

By Senator Diaz

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1                                   A bill to be entitled  
2           An act relating to the Department of Business and  
3           Professional Regulation; amending s. 210.09, F.S.;  
4           requiring that certain reports relating to the  
5           transportation or possession of cigarettes be filed  
6           with the Division of Alcoholic Beverages and Tobacco  
7           through the division's electronic data submission  
8           system; amending s. 210.55, F.S.; requiring that  
9           certain entities file reports, rather than returns,  
10          relating to tobacco products with the division;  
11          providing requirements for such reports; amending s.  
12          509.241, F.S.; revising rulemaking requirements  
13          relating to public lodging and food service licenses;  
14          amending s. 509.251, F.S.; deleting provisions  
15          relating to fee schedule requirements; specifying that  
16          all fees are payable in full upon submission of an  
17          application for a public lodging establishment license  
18          or a public food service license; amending s. 548.003,  
19          F.S.; renaming the Florida State Boxing Commission as  
20          the Florida Athletic Commission; amending s. 548.043,  
21          F.S.; revising rulemaking requirements for the  
22          commission relating to gloves; amending s. 561.01,  
23          F.S.; deleting the definition of the term "permit  
24          carrier"; amending s. 561.17, F.S.; revising a  
25          requirement related to the filing of fingerprints with  
26          the division; requiring that applications be  
27          accompanied by certain information relating to right  
28          of occupancy; providing requirements relating to  
29          contact information for licensees and permittees;

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30 amending s. 561.20, F.S.; conforming cross-references;  
31 revising requirements for issuing special licenses to  
32 certain food service establishments; amending s.  
33 561.42, F.S.; requiring the division, and authorizing  
34 vendors, to use electronic mail to give certain  
35 notice; amending s. 561.55, F.S.; revising  
36 requirements for reports relating to alcoholic  
37 beverages; amending s. 718.112, F.S.; providing the  
38 circumstances under which a person is delinquent in  
39 the payment of an assessment in the context of  
40 eligibility for membership on certain condominium  
41 boards; requiring that an annual budget be proposed to  
42 unit owners and adopted by the board before a  
43 specified time; amending s. 718.501, F.S.; authorizing  
44 the Division of Florida Condominiums, Timeshares, and  
45 Mobile Homes to adopt rules regarding the submission  
46 of complaints against a condominium association;  
47 amending s. 718.5014, F.S.; revising the location  
48 requirements for the principal office of the  
49 condominium ombudsman; amending ss. 455.219, 548.002,  
50 548.05, 548.071, and 548.077, F.S.; conforming  
51 provisions to changes made by the act; providing an  
52 effective date.

53  
54 Be It Enacted by the Legislature of the State of Florida:

55  
56 Section 1. Subsection (2) of section 210.09, Florida  
57 Statutes, is amended to read:

58 210.09 Records to be kept; reports to be made;

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59 examination.-

60 (2) The division is authorized to prescribe and promulgate  
 61 by rules and regulations, which shall have the force and effect  
 62 of the law, such records to be kept and reports to be made to  
 63 the division by any manufacturer, importer, distributing agent,  
 64 wholesale dealer, retail dealer, common carrier, or any other  
 65 person handling, transporting or possessing cigarettes for sale  
 66 or distribution within the state as may be necessary to collect  
 67 and properly distribute the taxes imposed by s. 210.02. All  
 68 reports shall be made on or before the 10th day of the month  
 69 following the month for which the report is made, unless the  
 70 division by rule or regulation shall prescribe that reports be  
 71 made more often. All reports shall be filed with the division  
 72 through the division's electronic data submission system.

73 Section 2. Subsection (1) of section 210.55, Florida  
 74 Statutes, is amended to read:

75 210.55 Distributors; monthly returns.-

76 (1) On or before the 10th of each month, every taxpayer  
 77 with a place of business in this state shall file a full and  
 78 complete report ~~return~~ with the division showing the tobacco  
 79 products ~~taxable price of each tobacco product~~ brought or caused  
 80 to be brought into this state for sale, or made, manufactured,  
 81 or fabricated in this state for sale in this state, during the  
 82 preceding month. Every taxpayer outside this state shall file a  
 83 full and complete report with the division through the  
 84 division's electronic data submission system ~~return~~ showing the  
 85 quantity and taxable price of each tobacco product shipped or  
 86 transported to retailers in this state, to be sold by those  
 87 retailers, during the preceding month. Reports must ~~Returns~~

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88 ~~shall~~ be made upon forms furnished and prescribed by the  
89 division and must ~~shall~~ contain any other information that the  
90 division requires. Each report must ~~return shall~~ be accompanied  
91 by a remittance for the full tax liability shown and be filed  
92 with the division through the division's electronic data  
93 submission system.

94 Section 3. Subsection (1) of section 509.241, Florida  
95 Statutes, is amended to read:

96 509.241 Licenses required; exceptions.—

97 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging  
98 establishment and public food service establishment shall obtain  
99 a license from the division. Such license may not be transferred  
100 from one place or individual to another. It shall be a  
101 misdemeanor of the second degree, punishable as provided in s.  
102 775.082 or s. 775.083, for such an establishment to operate  
103 without a license. Local law enforcement shall provide immediate  
104 assistance in pursuing an illegally operating establishment. The  
105 division may refuse a license, or a renewal thereof, to any  
106 establishment that is not constructed and maintained in  
107 accordance with law and with the rules of the division. The  
108 division may refuse to issue a license, or a renewal thereof, to  
109 any establishment an operator of which, within the preceding 5  
110 years, has been adjudicated guilty of, or has forfeited a bond  
111 when charged with, any crime reflecting on professional  
112 character, including soliciting for prostitution, pandering,  
113 letting premises for prostitution, keeping a disorderly place,  
114 or illegally dealing in controlled substances as defined in  
115 chapter 893, whether in this state or in any other jurisdiction  
116 within the United States, or has had a license denied, revoked,

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117 or suspended pursuant to s. 429.14. Licenses shall be renewed  
118 annually, and the division shall adopt rules ~~a rule~~ establishing  
119 procedures ~~a staggered schedule~~ for license issuance and  
120 renewals. If any license expires while administrative charges  
121 are pending against the license, the proceedings against the  
122 license shall continue to conclusion as if the license were  
123 still in effect.

124 Section 4. Subsections (1) and (2) of section 509.251,  
125 Florida Statutes, are amended to read:

126 509.251 License fees.—

127 (1) The division shall adopt, by rule, a schedule of fees  
128 to be paid by each public lodging establishment as a  
129 prerequisite to issuance or renewal of a license. Such fees  
130 shall be based on the number of rental units in the  
131 establishment. The aggregate fee per establishment charged any  
132 public lodging establishment may not exceed \$1,000; however, the  
133 fees described in paragraphs (a) and (b) may not be included as  
134 part of the aggregate fee subject to this cap. Vacation rental  
135 units or timeshare projects within separate buildings or at  
136 separate locations but managed by one licensed agent may be  
137 combined in a single license application, and the division shall  
138 charge a license fee as if all units in the application are in a  
139 single licensed establishment. ~~The fee schedule shall require an~~  
140 ~~establishment which applies for an initial license to pay the~~  
141 ~~full license fee if application is made during the annual~~  
142 ~~renewal period or more than 6 months before the next such~~  
143 ~~renewal period and one-half of the fee if application is made 6~~  
144 ~~months or less before such period.~~ The fee schedule shall  
145 include fees collected for the purpose of funding the

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

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

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

158 (2) The division shall adopt, by rule, a schedule of fees  
159 to be paid by each public food service establishment as a  
160 prerequisite to issuance or renewal of a license. The fee  
161 schedule shall prescribe a basic fee and additional fees based  
162 on seating capacity and services offered. The aggregate fee per  
163 establishment charged any public food service establishment may  
164 not exceed \$400; however, the fees described in paragraphs (a)  
165 and (b) may not be included as part of the aggregate fee subject  
166 to this cap. ~~The fee schedule shall require an establishment~~  
167 ~~which applies for an initial license to pay the full license fee~~  
168 ~~if application is made during the annual renewal period or more~~  
169 ~~than 6 months before the next such renewal period and one-half~~  
170 ~~of the fee if application is made 6 months or less before such~~  
171 ~~period.~~ The fee schedule shall include fees collected for the  
172 purpose of funding the Hospitality Education Program, pursuant  
173 to s. 509.302. All fees, ~~which~~ are payable in full for each  
174 application at the time ~~regardless of when~~ the application is

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175 submitted.

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

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

185 Section 5. Section 548.003, Florida Statutes, is amended to  
186 read:

187 548.003 Florida Athletic ~~State Boxing~~ Commission.—

188 (1) The Florida Athletic ~~State Boxing~~ Commission is created  
189 and is assigned to the Department of Business and Professional  
190 Regulation for administrative and fiscal accountability purposes  
191 only. The ~~Florida State Boxing~~ commission shall consist of five  
192 members appointed by the Governor, subject to confirmation by  
193 the Senate. One member must be a physician licensed pursuant to  
194 chapter 458 or chapter 459, who must maintain an unencumbered  
195 license in good standing, and who must, at the time of her or  
196 his appointment, have practiced medicine for at least 5 years.  
197 Upon the expiration of the term of a commissioner, the Governor  
198 shall appoint a successor to serve for a 4-year term. A  
199 commissioner whose term has expired shall continue to serve on  
200 the commission until such time as a replacement is appointed. If  
201 a vacancy on the commission occurs prior to the expiration of  
202 the term, it shall be filled for the unexpired portion of the  
203 term in the same manner as the original appointment.

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204           (2) The ~~Florida State Boxing~~ commission, as created by  
205 subsection (1), shall administer the provisions of this chapter.  
206 The commission has authority to adopt rules pursuant to ss.  
207 120.536(1) and 120.54 to implement the provisions of this  
208 chapter and to implement each of the duties and responsibilities  
209 conferred upon the commission, including, but not limited to:

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

212           (b) Facility and safety requirements relating to the ring,  
213 floor plan and apron seating, emergency medical equipment and  
214 services, and other equipment and services necessary for the  
215 conduct of a program of matches.

216           (c) Requirements regarding a participant's apparel,  
217 bandages, handwraps, gloves, mouthpiece, and appearance during a  
218 match.

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

221           (e) Duties and responsibilities of all licensees under this  
222 chapter.

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

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

225           (h) Qualifications for and appointment of chief inspectors  
226 and inspectors and duties and responsibilities of chief  
227 inspectors and inspectors with respect to oversight and  
228 coordination of activities for each program of matches regulated  
229 under this chapter.

230           (i) Designation and duties of a knockdown timekeeper.

231           (j) Setting fee and reimbursement schedules for referees  
232 and other officials appointed by the commission or the

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233 representative of the commission.

234 (k) Establishment of criteria for approval, disapproval,  
235 suspension of approval, and revocation of approval of amateur  
236 sanctioning organizations for amateur boxing, kickboxing, and  
237 mixed martial arts held in this state, including, but not  
238 limited to, the health and safety standards the organizations  
239 use before, during, and after the matches to ensure the health,  
240 safety, and well-being of the amateurs participating in the  
241 matches, including the qualifications and numbers of health care  
242 personnel required to be present, the qualifications required  
243 for referees, and other requirements relating to the health,  
244 safety, and well-being of the amateurs participating in the  
245 matches. The commission may adopt by rule, or incorporate by  
246 reference into rule, the health and safety standards of USA  
247 Boxing as the minimum health and safety standards for an amateur  
248 boxing sanctioning organization, the health and safety standards  
249 of the International Sport Kickboxing Association as the minimum  
250 health and safety standards for an amateur kickboxing  
251 sanctioning organization, and the minimum health and safety  
252 standards for an amateur mixed martial arts sanctioning  
253 organization. The commission shall review its rules for  
254 necessary revision at least every 2 years and may adopt by rule,  
255 or incorporate by reference into rule, the then-existing current  
256 health and safety standards of USA Boxing and the International  
257 Sport Kickboxing Association. The commission may adopt emergency  
258 rules to administer this paragraph.

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

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262 among its membership. Three members shall constitute a quorum  
263 and the concurrence of at least three members is necessary for  
264 official commission action.

265 (4) Three consecutive unexcused absences or absences  
266 constituting 50 percent or more of the commission's meetings  
267 within any 12-month period shall cause the commission membership  
268 of the member in question to become void, and the position shall  
269 be considered vacant. The commission shall, by rule, define  
270 unexcused absences.

271 (5) Each commission member shall be accountable to the  
272 Governor for the proper performance of duties as a member of the  
273 commission. The Governor shall cause to be investigated any  
274 complaint or unfavorable report received by the Governor or the  
275 department concerning an action of the commission or any member  
276 and shall take appropriate action thereon. The Governor may  
277 remove from office any member for malfeasance, unethical  
278 conduct, misfeasance, neglect of duty, incompetence, permanent  
279 inability to perform official duties, or pleading guilty or nolo  
280 contendere to or being found guilty of a felony.

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

285 (7) The commission shall be authorized to join and  
286 participate in the activities of the Association of Boxing  
287 Commissions (ABC).

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

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291 120.54 to carry out its duties under this chapter.

292 Section 6. Subsection (3) of section 548.043, Florida  
293 Statutes, is amended to read:

294 548.043 Weights and classes, limitations; gloves.—

295 (3) The commission shall establish by rule the need for  
296 gloves, if any, and the weight of any such gloves to be used in  
297 each pugilistic match ~~the appropriate weight of gloves to be~~  
298 ~~used in each boxing match; however, all participants in boxing~~  
299 ~~matches shall wear gloves weighing not less than 8 ounces each~~  
300 ~~and participants in mixed martial arts matches shall wear gloves~~  
301 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such  
302 protective devices as the commission deems necessary.

303 Section 7. Subsection (20) of section 561.01, Florida  
304 Statutes, is amended to read:

305 561.01 Definitions.—As used in the Beverage Law:

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

308 Section 8. Subsections (1) and (2) of section 561.17,  
309 Florida Statutes, are amended, and subsection (5) is added to  
310 that section, to read:

311 561.17 License and registration applications; approved  
312 person.—

313 (1) Any person, before engaging in the business of  
314 manufacturing, bottling, distributing, selling, or in any way  
315 dealing in alcoholic beverages, shall file, with the district  
316 licensing personnel of the district of the division in which the  
317 place of business for which a license is sought is located, a  
318 sworn application in the format prescribed by the division. The  
319 applicant must be a legal or business entity, person, or persons

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320 and must include all persons, officers, shareholders, and  
321 directors of such legal or business entity that have a direct or  
322 indirect interest in the business seeking to be licensed under  
323 this part. However, the applicant does not include any person  
324 that derives revenue from the license solely through a  
325 contractual relationship with the licensee, the substance of  
326 which contractual relationship is not related to the control of  
327 the sale of alcoholic beverages. Before any application is  
328 approved, the division may require the applicant to file a set  
329 of fingerprints electronically through an approved electronic  
330 fingerprinting vendor or on ~~regular United States Department of~~  
331 Justice forms prescribed by the Florida Department of Law  
332 Enforcement for herself or himself and for any person or persons  
333 interested directly or indirectly with the applicant in the  
334 business for which the license is being sought, when required by  
335 the division. If the applicant or any person who is interested  
336 with the applicant either directly or indirectly in the business  
337 or who has a security interest in the license being sought or  
338 has a right to a percentage payment from the proceeds of the  
339 business, either by lease or otherwise, is not qualified, the  
340 division shall deny the application. However, any company  
341 regularly traded on a national securities exchange and not over  
342 the counter; any insurer, as defined in the Florida Insurance  
343 Code; or any bank or savings and loan association chartered by  
344 this state, another state, or the United States which has an  
345 interest, directly or indirectly, in an alcoholic beverage  
346 license is not required to obtain the division's approval of its  
347 officers, directors, or stockholders or any change of such  
348 positions or interests. A shopping center with five or more

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349 stores, one or more of which has an alcoholic beverage license  
350 and is required under a lease common to all shopping center  
351 tenants to pay no more than 10 percent of the gross proceeds of  
352 the business holding the license to the shopping center, is not  
353 considered as having an interest, directly or indirectly, in the  
354 license. A performing arts center, as defined in s. 561.01,  
355 which has an interest, directly or indirectly, in an alcoholic  
356 beverage license is not required to obtain division approval of  
357 its volunteer officers or directors or of any change in such  
358 positions or interests.

359 (2) All applications for any alcoholic beverage license  
360 must be accompanied by proof of the applicant's right of  
361 occupancy for the entire premises sought to be licensed. All  
362 applications for alcoholic beverage licenses for consumption on  
363 the premises shall be accompanied by a certificate of the  
364 Division of Hotels and Restaurants of the Department of Business  
365 and Professional Regulation, the Department of Agriculture and  
366 Consumer Services, the Department of Health, the Agency for  
367 Health Care Administration, or the county health department that  
368 the place of business wherein the business is to be conducted  
369 meets all of the sanitary requirements of the state.

370 (5) Any person or entity licensed or permitted by the  
371 division must provide an electronic mail address to the division  
372 to function as the primary contact for all communication by the  
373 division to the licensee or permittees. Licensees and permittees  
374 are responsible for maintaining accurate contact information on  
375 file with the division.

376 Section 9. Paragraph (a) of subsection (2) of section  
377 561.20, Florida Statutes, is amended to read:

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378 561.20 Limitation upon number of licenses issued.—

379 (2) (a) The limitation of the number of licenses as provided  
380 in this section does not prohibit the issuance of a special  
381 license to:

382 1. Any bona fide hotel, motel, or motor court of not fewer  
383 than 80 guest rooms in any county having a population of less  
384 than 50,000 residents, and of not fewer than 100 guest rooms in  
385 any county having a population of 50,000 residents or greater;  
386 or any bona fide hotel or motel located in a historic structure,  
387 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100  
388 guest rooms which derives at least 51 percent of its gross  
389 revenue from the rental of hotel or motel rooms, which is  
390 licensed as a public lodging establishment by the Division of  
391 Hotels and Restaurants; provided, however, that a bona fide  
392 hotel or motel with no fewer than 10 and no more than 25 guest  
393 rooms which is a historic structure, as defined in s. 561.01(20)  
394 ~~s. 561.01(21)~~, in a municipality that on the effective date of  
395 this act has a population, according to the University of  
396 Florida's Bureau of Economic and Business Research Estimates of  
397 Population for 1998, of no fewer than 25,000 and no more than  
398 35,000 residents and that is within a constitutionally chartered  
399 county may be issued a special license. This special license  
400 shall allow the sale and consumption of alcoholic beverages only  
401 on the licensed premises of the hotel or motel. In addition, the  
402 hotel or motel must derive at least 60 percent of its gross  
403 revenue from the rental of hotel or motel rooms and the sale of  
404 food and nonalcoholic beverages; provided that this subparagraph  
405 shall supersede local laws requiring a greater number of hotel  
406 rooms;

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407           2. Any condominium accommodation of which no fewer than 100  
408 condominium units are wholly rentable to transients and which is  
409 licensed under chapter 509, except that the license shall be  
410 issued only to the person or corporation that operates the hotel  
411 or motel operation and not to the association of condominium  
412 owners;

413           3. Any condominium accommodation of which no fewer than 50  
414 condominium units are wholly rentable to transients, which is  
415 licensed under chapter 509, and which is located in any county  
416 having home rule under s. 10 or s. 11, Art. VIII of the State  
417 Constitution of 1885, as amended, and incorporated by reference  
418 in s. 6(e), Art. VIII of the State Constitution, except that the  
419 license shall be issued only to the person or corporation that  
420 operates the hotel or motel operation and not to the association  
421 of condominium owners;

422           4. A food service establishment that has 2,500 square feet  
423 of service area, is equipped to serve meals to 150 persons at  
424 one time, and derives at least 51 percent of its gross food and  
425 beverage revenue from the sale of food and nonalcoholic  
426 beverages during the first 120-day ~~60-day~~ operating period and  
427 the first ~~each~~ 12-month operating period thereafter. Subsequent  
428 audit timeframes must be based upon the audit percentage  
429 established by the most recent audit and conducted on a  
430 staggered scale as follows: level 1, 51 percent to 60 percent,  
431 every year; level 2, 61 percent to 75 percent, every 2 years;  
432 level 3, 76 percent to 90 percent, every 3 years; and level 4,  
433 91 percent to 100 percent, every 4 years. A food service  
434 establishment granted a special license on or after January 1,  
435 1958, pursuant to general or special law may not operate as a

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436 package store and may not sell intoxicating beverages under such  
437 license after the hours of serving or consumption of food have  
438 elapsed. Failure by a licensee to meet the required percentage  
439 of food and nonalcoholic beverage gross revenues during the  
440 covered operating period shall result in revocation of the  
441 license or denial of the pending license application. A licensee  
442 whose license is revoked or an applicant whose pending  
443 application is denied, or any person required to qualify on the  
444 special license application, is ineligible to have any interest  
445 in a subsequent application for such a license for a period of  
446 120 days after the date of the final denial or revocation;

447       5. Any caterer, deriving at least 51 percent of its gross  
448 food and beverage revenue from the sale of food and nonalcoholic  
449 beverages at each catered event, licensed by the Division of  
450 Hotels and Restaurants under chapter 509. This subparagraph does  
451 not apply to a culinary education program, as defined in s.  
452 381.0072(2), which is licensed as a public food service  
453 establishment by the Division of Hotels and Restaurants and  
454 provides catering services. Notwithstanding any law to the  
455 contrary, a licensee under this subparagraph shall sell or serve  
456 alcoholic beverages only for consumption on the premises of a  
457 catered event at which the licensee is also providing prepared  
458 food, and shall prominently display its license at any catered  
459 event at which the caterer is selling or serving alcoholic  
460 beverages. A licensee under this subparagraph shall purchase all  
461 alcoholic beverages it sells or serves at a catered event from a  
462 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed  
463 under s. 565.02(1) subject to the limitation imposed in  
464 subsection (1), as appropriate. A licensee under this

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465 subparagraph may not store any alcoholic beverages to be sold or  
466 served at a catered event. Any alcoholic beverages purchased by  
467 a licensee under this subparagraph for a catered event that are  
468 not used at that event must remain with the customer; provided  
469 that if the vendor accepts unopened alcoholic beverages, the  
470 licensee may return such alcoholic beverages to the vendor for a  
471 credit or reimbursement. Regardless of the county or counties in  
472 which the licensee operates, a licensee under this subparagraph  
473 shall pay the annual state license tax set forth in s.  
474 565.02(1)(b). A licensee under this subparagraph must maintain  
475 for a period of 3 years all records and receipts for each  
476 catered event, including all contracts, customers' names, event  
477 locations, event dates, food purchases and sales, alcoholic  
478 beverage purchases and sales, nonalcoholic beverage purchases  
479 and sales, and any other records required by the department by  
480 rule to demonstrate compliance with the requirements of this  
481 subparagraph. Notwithstanding any law to the contrary, any  
482 vendor licensed under s. 565.02(1) subject to the limitation  
483 imposed in subsection (1), may, without any additional licensure  
484 under this subparagraph, serve or sell alcoholic beverages for  
485 consumption on the premises of a catered event at which prepared  
486 food is provided by a caterer licensed under chapter 509. If a  
487 licensee under this subparagraph also possesses any other  
488 license under the Beverage Law, the license issued under this  
489 subparagraph shall not authorize the holder to conduct  
490 activities on the premises to which the other license or  
491 licenses apply that would otherwise be prohibited by the terms  
492 of that license or the Beverage Law. Nothing in this section  
493 shall permit the licensee to conduct activities that are

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494 otherwise prohibited by the Beverage Law or local law. The  
495 Division of Alcoholic Beverages and Tobacco is hereby authorized  
496 to adopt rules to administer the license created in this  
497 subparagraph, to include rules governing licensure,  
498 recordkeeping, and enforcement. The first \$300,000 in fees  
499 collected by the division each fiscal year pursuant to this  
500 subparagraph shall be deposited in the Department of Children  
501 and Families' Operations and Maintenance Trust Fund to be used  
502 only for alcohol and drug abuse education, treatment, and  
503 prevention programs. The remainder of the fees collected shall  
504 be deposited into the Hotel and Restaurant Trust Fund created  
505 pursuant to s. 509.072; or

506         6. A culinary education program as defined in s.  
507 381.0072(2) which is licensed as a public food service  
508 establishment by the Division of Hotels and Restaurants.

509         a. This special license shall allow the sale and  
510 consumption of alcoholic beverages on the licensed premises of  
511 the culinary education program. The culinary education program  
512 shall specify designated areas in the facility where the  
513 alcoholic beverages may be consumed at the time of application.  
514 Alcoholic beverages sold for consumption on the premises may be  
515 consumed only in areas designated pursuant to s. 561.01(11) and  
516 may not be removed from the designated area. Such license shall  
517 be applicable only in and for designated areas used by the  
518 culinary education program.

519         b. If the culinary education program provides catering  
520 services, this special license shall also allow the sale and  
521 consumption of alcoholic beverages on the premises of a catered  
522 event at which the licensee is also providing prepared food. A

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523 culinary education program that provides catering services is  
524 not required to derive at least 51 percent of its gross revenue  
525 from the sale of food and nonalcoholic beverages.  
526 Notwithstanding any law to the contrary, a licensee that  
527 provides catering services under this sub-subparagraph shall  
528 prominently display its beverage license at any catered event at  
529 which the caterer is selling or serving alcoholic beverages.  
530 Regardless of the county or counties in which the licensee  
531 operates, a licensee under this sub-subparagraph shall pay the  
532 annual state license tax set forth in s. 565.02(1)(b). A  
533 licensee under this sub-subparagraph must maintain for a period  
534 of 3 years all records required by the department by rule to  
535 demonstrate compliance with the requirements of this sub-  
536 subparagraph.

537 c. If a licensee under this subparagraph also possesses any  
538 other license under the Beverage Law, the license issued under  
539 this subparagraph does not authorize the holder to conduct  
540 activities on the premises to which the other license or  
541 licenses apply that would otherwise be prohibited by the terms  
542 of that license or the Beverage Law. Nothing in this  
543 subparagraph shall permit the licensee to conduct activities  
544 that are otherwise prohibited by the Beverage Law or local law.  
545 Any culinary education program that holds a license to sell  
546 alcoholic beverages shall comply with the age requirements set  
547 forth in ss. 562.11(4), 562.111(2), and 562.13.

548 d. The Division of Alcoholic Beverages and Tobacco may  
549 adopt rules to administer the license created in this  
550 subparagraph, to include rules governing licensure,  
551 recordkeeping, and enforcement.

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

555  
556 However, any license heretofore issued to any such hotel, motel,  
557 motor court, or restaurant or hereafter issued to any such  
558 hotel, motel, or motor court, including a condominium  
559 accommodation, under the general law shall not be moved to a new  
560 location, such license being valid only on the premises of such  
561 hotel, motel, motor court, or restaurant. Licenses issued to  
562 hotels, motels, motor courts, or restaurants under the general  
563 law and held by such hotels, motels, motor courts, or  
564 restaurants on May 24, 1947, shall be counted in the quota  
565 limitation contained in subsection (1). Any license issued for  
566 any hotel, motel, or motor court under this law shall be issued  
567 only to the owner of the hotel, motel, or motor court or, in the  
568 event the hotel, motel, or motor court is leased, to the lessee  
569 of the hotel, motel, or motor court; and the license shall  
570 remain in the name of the owner or lessee so long as the license  
571 is in existence. Any special license now in existence heretofore  
572 issued under this law cannot be renewed except in the name of  
573 the owner of the hotel, motel, motor court, or restaurant or, in  
574 the event the hotel, motel, motor court, or restaurant is  
575 leased, in the name of the lessee of the hotel, motel, motor  
576 court, or restaurant in which the license is located and must  
577 remain in the name of the owner or lessee so long as the license  
578 is in existence. Any license issued under this section shall be  
579 marked "Special," and nothing herein provided shall limit,  
580 restrict, or prevent the issuance of a special license for any

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581 restaurant or motel which shall hereafter meet the requirements  
582 of the law existing immediately prior to the effective date of  
583 this act, if construction of such restaurant has commenced prior  
584 to the effective date of this act and is completed within 30  
585 days thereafter, or if an application is on file for such  
586 special license at the time this act takes effect; and any such  
587 licenses issued under this proviso may be annually renewed as  
588 now provided by law. Nothing herein prevents an application for  
589 transfer of a license to a bona fide purchaser of any hotel,  
590 motel, motor court, or restaurant by the purchaser of such  
591 facility or the transfer of such license pursuant to law.

592 Section 10. Subsection (4) of section 561.42, Florida  
593 Statutes, is amended to read:

594 561.42 Tied house evil; financial aid and assistance to  
595 vendor by manufacturer, distributor, importer, primary American  
596 source of supply, brand owner or registrant, or any broker,  
597 sales agent, or sales person thereof, prohibited; procedure for  
598 enforcement; exception.—

599 (4) Before the division shall so declare and prohibit such  
600 sales to such vendor, ~~it shall,~~ within 2 days after receipt of  
601 such notice, the division shall give ~~written~~ notice to such  
602 vendor by electronic mail of the receipt by the division of such  
603 notification of delinquency and such vendor shall be directed to  
604 forthwith make payment thereof or, upon failure to do so, to  
605 show cause before the division why further sales to such vendor  
606 shall not be prohibited. Good and sufficient cause to prevent  
607 such action by the division may be made by showing payment,  
608 failure of consideration, or any other defense which would be  
609 considered sufficient in a common-law action. The vendor shall

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610 have 5 days after service ~~receipt~~ of such notice via electronic  
611 mail within which to show such cause, and he or she may demand a  
612 hearing thereon, provided he or she does so in writing within  
613 said 5 days, such written demand to be delivered to the division  
614 either in person, by electronic mail, or by due course of mail  
615 within such 5 days. If no such demand for hearing is made, the  
616 division shall thereupon declare in writing to such vendor and  
617 to all manufacturers and distributors within the state that all  
618 further sales to such vendor are prohibited until such time as  
619 the division certifies in writing that such vendor has fully  
620 paid for all liquors previously purchased. In the event such  
621 prohibition of sales and declaration thereof to the vendor,  
622 manufacturers, and distributors is ordered by the division, the  
623 vendor may seek review of such decision by the Department of  
624 Business and Professional Regulation within 5 days. In the event  
625 application for such review is filed within such time, such  
626 prohibition of sales shall not be made, published, or declared  
627 until final disposition of such review by the department.

628 Section 11. Subsection (2) of section 561.55, Florida  
629 Statutes, is amended to read:

630 561.55 Manufacturers', distributors', brokers', sales  
631 agents', importers', vendors', and exporters' records and  
632 reports.—

633 (2) Each manufacturer, distributor, broker, sales agent,  
634 and importer shall make a full and complete report by the 10th  
635 day of each month for the previous calendar month. The report  
636 must be ~~shall be made out in triplicate; two copies shall be~~  
637 ~~sent to the division, and the third copy shall be retained for~~  
638 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~

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639 ~~importer's record. Reports shall be made on forms prepared and~~  
640 ~~furnished by the division and filed with the division through~~  
641 the division's electronic data submission system.

642 Section 12. Paragraphs (d) and (f) of subsection (2) of  
643 section 718.112, Florida Statutes, are amended to read:

644 718.112 Bylaws.—

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

648 (d) *Unit owner meetings.*—

649 1. An annual meeting of the unit owners must be held at the  
650 location provided in the association bylaws and, if the bylaws  
651 are silent as to the location, the meeting must be held within  
652 45 miles of the condominium property. However, such distance  
653 requirement does not apply to an association governing a  
654 timeshare condominium.

655 2. Unless the bylaws provide otherwise, a vacancy on the  
656 board caused by the expiration of a director's term must be  
657 filled by electing a new board member, and the election must be  
658 by secret ballot. An election is not required if the number of  
659 vacancies equals or exceeds the number of candidates. For  
660 purposes of this paragraph, the term "candidate" means an  
661 eligible person who has timely submitted the written notice, as  
662 described in sub-subparagraph 4.a., of his or her intention to  
663 become a candidate. Except in a timeshare or nonresidential  
664 condominium, or if the staggered term of a board member does not  
665 expire until a later annual meeting, or if all members' terms  
666 would otherwise expire but there are no candidates, the terms of  
667 all board members expire at the annual meeting, and such members

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668 may stand for reelection unless prohibited by the bylaws. Board  
669 members may serve terms longer than 1 year if permitted by the  
670 bylaws or articles of incorporation. A board member may not  
671 serve more than 8 consecutive years unless approved by an  
672 affirmative vote of unit owners representing two-thirds of all  
673 votes cast in the election or unless there are not enough  
674 eligible candidates to fill the vacancies on the board at the  
675 time of the vacancy. If the number of board members whose terms  
676 expire at the annual meeting equals or exceeds the number of  
677 candidates, the candidates become members of the board effective  
678 upon the adjournment of the annual meeting. Unless the bylaws  
679 provide otherwise, any remaining vacancies shall be filled by  
680 the affirmative vote of the majority of the directors making up  
681 the newly constituted board even if the directors constitute  
682 less than a quorum or there is only one director. In a  
683 residential condominium association of more than 10 units or in  
684 a residential condominium association that does not include  
685 timeshare units or timeshare interests, co-owners of a unit may  
686 not serve as members of the board of directors at the same time  
687 unless they own more than one unit or unless there are not  
688 enough eligible candidates to fill the vacancies on the board at  
689 the time of the vacancy. A unit owner in a residential  
690 condominium desiring to be a candidate for board membership must  
691 comply with sub-subparagraph 4.a. and must be eligible to be a  
692 candidate to serve on the board of directors at the time of the  
693 deadline for submitting a notice of intent to run in order to  
694 have his or her name listed as a proper candidate on the ballot  
695 or to serve on the board. A person who has been suspended or  
696 removed by the division under this chapter, or who is delinquent

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697 in the payment of any assessment ~~monetary obligation~~ due to the  
698 association, is not eligible to be a candidate for board  
699 membership and may not be listed on the ballot. A person is  
700 delinquent if a payment is not made by the due date as  
701 specifically identified in the declaration of condominium,  
702 bylaws, or articles of incorporation. If a due date is not  
703 specifically identified in the declaration of condominium,  
704 bylaws, or articles of incorporation, the due date is the first  
705 day of the monthly or quarterly assessment period. A person who  
706 has been convicted of any felony in this state or in a United  
707 States District or Territorial Court, or who has been convicted  
708 of any offense in another jurisdiction which would be considered  
709 a felony if committed in this state, is not eligible for board  
710 membership unless such felon's civil rights have been restored  
711 for at least 5 years as of the date such person seeks election  
712 to the board. The validity of an action by the board is not  
713 affected if it is later determined that a board member is  
714 ineligible for board membership due to having been convicted of  
715 a felony. This subparagraph does not limit the term of a member  
716 of the board of a nonresidential or timeshare condominium.

717 3. The bylaws must provide the method of calling meetings  
718 of unit owners, including annual meetings. Written notice must  
719 include an agenda, must be mailed, hand delivered, or  
720 electronically transmitted to each unit owner at least 14 days  
721 before the annual meeting, and must be posted in a conspicuous  
722 place on the condominium property at least 14 continuous days  
723 before the annual meeting. Upon notice to the unit owners, the  
724 board shall, by duly adopted rule, designate a specific location  
725 on the condominium property where all notices of unit owner

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726 meetings must be posted. This requirement does not apply if  
727 there is no condominium property for posting notices. In lieu  
728 of, or in addition to, the physical posting of meeting notices,  
729 the association may, by reasonable rule, adopt a procedure for  
730 conspicuously posting and repeatedly broadcasting the notice and  
731 the agenda on a closed-circuit cable television system serving  
732 the condominium association. However, if broadcast notice is  
733 used in lieu of a notice posted physically on the condominium  
734 property, the notice and agenda must be broadcast at least four  
735 times every broadcast hour of each day that a posted notice is  
736 otherwise required under this section. If broadcast notice is  
737 provided, the notice and agenda must be broadcast in a manner  
738 and for a sufficient continuous length of time so as to allow an  
739 average reader to observe the notice and read and comprehend the  
740 entire content of the notice and the agenda. In addition to any  
741 of the authorized means of providing notice of a meeting of the  
742 board, the association may, by rule, adopt a procedure for  
743 conspicuously posting the meeting notice and the agenda on a  
744 website serving the condominium association for at least the  
745 minimum period of time for which a notice of a meeting is also  
746 required to be physically posted on the condominium property.  
747 Any rule adopted shall, in addition to other matters, include a  
748 requirement that the association send an electronic notice in  
749 the same manner as a notice for a meeting of the members, which  
750 must include a hyperlink to the website where the notice is  
751 posted, to unit owners whose e-mail addresses are included in  
752 the association's official records. Unless a unit owner waives  
753 in writing the right to receive notice of the annual meeting,  
754 such notice must be hand delivered, mailed, or electronically

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755 transmitted to each unit owner. Notice for meetings and notice  
756 for all other purposes must be mailed to each unit owner at the  
757 address last furnished to the association by the unit owner, or  
758 hand delivered to each unit owner. However, if a unit is owned  
759 by more than one person, the association must provide notice to  
760 the address that the developer identifies for that purpose and  
761 thereafter as one or more of the owners of the unit advise the  
762 association in writing, or if no address is given or the owners  
763 of the unit do not agree, to the address provided on the deed of  
764 record. An officer of the association, or the manager or other  
765 person providing notice of the association meeting, must provide  
766 an affidavit or United States Postal Service certificate of  
767 mailing, to be included in the official records of the  
768 association affirming that the notice was mailed or hand  
769 delivered in accordance with this provision.

770 4. The members of the board of a residential condominium  
771 shall be elected by written ballot or voting machine. Proxies  
772 may not be used in electing the board in general elections or  
773 elections to fill vacancies caused by recall, resignation, or  
774 otherwise, unless otherwise provided in this chapter. This  
775 subparagraph does not apply to an association governing a  
776 timeshare condominium.

777 a. At least 60 days before a scheduled election, the  
778 association shall mail, deliver, or electronically transmit, by  
779 separate association mailing or included in another association  
780 mailing, delivery, or transmission, including regularly  
781 published newsletters, to each unit owner entitled to a vote, a  
782 first notice of the date of the election. A unit owner or other  
783 eligible person desiring to be a candidate for the board must

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784 give written notice of his or her intent to be a candidate to  
785 the association at least 40 days before a scheduled election.  
786 Together with the written notice and agenda as set forth in  
787 subparagraph 3., the association shall mail, deliver, or  
788 electronically transmit a second notice of the election to all  
789 unit owners entitled to vote, together with a ballot that lists  
790 all candidates. Upon request of a candidate, an information  
791 sheet, no larger than 8 1/2 inches by 11 inches, which must be  
792 furnished by the candidate at least 35 days before the election,  
793 must be included with the mailing, delivery, or transmission of  
794 the ballot, with the costs of mailing, delivery, or electronic  
795 transmission and copying to be borne by the association. The  
796 association is not liable for the contents of the information  
797 sheets prepared by the candidates. In order to reduce costs, the  
798 association may print or duplicate the information sheets on  
799 both sides of the paper. The division shall by rule establish  
800 voting procedures consistent with this sub-subparagraph,  
801 including rules establishing procedures for giving notice by  
802 electronic transmission and rules providing for the secrecy of  
803 ballots. Elections shall be decided by a plurality of ballots  
804 cast. There is no quorum requirement; however, at least 20  
805 percent of the eligible voters must cast a ballot in order to  
806 have a valid election. A unit owner may not authorize any other  
807 person to vote his or her ballot, and any ballots improperly  
808 cast are invalid. A unit owner who violates this provision may  
809 be fined by the association in accordance with s. 718.303. A  
810 unit owner who needs assistance in casting the ballot for the  
811 reasons stated in s. 101.051 may obtain such assistance. The  
812 regular election must occur on the date of the annual meeting.

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813 Notwithstanding this sub-subparagraph, an election is not  
814 required unless more candidates file notices of intent to run or  
815 are nominated than board vacancies exist.

816       b. Within 90 days after being elected or appointed to the  
817 board of an association of a residential condominium, each newly  
818 elected or appointed director shall certify in writing to the  
819 secretary of the association that he or she has read the  
820 association's declaration of condominium, articles of  
821 incorporation, bylaws, and current written policies; that he or  
822 she will work to uphold such documents and policies to the best  
823 of his or her ability; and that he or she will faithfully  
824 discharge his or her fiduciary responsibility to the  
825 association's members. In lieu of this written certification,  
826 within 90 days after being elected or appointed to the board,  
827 the newly elected or appointed director may submit a certificate  
828 of having satisfactorily completed the educational curriculum  
829 administered by a division-approved condominium education  
830 provider within 1 year before or 90 days after the date of  
831 election or appointment. The written certification or  
832 educational certificate is valid and does not have to be  
833 resubmitted as long as the director serves on the board without  
834 interruption. A director of an association of a residential  
835 condominium who fails to timely file the written certification  
836 or educational certificate is suspended from service on the  
837 board until he or she complies with this sub-subparagraph. The  
838 board may temporarily fill the vacancy during the period of  
839 suspension. The secretary shall cause the association to retain  
840 a director's written certification or educational certificate  
841 for inspection by the members for 5 years after a director's

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842 election or the duration of the director's uninterrupted tenure,  
843 whichever is longer. Failure to have such written certification  
844 or educational certificate on file does not affect the validity  
845 of any board action.

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

848 5. Any approval by unit owners called for by this chapter  
849 or the applicable declaration or bylaws, including, but not  
850 limited to, the approval requirement in s. 718.111(8), must be  
851 made at a duly noticed meeting of unit owners and is subject to  
852 all requirements of this chapter or the applicable condominium  
853 documents relating to unit owner decisionmaking, except that  
854 unit owners may take action by written agreement, without  
855 meetings, on matters for which action by written agreement  
856 without meetings is expressly allowed by the applicable bylaws  
857 or declaration or any law that provides for such action.

858 6. Unit owners may waive notice of specific meetings if  
859 allowed by the applicable bylaws or declaration or any law.  
860 Notice of meetings of the board of administration, unit owner  
861 meetings, except unit owner meetings called to recall board  
862 members under paragraph (j), and committee meetings may be given  
863 by electronic transmission to unit owners who consent to receive  
864 notice by electronic transmission. A unit owner who consents to  
865 receiving notices by electronic transmission is solely  
866 responsible for removing or bypassing filters that block receipt  
867 of mass emails sent to members on behalf of the association in  
868 the course of giving electronic notices.

869 7. Unit owners have the right to participate in meetings of  
870 unit owners with reference to all designated agenda items.

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871 However, the association may adopt reasonable rules governing  
872 the frequency, duration, and manner of unit owner participation.

873 8. A unit owner may tape record or videotape a meeting of  
874 the unit owners subject to reasonable rules adopted by the  
875 division.

876 9. Unless otherwise provided in the bylaws, any vacancy  
877 occurring on the board before the expiration of a term may be  
878 filled by the affirmative vote of the majority of the remaining  
879 directors, even if the remaining directors constitute less than  
880 a quorum, or by the sole remaining director. In the alternative,  
881 a board may hold an election to fill the vacancy, in which case  
882 the election procedures must conform to sub-subparagraph 4.a.  
883 unless the association governs 10 units or fewer and has opted  
884 out of the statutory election process, in which case the bylaws  
885 of the association control. Unless otherwise provided in the  
886 bylaws, a board member appointed or elected under this section  
887 shall fill the vacancy for the unexpired term of the seat being  
888 filled. Filling vacancies created by recall is governed by  
889 paragraph (j) and rules adopted by the division.

890 10. This chapter does not limit the use of general or  
891 limited proxies, require the use of general or limited proxies,  
892 or require the use of a written ballot or voting machine for any  
893 agenda item or election at any meeting of a timeshare  
894 condominium association or nonresidential condominium  
895 association.

896  
897 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
898 association of 10 or fewer units may, by affirmative vote of a  
899 majority of the total voting interests, provide for different

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900 voting and election procedures in its bylaws, which may be by a  
901 proxy specifically delineating the different voting and election  
902 procedures. The different voting and election procedures may  
903 provide for elections to be conducted by limited or general  
904 proxy.

905 (f) *Annual budget.*—

906 1. The proposed annual budget of estimated revenues and  
907 expenses must be detailed and must show the amounts budgeted by  
908 accounts and expense classifications, including, at a minimum,  
909 any applicable expenses listed in s. 718.504(21). The annual  
910 budget must be proposed to unit owners and adopted by the board  
911 of directors no later than 30 days before the beginning of the  
912 fiscal year. A multicondominium association shall adopt a  
913 separate budget of common expenses for each condominium the  
914 association operates and shall adopt a separate budget of common  
915 expenses for the association. In addition, if the association  
916 maintains limited common elements with the cost to be shared  
917 only by those entitled to use the limited common elements as  
918 provided for in s. 718.113(1), the budget or a schedule attached  
919 to it must show the amount budgeted for this maintenance. If,  
920 after turnover of control of the association to the unit owners,  
921 any of the expenses listed in s. 718.504(21) are not applicable,  
922 they need not be listed.

923 2.a. In addition to annual operating expenses, the budget  
924 must include reserve accounts for capital expenditures and  
925 deferred maintenance. These accounts must include, but are not  
926 limited to, roof replacement, building painting, and pavement  
927 resurfacing, regardless of the amount of deferred maintenance  
928 expense or replacement cost, and any other item that has a

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929 deferred maintenance expense or replacement cost that exceeds  
930 \$10,000. The amount to be reserved must be computed using a  
931 formula based upon estimated remaining useful life and estimated  
932 replacement cost or deferred maintenance expense of each reserve  
933 item. The association may adjust replacement reserve assessments  
934 annually to take into account any changes in estimates or  
935 extension of the useful life of a reserve item caused by  
936 deferred maintenance. This subsection does not apply to an  
937 adopted budget in which the members of an association have  
938 determined, by a majority vote at a duly called meeting of the  
939 association, to provide no reserves or less reserves than  
940 required by this subsection.

941       b. Before turnover of control of an association by a  
942 developer to unit owners other than a developer pursuant to s.  
943 718.301, the developer may vote the voting interests allocated  
944 to its units to waive the reserves or reduce the funding of  
945 reserves through the period expiring at the end of the second  
946 fiscal year after the fiscal year in which the certificate of a  
947 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or  
948 an instrument that transfers title to a unit in the condominium  
949 which is not accompanied by a recorded assignment of developer  
950 rights in favor of the grantee of such unit is recorded,  
951 whichever occurs first, after which time reserves may be waived  
952 or reduced only upon the vote of a majority of all nondeveloper  
953 voting interests voting in person or by limited proxy at a duly  
954 called meeting of the association. If a meeting of the unit  
955 owners has been called to determine whether to waive or reduce  
956 the funding of reserves and no such result is achieved or a  
957 quorum is not attained, the reserves included in the budget

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958 shall go into effect. After the turnover, the developer may vote  
959 its voting interest to waive or reduce the funding of reserves.

960 3. Reserve funds and any interest accruing thereon shall  
961 remain in the reserve account or accounts, and may be used only  
962 for authorized reserve expenditures unless their use for other  
963 purposes is approved in advance by a majority vote at a duly  
964 called meeting of the association. Before turnover of control of  
965 an association by a developer to unit owners other than the  
966 developer pursuant to s. 718.301, the developer-controlled  
967 association may not vote to use reserves for purposes other than  
968 those for which they were intended without the approval of a  
969 majority of all nondeveloper voting interests, voting in person  
970 or by limited proxy at a duly called meeting of the association.

971 4. The only voting interests that are eligible to vote on  
972 questions that involve waiving or reducing the funding of  
973 reserves, or using existing reserve funds for purposes other  
974 than purposes for which the reserves were intended, are the  
975 voting interests of the units subject to assessment to fund the  
976 reserves in question. Proxy questions relating to waiving or  
977 reducing the funding of reserves or using existing reserve funds  
978 for purposes other than purposes for which the reserves were  
979 intended must contain the following statement in capitalized,  
980 bold letters in a font size larger than any other used on the  
981 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
982 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
983 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
984 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

985 Section 13. Paragraph (m) of subsection (1) of section  
986 718.501, Florida Statutes, is amended to read:

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987 718.501 Authority, responsibility, and duties of Division  
988 of Florida Condominiums, Timeshares, and Mobile Homes.—

989 (1) The division may enforce and ensure compliance with the  
990 provisions of this chapter and rules relating to the  
991 development, construction, sale, lease, ownership, operation,  
992 and management of residential condominium units. In performing  
993 its duties, the division has complete jurisdiction to  
994 investigate complaints and enforce compliance with respect to  
995 associations that are still under developer control or the  
996 control of a bulk assignee or bulk buyer pursuant to part VII of  
997 this chapter and complaints against developers, bulk assignees,  
998 or bulk buyers involving improper turnover or failure to  
999 turnover, pursuant to s. 718.301. However, after turnover has  
1000 occurred, the division has jurisdiction to investigate  
1001 complaints related only to financial issues, elections, and unit  
1002 owner access to association records pursuant to s. 718.111(12).

1003 (m) If a complaint is made, the division must conduct its  
1004 inquiry with due regard for the interests of the affected  
1005 parties. Within 30 days after receipt of a complaint, the  
1006 division shall acknowledge the complaint in writing and notify  
1007 the complainant whether the complaint is within the jurisdiction  
1008 of the division and whether additional information is needed by  
1009 the division from the complainant. The division shall conduct  
1010 its investigation and, within 90 days after receipt of the  
1011 original complaint or of timely requested additional  
1012 information, take action upon the complaint. However, the  
1013 failure to complete the investigation within 90 days does not  
1014 prevent the division from continuing the investigation,  
1015 accepting or considering evidence obtained or received after 90

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1016 days, or taking administrative action if reasonable cause exists  
1017 to believe that a violation of this chapter or a rule has  
1018 occurred. If an investigation is not completed within the time  
1019 limits established in this paragraph, the division shall, on a  
1020 monthly basis, notify the complainant in writing of the status  
1021 of the investigation. When reporting its action to the  
1022 complainant, the division shall inform the complainant of any  
1023 right to a hearing pursuant to ss. 120.569 and 120.57. The  
1024 division may adopt rules regarding the submission of a complaint  
1025 against an association.

1026 Section 14. Section 718.5014, Florida Statutes, is amended  
1027 to read:

1028 718.5014 Ombudsman location.—The ombudsman shall maintain  
1029 his or her principal office at a ~~in Leon County on the premises~~  
1030 ~~of the division or, if suitable space cannot be provided there,~~  
1031 ~~at another~~ place convenient to the offices of the division which  
1032 will enable the ombudsman to expeditiously carry out the duties  
1033 and functions of his or her office. The ombudsman may establish  
1034 branch offices elsewhere in the state upon the concurrence of  
1035 the Governor.

1036 Section 15. Subsection (1) of section 455.219, Florida  
1037 Statutes, is amended to read:

1038 455.219 Fees; receipts; disposition; periodic management  
1039 reports.—

1040 (1) Each board within the department shall determine by  
1041 rule the amount of license fees for its profession, based upon  
1042 department-prepared long-range estimates of the revenue required  
1043 to implement all provisions of law relating to the regulation of  
1044 professions by the department and any board; however, when the

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1045 department has determined, based on the long-range estimates of  
1046 such revenue, that a profession's trust fund moneys are in  
1047 excess of the amount required to cover the necessary functions  
1048 of the board, or the department when there is no board, the  
1049 department may adopt rules to implement a waiver of license  
1050 renewal fees for that profession for a period not to exceed 2  
1051 years, as determined by the department. Each board, or the  
1052 department when there is no board, shall ensure license fees are  
1053 adequate to cover all anticipated costs and to maintain a  
1054 reasonable cash balance, as determined by rule of the  
1055 department, with advice of the applicable board. If sufficient  
1056 action is not taken by a board within 1 year of notification by  
1057 the department that license fees are projected to be inadequate,  
1058 the department shall set license fees on behalf of the  
1059 applicable board to cover anticipated costs and to maintain the  
1060 required cash balance. The department shall include recommended  
1061 fee cap increases in its annual report to the Legislature.  
1062 Further, it is legislative intent that no regulated profession  
1063 operate with a negative cash balance. The department may provide  
1064 by rule for the advancement of sufficient funds to any  
1065 profession or the Florida Athletic State~~Boxing~~ Commission  
1066 operating with a negative cash balance. Such advancement may be  
1067 for a period not to exceed 2 consecutive years and shall require  
1068 interest to be paid by the regulated profession. Interest shall  
1069 be calculated at the current rate earned on Professional  
1070 Regulation Trust Fund investments. Interest earned shall be  
1071 allocated to the various funds in accordance with the allocation  
1072 of investment earnings during the period of the advance.

1073 Section 16. Subsection (4) of section 548.002, Florida

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1074 Statutes, is amended to read:

1075 548.002 Definitions.—As used in this chapter, the term:

1076 (4) "Commission" means the Florida Athletic ~~State Boxing~~  
1077 Commission.

1078 Section 17. Subsections (3) and (4) of section 548.05,  
1079 Florida Statutes, are amended to read:

1080 548.05 Control of contracts.—

1081 (3) The commission may require that each contract contain  
1082 language authorizing the ~~Florida State Boxing~~ commission to  
1083 withhold any or all of any manager's share of a purse in the  
1084 event of a contractual dispute as to entitlement to any portion  
1085 of a purse. The commission may establish rules governing the  
1086 manner of resolution of such dispute. In addition, if the  
1087 commission deems it appropriate, the commission is hereby  
1088 authorized to implead interested parties over any disputed funds  
1089 into the appropriate circuit court for resolution of the dispute  
1090 prior to release of all or any part of the funds.

1091 (4) Each contract subject to this section shall contain the  
1092 following clause: "This agreement is subject to the provisions  
1093 of chapter 548, Florida Statutes, and to the rules of the  
1094 Florida Athletic ~~State Boxing~~ Commission and to any future  
1095 amendments of either."

1096 Section 18. Subsection (12) of section 548.071, Florida  
1097 Statutes, is amended to read:

1098 548.071 Suspension or revocation of license or permit by  
1099 commission.—The commission may suspend or revoke a license or  
1100 permit if the commission finds that the licensee or permittee:

1101 (12) Has been disciplined by the ~~Florida State Boxing~~  
1102 commission or similar agency or body of any jurisdiction.

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1103 Section 19. Section 548.077, Florida Statutes, is amended  
1104 to read:

1105 548.077 Florida Athletic State~~Boxing~~ Commission;  
1106 collection and disposition of moneys.—All fees, fines,  
1107 forfeitures, and other moneys collected under the provisions of  
1108 this chapter shall be paid by the commission to the Chief  
1109 Financial Officer who, after the expenses of the commission are  
1110 paid, shall deposit them in the Professional Regulation Trust  
1111 Fund to be used for the administration and operation of the  
1112 commission and to enforce the laws and rules under its  
1113 jurisdiction. In the event the unexpended balance of such moneys  
1114 collected under the provisions of this chapter exceeds \$250,000,  
1115 any excess of that amount shall be deposited in the General  
1116 Revenue Fund.

1117 Section 20. This act shall take effect July 1, 2020.