

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

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

51 provisions to changes made by the act; providing an
52 effective date.

53

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

55

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

58 210.09 Records to be kept; reports to be made;
59 examination.—

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

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

75 210.55 Distributors; monthly returns.—

76 (1) On or before the 10th of each month, every taxpayer
 77 with a place of business in this state shall file a full and
 78 complete report ~~return~~ with the division showing the tobacco
 79 products ~~taxable price of each tobacco product~~ brought or caused
 80 to be brought into this state for sale, or made, manufactured,
 81 or fabricated in this state for sale in this state, during the
 82 preceding month. Every taxpayer outside this state shall file a
 83 full and complete report with the division through the
 84 division's electronic data submission system ~~return~~ showing the
 85 quantity and taxable price of each tobacco product shipped or
 86 transported to retailers in this state, to be sold by those
 87 retailers, during the preceding month. Reports must ~~Returns~~
 88 ~~shall~~ be made upon forms furnished and prescribed by the
 89 division and must ~~shall~~ contain any other information that the
 90 division requires. Each report must ~~return shall~~ be accompanied
 91 by a remittance for the full tax liability shown and be filed
 92 with the division through the division's electronic data
 93 submission system.

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

96 509.241 Licenses required; exceptions.—

97 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
 98 establishment and public food service establishment shall obtain
 99 a license from the division. Such license may not be transferred
 100 from one place or individual to another. It shall be a

101 misdemeanor of the second degree, punishable as provided in s.
102 775.082 or s. 775.083, for such an establishment to operate
103 without a license. Local law enforcement shall provide immediate
104 assistance in pursuing an illegally operating establishment. The
105 division may refuse a license, or a renewal thereof, to any
106 establishment that is not constructed and maintained in
107 accordance with law and with the rules of the division. The
108 division may refuse to issue a license, or a renewal thereof, to
109 any establishment an operator of which, within the preceding 5
110 years, has been adjudicated guilty of, or has forfeited a bond
111 when charged with, any crime reflecting on professional
112 character, including soliciting for prostitution, pandering,
113 letting premises for prostitution, keeping a disorderly place,
114 or illegally dealing in controlled substances as defined in
115 chapter 893, whether in this state or in any other jurisdiction
116 within the United States, or has had a license denied, revoked,
117 or suspended pursuant to s. 429.14. Licenses shall be renewed
118 annually, and the division shall adopt rules ~~a rule~~ establishing
119 procedures ~~a staggered schedule~~ for license issuance and
120 renewals. If any license expires while administrative charges
121 are pending against the license, the proceedings against the
122 license shall continue to conclusion as if the license were
123 still in effect.

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

126 509.251 License fees.—

127 (1) The division shall adopt, by rule, a schedule of fees
 128 to be paid by each public lodging establishment as a
 129 prerequisite to issuance or renewal of a license. Such fees
 130 shall be based on the number of rental units in the
 131 establishment. The aggregate fee per establishment charged any
 132 public lodging establishment may not exceed \$1,000; however, the
 133 fees described in paragraphs (a) and (b) may not be included as
 134 part of the aggregate fee subject to this cap. Vacation rental
 135 units or timeshare projects within separate buildings or at
 136 separate locations but managed by one licensed agent may be
 137 combined in a single license application, and the division shall
 138 charge a license fee as if all units in the application are in a
 139 single licensed establishment. ~~The fee schedule shall require an~~
 140 ~~establishment which applies for an initial license to pay the~~
 141 ~~full license fee if application is made during the annual~~
 142 ~~renewal period or more than 6 months before the next such~~
 143 ~~renewal period and one-half of the fee if application is made 6~~
 144 ~~months or less before such period.~~ The fee schedule shall
 145 include fees collected for the purpose of funding the
 146 Hospitality Education Program, pursuant to s. 509.302. All fees,
 147 ~~which~~ are payable in full for each application at the time
 148 ~~regardless of when~~ the application is submitted.

149 (a) Upon making initial application or an application for
 150 change of ownership, the applicant shall pay to the division a

151 fee as prescribed by rule, not to exceed \$50, in addition to any
152 other fees required by law, which shall cover all costs
153 associated with initiating regulation of the establishment.

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

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

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

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

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

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

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

201 replacement is appointed. If a vacancy on the commission occurs
202 prior to the expiration of the term, it shall be filled for the
203 unexpired portion of the term in the same manner as the original
204 appointment.

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

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

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

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

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

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

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

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

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

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

232 (j) Setting fee and reimbursement schedules for referees
233 and other officials appointed by the commission or the
234 representative of the commission.

235 (k) Establishment of criteria for approval, disapproval,
236 suspension of approval, and revocation of approval of amateur
237 sanctioning organizations for amateur boxing, kickboxing, and
238 mixed martial arts held in this state, including, but not
239 limited to, the health and safety standards the organizations
240 use before, during, and after the matches to ensure the health,
241 safety, and well-being of the amateurs participating in the
242 matches, including the qualifications and numbers of health care
243 personnel required to be present, the qualifications required
244 for referees, and other requirements relating to the health,
245 safety, and well-being of the amateurs participating in the
246 matches. The commission may adopt by rule, or incorporate by
247 reference into rule, the health and safety standards of USA
248 Boxing as the minimum health and safety standards for an amateur
249 boxing sanctioning organization, the health and safety standards
250 of the International Sport Kickboxing Association as the minimum

251 health and safety standards for an amateur kickboxing
252 sanctioning organization, and the minimum health and safety
253 standards for an amateur mixed martial arts sanctioning
254 organization. The commission shall review its rules for
255 necessary revision at least every 2 years and may adopt by rule,
256 or incorporate by reference into rule, the then-existing current
257 health and safety standards of USA Boxing and the International
258 Sport Kickboxing Association. The commission may adopt emergency
259 rules to administer this paragraph.

260 (3) The commission shall maintain an office in
261 Tallahassee. At the first meeting of the commission after June 1
262 of each year, the commission shall select a chair and a vice
263 chair from among its membership. Three members shall constitute
264 a quorum and the concurrence of at least three members is
265 necessary for official commission action.

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

272 (5) Each commission member shall be accountable to the
273 Governor for the proper performance of duties as a member of the
274 commission. The Governor shall cause to be investigated any
275 complaint or unfavorable report received by the Governor or the

276 department concerning an action of the commission or any member
 277 and shall take appropriate action thereon. The Governor may
 278 remove from office any member for malfeasance, unethical
 279 conduct, misfeasance, neglect of duty, incompetence, permanent
 280 inability to perform official duties, or pleading guilty or nolo
 281 contendere to or being found guilty of a felony.

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

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

289 (8) The department shall provide all legal and
 290 investigative services necessary to implement this chapter. The
 291 department may adopt rules as provided in ss. 120.536(1) and
 292 120.54 to carry out its duties under this chapter.

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

295 548.043 Weights and classes, limitations; gloves.—

296 (3) The commission shall establish by rule the need for
 297 gloves, if any, and the weight of any such gloves to be used in
 298 each pugilistic match ~~the appropriate weight of gloves to be~~
 299 ~~used in each boxing match; however, all participants in boxing~~
 300 ~~matches shall wear gloves weighing not less than 8 ounces each~~

301 ~~and participants in mixed martial arts matches shall wear gloves~~
302 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
303 protective devices as the commission deems necessary.

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

306 561.01 Definitions.—As used in the Beverage Law:

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

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

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

314 (1) Any person, before engaging in the business of
315 manufacturing, bottling, distributing, selling, or in any way
316 dealing in alcoholic beverages, shall file, with the district
317 licensing personnel of the district of the division in which the
318 place of business for which a license is sought is located, a
319 sworn application in the format prescribed by the division. The
320 applicant must be a legal or business entity, person, or persons
321 and must include all persons, officers, shareholders, and
322 directors of such legal or business entity that have a direct or
323 indirect interest in the business seeking to be licensed under
324 this part. However, the applicant does not include any person
325 that derives revenue from the license solely through a

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

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

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

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

376 | file with the division.

377 | Section 9. Paragraph (a) of subsection (2) of section
378 | 561.20, Florida Statutes, is amended to read:

379 | 561.20 Limitation upon number of licenses issued.—

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

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

401 shall allow the sale and consumption of alcoholic beverages only
402 on the licensed premises of the hotel or motel. In addition, the
403 hotel or motel must derive at least 60 percent of its gross
404 revenue from the rental of hotel or motel rooms and the sale of
405 food and nonalcoholic beverages; provided that this subparagraph
406 shall supersede local laws requiring a greater number of hotel
407 rooms;

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

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

423 4. A food service establishment that has 2,500 square feet
424 of service area, is equipped to serve meals to 150 persons at
425 one time, and derives at least 51 percent of its gross food and

426 beverage revenue from the sale of food and nonalcoholic
427 beverages during the first 120-day ~~60-day~~ operating period and
428 the first ~~each~~ 12-month operating period thereafter. Subsequent
429 audit timeframes must be based upon the audit percentage
430 established by the most recent audit and conducted on a
431 staggered scale as follows: level 1, 51 percent to 60 percent,
432 every year; level 2, 61 percent to 75 percent, every 2 years;
433 level 3, 76 percent to 90 percent, every 3 years; and level 4,
434 91 percent to 100 percent, every 4 years. A food service
435 establishment granted a special license on or after January 1,
436 1958, pursuant to general or special law may not operate as a
437 package store and may not sell intoxicating beverages under such
438 license after the hours of serving or consumption of food have
439 elapsed. Failure by a licensee to meet the required percentage
440 of food and nonalcoholic beverage gross revenues during the
441 covered operating period shall result in revocation of the
442 license or denial of the pending license application. A licensee
443 whose license is revoked or an applicant whose pending
444 application is denied, or any person required to qualify on the
445 special license application, is ineligible to have any interest
446 in a subsequent application for such a license for a period of
447 120 days after the date of the final denial or revocation;
448 5. Any caterer, deriving at least 51 percent of its gross
449 food and beverage revenue from the sale of food and nonalcoholic
450 beverages at each catered event, licensed by the Division of

451 Hotels and Restaurants under chapter 509. This subparagraph does
452 not apply to a culinary education program, as defined in s.
453 381.0072(2), which is licensed as a public food service
454 establishment by the Division of Hotels and Restaurants and
455 provides catering services. Notwithstanding any law to the
456 contrary, a licensee under this subparagraph shall sell or serve
457 alcoholic beverages only for consumption on the premises of a
458 catered event at which the licensee is also providing prepared
459 food, and shall prominently display its license at any catered
460 event at which the caterer is selling or serving alcoholic
461 beverages. A licensee under this subparagraph shall purchase all
462 alcoholic beverages it sells or serves at a catered event from a
463 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
464 under s. 565.02(1) subject to the limitation imposed in
465 subsection (1), as appropriate. A licensee under this
466 subparagraph may not store any alcoholic beverages to be sold or
467 served at a catered event. Any alcoholic beverages purchased by
468 a licensee under this subparagraph for a catered event that are
469 not used at that event must remain with the customer; provided
470 that if the vendor accepts unopened alcoholic beverages, the
471 licensee may return such alcoholic beverages to the vendor for a
472 credit or reimbursement. Regardless of the county or counties in
473 which the licensee operates, a licensee under this subparagraph
474 shall pay the annual state license tax set forth in s.
475 565.02(1)(b). A licensee under this subparagraph must maintain

476 | for a period of 3 years all records and receipts for each
477 | catered event, including all contracts, customers' names, event
478 | locations, event dates, food purchases and sales, alcoholic
479 | beverage purchases and sales, nonalcoholic beverage purchases
480 | and sales, and any other records required by the department by
481 | rule to demonstrate compliance with the requirements of this
482 | subparagraph. Notwithstanding any law to the contrary, any
483 | vendor licensed under s. 565.02(1) subject to the limitation
484 | imposed in subsection (1), may, without any additional licensure
485 | under this subparagraph, serve or sell alcoholic beverages for
486 | consumption on the premises of a catered event at which prepared
487 | food is provided by a caterer licensed under chapter 509. If a
488 | licensee under this subparagraph also possesses any other
489 | license under the Beverage Law, the license issued under this
490 | subparagraph shall not authorize the holder to conduct
491 | activities on the premises to which the other license or
492 | licenses apply that would otherwise be prohibited by the terms
493 | of that license or the Beverage Law. Nothing in this section
494 | shall permit the licensee to conduct activities that are
495 | otherwise prohibited by the Beverage Law or local law. The
496 | Division of Alcoholic Beverages and Tobacco is hereby authorized
497 | to adopt rules to administer the license created in this
498 | subparagraph, to include rules governing licensure,
499 | recordkeeping, and enforcement. The first \$300,000 in fees
500 | collected by the division each fiscal year pursuant to this

501 subparagraph shall be deposited in the Department of Children
502 and Families' Operations and Maintenance Trust Fund to be used
503 only for alcohol and drug abuse education, treatment, and
504 prevention programs. The remainder of the fees collected shall
505 be deposited into the Hotel and Restaurant Trust Fund created
506 pursuant to s. 509.072; or

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

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

520 b. If the culinary education program provides catering
521 services, this special license shall also allow the sale and
522 consumption of alcoholic beverages on the premises of a catered
523 event at which the licensee is also providing prepared food. A
524 culinary education program that provides catering services is
525 not required to derive at least 51 percent of its gross revenue

526 | from the sale of food and nonalcoholic beverages.
527 | Notwithstanding any law to the contrary, a licensee that
528 | provides catering services under this sub-subparagraph shall
529 | prominently display its beverage license at any catered event at
530 | which the caterer is selling or serving alcoholic beverages.
531 | Regardless of the county or counties in which the licensee
532 | operates, a licensee under this sub-subparagraph shall pay the
533 | annual state license tax set forth in s. 565.02(1)(b). A
534 | licensee under this sub-subparagraph must maintain for a period
535 | of 3 years all records required by the department by rule to
536 | demonstrate compliance with the requirements of this sub-
537 | subparagraph.

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

549 | d. The Division of Alcoholic Beverages and Tobacco may
550 | adopt rules to administer the license created in this

551 subparagraph, to include rules governing licensure,
552 recordkeeping, and enforcement.

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

556

557 However, any license heretofore issued to any such hotel, motel,
558 motor court, or restaurant or hereafter issued to any such
559 hotel, motel, or motor court, including a condominium
560 accommodation, under the general law shall not be moved to a new
561 location, such license being valid only on the premises of such
562 hotel, motel, motor court, or restaurant. Licenses issued to
563 hotels, motels, motor courts, or restaurants under the general
564 law and held by such hotels, motels, motor courts, or
565 restaurants on May 24, 1947, shall be counted in the quota
566 limitation contained in subsection (1). Any license issued for
567 any hotel, motel, or motor court under this law shall be issued
568 only to the owner of the hotel, motel, or motor court or, in the
569 event the hotel, motel, or motor court is leased, to the lessee
570 of the hotel, motel, or motor court; and the license shall
571 remain in the name of the owner or lessee so long as the license
572 is in existence. Any special license now in existence heretofore
573 issued under this law cannot be renewed except in the name of
574 the owner of the hotel, motel, motor court, or restaurant or, in
575 the event the hotel, motel, motor court, or restaurant is

576 leased, in the name of the lessee of the hotel, motel, motor
577 court, or restaurant in which the license is located and must
578 remain in the name of the owner or lessee so long as the license
579 is in existence. Any license issued under this section shall be
580 marked "Special," and nothing herein provided shall limit,
581 restrict, or prevent the issuance of a special license for any
582 restaurant or motel which shall hereafter meet the requirements
583 of the law existing immediately prior to the effective date of
584 this act, if construction of such restaurant has commenced prior
585 to the effective date of this act and is completed within 30
586 days thereafter, or if an application is on file for such
587 special license at the time this act takes effect; and any such
588 licenses issued under this proviso may be annually renewed as
589 now provided by law. Nothing herein prevents an application for
590 transfer of a license to a bona fide purchaser of any hotel,
591 motel, motor court, or restaurant by the purchaser of such
592 facility or the transfer of such license pursuant to law.

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

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

600 (4) Before the division shall so declare and prohibit such

601 sales to such vendor, ~~it shall,~~ within 2 days after receipt of
602 such notice, the division shall give ~~written~~ notice to such
603 vendor by electronic mail of the receipt by the division of such
604 notification of delinquency and such vendor shall be directed to
605 forthwith make payment thereof or, upon failure to do so, to
606 show cause before the division why further sales to such vendor
607 shall not be prohibited. Good and sufficient cause to prevent
608 such action by the division may be made by showing payment,
609 failure of consideration, or any other defense which would be
610 considered sufficient in a common-law action. The vendor shall
611 have 5 days after service ~~receipt~~ of such notice via electronic
612 mail within which to show such cause, and he or she may demand a
613 hearing thereon, provided he or she does so in writing within
614 said 5 days, such written demand to be delivered to the division
615 either in person, by electronic mail, or by due course of mail
616 within such 5 days. If no such demand for hearing is made, the
617 division shall thereupon declare in writing to such vendor and
618 to all manufacturers and distributors within the state that all
619 further sales to such vendor are prohibited until such time as
620 the division certifies in writing that such vendor has fully
621 paid for all liquors previously purchased. In the event such
622 prohibition of sales and declaration thereof to the vendor,
623 manufacturers, and distributors is ordered by the division, the
624 vendor may seek review of such decision by the Department of
625 Business and Professional Regulation within 5 days. In the event

626 application for such review is filed within such time, such
627 prohibition of sales shall not be made, published, or declared
628 until final disposition of such review by the department.

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

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

634 (2) Each manufacturer, distributor, broker, sales agent,
635 and importer shall make a full and complete report by the 10th
636 day of each month for the previous calendar month. The report
637 ~~must be~~ shall be made out in triplicate; two copies shall be
638 ~~sent to the division, and the third copy shall be retained for~~
639 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
640 ~~importer's record.~~ Reports shall be made on forms prepared and
641 ~~furnished~~ by the division and filed with the division through
642 the division's electronic data submission system.

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

645 718.112 Bylaws.—

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

649 (d) *Unit owner meetings.*—

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

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

656 2. Unless the bylaws provide otherwise, a vacancy on the
657 board caused by the expiration of a director's term must be
658 filled by electing a new board member, and the election must be
659 by secret ballot. An election is not required if the number of
660 vacancies equals or exceeds the number of candidates. For
661 purposes of this paragraph, the term "candidate" means an
662 eligible person who has timely submitted the written notice, as
663 described in sub-subparagraph 4.a., of his or her intention to
664 become a candidate. Except in a timeshare or nonresidential
665 condominium, or if the staggered term of a board member does not
666 expire until a later annual meeting, or if all members' terms
667 would otherwise expire but there are no candidates, the terms of
668 all board members expire at the annual meeting, and such members
669 may stand for reelection unless prohibited by the bylaws. Board
670 members may serve terms longer than 1 year if permitted by the
671 bylaws or articles of incorporation. A board member may not
672 serve more than 8 consecutive years unless approved by an
673 affirmative vote of unit owners representing two-thirds of all
674 votes cast in the election or unless there are not enough
675 eligible candidates to fill the vacancies on the board at the

676 time of the vacancy. If the number of board members whose terms
677 expire at the annual meeting equals or exceeds the number of
678 candidates, the candidates become members of the board effective
679 upon the adjournment of the annual meeting. Unless the bylaws
680 provide otherwise, any remaining vacancies shall be filled by
681 the affirmative vote of the majority of the directors making up
682 the newly constituted board even if the directors constitute
683 less than a quorum or there is only one director. In a
684 residential condominium association of more than 10 units or in
685 a residential condominium association that does not include
686 timeshare units or timeshare interests, co-owners of a unit may
687 not serve as members of the board of directors at the same time
688 unless they own more than one unit or unless there are not
689 enough eligible candidates to fill the vacancies on the board at
690 the time of the vacancy. A unit owner in a residential
691 condominium desiring to be a candidate for board membership must
692 comply with sub-subparagraph 4.a. and must be eligible to be a
693 candidate to serve on the board of directors at the time of the
694 deadline for submitting a notice of intent to run in order to
695 have his or her name listed as a proper candidate on the ballot
696 or to serve on the board. A person who has been suspended or
697 removed by the division under this chapter, or who is delinquent
698 in the payment of any assessment ~~monetary obligation~~ due to the
699 association, is not eligible to be a candidate for board
700 membership and may not be listed on the ballot. For purposes of

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

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

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

751 must include a hyperlink to the website where the notice is
752 posted, to unit owners whose e-mail addresses are included in
753 the association's official records. Unless a unit owner waives
754 in writing the right to receive notice of the annual meeting,
755 such notice must be hand delivered, mailed, or electronically
756 transmitted to each unit owner. Notice for meetings and notice
757 for all other purposes must be mailed to each unit owner at the
758 address last furnished to the association by the unit owner, or
759 hand delivered to each unit owner. However, if a unit is owned
760 by more than one person, the association must provide notice to
761 the address that the developer identifies for that purpose and
762 thereafter as one or more of the owners of the unit advise the
763 association in writing, or if no address is given or the owners
764 of the unit do not agree, to the address provided on the deed of
765 record. An officer of the association, or the manager or other
766 person providing notice of the association meeting, must provide
767 an affidavit or United States Postal Service certificate of
768 mailing, to be included in the official records of the
769 association affirming that the notice was mailed or hand
770 delivered in accordance with this provision.

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

776 | subparagraph does not apply to an association governing a
777 | timeshare condominium.

778 | a. At least 60 days before a scheduled election, the
779 | association shall mail, deliver, or electronically transmit, by
780 | separate association mailing or included in another association
781 | mailing, delivery, or transmission, including regularly
782 | published newsletters, to each unit owner entitled to a vote, a
783 | first notice of the date of the election. A unit owner or other
784 | eligible person desiring to be a candidate for the board must
785 | give written notice of his or her intent to be a candidate to
786 | the association at least 40 days before a scheduled election.
787 | Together with the written notice and agenda as set forth in
788 | subparagraph 3., the association shall mail, deliver, or
789 | electronically transmit a second notice of the election to all
790 | unit owners entitled to vote, together with a ballot that lists
791 | all candidates. Upon request of a candidate, an information
792 | sheet, no larger than 8 1/2 inches by 11 inches, which must be
793 | furnished by the candidate at least 35 days before the election,
794 | must be included with the mailing, delivery, or transmission of
795 | the ballot, with the costs of mailing, delivery, or electronic
796 | transmission and copying to be borne by the association. The
797 | association is not liable for the contents of the information
798 | sheets prepared by the candidates. In order to reduce costs, the
799 | association may print or duplicate the information sheets on
800 | both sides of the paper. The division shall by rule establish

801 voting procedures consistent with this sub-subparagraph,
802 including rules establishing procedures for giving notice by
803 electronic transmission and rules providing for the secrecy of
804 ballots. Elections shall be decided by a plurality of ballots
805 cast. There is no quorum requirement; however, at least 20
806 percent of the eligible voters must cast a ballot in order to
807 have a valid election. A unit owner may not authorize any other
808 person to vote his or her ballot, and any ballots improperly
809 cast are invalid. A unit owner who violates this provision may
810 be fined by the association in accordance with s. 718.303. A
811 unit owner who needs assistance in casting the ballot for the
812 reasons stated in s. 101.051 may obtain such assistance. The
813 regular election must occur on the date of the annual meeting.
814 Notwithstanding this sub-subparagraph, an election is not
815 required unless more candidates file notices of intent to run or
816 are nominated than board vacancies exist.

817 b. Within 90 days after being elected or appointed to the
818 board of an association of a residential condominium, each newly
819 elected or appointed director shall certify in writing to the
820 secretary of the association that he or she has read the
821 association's declaration of condominium, articles of
822 incorporation, bylaws, and current written policies; that he or
823 she will work to uphold such documents and policies to the best
824 of his or her ability; and that he or she will faithfully
825 discharge his or her fiduciary responsibility to the

826 association's members. In lieu of this written certification,
827 within 90 days after being elected or appointed to the board,
828 the newly elected or appointed director may submit a certificate
829 of having satisfactorily completed the educational curriculum
830 administered by a division-approved condominium education
831 provider within 1 year before or 90 days after the date of
832 election or appointment. The written certification or
833 educational certificate is valid and does not have to be
834 resubmitted as long as the director serves on the board without
835 interruption. A director of an association of a residential
836 condominium who fails to timely file the written certification
837 or educational certificate is suspended from service on the
838 board until he or she complies with this sub-subparagraph. The
839 board may temporarily fill the vacancy during the period of
840 suspension. The secretary shall cause the association to retain
841 a director's written certification or educational certificate
842 for inspection by the members for 5 years after a director's
843 election or the duration of the director's uninterrupted tenure,
844 whichever is longer. Failure to have such written certification
845 or educational certificate on file does not affect the validity
846 of any board action.

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

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

851 limited to, the approval requirement in s. 718.111(8), must be
852 made at a duly noticed meeting of unit owners and is subject to
853 all requirements of this chapter or the applicable condominium
854 documents relating to unit owner decisionmaking, except that
855 unit owners may take action by written agreement, without
856 meetings, on matters for which action by written agreement
857 without meetings is expressly allowed by the applicable bylaws
858 or declaration or any law that provides for such action.

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

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

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

876 | division.

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

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

897 |

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

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

906 (f) *Annual budget.*—

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

924 2.a. In addition to annual operating expenses, the budget
925 must include reserve accounts for capital expenditures and

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

942 b. Before turnover of control of an association by a
943 developer to unit owners other than a developer pursuant to s.
944 718.301, the developer may vote the voting interests allocated
945 to its units to waive the reserves or reduce the funding of
946 reserves through the period expiring at the end of the second
947 fiscal year after the fiscal year in which the certificate of a
948 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
949 an instrument that transfers title to a unit in the condominium
950 which is not accompanied by a recorded assignment of developer

951 rights in favor of the grantee of such unit is recorded,
952 whichever occurs first, after which time reserves may be waived
953 or reduced only upon the vote of a majority of all nondeveloper
954 voting interests voting in person or by limited proxy at a duly
955 called meeting of the association. If a meeting of the unit
956 owners has been called to determine whether to waive or reduce
957 the funding of reserves and no such result is achieved or a
958 quorum is not attained, the reserves included in the budget
959 shall go into effect. After the turnover, the developer may vote
960 its voting interest to waive or reduce the funding of reserves.

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

972 4. The only voting interests that are eligible to vote on
973 questions that involve waiving or reducing the funding of
974 reserves, or using existing reserve funds for purposes other
975 than purposes for which the reserves were intended, are the

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

986 | Section 13. Paragraph (m) of subsection (1) of section
 987 | 718.501, Florida Statutes, is amended to read:

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

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

1001 occurred, the division has jurisdiction to investigate
1002 complaints related only to financial issues, elections, and unit
1003 owner access to association records pursuant to s. 718.111(12).

1004 (m) If a complaint is made, the division must conduct its
1005 inquiry with due regard for the interests of the affected
1006 parties. Within 30 days after receipt of a complaint, the
1007 division shall acknowledge the complaint in writing and notify
1008 the complainant whether the complaint is within the jurisdiction
1009 of the division and whether additional information is needed by
1010 the division from the complainant. The division shall conduct
1011 its investigation and, within 90 days after receipt of the
1012 original complaint or of timely requested additional
1013 information, take action upon the complaint. However, the
1014 failure to complete the investigation within 90 days does not
1015 prevent the division from continuing the investigation,
1016 accepting or considering evidence obtained or received after 90
1017 days, or taking administrative action if reasonable cause exists
1018 to believe that a violation of this chapter or a rule has
1019 occurred. If an investigation is not completed within the time
1020 limits established in this paragraph, the division shall, on a
1021 monthly basis, notify the complainant in writing of the status
1022 of the investigation. When reporting its action to the
1023 complainant, the division shall inform the complainant of any
1024 right to a hearing pursuant to ss. 120.569 and 120.57. The
1025 division may adopt rules regarding the submission of a complaint

1026 against an association.

1027 Section 14. Section 718.5014, Florida Statutes, is amended
1028 to read:

1029 718.5014 Ombudsman location.—The ombudsman shall maintain
1030 his or her principal office at a ~~in Leon County on the premises~~
1031 ~~of the division or, if suitable space cannot be provided there,~~
1032 ~~at another~~ place convenient to the offices of the division which
1033 will enable the ombudsman to expeditiously carry out the duties
1034 and functions of his or her office. The ombudsman may establish
1035 branch offices elsewhere in the state upon the concurrence of
1036 the Governor.

1037 Section 15. Subsection (1) of section 455.219, Florida
1038 Statutes, is amended to read:

1039 455.219 Fees; receipts; disposition; periodic management
1040 reports.—

1041 (1) Each board within the department shall determine by
1042 rule the amount of license fees for its profession, based upon
1043 department-prepared long-range estimates of the revenue required
1044 to implement all provisions of law relating to the regulation of
1045 professions by the department and any board; however, when the
1046 department has determined, based on the long-range estimates of
1047 such revenue, that a profession's trust fund moneys are in
1048 excess of the amount required to cover the necessary functions
1049 of the board, or the department when there is no board, the
1050 department may adopt rules to implement a waiver of license

1051 renewal fees for that profession for a period not to exceed 2
1052 years, as determined by the department. Each board, or the
1053 department when there is no board, shall ensure license fees are
1054 adequate to cover all anticipated costs and to maintain a
1055 reasonable cash balance, as determined by rule of the
1056 department, with advice of the applicable board. If sufficient
1057 action is not taken by a board within 1 year of notification by
1058 the department that license fees are projected to be inadequate,
1059 the department shall set license fees on behalf of the
1060 applicable board to cover anticipated costs and to maintain the
1061 required cash balance. The department shall include recommended
1062 fee cap increases in its annual report to the Legislature.
1063 Further, it is legislative intent that no regulated profession
1064 operate with a negative cash balance. The department may provide
1065 by rule for the advancement of sufficient funds to any
1066 profession or the Florida Athletic State~~Boxing~~ Commission
1067 operating with a negative cash balance. Such advancement may be
1068 for a period not to exceed 2 consecutive years and shall require
1069 interest to be paid by the regulated profession. Interest shall
1070 be calculated at the current rate earned on Professional
1071 Regulation Trust Fund investments. Interest earned shall be
1072 allocated to the various funds in accordance with the allocation
1073 of investment earnings during the period of the advance.

1074 Section 16. Subsection (4) of section 548.002, Florida
1075 Statutes, is amended to read:

1076 548.002 Definitions.—As used in this chapter, the term:

1077 (4) "Commission" means the Florida Athletic ~~State Boxing~~
 1078 Commission.

1079 Section 17. Subsections (3) and (4) of section 548.05,
 1080 Florida Statutes, are amended to read:

1081 548.05 Control of contracts.—

1082 (3) The commission may require that each contract contain
 1083 language authorizing the ~~Florida State Boxing~~ commission to
 1084 withhold any or all of any manager's share of a purse in the
 1085 event of a contractual dispute as to entitlement to any portion
 1086 of a purse. The commission may establish rules governing the
 1087 manner of resolution of such dispute. In addition, if the
 1088 commission deems it appropriate, the commission is hereby
 1089 authorized to implead interested parties over any disputed funds
 1090 into the appropriate circuit court for resolution of the dispute
 1091 prior to release of all or any part of the funds.

1092 (4) Each contract subject to this section shall contain
 1093 the following clause: "This agreement is subject to the
 1094 provisions of chapter 548, Florida Statutes, and to the rules of
 1095 the Florida Athletic ~~State Boxing~~ Commission and to any future
 1096 amendments of either."

1097 Section 18. Subsection (12) of section 548.071, Florida
 1098 Statutes, is amended to read:

1099 548.071 Suspension or revocation of license or permit by
 1100 commission.—The commission may suspend or revoke a license or

1101 permit if the commission finds that the licensee or permittee:

1102 (12) Has been disciplined by the ~~Florida State Boxing~~
 1103 commission or similar agency or body of any jurisdiction.

1104 Section 19. Section 548.077, Florida Statutes, is amended
 1105 to read:

1106 548.077 Florida Athletic State ~~Boxing~~ Commission;
 1107 collection and disposition of moneys.—All fees, fines,
 1108 forfeitures, and other moneys collected under the provisions of
 1109 this chapter shall be paid by the commission to the Chief
 1110 Financial Officer who, after the expenses of the commission are
 1111 paid, shall deposit them in the Professional Regulation Trust
 1112 Fund to be used for the administration and operation of the
 1113 commission and to enforce the laws and rules under its
 1114 jurisdiction. In the event the unexpended balance of such moneys
 1115 collected under the provisions of this chapter exceeds \$250,000,
 1116 any excess of that amount shall be deposited in the General
 1117 Revenue Fund.

1118 Section 20. This act shall take effect July 1, 2020.