association.

1391 4. The only voting interests that are eligible to vote on
1392 questions that involve waiving or reducing the funding of

20211966e1

1393 reserves, or using existing reserve funds for purposes other
1394 than purposes for which the reserves were intended, are the
1395 voting interests of the units subject to assessment to fund the
1396 reserves in question. Proxy questions relating to waiving or
1397 reducing the funding of reserves or using existing reserve funds
1398 for purposes other than purposes for which the reserves were
1399 intended must contain the following statement in capitalized,
1400 bold letters in a font size larger than any other used on the
1401 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1402 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1403 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1404 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1405 Section 22. Paragraph (m) of subsection (1) of section
1406 718.501, Florida Statutes, is amended to read:

1407 718.501 Authority, responsibility, and duties of Division
1408 of Florida Condominiums, Timeshares, and Mobile Homes.—

1409 (1) The division may enforce and ensure compliance with the
1410 provisions of this chapter and rules relating to the
1411 development, construction, sale, lease, ownership, operation,
1412 and management of residential condominium units. In performing
1413 its duties, the division has complete jurisdiction to
1414 investigate complaints and enforce compliance with respect to
1415 associations that are still under developer control or the
1416 control of a bulk assignee or bulk buyer pursuant to part VII of
1417 this chapter and complaints against developers, bulk assignees,
1418 or bulk buyers involving improper turnover or failure to
1419 turnover, pursuant to s. 718.301. However, after turnover has
1420 occurred, the division has jurisdiction to investigate
1421 complaints related only to financial issues, elections, and unit

20211966e1

1422 owner access to association records pursuant to s. 718.111(12).

1423 (m) If a complaint is made, the division must conduct its
1424 inquiry with due regard for the interests of the affected
1425 parties. Within 30 days after receipt of a complaint, the
1426 division shall acknowledge the complaint in writing and notify
1427 the complainant whether the complaint is within the jurisdiction
1428 of the division and whether additional information is needed by
1429 the division from the complainant. The division shall conduct
1430 its investigation and, within 90 days after receipt of the
1431 original complaint or of timely requested additional
1432 information, take action upon the complaint. However, the
1433 failure to complete the investigation within 90 days does not
1434 prevent the division from continuing the investigation,
1435 accepting or considering evidence obtained or received after 90
1436 days, or taking administrative action if reasonable cause exists
1437 to believe that a violation of this chapter or a rule has
1438 occurred. If an investigation is not completed within the time
1439 limits established in this paragraph, the division shall, on a
1440 monthly basis, notify the complainant in writing of the status
1441 of the investigation. When reporting its action to the
1442 complainant, the division shall inform the complainant of any
1443 right to a hearing pursuant to ss. 120.569 and 120.57. The
1444 division may adopt rules regarding the submission of a complaint
1445 against an association.

1446 Section 23. Section 718.5014, Florida Statutes, is amended
1447 to read:

1448 718.5014 Ombudsman location.—The ombudsman shall maintain
1449 his or her principal office at a ~~in Leon County on the premises~~
1450 ~~of the division or, if suitable space cannot be provided there,~~

20211966e1

1451 ~~at another~~ place convenient to the offices of the division which
1452 will enable the ombudsman to expeditiously carry out the duties
1453 and functions of his or her office. The ombudsman may establish
1454 branch offices elsewhere in the state upon the concurrence of
1455 the Governor.

1456 Section 24. Paragraph (j) of subsection (1) of section
1457 719.106, Florida Statutes, is amended to read:

1458 719.106 Bylaws; cooperative ownership.—

1459 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
1460 documents shall provide for the following, and if they do not,
1461 they shall be deemed to include the following:

1462 (j) *Annual budget.*—

1463 1. The proposed annual budget of common expenses shall be
1464 detailed and shall show the amounts budgeted by accounts and
1465 expense classifications, including, if applicable, but not
1466 limited to, those expenses listed in s. 719.504(20). The board
1467 of administration shall adopt the annual budget at least 14 days
1468 prior to the start of the association's fiscal year. In the
1469 event that the board fails to timely adopt the annual budget a
1470 second time, it shall be deemed a minor violation and the prior
1471 year's budget shall continue in effect until a new budget is
1472 adopted.

1473 2. In addition to annual operating expenses, the budget
1474 shall include reserve accounts for capital expenditures and
1475 deferred maintenance. These accounts shall include, but not be
1476 limited to, roof replacement, building painting, and pavement
1477 resurfacing, regardless of the amount of deferred maintenance
1478 expense or replacement cost, and for any other items for which
1479 the deferred maintenance expense or replacement cost exceeds

20211966e1

1480 \$10,000. The amount to be reserved shall be computed by means of
1481 a formula which is based upon estimated remaining useful life
1482 and estimated replacement cost or deferred maintenance expense
1483 of each reserve item. The association may adjust replacement
1484 reserve assessments annually to take into account any changes in
1485 estimates or extension of the useful life of a reserve item
1486 caused by deferred maintenance. This paragraph shall not apply
1487 to any budget in which the members of an association have, at a
1488 duly called meeting of the association, determined for a fiscal
1489 year to provide no reserves or reserves less adequate than
1490 required by this subsection. However, prior to turnover of
1491 control of an association by a developer to unit owners other
1492 than a developer pursuant to s. 719.301, the developer may vote
1493 to waive the reserves or reduce the funding of reserves for the
1494 first 2 years of the operation of the association after which
1495 time reserves may only be waived or reduced upon the vote of a
1496 majority of all nondeveloper voting interests voting in person
1497 or by limited proxy at a duly called meeting of the association.
1498 If a meeting of the unit owners has been called to determine to
1499 provide no reserves, or reserves less adequate than required,
1500 and such result is not attained or a quorum is not attained, the
1501 reserves as included in the budget shall go into effect.

1502 3. Reserve funds and any interest accruing thereon shall
1503 remain in the reserve account or accounts, and shall be used
1504 only for authorized reserve expenditures unless their use for
1505 other purposes is approved in advance by a vote of the majority
1506 of the voting interests, voting in person or by limited proxy at
1507 a duly called meeting of the association. Prior to turnover of
1508 control of an association by a developer to unit owners other

20211966e1

1509 than the developer under s. 719.301, the developer may not vote
1510 to use reserves for purposes other than that for which they were
1511 intended without the approval of a majority of all nondeveloper
1512 voting interests, voting in person or by limited proxy at a duly
1513 called meeting of the association.

1514 Section 25. Subsection (1) of section 455.219, Florida
1515 Statutes, is amended to read:

1516 455.219 Fees; receipts; disposition; periodic management
1517 reports.—

1518 (1) Each board within the department shall determine by
1519 rule the amount of license fees for its profession, based upon
1520 department-prepared long-range estimates of the revenue required
1521 to implement all provisions of law relating to the regulation of
1522 professions by the department and any board; however, when the
1523 department has determined, based on the long-range estimates of
1524 such revenue, that a profession's trust fund moneys are in
1525 excess of the amount required to cover the necessary functions
1526 of the board, or the department when there is no board, the
1527 department may adopt rules to implement a waiver of license
1528 renewal fees for that profession for a period not to exceed 2
1529 years, as determined by the department. Each board, or the
1530 department when there is no board, shall ensure license fees are
1531 adequate to cover all anticipated costs and to maintain a
1532 reasonable cash balance, as determined by rule of the
1533 department, with advice of the applicable board. If sufficient
1534 action is not taken by a board within 1 year of notification by
1535 the department that license fees are projected to be inadequate,
1536 the department shall set license fees on behalf of the
1537 applicable board to cover anticipated costs and to maintain the

20211966e1

1538 required cash balance. The department shall include recommended
1539 fee cap increases in its annual report to the Legislature.
1540 Further, it is legislative intent that no regulated profession
1541 operate with a negative cash balance. The department may provide
1542 by rule for the advancement of sufficient funds to any
1543 profession or the Florida Athletic State~~Boxing~~ Commission
1544 operating with a negative cash balance. Such advancement may be
1545 for a period not to exceed 2 consecutive years and shall require
1546 interest to be paid by the regulated profession. Interest shall
1547 be calculated at the current rate earned on Professional
1548 Regulation Trust Fund investments. Interest earned shall be
1549 allocated to the various funds in accordance with the allocation
1550 of investment earnings during the period of the advance.

1551 Section 26. Subsection (4) of section 548.002, Florida
1552 Statutes, is amended to read:

1553 548.002 Definitions.—As used in this chapter, the term:

1554 (4) "Commission" means the Florida Athletic State~~Boxing~~
1555 Commission.

1556 Section 27. Subsections (3) and (4) of section 548.05,
1557 Florida Statutes, are amended to read:

1558 548.05 Control of contracts.—

1559 (3) The commission may require that each contract contain
1560 language authorizing the ~~Florida State Boxing~~ commission to
1561 withhold any or all of any manager's share of a purse in the
1562 event of a contractual dispute as to entitlement to any portion
1563 of a purse. The commission may establish rules governing the
1564 manner of resolution of such dispute. In addition, if the
1565 commission deems it appropriate, the commission is hereby
1566 authorized to implead interested parties over any disputed funds

20211966e1

1567 into the appropriate circuit court for resolution of the dispute
1568 before ~~prior to~~ release of all or any part of the funds.

1569 (4) Each contract subject to this section shall contain the
1570 following clause: "This agreement is subject to the provisions
1571 of chapter 548, Florida Statutes, and to the rules of the
1572 Florida Athletic State-Boxing Commission and to any future
1573 amendments of either."

1574 Section 28. Subsection (12) of section 548.071, Florida
1575 Statutes, is amended to read:

1576 548.071 Suspension or revocation of license or permit by
1577 commission.—The commission may suspend or revoke a license or
1578 permit if the commission finds that the licensee or permittee:

1579 (12) Has been disciplined by the ~~Florida State-Boxing~~
1580 commission or similar agency or body of any jurisdiction.

1581 Section 29. Section 548.077, Florida Statutes, is amended
1582 to read:

1583 548.077 Florida Athletic State-Boxing Commission;
1584 collection and disposition of moneys.—All fees, fines,
1585 forfeitures, and other moneys collected under the provisions of
1586 this chapter shall be paid by the commission to the Chief
1587 Financial Officer who, after the expenses of the commission are
1588 paid, shall deposit them in the Professional Regulation Trust
1589 Fund to be used for the administration and operation of the
1590 commission and to enforce the laws and rules under its
1591 jurisdiction. In the event the unexpended balance of such moneys
1592 collected under the provisions of this chapter exceeds \$250,000,
1593 any excess of that amount shall be deposited in the General
1594 Revenue Fund.

1595 Section 30. This act shall take effect July 1, 2021.