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LEGISLATIVE ACTION

Senate

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House

Senator Diaz moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(2) The division is authorized to prescribe and promulgate
by rules and regulations, which shall have the force and effect
of the law, such records to be kept and reports to be made to



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12 the division by any manufacturer, importer, distributing agent,
13 wholesale dealer, retail dealer, common carrier, or any other
14 person handling, transporting or possessing cigarettes for sale
15 or distribution within the state as may be necessary to collect
16 and properly distribute the taxes imposed by s. 210.02. All
17 reports shall be made on or before the 10th day of the month
18 following the month for which the report is made, unless the
19 division by rule or regulation shall prescribe that reports be
20 made more often. All reports shall be filed with the division
21 through the division's electronic data submission system.

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

24 210.55 Distributors; monthly returns.-

25 (1) On or before the 10th of each month, every taxpayer
26 with a place of business in this state shall file a full and
27 complete report ~~return~~ with the division showing the tobacco
28 products taxable price of each tobacco product brought or caused
29 to be brought into this state for sale, or made, manufactured,
30 or fabricated in this state for sale in this state, during the
31 preceding month. Every taxpayer outside this state shall file a
32 full and complete report with the division through the
33 division's electronic data submission system ~~return~~ showing the
34 quantity and taxable price of each tobacco product shipped or
35 transported to retailers in this state, to be sold by those
36 retailers, during the preceding month. Reports must ~~Returns~~
37 ~~shall~~ be made upon forms furnished and prescribed by the
38 division and must ~~shall~~ contain any other information that the
39 division requires. Each report must ~~return shall~~ be accompanied
40 by a remittance for the full tax liability shown and be filed



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41 with the division through the division's electronic data
42 submission system.

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

45 509.241 Licenses required; exceptions.—

46 (1) LICENSES; ANNUAL RENEWALS.—Each public lodging
47 establishment and public food service establishment shall obtain
48 a license from the division. Such license may not be transferred
49 from one place or individual to another. It shall be a
50 misdemeanor of the second degree, punishable as provided in s.
51 775.082 or s. 775.083, for such an establishment to operate
52 without a license. Local law enforcement shall provide immediate
53 assistance in pursuing an illegally operating establishment. The
54 division may refuse a license, or a renewal thereof, to any
55 establishment that is not constructed and maintained in
56 accordance with law and with the rules of the division. The
57 division may refuse to issue a license, or a renewal thereof, to
58 any establishment an operator of which, within the preceding 5
59 years, has been adjudicated guilty of, or has forfeited a bond
60 when charged with, any crime reflecting on professional
61 character, including soliciting for prostitution, pandering,
62 letting premises for prostitution, keeping a disorderly place,
63 or illegally dealing in controlled substances as defined in
64 chapter 893, whether in this state or in any other jurisdiction
65 within the United States, or has had a license denied, revoked,
66 or suspended pursuant to s. 429.14. Licenses shall be renewed
67 annually, and the division shall adopt rules ~~a rule~~ establishing
68 procedures ~~a staggered schedule~~ for license issuance and
69 renewals. If any license expires while administrative charges



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70 are pending against the license, the proceedings against the
71 license shall continue to conclusion as if the license were
72 still in effect.

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

75 509.251 License fees.—

76 (1) The division shall adopt, by rule, a schedule of fees
77 to be paid by each public lodging establishment as a
78 prerequisite to issuance or renewal of a license. Such fees
79 shall be based on the number of rental units in the
80 establishment. The aggregate fee per establishment charged any
81 public lodging establishment may not exceed \$1,000; however, the
82 fees described in paragraphs (a) and (b) may not be included as
83 part of the aggregate fee subject to this cap. Vacation rental
84 units or timeshare projects within separate buildings or at
85 separate locations but managed by one licensed agent may be
86 combined in a single license application, and the division shall
87 charge a license fee as if all units in the application are in a
88 single licensed establishment. ~~The fee schedule shall require an~~
89 ~~establishment which applies for an initial license to pay the~~
90 ~~full license fee if application is made during the annual~~
91 ~~renewal period or more than 6 months before the next such~~
92 ~~renewal period and one-half of the fee if application is made 6~~
93 ~~months or less before such period.~~ The fee schedule shall
94 include fees collected for the purpose of funding the
95 Hospitality Education Program, pursuant to s. 509.302. All fees,
96 ~~which~~ are payable in full for each application at the time
97 ~~regardless of when~~ the application is submitted.

98 (a) Upon making initial application or an application for



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99 change of ownership, the applicant shall pay to the division a
100 fee as prescribed by rule, not to exceed \$50, in addition to any
101 other fees required by law, which shall cover all costs
102 associated with initiating regulation of the establishment.

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

107 (2) The division shall adopt, by rule, a schedule of fees
108 to be paid by each public food service establishment as a
109 prerequisite to issuance or renewal of a license. The fee
110 schedule shall prescribe a basic fee and additional fees based
111 on seating capacity and services offered. The aggregate fee per
112 establishment charged any public food service establishment may
113 not exceed \$400; however, the fees described in paragraphs (a)
114 and (b) may not be included as part of the aggregate fee subject
115 to this cap. ~~The fee schedule shall require an establishment~~
116 ~~which applies for an initial license to pay the full license fee~~
117 ~~if application is made during the annual renewal period or more~~
118 ~~than 6 months before the next such renewal period and one-half~~
119 ~~of the fee if application is made 6 months or less before such~~
120 ~~period.~~ The fee schedule shall include fees collected for the
121 purpose of funding the Hospitality Education Program, pursuant
122 to s. 509.302. All fees, which are payable in full for each
123 application at the time ~~regardless of when~~ the application is
124 submitted.

125 (a) Upon making initial application or an application for
126 change of ownership, the applicant shall pay to the division a
127 fee as prescribed by rule, not to exceed \$50, in addition to any



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128 other fees required by law, which shall cover all costs
129 associated with initiating regulation of the establishment.

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

134 Section 5. Section 548.003, Florida Statutes, is amended to
135 read:

136 548.003 Florida Athletic State ~~Boxing~~ Commission.—

137 (1) The Florida Athletic State ~~Boxing~~ Commission is created
138 and is assigned to the Department of Business and Professional
139 Regulation for administrative and fiscal accountability purposes
140 only. The ~~Florida State Boxing~~ commission shall consist of five
141 members appointed by the Governor, subject to confirmation by
142 the Senate. One member must be a physician licensed pursuant to
143 chapter 458 or chapter 459, who must maintain an unencumbered
144 license in good standing, and who must, at the time of her or
145 his appointment, have practiced medicine for at least 5 years.
146 Upon the expiration of the term of a commissioner, the Governor
147 shall appoint a successor to serve for a 4-year term. A
148 commissioner whose term has expired shall continue to serve on
149 the commission until such time as a replacement is appointed. If
150 a vacancy on the commission occurs prior to the expiration of
151 the term, it shall be filled for the unexpired portion of the
152 term in the same manner as the original appointment.

153 (2) The ~~Florida State Boxing~~ commission, as created by
154 subsection (1), shall administer the provisions of this chapter.
155 The commission has authority to adopt rules pursuant to ss.
156 120.536(1) and 120.54 to implement the provisions of this



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157 chapter and to implement each of the duties and responsibilities
158 conferred upon the commission, including, but not limited to:

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

161 (b) Facility and safety requirements relating to the ring,
162 floor plan and apron seating, emergency medical equipment and
163 services, and other equipment and services necessary for the
164 conduct of a program of matches.

165 (c) Requirements regarding a participant's apparel,
166 bandages, handwraps, gloves, mouthpiece, and appearance during a
167 match.

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

170 (e) Duties and responsibilities of all licensees under this
171 chapter.

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

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

174 (h) Qualifications for and appointment of chief inspectors
175 and inspectors and duties and responsibilities of chief
176 inspectors and inspectors with respect to oversight and
177 coordination of activities for each program of matches regulated
178 under this chapter.

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

180 (j) Setting fee and reimbursement schedules for referees
181 and other officials appointed by the commission or the
182 representative of the commission.

183 (k) Establishment of criteria for approval, disapproval,
184 suspension of approval, and revocation of approval of amateur
185 sanctioning organizations for amateur boxing, kickboxing, and



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186 mixed martial arts held in this state, including, but not
187 limited to, the health and safety standards the organizations
188 use before, during, and after the matches to ensure the health,
189 safety, and well-being of the amateurs participating in the
190 matches, including the qualifications and numbers of health care
191 personnel required to be present, the qualifications required
192 for referees, and other requirements relating to the health,
193 safety, and well-being of the amateurs participating in the
194 matches. The commission may adopt by rule, or incorporate by
195 reference into rule, the health and safety standards of USA
196 Boxing as the minimum health and safety standards for an amateur
197 boxing sanctioning organization, the health and safety standards
198 of the International Sport Kickboxing Association as the minimum
199 health and safety standards for an amateur kickboxing
200 sanctioning organization, and the minimum health and safety
201 standards for an amateur mixed martial arts sanctioning
202 organization. The commission shall review its rules for
203 necessary revision at least every 2 years and may adopt by rule,
204 or incorporate by reference into rule, the then-existing current
205 health and safety standards of USA Boxing and the International
206 Sport Kickboxing Association. The commission may adopt emergency
207 rules to administer this paragraph.

208 (3) The commission shall maintain an office in Tallahassee.
209 At the first meeting of the commission after June 1 of each
210 year, the commission shall select a chair and a vice chair from
211 among its membership. Three members shall constitute a quorum
212 and the concurrence of at least three members is necessary for
213 official commission action.

214 (4) Three consecutive unexcused absences or absences



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215 constituting 50 percent or more of the commission's meetings
216 within any 12-month period shall cause the commission membership
217 of the member in question to become void, and the position shall
218 be considered vacant. The commission shall, by rule, define
219 unexcused absences.

220 (5) Each commission member shall be accountable to the
221 Governor for the proper performance of duties as a member of the
222 commission. The Governor shall cause to be investigated any
223 complaint or unfavorable report received by the Governor or the
224 department concerning an action of the commission or any member
225 and shall take appropriate action thereon. The Governor may
226 remove from office any member for malfeasance, unethical
227 conduct, misfeasance, neglect of duty, incompetence, permanent
228 inability to perform official duties, or pleading guilty or nolo
229 contendere to or being found guilty of a felony.

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

234 (7) The commission shall be authorized to join and
235 participate in the activities of the Association of Boxing
236 Commissions (ABC).

237 (8) The department shall provide all legal and
238 investigative services necessary to implement this chapter. The
239 department may adopt rules as provided in ss. 120.536(1) and
240 120.54 to carry out its duties under this chapter.

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

243 548.043 Weights and classes, limitations; gloves.-



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244 (3) The commission shall establish by rule the need for
245 gloves, if any, and the weight of any such gloves to be used in
246 each pugilistic match ~~the appropriate weight of gloves to be~~
247 ~~used in each boxing match; however, all participants in boxing~~
248 ~~matches shall wear gloves weighing not less than 8 ounces each~~
249 ~~and participants in mixed martial arts matches shall wear gloves~~
250 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
251 protective devices as the commission deems necessary.

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

254 561.01 Definitions.—As used in the Beverage Law:

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

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

260 561.17 License and registration applications; approved
261 person.—

262 (1) Any person, before engaging in the business of
263 manufacturing, bottling, distributing, selling, or in any way
264 dealing in alcoholic beverages, shall file, with the district
265 licensing personnel of the district of the division in which the
266 place of business for which a license is sought is located, a
267 sworn application in the format prescribed by the division. The
268 applicant must be a legal or business entity, person, or persons
269 and must include all persons, officers, shareholders, and
270 directors of such legal or business entity that have a direct or
271 indirect interest in the business seeking to be licensed under
272 this part. However, the applicant does not include any person



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273 that derives revenue from the license solely through a
274 contractual relationship with the licensee, the substance of
275 which contractual relationship is not related to the control of
276 the sale of alcoholic beverages. Before any application is
277 approved, the division may require the applicant to file a set
278 of fingerprints electronically through an approved electronic
279 fingerprinting vendor or on ~~regular United States Department of~~
280 Justice forms prescribed by the Florida Department of Law
281 Enforcement for herself or himself and for any person or persons
282 interested directly or indirectly with the applicant in the
283 business for which the license is being sought, when required by
284 the division. If the applicant or any person who is interested
285 with the applicant either directly or indirectly in the business
286 or who has a security interest in the license being sought or
287 has a right to a percentage payment from the proceeds of the
288 business, either by lease or otherwise, is not qualified, the
289 division shall deny the application. However, any company
290 regularly traded on a national securities exchange and not over
291 the counter; any insurer, as defined in the Florida Insurance
292 Code; or any bank or savings and loan association chartered by
293 this state, another state, or the United States which has an
294 interest, directly or indirectly, in an alcoholic beverage
295 license is not required to obtain the division's approval of its
296 officers, directors, or stockholders or any change of such
297 positions or interests. A shopping center with five or more
298 stores, one or more of which has an alcoholic beverage license
299 and is required under a lease common to all shopping center
300 tenants to pay no more than 10 percent of the gross proceeds of
301 the business holding the license to the shopping center, is not



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302 considered as having an interest, directly or indirectly, in the
303 license. A performing arts center, as defined in s. 561.01,
304 which has an interest, directly or indirectly, in an alcoholic
305 beverage license is not required to obtain division approval of
306 its volunteer officers or directors or of any change in such
307 positions or interests.

308 (2) All applications for any alcoholic beverage license
309 must be accompanied by proof of the applicant's right of
310 occupancy for the entire premises sought to be licensed. All
311 applications for alcoholic beverage licenses for consumption on
312 the premises shall be accompanied by a certificate of the
313 Division of Hotels and Restaurants of the Department of Business
314 and Professional Regulation, the Department of Agriculture and
315 Consumer Services, the Department of Health, the Agency for
316 Health Care Administration, or the county health department that
317 the place of business wherein the business is to be conducted
318 meets all of the sanitary requirements of the state.

319 (5) Any person or entity licensed or permitted by the
320 division must provide an electronic mail address to the division
321 to function as the primary contact for all communication by the
322 division to the licensee or permittees. Licensees and permittees
323 are responsible for maintaining accurate contact information on
324 file with the division.

325 Section 9. Paragraph (a) of subsection (2) of section
326 561.20, Florida Statutes, is amended to read:

327 561.20 Limitation upon number of licenses issued.—

328 (2) (a) The limitation of the number of licenses as provided
329 in this section does not prohibit the issuance of a special
330 license to:



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331 1. Any bona fide hotel, motel, or motor court of not fewer
332 than 80 guest rooms in any county having a population of less
333 than 50,000 residents, and of not fewer than 100 guest rooms in
334 any county having a population of 50,000 residents or greater;
335 or any bona fide hotel or motel located in a historic structure,
336 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
337 guest rooms which derives at least 51 percent of its gross
338 revenue from the rental of hotel or motel rooms, which is
339 licensed as a public lodging establishment by the Division of
340 Hotels and Restaurants; provided, however, that a bona fide
341 hotel or motel with no fewer than 10 and no more than 25 guest
342 rooms which is a historic structure, as defined in s. 561.01(20)
343 ~~s. 561.01(21)~~, in a municipality that on the effective date of
344 this act has a population, according to the University of
345 Florida's Bureau of Economic and Business Research Estimates of
346 Population for 1998, of no fewer than 25,000 and no more than
347 35,000 residents and that is within a constitutionally chartered
348 county may be issued a special license. This special license
349 shall allow the sale and consumption of alcoholic beverages only
350 on the licensed premises of the hotel or motel. In addition, the
351 hotel or motel must derive at least 60 percent of its gross
352 revenue from the rental of hotel or motel rooms and the sale of
353 food and nonalcoholic beverages; provided that this subparagraph
354 shall supersede local laws requiring a greater number of hotel
355 rooms;

356 2. Any condominium accommodation of which no fewer than 100
357 condominium units are wholly rentable to transients and which is
358 licensed under chapter 509, except that the license shall be
359 issued only to the person or corporation that operates the hotel



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360 or motel operation and not to the association of condominium
361 owners;

362 3. Any condominium accommodation of which no fewer than 50
363 condominium units are wholly rentable to transients, which is
364 licensed under chapter 509, and which is located in any county
365 having home rule under s. 10 or s. 11, Art. VIII of the State
366 Constitution of 1885, as amended, and incorporated by reference
367 in s. 6(e), Art. VIII of the State Constitution, except that the
368 license shall be issued only to the person or corporation that
369 operates the hotel or motel operation and not to the association
370 of condominium owners;

371 4. A food service establishment that has 2,500 square feet
372 of service area, is equipped to serve meals to 150 persons at
373 one time, and derives at least 51 percent of its gross food and
374 beverage revenue from the sale of food and nonalcoholic
375 beverages during the first 120-day ~~60-day~~ operating period and
376 the first each 12-month operating period thereafter. Subsequent
377 audit timeframes must be based upon the audit percentage
378 established by the most recent audit and conducted on a
379 staggered scale as follows: level 1, 51 percent to 60 percent,
380 every year; level 2, 61 percent to 75 percent, every 2 years;
381 level 3, 76 percent to 90 percent, every 3 years; and level 4,
382 91 percent to 100 percent, every 4 years. A food service
383 establishment granted a special license on or after January 1,
384 1958, pursuant to general or special law may not operate as a
385 package store and may not sell intoxicating beverages under such
386 license after the hours of serving or consumption of food have
387 elapsed. Failure by a licensee to meet the required percentage
388 of food and nonalcoholic beverage gross revenues during the



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389 covered operating period shall result in revocation of the
390 license or denial of the pending license application. A licensee
391 whose license is revoked or an applicant whose pending
392 application is denied, or any person required to qualify on the
393 special license application, is ineligible to have any interest
394 in a subsequent application for such a license for a period of
395 120 days after the date of the final denial or revocation;

396 5. Any caterer, deriving at least 51 percent of its gross
397 food and beverage revenue from the sale of food and nonalcoholic
398 beverages at each catered event, licensed by the Division of
399 Hotels and Restaurants under chapter 509. This subparagraph does
400 not apply to a culinary education program, as defined in s.
401 381.0072(2), which is licensed as a public food service
402 establishment by the Division of Hotels and Restaurants and
403 provides catering services. Notwithstanding any law to the
404 contrary, a licensee under this subparagraph shall sell or serve
405 alcoholic beverages only for consumption on the premises of a
406 catered event at which the licensee is also providing prepared
407 food, and shall prominently display its license at any catered
408 event at which the caterer is selling or serving alcoholic
409 beverages. A licensee under this subparagraph shall purchase all
410 alcoholic beverages it sells or serves at a catered event from a
411 vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
412 under s. 565.02(1) subject to the limitation imposed in
413 subsection (1), as appropriate. A licensee under this
414 subparagraph may not store any alcoholic beverages to be sold or
415 served at a catered event. Any alcoholic beverages purchased by
416 a licensee under this subparagraph for a catered event that are
417 not used at that event must remain with the customer; provided



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418 that if the vendor accepts unopened alcoholic beverages, the
419 licensee may return such alcoholic beverages to the vendor for a
420 credit or reimbursement. Regardless of the county or counties in
421 which the licensee operates, a licensee under this subparagraph
422 shall pay the annual state license tax set forth in s.
423 565.02(1)(b). A licensee under this subparagraph must maintain
424 for a period of 3 years all records and receipts for each
425 catered event, including all contracts, customers' names, event
426 locations, event dates, food purchases and sales, alcoholic
427 beverage purchases and sales, nonalcoholic beverage purchases
428 and sales, and any other records required by the department by
429 rule to demonstrate compliance with the requirements of this
430 subparagraph. Notwithstanding any law to the contrary, any
431 vendor licensed under s. 565.02(1) subject to the limitation
432 imposed in subsection (1), may, without any additional licensure
433 under this subparagraph, serve or sell alcoholic beverages for
434 consumption on the premises of a catered event at which prepared
435 food is provided by a caterer licensed under chapter 509. If a
436 licensee under this subparagraph also possesses any other
437 license under the Beverage Law, the license issued under this
438 subparagraph shall not authorize the holder to conduct
439 activities on the premises to which the other license or
440 licenses apply that would otherwise be prohibited by the terms
441 of that license or the Beverage Law. Nothing in this section
442 shall permit the licensee to conduct activities that are
443 otherwise prohibited by the Beverage Law or local law. The
444 Division of Alcoholic Beverages and Tobacco is hereby authorized
445 to adopt rules to administer the license created in this
446 subparagraph, to include rules governing licensure,



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447 recordkeeping, and enforcement. The first \$300,000 in fees
448 collected by the division each fiscal year pursuant to this
449 subparagraph shall be deposited in the Department of Children
450 and Families' Operations and Maintenance Trust Fund to be used
451 only for alcohol and drug abuse education, treatment, and
452 prevention programs. The remainder of the fees collected shall
453 be deposited into the Hotel and Restaurant Trust Fund created
454 pursuant to s. 509.072; or

455 6. A culinary education program as defined in s.
456 381.0072(2) which is licensed as a public food service
457 establishment by the Division of Hotels and Restaurants.

458 a. This special license shall allow the sale and
459 consumption of alcoholic beverages on the licensed premises of
460 the culinary education program. The culinary education program
461 shall specify designated areas in the facility where the
462 alcoholic beverages may be consumed at the time of application.
463 Alcoholic beverages sold for consumption on the premises may be
464 consumed only in areas designated pursuant to s. 561.01(11) and
465 may not be removed from the designated area. Such license shall
466 be applicable only in and for designated areas used by the
467 culinary education program.

468 b. If the culinary education program provides catering
469 services, this special license shall also allow the sale and
470 consumption of alcoholic beverages on the premises of a catered
471 event at which the licensee is also providing prepared food. A
472 culinary education program that provides catering services is
473 not required to derive at least 51 percent of its gross revenue
474 from the sale of food and nonalcoholic beverages.
475 Notwithstanding any law to the contrary, a licensee that



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476 provides catering services under this sub-subparagraph shall
477 prominently display its beverage license at any catered event at
478 which the caterer is selling or serving alcoholic beverages.
479 Regardless of the county or counties in which the licensee
480 operates, a licensee under this sub-subparagraph shall pay the
481 annual state license tax set forth in s. 565.02(1)(b). A
482 licensee under this sub-subparagraph must maintain for a period
483 of 3 years all records required by the department by rule to
484 demonstrate compliance with the requirements of this sub-
485 subparagraph.

486 c. If a licensee under this subparagraph also possesses any
487 other license under the Beverage Law, the license issued under
488 this subparagraph does not authorize the holder to conduct
489 activities on the premises to which the other license or
490 licenses apply that would otherwise be prohibited by the terms
491 of that license or the Beverage Law. Nothing in this
492 subparagraph shall permit the licensee to conduct activities
493 that are otherwise prohibited by the Beverage Law or local law.
494 Any culinary education program that holds a license to sell
495 alcoholic beverages shall comply with the age requirements set
496 forth in ss. 562.11(4), 562.111(2), and 562.13.

497 d. The Division of Alcoholic Beverages and Tobacco may
498 adopt rules to administer the license created in this
499 subparagraph, to include rules governing licensure,
500 recordkeeping, and enforcement.

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

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505 However, any license heretofore issued to any such hotel, motel,
506 motor court, or restaurant or hereafter issued to any such
507 hotel, motel, or motor court, including a condominium
508 accommodation, under the general law shall not be moved to a new
509 location, such license being valid only on the premises of such
510 hotel, motel, motor court, or restaurant. Licenses issued to
511 hotels, motels, motor courts, or restaurants under the general
512 law and held by such hotels, motels, motor courts, or
513 restaurants on May 24, 1947, shall be counted in the quota
514 limitation contained in subsection (1). Any license issued for
515 any hotel, motel, or motor court under this law shall be issued
516 only to the owner of the hotel, motel, or motor court or, in the
517 event the hotel, motel, or motor court is leased, to the lessee
518 of the hotel, motel, or motor court; and the license shall
519 remain in the name of the owner or lessee so long as the license
520 is in existence. Any special license now in existence heretofore
521 issued under this law cannot be renewed except in the name of
522 the owner of the hotel, motel, motor court, or restaurant or, in
523 the event the hotel, motel, motor court, or restaurant is
524 leased, in the name of the lessee of the hotel, motel, motor
525 court, or restaurant in which the license is located and must
526 remain in the name of the owner or lessee so long as the license
527 is in existence. Any license issued under this section shall be
528 marked "Special," and nothing herein provided shall limit,
529 restrict, or prevent the issuance of a special license for any
530 restaurant or motel which shall hereafter meet the requirements
531 of the law existing immediately prior to the effective date of
532 this act, if construction of such restaurant has commenced prior
533 to the effective date of this act and is completed within 30



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534 days thereafter, or if an application is on file for such
535 special license at the time this act takes effect; and any such
536 licenses issued under this proviso may be annually renewed as
537 now provided by law. Nothing herein prevents an application for
538 transfer of a license to a bona fide purchaser of any hotel,
539 motel, motor court, or restaurant by the purchaser of such
540 facility or the transfer of such license pursuant to law.

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

543 561.42 Tied house evil; financial aid and assistance to
544 vendor by manufacturer, distributor, importer, primary American
545 source of supply, brand owner or registrant, or any broker,
546 sales agent, or sales person thereof, prohibited; procedure for
547 enforcement; exception.—

548 (4) Before the division shall so declare and prohibit such
549 sales to such vendor, ~~it shall~~, within 2 days after receipt of
550 such notice, the division shall give ~~written~~ notice to such
551 vendor by electronic mail of the receipt by the division of such
552 notification of delinquency and such vendor shall be directed to
553 forthwith make payment thereof or, upon failure to do so, to
554 show cause before the division why further sales to such vendor
555 shall not be prohibited. Good and sufficient cause to prevent
556 such action by the division may be made by showing payment,
557 failure of consideration, or any other defense which would be
558 considered sufficient in a common-law action. The vendor shall
559 have 5 days after service ~~receipt~~ of such notice via electronic
560 mail within which to show such cause, and he or she may demand a
561 hearing thereon, provided he or she does so in writing within
562 said 5 days, such written demand to be delivered to the division



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563 either in person, by electronic mail, or by due course of mail
564 within such 5 days. If no such demand for hearing is made, the
565 division shall thereupon declare in writing to such vendor and
566 to all manufacturers and distributors within the state that all
567 further sales to such vendor are prohibited until such time as
568 the division certifies in writing that such vendor has fully
569 paid for all liquors previously purchased. In the event such
570 prohibition of sales and declaration thereof to the vendor,
571 manufacturers, and distributors is ordered by the division, the
572 vendor may seek review of such decision by the Department of
573 Business and Professional Regulation within 5 days. In the event
574 application for such review is filed within such time, such
575 prohibition of sales shall not be made, published, or declared
576 until final disposition of such review by the department.

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

579 561.55 Manufacturers', distributors', brokers', sales
580 agents', importers', vendors', and exporters' records and
581 reports.-

582 (2) Each manufacturer, distributor, broker, sales agent,
583 and importer shall make a full and complete report by the 10th
584 day of each month for the previous calendar month. The report
585 ~~must be shall be made out in triplicate; two copies shall be~~
586 ~~sent to the division, and the third copy shall be retained for~~
587 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
588 ~~importer's record. Reports shall be made on forms prepared and~~
589 ~~furnished by the division and filed with the division through~~
590 the division's electronic data submission system.

591 Section 12. Paragraphs (d) and (f) of subsection (2) of



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592 section 718.112, Florida Statutes, are amended to read:

593 718.112 Bylaws.—

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

597 (d) *Unit owner meetings.*—

598 1. An annual meeting of the unit owners must be held at the
599 location provided in the association bylaws and, if the bylaws
600 are silent as to the location, the meeting must be held within
601 45 miles of the condominium property. However, such distance
602 requirement does not apply to an association governing a
603 timeshare condominium.

604 2. Unless the bylaws provide otherwise, a vacancy on the
605 board caused by the expiration of a director's term must be
606 filled by electing a new board member, and the election must be
607 by secret ballot. An election is not required if the number of
608 vacancies equals or exceeds the number of candidates. For
609 purposes of this paragraph, the term "candidate" means an
610 eligible person who has timely submitted the written notice, as
611 described in sub-subparagraph 4.a., of his or her intention to
612 become a candidate. Except in a timeshare or nonresidential
613 condominium, or if the staggered term of a board member does not
614 expire until a later annual meeting, or if all members' terms
615 would otherwise expire but there are no candidates, the terms of
616 all board members expire at the annual meeting, and such members
617 may stand for reelection unless prohibited by the bylaws. Board
618 members may serve terms longer than 1 year if permitted by the
619 bylaws or articles of incorporation. A board member may not
620 serve more than 8 consecutive years unless approved by an



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621 affirmative vote of unit owners representing two-thirds of all
622 votes cast in the election or unless there are not enough
623 eligible candidates to fill the vacancies on the board at the
624 time of the vacancy. If the number of board members whose terms
625 expire at the annual meeting equals or exceeds the number of
626 candidates, the candidates become members of the board effective
627 upon the adjournment of the annual meeting. Unless the bylaws
628 provide otherwise, any remaining vacancies shall be filled by
629 the affirmative vote of the majority of the directors making up
630 the newly constituted board even if the directors constitute
631 less than a quorum or there is only one director. In a
632 residential condominium association of more than 10 units or in
633 a residential condominium association that does not include
634 timeshare units or timeshare interests, co-owners of a unit may
635 not serve as members of the board of directors at the same time
636 unless they own more than one unit or unless there are not
637 enough eligible candidates to fill the vacancies on the board at
638 the time of the vacancy. A unit owner in a residential
639 condominium desiring to be a candidate for board membership must
640 comply with sub-subparagraph 4.a. and must be eligible to be a
641 candidate to serve on the board of directors at the time of the
642 deadline for submitting a notice of intent to run in order to
643 have his or her name listed as a proper candidate on the ballot
644 or to serve on the board. A person who has been suspended or
645 removed by the division under this chapter, or who is delinquent
646 in the payment of any assessment ~~monetary obligation~~ due to the
647 association, is not eligible to be a candidate for board
648 membership and may not be listed on the ballot. A person is
649 delinquent if a payment is not made by the due date as



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650 specifically identified in the declaration of condominium,
651 bylaws, or articles of incorporation. If a due date is not
652 specifically identified in the declaration of condominium,
653 bylaws, or articles of incorporation, the due date is the first
654 day of the monthly or quarterly assessment period. A person who
655 has been convicted of any felony in this state or in a United
656 States District or Territorial Court, or who has been convicted
657 of any offense in another jurisdiction which would be considered
658 a felony if committed in this state, is not eligible for board
659 membership unless such felon's civil rights have been restored
660 for at least 5 years as of the date such person seeks election
661 to the board. The validity of an action by the board is not
662 affected if it is later determined that a board member is
663 ineligible for board membership due to having been convicted of
664 a felony. This subparagraph does not limit the term of a member
665 of the board of a nonresidential or timeshare condominium.

666 3. The bylaws must provide the method of calling meetings
667 of unit owners, including annual meetings. Written notice must
668 include an agenda, must be mailed, hand delivered, or
669 electronically transmitted to each unit owner at least 14 days
670 before the annual meeting, and must be posted in a conspicuous
671 place on the condominium property at least 14 continuous days
672 before the annual meeting. Upon notice to the unit owners, the
673 board shall, by duly adopted rule, designate a specific location
674 on the condominium property where all notices of unit owner
675 meetings must be posted. This requirement does not apply if
676 there is no condominium property for posting notices. In lieu
677 of, or in addition to, the physical posting of meeting notices,
678 the association may, by reasonable rule, adopt a procedure for



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679 conspicuously posting and repeatedly broadcasting the notice and
680 the agenda on a closed-circuit cable television system serving
681 the condominium association. However, if broadcast notice is
682 used in lieu of a notice posted physically on the condominium
683 property, the notice and agenda must be broadcast at least four
684 times every broadcast hour of each day that a posted notice is
685 otherwise required under this section. If broadcast notice is
686 provided, the notice and agenda must be broadcast in a manner
687 and for a sufficient continuous length of time so as to allow an
688 average reader to observe the notice and read and comprehend the
689 entire content of the notice and the agenda. In addition to any
690 of the authorized means of providing notice of a meeting of the
691 board, the association may, by rule, adopt a procedure for
692 conspicuously posting the meeting notice and the agenda on a
693 website serving the condominium association for at least the
694 minimum period of time for which a notice of a meeting is also
695 required to be physically posted on the condominium property.
696 Any rule adopted shall, in addition to other matters, include a
697 requirement that the association send an electronic notice in
698 the same manner as a notice for a meeting of the members, which
699 must include a hyperlink to the website where the notice is
700 posted, to unit owners whose e-mail addresses are included in
701 the association's official records. Unless a unit owner waives
702 in writing the right to receive notice of the annual meeting,
703 such notice must be hand delivered, mailed, or electronically
704 transmitted to each unit owner. Notice for meetings and notice
705 for all other purposes must be mailed to each unit owner at the
706 address last furnished to the association by the unit owner, or
707 hand delivered to each unit owner. However, if a unit is owned



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708 by more than one person, the association must provide notice to
709 the address that the developer identifies for that purpose and
710 thereafter as one or more of the owners of the unit advise the
711 association in writing, or if no address is given or the owners
712 of the unit do not agree, to the address provided on the deed of
713 record. An officer of the association, or the manager or other
714 person providing notice of the association meeting, must provide
715 an affidavit or United States Postal Service certificate of
716 mailing, to be included in the official records of the
717 association affirming that the notice was mailed or hand
718 delivered in accordance with this provision.

719 4. The members of the board of a residential condominium
720 shall be elected by written ballot or voting machine. Proxies
721 may not be used in electing the board in general elections or
722 elections to fill vacancies caused by recall, resignation, or
723 otherwise, unless otherwise provided in this chapter. This
724 subparagraph does not apply to an association governing a
725 timeshare condominium.

726 a. At least 60 days before a scheduled election, the
727 association shall mail, deliver, or electronically transmit, by
728 separate association mailing or included in another association
729 mailing, delivery, or transmission, including regularly
730 published newsletters, to each unit owner entitled to a vote, a
731 first notice of the date of the election. A unit owner or other
732 eligible person desiring to be a candidate for the board must
733 give written notice of his or her intent to be a candidate to
734 the association at least 40 days before a scheduled election.
735 Together with the written notice and agenda as set forth in
736 subparagraph 3., the association shall mail, deliver, or



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737 electronically transmit a second notice of the election to all
738 unit owners entitled to vote, together with a ballot that lists
739 all candidates. Upon request of a candidate, an information
740 sheet, no larger than 8 1/2 inches by 11 inches, which must be
741 furnished by the candidate at least 35 days before the election,
742 must be included with the mailing, delivery, or transmission of
743 the ballot, with the costs of mailing, delivery, or electronic
744 transmission and copying to be borne by the association. The
745 association is not liable for the contents of the information
746 sheets prepared by the candidates. In order to reduce costs, the
747 association may print or duplicate the information sheets on
748 both sides of the paper. The division shall by rule establish
749 voting procedures consistent with this sub-subparagraph,
750 including rules establishing procedures for giving notice by
751 electronic transmission and rules providing for the secrecy of
752 ballots. Elections shall be decided by a plurality of ballots
753 cast. There is no quorum requirement; however, at least 20
754 percent of the eligible voters must cast a ballot in order to
755 have a valid election. A unit owner may not authorize any other
756 person to vote his or her ballot, and any ballots improperly
757 cast are invalid. A unit owner who violates this provision may
758 be fined by the association in accordance with s. 718.303. A
759 unit owner who needs assistance in casting the ballot for the
760 reasons stated in s. 101.051 may obtain such assistance. The
761 regular election must occur on the date of the annual meeting.
762 Notwithstanding this sub-subparagraph, an election is not
763 required unless more candidates file notices of intent to run or
764 are nominated than board vacancies exist.

765 b. Within 90 days after being elected or appointed to the



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766 board of an association of a residential condominium, each newly
767 elected or appointed director shall certify in writing to the
768 secretary of the association that he or she has read the
769 association's declaration of condominium, articles of
770 incorporation, bylaws, and current written policies; that he or
771 she will work to uphold such documents and policies to the best
772 of his or her ability; and that he or she will faithfully
773 discharge his or her fiduciary responsibility to the
774 association's members. In lieu of this written certification,
775 within 90 days after being elected or appointed to the board,
776 the newly elected or appointed director may submit a certificate
777 of having satisfactorily completed the educational curriculum
778 administered by a division-approved condominium education
779 provider within 1 year before or 90 days after the date of
780 election or appointment. The written certification or
781 educational certificate is valid and does not have to be
782 resubmitted as long as the director serves on the board without
783 interruption. A director of an association of a residential
784 condominium who fails to timely file the written certification
785 or educational certificate is suspended from service on the
786 board until he or she complies with this sub-subparagraph. The
787 board may temporarily fill the vacancy during the period of
788 suspension. The secretary shall cause the association to retain
789 a director's written certification or educational certificate
790 for inspection by the members for 5 years after a director's
791 election or the duration of the director's uninterrupted tenure,
792 whichever is longer. Failure to have such written certification
793 or educational certificate on file does not affect the validity
794 of any board action.



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

797 5. Any approval by unit owners called for by this chapter
798 or the applicable declaration or bylaws, including, but not
799 limited to, the approval requirement in s. 718.111(8), must be
800 made at a duly noticed meeting of unit owners and is subject to
801 all requirements of this chapter or the applicable condominium
802 documents relating to unit owner decisionmaking, except that
803 unit owners may take action by written agreement, without
804 meetings, on matters for which action by written agreement
805 without meetings is expressly allowed by the applicable bylaws
806 or declaration or any law that provides for such action.

807 6. Unit owners may waive notice of specific meetings if
808 allowed by the applicable bylaws or declaration or any law.
809 Notice of meetings of the board of administration, unit owner
810 meetings, except unit owner meetings called to recall board
811 members under paragraph (j), and committee meetings may be given
812 by electronic transmission to unit owners who consent to receive
813 notice by electronic transmission. A unit owner who consents to
814 receiving notices by electronic transmission is solely
815 responsible for removing or bypassing filters that block receipt
816 of mass emails sent to members on behalf of the association in
817 the course of giving electronic notices.

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

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



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824 division.

825 9. Unless otherwise provided in the bylaws, any vacancy
826 occurring on the board before the expiration of a term may be
827 filled by the affirmative vote of the majority of the remaining
828 directors, even if the remaining directors constitute less than
829 a quorum, or by the sole remaining director. In the alternative,
830 a board may hold an election to fill the vacancy, in which case
831 the election procedures must conform to sub-subparagraph 4.a.
832 unless the association governs 10 units or fewer and has opted
833 out of the statutory election process, in which case the bylaws
834 of the association control. Unless otherwise provided in the
835 bylaws, a board member appointed or elected under this section
836 shall fill the vacancy for the unexpired term of the seat being
837 filled. Filling vacancies created by recall is governed by
838 paragraph (j) and rules adopted by the division.

839 10. This chapter does not limit the use of general or
840 limited proxies, require the use of general or limited proxies,
841 or require the use of a written ballot or voting machine for any
842 agenda item or election at any meeting of a timeshare
843 condominium association or nonresidential condominium
844 association.

845

846 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
847 association of 10 or fewer units may, by affirmative vote of a
848 majority of the total voting interests, provide for different
849 voting and election procedures in its bylaws, which may be by a
850 proxy specifically delineating the different voting and election
851 procedures. The different voting and election procedures may
852 provide for elections to be conducted by limited or general



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853 proxy.

854 (f) *Annual budget.*—

855 1. The proposed annual budget of estimated revenues and
856 expenses must be detailed and must show the amounts budgeted by
857 accounts and expense classifications, including, at a minimum,
858 any applicable expenses listed in s. 718.504(21). The annual
859 budget must be proposed to unit owners and adopted by the board
860 of directors no later than 30 days before the beginning of the
861 fiscal year. A multicondominium association shall adopt a
862 separate budget of common expenses for each condominium the
863 association operates and shall adopt a separate budget of common
864 expenses for the association. In addition, if the association
865 maintains limited common elements with the cost to be shared
866 only by those entitled to use the limited common elements as
867 provided for in s. 718.113(1), the budget or a schedule attached
868 to it must show the amount budgeted for this maintenance. If,
869 after turnover of control of the association to the unit owners,
870 any of the expenses listed in s. 718.504(21) are not applicable,
871 they need not be listed.

872 2.a. In addition to annual operating expenses, the budget
873 must include reserve accounts for capital expenditures and
874 deferred maintenance. These accounts must include, but are not
875 limited to, roof replacement, building painting, and pavement
876 resurfacing, regardless of the amount of deferred maintenance
877 expense or replacement cost, and any other item that has a
878 deferred maintenance expense or replacement cost that exceeds
879 \$10,000. The amount to be reserved must be computed using a
880 formula based upon estimated remaining useful life and estimated
881 replacement cost or deferred maintenance expense of each reserve



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882 item. The association may adjust replacement reserve assessments
883 annually to take into account any changes in estimates or
884 extension of the useful life of a reserve item caused by
885 deferred maintenance. This subsection does not apply to an
886 adopted budget in which the members of an association have
887 determined, by a majority vote at a duly called meeting of the
888 association, to provide no reserves or less reserves than
889 required by this subsection.

890 b. Before turnover of control of an association by a
891 developer to unit owners other than a developer pursuant to s.
892 718.301, the developer may vote the voting interests allocated
893 to its units to waive the reserves or reduce the funding of
894 reserves through the period expiring at the end of the second
895 fiscal year after the fiscal year in which the certificate of a
896 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
897 an instrument that transfers title to a unit in the condominium
898 which is not accompanied by a recorded assignment of developer
899 rights in favor of the grantee of such unit is recorded,
900 whichever occurs first, after which time reserves may be waived
901 or reduced only upon the vote of a majority of all nondeveloper
902 voting interests voting in person or by limited proxy at a duly
903 called meeting of the association. If a meeting of the unit
904 owners has been called to determine whether to waive or reduce
905 the funding of reserves and no such result is achieved or a
906 quorum is not attained, the reserves included in the budget
907 shall go into effect. After the turnover, the developer may vote
908 its voting interest to waive or reduce the funding of reserves.

909 3. Reserve funds and any interest accruing thereon shall
910 remain in the reserve account or accounts, and may be used only



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911 for authorized reserve expenditures unless their use for other
912 purposes is approved in advance by a majority vote at a duly
913 called meeting of the association. Before turnover of control of
914 an association by a developer to unit owners other than the
915 developer pursuant to s. 718.301, the developer-controlled
916 association may not vote to use reserves for purposes other than
917 those for which they were intended without the approval of a
918 majority of all nondeveloper voting interests, voting in person
919 or by limited proxy at a duly called meeting of the association.

920 4. The only voting interests that are eligible to vote on
921 questions that involve waiving or reducing the funding of
922 reserves, or using existing reserve funds for purposes other
923 than purposes for which the reserves were intended, are the
924 voting interests of the units subject to assessment to fund the
925 reserves in question. Proxy questions relating to waiving or
926 reducing the funding of reserves or using existing reserve funds
927 for purposes other than purposes for which the reserves were
928 intended must contain the following statement in capitalized,
929 bold letters in a font size larger than any other used on the
930 face of the proxy ballot: **WAIVING OF RESERVES, IN WHOLE OR IN
931 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
932 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
933 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

934 Section 13. Paragraph (m) of subsection (1) of section
935 718.501, Florida Statutes, is amended to read:

936 718.501 Authority, responsibility, and duties of Division
937 of Florida Condominiums, Timeshares, and Mobile Homes.—

938 (1) The division may enforce and ensure compliance with the
939 provisions of this chapter and rules relating to the



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940 development, construction, sale, lease, ownership, operation,
941 and management of residential condominium units. In performing
942 its duties, the division has complete jurisdiction to
943 investigate complaints and enforce compliance with respect to
944 associations that are still under developer control or the
945 control of a bulk assignee or bulk buyer pursuant to part VII of
946 this chapter and complaints against developers, bulk assignees,
947 or bulk buyers involving improper turnover or failure to
948 turnover, pursuant to s. 718.301. However, after turnover has
949 occurred, the division has jurisdiction to investigate
950 complaints related only to financial issues, elections, and unit
951 owner access to association records pursuant to s. 718.111(12).

952 (m) If a complaint is made, the division must conduct its
953 inquiry with due regard for the interests of the affected
954 parties. Within 30 days after receipt of a complaint, the
955 division shall acknowledge the complaint in writing and notify
956 the complainant whether the complaint is within the jurisdiction
957 of the division and whether additional information is needed by
958 the division from the complainant. The division shall conduct
959 its investigation and, within 90 days after receipt of the
960 original complaint or of timely requested additional
961 information, take action upon the complaint. However, the
962 failure to complete the investigation within 90 days does not
963 prevent the division from continuing the investigation,
964 accepting or considering evidence obtained or received after 90
965 days, or taking administrative action if reasonable cause exists
966 to believe that a violation of this chapter or a rule has
967 occurred. If an investigation is not completed within the time
968 limits established in this paragraph, the division shall, on a



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969 monthly basis, notify the complainant in writing of the status
970 of the investigation. When reporting its action to the
971 complainant, the division shall inform the complainant of any
972 right to a hearing pursuant to ss. 120.569 and 120.57. The
973 division may adopt rules regarding the submission of a complaint
974 against an association.

975 Section 14. Section 718.5014, Florida Statutes, is amended
976 to read:

977 718.5014 Ombudsman location.—The ombudsman shall maintain
978 his or her principal office at a ~~in Leon County on the premises~~
979 ~~of the division or, if suitable space cannot be provided there,~~
980 ~~at another~~ place convenient to the offices of the division which
981 will enable the ombudsman to expeditiously carry out the duties
982 and functions of his or her office. The ombudsman may establish
983 branch offices elsewhere in the state upon the concurrence of
984 the Governor.

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

987 455.219 Fees; receipts; disposition; periodic management
988 reports.—

989 (1) Each board within the department shall determine by
990 rule the amount of license fees for its profession, based upon
991 department-prepared long-range estimates of the revenue required
992 to implement all provisions of law relating to the regulation of
993 professions by the department and any board; however, when the
994 department has determined, based on the long-range estimates of
995 such revenue, that a profession's trust fund moneys are in
996 excess of the amount required to cover the necessary functions
997 of the board, or the department when there is no board, the



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998 department may adopt rules to implement a waiver of license
999 renewal fees for that profession for a period not to exceed 2
1000 years, as determined by the department. Each board, or the
1001 department when there is no board, shall ensure license fees are
1002 adequate to cover all anticipated costs and to maintain a
1003 reasonable cash balance, as determined by rule of the
1004 department, with advice of the applicable board. If sufficient
1005 action is not taken by a board within 1 year of notification by
1006 the department that license fees are projected to be inadequate,
1007 the department shall set license fees on behalf of the
1008 applicable board to cover anticipated costs and to maintain the
1009 required cash balance. The department shall include recommended
1010 fee cap increases in its annual report to the Legislature.
1011 Further, it is legislative intent that no regulated profession
1012 operate with a negative cash balance. The department may provide
1013 by rule for the advancement of sufficient funds to any
1014 profession or the Florida Athletic State~~Boxing~~ Commission
1015 operating with a negative cash balance. Such advancement may be
1016 for a period not to exceed 2 consecutive years and shall require
1017 interest to be paid by the regulated profession. Interest shall
1018 be calculated at the current rate earned on Professional
1019 Regulation Trust Fund investments. Interest earned shall be
1020 allocated to the various funds in accordance with the allocation
1021 of investment earnings during the period of the advance.

1022 Section 16. Subsection (4) of section 548.002, Florida
1023 Statutes, is amended to read:

1024 548.002 Definitions.—As used in this chapter, the term:

1025 (4) "Commission" means the Florida Athletic State~~Boxing~~
1026 Commission.



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1027 Section 17. Subsections (3) and (4) of section 548.05,
1028 Florida Statutes, are amended to read:

1029 548.05 Control of contracts.—

1030 (3) The commission may require that each contract contain
1031 language authorizing the ~~Florida State Boxing~~ commission to
1032 withhold any or all of any manager's share of a purse in the
1033 event of a contractual dispute as to entitlement to any portion
1034 of a purse. The commission may establish rules governing the
1035 manner of resolution of such dispute. In addition, if the
1036 commission deems it appropriate, the commission is hereby
1037 authorized to implead interested parties over any disputed funds
1038 into the appropriate circuit court for resolution of the dispute
1039 prior to release of all or any part of the funds.

1040 (4) Each contract subject to this section shall contain the
1041 following clause: "This agreement is subject to the provisions
1042 of chapter 548, Florida Statutes, and to the rules of the
1043 Florida Athletic State ~~Boxing~~ Commission and to any future
1044 amendments of either."

1045 Section 18. Subsection (12) of section 548.071, Florida
1046 Statutes, is amended to read:

1047 548.071 Suspension or revocation of license or permit by
1048 commission.—The commission may suspend or revoke a license or
1049 permit if the commission finds that the licensee or permittee:

1050 (12) Has been disciplined by the ~~Florida State Boxing~~
1051 commission or similar agency or body of any jurisdiction.

1052 Section 19. Section 548.077, Florida Statutes, is amended
1053 to read:

1054 548.077 Florida Athletic State ~~Boxing~~ Commission;
1055 collection and disposition of moneys.—All fees, fines,



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1056 forfeitures, and other moneys collected under the provisions of
1057 this chapter shall be paid by the commission to the Chief
1058 Financial Officer who, after the expenses of the commission are
1059 paid, shall deposit them in the Professional Regulation Trust
1060 Fund to be used for the administration and operation of the
1061 commission and to enforce the laws and rules under its
1062 jurisdiction. In the event the unexpended balance of such moneys
1063 collected under the provisions of this chapter exceeds \$250,000,
1064 any excess of that amount shall be deposited in the General
1065 Revenue Fund.

1066 Section 20. This act shall take effect July 1, 2020.

1067

1068 ===== T I T L E A M E N D M E N T =====

1069 And the title is amended as follows:

1070 Delete everything before the enacting clause
1071 and insert:

1072

A bill to be entitled

1073

An act relating to the Department of Business and

1074

Professional Regulation; amending s. 210.09, F.S.;

1075

requiring that certain reports relating to the

1076

transportation or possession of cigarettes be filed

1077

with the Division of Alcoholic Beverages and Tobacco

1078

through the division's electronic data submission

1079

system; amending s. 210.55, F.S.; requiring that

1080

certain entities file reports, rather than returns,

1081

relating to tobacco products with the division;

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providing requirements for such reports; amending s.

1083

509.241, F.S.; revising rulemaking requirements

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relating to public lodging and food service licenses;



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1085 amending s. 509.251, F.S.; deleting provisions
1086 relating to fee schedule requirements; specifying that
1087 all fees are payable in full upon submission of an
1088 application for a public lodging establishment license
1089 or a public food service license; amending s. 548.003,
1090 F.S.; renaming the Florida State Boxing Commission as
1091 the Florida Athletic Commission; amending s. 548.043,
1092 F.S.; revising rulemaking requirements for the
1093 commission relating to gloves; amending s. 561.01,
1094 F.S.; deleting the definition of the term "permit
1095 carrier"; amending s. 561.17, F.S.; revising a
1096 requirement related to the filing of fingerprints with
1097 the division; requiring that applications be
1098 accompanied by certain information relating to right
1099 of occupancy; providing requirements relating to
1100 contact information for licensees and permittees;
1101 amending s. 561.20, F.S.; conforming cross-references;
1102 revising requirements for issuing special licenses to
1103 certain food service establishments; amending s.
1104 561.42, F.S.; requiring the division, and authorizing
1105 vendors, to use electronic mail to give certain
1106 notice; amending s. 561.55, F.S.; revising
1107 requirements for reports relating to alcoholic
1108 beverages; amending s. 718.112, F.S.; providing the
1109 circumstances under which a person is delinquent in
1110 the payment of an assessment in the context of
1111 eligibility for membership on certain condominium
1112 boards; requiring that an annual budget be proposed to
1113 unit owners and adopted by the board before a



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1114 specified time; amending s. 718.501, F.S.; authorizing
1115 the Division of Florida Condominiums, Timeshares, and
1116 Mobile Homes to adopt rules regarding the submission
1117 of complaints against a condominium association;
1118 amending s. 718.5014, F.S.; revising the location
1119 requirements for the principal office of the
1120 condominium ombudsman; amending ss. 455.219, 548.002,
1121 548.05, 548.071, and 548.077, F.S.; conforming
1122 provisions to changes made by the act; providing an
1123 effective date.