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1  
2 An act relating to the Department of Business and  
3 Professional Regulation; amending s. 210.09, F.S.;  
4 requiring that certain reports relating to the  
5 transportation or possession of cigarettes be filed  
6 with the Division of Alcoholic Beverages and Tobacco  
7 through the division's electronic data submission  
8 system; providing that specified records relating to  
9 cigarettes received, sold, or delivered within the  
10 state may be kept in an electronic or paper format;  
11 amending s. 210.55, F.S.; requiring that certain  
12 entities file reports, rather than returns, relating  
13 to tobacco products with the division; providing  
14 requirements for such reports; amending s. 210.60,  
15 F.S.; providing that specified records relating to  
16 tobacco products may be kept in an electronic or paper  
17 format; amending s. 489.109, F.S.; removing provisions  
18 relating to an additional fee for application and  
19 renewal, transfer of funds, recommendations by the  
20 Construction Industry Licensing Board for use of such  
21 funds, distribution of such funds by the department,  
22 and required reports of the department; amending s.  
23 489.118, F.S.; removing an obsolete date; amending s.  
24 489.509, F.S.; deleting requirements relating to  
25 certain fees collected by the department for  
26 electrical and alarm system contracting; amending s.  
27 499.01, F.S.; exempting certain persons from specified  
28 permit requirements under certain circumstances;  
29 requiring an exempt cosmetics manufacturer to provide,

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

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59 amend rules, designate violations and monetary  
60 assessments, and order remedial measures that must be  
61 taken for such violations; amending s. 548.003, F.S.;  
62 renaming the Florida State Boxing Commission as the  
63 Florida Athletic Commission; amending s. 548.043,  
64 F.S.; revising rulemaking requirements for the  
65 commission relating to gloves; amending s. 553.841,  
66 F.S.; conforming a provision to changes made by the  
67 act; amending s. 561.01, F.S.; deleting the definition  
68 of the term "permit carrier"; amending s. 561.17,  
69 F.S.; revising a requirement related to the filing of  
70 fingerprints with the division; requiring that  
71 applications be accompanied by certain information  
72 relating to right of occupancy; providing requirements  
73 relating to contact information for licensees and  
74 permittees; amending s. 561.19, F.S.; revising  
75 provisions relating to the availability of beverage  
76 licenses to include by reason of the cancellation of a  
77 quota beverage license; amending s. 561.20, F.S.;  
78 conforming cross-references; revising requirements for  
79 issuing special licenses to certain food service  
80 establishments; amending s. 561.42, F.S.; requiring  
81 the division, and authorizing vendors, to use  
82 electronic mail to give certain notice; amending s.  
83 561.55, F.S.; revising requirements for reports  
84 relating to alcoholic beverages; amending s. 562.03,  
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.;

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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,

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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

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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

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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

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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

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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,

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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

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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~~

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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

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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

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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~~

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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.

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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

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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:

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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

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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

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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

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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

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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

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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:

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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~~

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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,~~

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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

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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

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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

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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

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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.