

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; authorizing certain records to be kept in an
9 electronic or paper format; amending s. 210.55, F.S.;
10 requiring that certain entities file reports, rather
11 than returns, relating to tobacco products with the
12 division; providing requirements for such reports;
13 amending s. 210.60, F.S.; authorizing certain records
14 to be kept in an electronic or paper format; amending
15 s. 326.002, F.S.; revising the definition of the term
16 "yacht"; amending s. 548.003, F.S.; renaming the
17 Florida State Boxing Commission as the Florida
18 Athletic Commission; amending s. 548.043, F.S.;
19 revising rulemaking requirements for the commission
20 relating to gloves; amending s. 561.01, F.S.; deleting
21 the definition of the term "permit carrier"; amending
22 s. 561.17, F.S.; revising a requirement related to the
23 filing of fingerprints with the division; requiring
24 that applications be accompanied by certain
25 information relating to right of occupancy; providing

26 requirements relating to contact information for
27 licensees and permittees; amending s. 561.20, F.S.;
28 conforming cross-references; revising requirements for
29 issuing special licenses to certain food service
30 establishments; amending s. 561.42, F.S.; requiring
31 the division, and authorizing vendors, to use
32 electronic mail to give certain notice; amending s.
33 561.55, F.S.; revising requirements for reports
34 relating to alcoholic beverages; amending s. 562.455,
35 F.S.; removing grains of paradise from the list of
36 specified substances subject to penalties relating to
37 adulterating liquor; amending s. 718.112, F.S.;
38 providing the circumstances under which a person is
39 delinquent in the payment of an assessment in the
40 context of eligibility for membership on certain
41 condominium boards; requiring that an annual budget be
42 proposed to unit owners and adopted by the board
43 before a specified time; amending s. 718.501, F.S.;
44 authorizing the Division of Florida Condominiums,
45 Timeshares, and Mobile Homes to adopt rules regarding
46 the submission of complaints against a condominium
47 association; amending s. 718.5014, F.S.; revising the
48 location requirements for the principal office of the
49 condominium ombudsman; amending s. 721.15, F.S.;
50 providing requirements for subordinate lienholder

51 related timeshare estates; amending ss. 455.219,
 52 548.002, 548.05, 548.071, and 548.077, F.S.;
 53 conforming provisions to changes made by the act;
 54 providing an effective date.

55

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

57

58 Section 1. Subsections (2) and (3) of section 210.09,
 59 Florida Statutes, are amended to read:

60 210.09 Records to be kept; reports to be made;
 61 examination.—

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

75 (3) All manufacturers, importers, distributing agents,

76 wholesale dealers, agents, or retail dealers shall maintain and
 77 keep for a period of 3 years at the place of business where any
 78 transaction takes place, such records of cigarettes received,
 79 sold, or delivered within the state as may be required by the
 80 division. Such records may be kept in an electronic or paper
 81 format. The division or its duly authorized representative is
 82 hereby authorized to examine the books, papers, invoices, and
 83 other records, the stock of cigarettes in and upon any premises
 84 where the same are placed, stored, and sold, and the equipment
 85 of any such manufacturers, importers, distributing agents,
 86 wholesale dealers, agents, or retail dealers, pertaining to the
 87 sale and delivery of cigarettes taxable under this part. To
 88 verify the accuracy of the tax imposed and assessed by this
 89 part, each person is hereby directed and required to give to the
 90 division or its duly authorized representatives the means,
 91 facilities, and opportunity for such examinations as are herein
 92 provided for and required.

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

95 210.55 Distributors; monthly returns.—

96 (1) On or before the 10th of each month, every taxpayer
 97 with a place of business in this state shall file a full and
 98 complete report ~~return~~ with the division showing the tobacco
 99 products ~~taxable price of each tobacco product~~ brought or caused
 100 to be brought into this state for sale, or made, manufactured,

101 or fabricated in this state for sale in this state, during the
 102 preceding month. Every taxpayer outside this state shall file a
 103 full and complete report with the division through the
 104 division's electronic data submission system ~~return~~ showing the
 105 quantity and taxable price of each tobacco product shipped or
 106 transported to retailers in this state, to be sold by those
 107 retailers, during the preceding month. Reports must ~~Returns~~
 108 ~~shall~~ be made upon forms furnished and prescribed by the
 109 division and must ~~shall~~ contain any other information that the
 110 division requires. Each report must ~~return shall~~ be accompanied
 111 by a remittance for the full tax liability shown and be filed
 112 with the division through the division's electronic data
 113 submission system.

114 Section 3. Section 210.60, Florida Statutes, is amended to
 115 read:

116 210.60 Books, records, and invoices to be kept and
 117 preserved; inspection by agents of division.—Every distributor
 118 shall keep in each licensed place of business complete and
 119 accurate records for that place of business, including itemized
 120 invoices of tobacco products held, purchased, manufactured,
 121 brought in or caused to be brought in from without the state, or
 122 shipped or transported to retailers in this state, and of all
 123 sales of tobacco products made, except sales to an ultimate
 124 consumer. Such records shall show the names and addresses of
 125 purchasers and other pertinent papers and documents relating to

126 | the purchase, sale, or disposition of tobacco products. When a
127 | licensed distributor sells tobacco products exclusively to
128 | ultimate consumers at the addresses given in the license, no
129 | invoice of those sales shall be required, but itemized invoices
130 | shall be made of all tobacco products transferred to other
131 | retail outlets owned or controlled by that licensed distributor.
132 | All books, records and other papers, and other documents
133 | required by this section to be kept shall be preserved for a
134 | period of at least 3 years after the date of the documents, as
135 | aforesaid, or the date of the entries thereof appearing in the
136 | records, unless the division, in writing, authorizes their
137 | destruction or disposal at an earlier date. At any time during
138 | usual business hours, duly authorized agents or employees of the
139 | division may enter any place of business of a distributor and
140 | inspect the premises, the records required to be kept under this
141 | part, and the tobacco products contained therein to determine
142 | whether all the provisions of this part are being fully complied
143 | with. Refusal to permit such inspection by a duly authorized
144 | agent or employee of the division shall be grounds for
145 | revocation of the license. Every person who sells tobacco
146 | products to persons other than an ultimate consumer shall render
147 | with each sale an itemized invoice showing the seller's name and
148 | address, the purchaser's name and address, the date of sale, and
149 | all prices and discounts. The seller shall preserve legible
150 | copies of all such invoices for 3 years from the date of sale.

151 Every retailer shall produce itemized invoices of all tobacco
 152 products purchased. The invoices shall show the name and address
 153 of the seller and the date of purchase. The retailer shall
 154 preserve a legible copy of each such invoice for 3 years from
 155 the date of purchase. Invoices shall be available for inspection
 156 by authorized agents or employees of the division at the
 157 retailer's place of business. Any records required by this
 158 section may be kept in an electronic or paper format.

159 Section 4. Subsection (4) of section 326.002, Florida
 160 Statutes, is amended to read:

161 326.002 Definitions.—As used in ss. 326.001-326.006, the
 162 term:

163 (4) "Yacht" means any recreational vessel which is
 164 propelled by sail or machinery in the water which exceeds 32
 165 feet in length, and which was manufactured or operated primarily
 166 for pleasure; or leased, rented, or chartered to another ~~weighs~~
 167 ~~less than 300 gross tons.~~

168 Section 5. Section 548.003, Florida Statutes, is amended
 169 to read:

170 548.003 Florida Athletic ~~State Boxing~~ Commission.—

171 (1) The Florida Athletic ~~State Boxing~~ Commission is
 172 created and is assigned to the Department of Business and
 173 Professional Regulation for administrative and fiscal
 174 accountability purposes only. The ~~Florida State Boxing~~
 175 commission shall consist of five members appointed by the

176 Governor, subject to confirmation by the Senate. One member must
177 be a physician licensed pursuant to chapter 458 or chapter 459,
178 who must maintain an unencumbered license in good standing, and
179 who must, at the time of her or his appointment, have practiced
180 medicine for at least 5 years. Upon the expiration of the term
181 of a commissioner, the Governor shall appoint a successor to
182 serve for a 4-year term. A commissioner whose term has expired
183 shall continue to serve on the commission until such time as a
184 replacement is appointed. If a vacancy on the commission occurs
185 prior to the expiration of the term, it shall be filled for the
186 unexpired portion of the term in the same manner as the original
187 appointment.

188 (2) The ~~Florida State Boxing~~ commission, as created by
189 subsection (1), shall administer the provisions of this chapter.
190 The commission has authority to adopt rules pursuant to ss.
191 120.536(1) and 120.54 to implement the provisions of this
192 chapter and to implement each of the duties and responsibilities
193 conferred upon the commission, including, but not limited to:

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

196 (b) Facility and safety requirements relating to the ring,
197 floor plan and apron seating, emergency medical equipment and
198 services, and other equipment and services necessary for the
199 conduct of a program of matches.

200 (c) Requirements regarding a participant's apparel,

201 bandages, handwraps, gloves, mouthpiece, and appearance during a
 202 match.

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

205 (e) Duties and responsibilities of all licensees under
 206 this chapter.

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

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

209 (h) Qualifications for and appointment of chief inspectors
 210 and inspectors and duties and responsibilities of chief
 211 inspectors and inspectors with respect to oversight and
 212 coordination of activities for each program of matches regulated
 213 under this chapter.

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

215 (j) Setting fee and reimbursement schedules for referees
 216 and other officials appointed by the commission or the
 217 representative of the commission.

218 (k) Establishment of criteria for approval, disapproval,
 219 suspension of approval, and revocation of approval of amateur
 220 sanctioning organizations for amateur boxing, kickboxing, and
 221 mixed martial arts held in this state, including, but not
 222 limited to, the health and safety standards the organizations
 223 use before, during, and after the matches to ensure the health,
 224 safety, and well-being of the amateurs participating in the
 225 matches, including the qualifications and numbers of health care

226 personnel required to be present, the qualifications required
227 for referees, and other requirements relating to the health,
228 safety, and well-being of the amateurs participating in the
229 matches. The commission may adopt by rule, or incorporate by
230 reference into rule, the health and safety standards of USA
231 Boxing as the minimum health and safety standards for an amateur
232 boxing sanctioning organization, the health and safety standards
233 of the International Sport Kickboxing Association as the minimum
234 health and safety standards for an amateur kickboxing
235 sanctioning organization, and the minimum health and safety
236 standards for an amateur mixed martial arts sanctioning
237 organization. The commission shall review its rules for
238 necessary revision at least every 2 years and may adopt by rule,
239 or incorporate by reference into rule, the then-existing current
240 health and safety standards of USA Boxing and the International
241 Sport Kickboxing Association. The commission may adopt emergency
242 rules to administer this paragraph.

243 (3) The commission shall maintain an office in
244 Tallahassee. At the first meeting of the commission after June 1
245 of each year, the commission shall select a chair and a vice
246 chair from among its membership. Three members shall constitute
247 a quorum and the concurrence of at least three members is
248 necessary for official commission action.

249 (4) Three consecutive unexcused absences or absences
250 constituting 50 percent or more of the commission's meetings

251 within any 12-month period shall cause the commission membership
252 of the member in question to become void, and the position shall
253 be considered vacant. The commission shall, by rule, define
254 unexcused absences.

255 (5) Each commission member shall be accountable to the
256 Governor for the proper performance of duties as a member of the
257 commission. The Governor shall cause to be investigated any
258 complaint or unfavorable report received by the Governor or the
259 department concerning an action of the commission or any member
260 and shall take appropriate action thereon. The Governor may
261 remove from office any member for malfeasance, unethical
262 conduct, misfeasance, neglect of duty, incompetence, permanent
263 inability to perform official duties, or pleading guilty or nolo
264 contendere to or being found guilty of a felony.

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

269 (7) The commission shall be authorized to join and
270 participate in the activities of the Association of Boxing
271 Commissions (ABC).

272 (8) The department shall provide all legal and
273 investigative services necessary to implement this chapter. The
274 department may adopt rules as provided in ss. 120.536(1) and
275 120.54 to carry out its duties under this chapter.

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

278 548.043 Weights and classes, limitations; gloves.—

279 (3) The commission shall establish by rule the need for
 280 gloves, if any, and the weight of any such gloves to be used in
 281 each pugilistic match ~~the appropriate weight of gloves to be~~
 282 ~~used in each boxing match; however, all participants in boxing~~
 283 ~~matches shall wear gloves weighing not less than 8 ounces each~~
 284 ~~and participants in mixed martial arts matches shall wear gloves~~
 285 ~~weighing 4 to 8 ounces each.~~ Participants shall wear such
 286 protective devices as the commission deems necessary.

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

289 561.01 Definitions.—As used in the Beverage Law:

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

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

295 561.17 License and registration applications; approved
 296 person.—

297 (1) Any person, before engaging in the business of
 298 manufacturing, bottling, distributing, selling, or in any way
 299 dealing in alcoholic beverages, shall file, with the district
 300 licensing personnel of the district of the division in which the

301 place of business for which a license is sought is located, a
302 sworn application in the format prescribed by the division. The
303 applicant must be a legal or business entity, person, or persons
304 and must include all persons, officers, shareholders, and
305 directors of such legal or business entity that have a direct or
306 indirect interest in the business seeking to be licensed under
307 this part. However, the applicant does not include any person
308 that derives revenue from the license solely through a
309 contractual relationship with the licensee, the substance of
310 which contractual relationship is not related to the control of
311 the sale of alcoholic beverages. Before any application is
312 approved, the division may require the applicant to file a set
313 of fingerprints electronically through an approved electronic
314 fingerprinting vendor or on regular United States Department of
315 Justice forms prescribed by the Florida Department of Law
316 Enforcement for herself or himself and for any person or persons
317 interested directly or indirectly with the applicant in the
318 business for which the license is being sought, when required by
319 the division. If the applicant or any person who is interested
320 with the applicant either directly or indirectly in the business
321 or who has a security interest in the license being sought or
322 has a right to a percentage payment from the proceeds of the
323 business, either by lease or otherwise, is not qualified, the
324 division shall deny the application. However, any company
325 regularly traded on a national securities exchange and not over

326 the counter; any insurer, as defined in the Florida Insurance
327 Code; or any bank or savings and loan association chartered by
328 this state, another state, or the United States which has an
329 interest, directly or indirectly, in an alcoholic beverage
330 license is not required to obtain the division's approval of its
331 officers, directors, or stockholders or any change of such
332 positions or interests. A shopping center with five or more
333 stores, one or more of which has an alcoholic beverage license
334 and is required under a lease common to all shopping center
335 tenants to pay no more than 10 percent of the gross proceeds of
336 the business holding the license to the shopping center, is not
337 considered as having an interest, directly or indirectly, in the
338 license. A performing arts center, as defined in s. 561.01,
339 which has an interest, directly or indirectly, in an alcoholic
340 beverage license is not required to obtain division approval of
341 its volunteer officers or directors or of any change in such
342 positions or interests.

343 (2) All applications for any alcoholic beverage license
344 must be accompanied by proof of the applicant's right of
345 occupancy for the entire premises sought to be licensed. All
346 applications for alcoholic beverage licenses for consumption on
347 the premises shall be accompanied by a certificate of the
348 Division of Hotels and Restaurants of the Department of Business
349 and Professional Regulation, the Department of Agriculture and
350 Consumer Services, the Department of Health, the Agency for

351 Health Care Administration, or the county health department that
352 the place of business wherein the business is to be conducted
353 meets all of the sanitary requirements of the state.

354 (5) Any person or entity licensed or permitted by the
355 division must provide an electronic mail address to the division
356 to function as the primary contact for all communication by the
357 division to the licensee or permittees. Licensees and permittees
358 are responsible for maintaining accurate contact information on
359 file with the division.

360 Section 9. Paragraph (a) of subsection (2) of section
361 561.20, Florida Statutes, is amended to read:

362 561.20 Limitation upon number of licenses issued.—

363 (2) (a) The limitation of the number of licenses as
364 provided in this section does not prohibit the issuance of a
365 special license to:

366 1. Any bona fide hotel, motel, or motor court of not fewer
367 than 80 guest rooms in any county having a population of less
368 than 50,000 residents, and of not fewer than 100 guest rooms in
369 any county having a population of 50,000 residents or greater;
370 or any bona fide hotel or motel located in a historic structure,
371 as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100
372 guest rooms which derives at least 51 percent of its gross
373 revenue from the rental of hotel or motel rooms, which is
374 licensed as a public lodging establishment by the Division of
375 Hotels and Restaurants; provided, however, that a bona fide

376 hotel or motel with no fewer than 10 and no more than 25 guest
377 rooms which is a historic structure, as defined in s. 561.01(20)
378 ~~s. 561.01(21)~~, in a municipality that on the effective date of
379 this act has a population, according to the University of
380 Florida's Bureau of Economic and Business Research Estimates of
381 Population for 1998, of no fewer than 25,000 and no more than
382 35,000 residents and that is within a constitutionally chartered
383 county may be issued a special license. This special license
384 shall allow the sale and consumption of alcoholic beverages only
385 on the licensed premises of the hotel or motel. In addition, the
386 hotel or motel must derive at least 60 percent of its gross
387 revenue from the rental of hotel or motel rooms and the sale of
388 food and nonalcoholic beverages; provided that this subparagraph
389 shall supersede local laws requiring a greater number of hotel
390 rooms;

391 2. Any condominium accommodation of which no fewer than
392 100 condominium units are wholly rentable to transients and
393 which is licensed under chapter 509, except that the license
394 shall be issued only to the person or corporation that operates
395 the hotel or motel operation and not to the association of
396 condominium owners;

397 3. Any condominium accommodation of which no fewer than 50
398 condominium units are wholly rentable to transients, which is
399 licensed under chapter 509, and which is located in any county
400 having home rule under s. 10 or s. 11, Art. VIII of the State

401 Constitution of 1885, as amended, and incorporated by reference
402 in s. 6(e), Art. VIII of the State Constitution, except that the
403 license shall be issued only to the person or corporation that
404 operates the hotel or motel operation and not to the association
405 of condominium owners;

406 4. A food service establishment that has 2,500 square feet
407 of service area, is equipped to serve meals to 150 persons at
408 one time, and derives at least 51 percent of its gross food and
409 beverage revenue from the sale of food and nonalcoholic
410 beverages during the first 120-day ~~60-day~~ operating period and
411 the first each 12-month operating period thereafter. Subsequent
412 audit timeframes must be based upon the audit percentage
413 established by the most recent audit and conducted on a
414 staggered scale as follows: level 1, 51 percent to 60 percent,
415 every year; level 2, 61 percent to 75 percent, every 2 years;
416 level 3, 76 percent to 90 percent, every 3 years; and level 4,
417 91 percent to 100 percent, every 4 years. A food service
418 establishment granted a special license on or after January 1,
419 1958, pursuant to general or special law may not operate as a
420 package store and may not sell intoxicating beverages under such
421 license after the hours of serving or consumption of food have
422 elapsed. Failure by a licensee to meet the required percentage
423 of food and nonalcoholic beverage gross revenues during the
424 covered operating period shall result in revocation of the
425 license or denial of the pending license application. A licensee

426 | whose license is revoked or an applicant whose pending
427 | application is denied, or any person required to qualify on the
428 | special license application, is ineligible to have any interest
429 | in a subsequent application for such a license for a period of
430 | 120 days after the date of the final denial or revocation;

431 | 5. Any caterer, deriving at least 51 percent of its gross
432 | food and beverage revenue from the sale of food and nonalcoholic
433 | beverages at each catered event, licensed by the Division of
434 | Hotels and Restaurants under chapter 509. This subparagraph does
435 | not apply to a culinary education program, as defined in s.
436 | 381.0072(2), which is licensed as a public food service
437 | establishment by the Division of Hotels and Restaurants and
438 | provides catering services. Notwithstanding any law to the
439 | contrary, a licensee under this subparagraph shall sell or serve
440 | alcoholic beverages only for consumption on the premises of a
441 | catered event at which the licensee is also providing prepared
442 | food, and shall prominently display its license at any catered
443 | event at which the caterer is selling or serving alcoholic
444 | beverages. A licensee under this subparagraph shall purchase all
445 | alcoholic beverages it sells or serves at a catered event from a
446 | vendor licensed under s. 563.02(1), s. 564.02(1), or licensed
447 | under s. 565.02(1) subject to the limitation imposed in
448 | subsection (1), as appropriate. A licensee under this
449 | subparagraph may not store any alcoholic beverages to be sold or
450 | served at a catered event. Any alcoholic beverages purchased by

451 a licensee under this subparagraph for a catered event that are
452 not used at that event must remain with the customer; provided
453 that if the vendor accepts unopened alcoholic beverages, the
454 licensee may return such alcoholic beverages to the vendor for a
455 credit or reimbursement. Regardless of the county or counties in
456 which the licensee operates, a licensee under this subparagraph
457 shall pay the annual state license tax set forth in s.
458 565.02(1)(b). A licensee under this subparagraph must maintain
459 for a period of 3 years all records and receipts for each
460 catered event, including all contracts, customers' names, event
461 locations, event dates, food purchases and sales, alcoholic
462 beverage purchases and sales, nonalcoholic beverage purchases
463 and sales, and any other records required by the department by
464 rule to demonstrate compliance with the requirements of this
465 subparagraph. Notwithstanding any law to the contrary, any
466 vendor licensed under s. 565.02(1) subject to the limitation
467 imposed in subsection (1), may, without any additional licensure
468 under this subparagraph, serve or sell alcoholic beverages for
469 consumption on the premises of a catered event at which prepared
470 food is provided by a caterer licensed under chapter 509. If a
471 licensee under this subparagraph also possesses any other
472 license under the Beverage Law, the license issued under this
473 subparagraph shall not authorize the holder to conduct
474 activities on the premises to which the other license or
475 licenses apply that would otherwise be prohibited by the terms

476 of that license or the Beverage Law. Nothing in this section
477 shall permit the licensee to conduct activities that are
478 otherwise prohibited by the Beverage Law or local law. The
479 Division of Alcoholic Beverages and Tobacco is hereby authorized
480 to adopt rules to administer the license created in this
481 subparagraph, to include rules governing licensure,
482 recordkeeping, and enforcement. The first \$300,000 in fees
483 collected by the division each fiscal year pursuant to this
484 subparagraph shall be deposited in the Department of Children
485 and Families' Operations and Maintenance Trust Fund to be used
486 only for alcohol and drug abuse education, treatment, and
487 prevention programs. The remainder of the fees collected shall
488 be deposited into the Hotel and Restaurant Trust Fund created
489 pursuant to s. 509.072; or

490 6. A culinary education program as defined in s.
491 381.0072(2) which is licensed as a public food service
492 establishment by the Division of Hotels and Restaurants.

493 a. This special license shall allow the sale and
494 consumption of alcoholic beverages on the licensed premises of
495 the culinary education program. The culinary education program
496 shall specify designated areas in the facility where the
497 alcoholic beverages may be consumed at the time of application.
498 Alcoholic beverages sold for consumption on the premises may be
499 consumed only in areas designated pursuant to s. 561.01(11) and
500 may not be removed from the designated area. Such license shall

501 | be applicable only in and for designated areas used by the
502 | culinary education program.

503 | b. If the culinary education program provides catering
504 | services, this special license shall also allow the sale and
505 | consumption of alcoholic beverages on the premises of a catered
506 | event at which the licensee is also providing prepared food. A
507 | culinary education program that provides catering services is
508 | not required to derive at least 51 percent of its gross revenue
509 | from the sale of food and nonalcoholic beverages.

510 | Notwithstanding any law to the contrary, a licensee that
511 | provides catering services under this sub-subparagraph shall
512 | prominently display its beverage license at any catered event at
513 | which the caterer is selling or serving alcoholic beverages.
514 | Regardless of the county or counties in which the licensee
515 | operates, a licensee under this sub-subparagraph shall pay the
516 | annual state license tax set forth in s. 565.02(1)(b). A
517 | licensee under this sub-subparagraph must maintain for a period
518 | of 3 years all records required by the department by rule to
519 | demonstrate compliance with the requirements of this sub-
520 | subparagraph.

521 | c. If a licensee under this subparagraph also possesses
522 | any other license under the Beverage Law, the license issued
523 | under this subparagraph does not authorize the holder to conduct
524 | activities on the premises to which the other license or
525 | licenses apply that would otherwise be prohibited by the terms

526 of that license or the Beverage Law. Nothing in this
527 subparagraph shall permit the licensee to conduct activities
528 that are otherwise prohibited by the Beverage Law or local law.
529 Any culinary education program that holds a license to sell
530 alcoholic beverages shall comply with the age requirements set
531 forth in ss. 562.11(4), 562.111(2), and 562.13.

532 d. The Division of Alcoholic Beverages and Tobacco may
533 adopt rules to administer the license created in this
534 subparagraph, to include rules governing licensure,
535 recordkeeping, and enforcement.

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

539
540 However, any license heretofore issued to any such hotel, motel,
541 motor court, or restaurant or hereafter issued to any such
542 hotel, motel, or motor court, including a condominium
543 accommodation, under the general law shall not be moved to a new
544 location, such license being valid only on the premises of such
545 hotel, motel, motor court, or restaurant. Licenses issued to
546 hotels, motels, motor courts, or restaurants under the general
547 law and held by such hotels, motels, motor courts, or
548 restaurants on May 24, 1947, shall be counted in the quota
549 limitation contained in subsection (1). Any license issued for
550 any hotel, motel, or motor court under this law shall be issued

551 only to the owner of the hotel, motel, or motor court or, in the
552 event the hotel, motel, or motor court is leased, to the lessee
553 of the hotel, motel, or motor court; and the license shall
554 remain in the name of the owner or lessee so long as the license
555 is in existence. Any special license now in existence heretofore
556 issued under this law cannot be renewed except in the name of
557 the owner of the hotel, motel, motor court, or restaurant or, in
558 the event the hotel, motel, motor court, or restaurant is
559 leased, in the name of the lessee of the hotel, motel, motor
560 court, or restaurant in which the license is located and must
561 remain in the name of the owner or lessee so long as the license
562 is in existence. Any license issued under this section shall be
563 marked "Special," and nothing herein provided shall limit,
564 restrict, or prevent the issuance of a special license for any
565 restaurant or motel which shall hereafter meet the requirements
566 of the law existing immediately prior to the effective date of
567 this act, if construction of such restaurant has commenced prior
568 to the effective date of this act and is completed within 30
569 days thereafter, or if an application is on file for such
570 special license at the time this act takes effect; and any such
571 licenses issued under this proviso may be annually renewed as
572 now provided by law. Nothing herein prevents an application for
573 transfer of a license to a bona fide purchaser of any hotel,
574 motel, motor court, or restaurant by the purchaser of such
575 facility or the transfer of such license pursuant to law.

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

578 561.42 Tied house evil; financial aid and assistance to
579 vendor by manufacturer, distributor, importer, primary American
580 source of supply, brand owner or registrant, or any broker,
581 sales agent, or sales person thereof, prohibited; procedure for
582 enforcement; exception.—

583 (4) Before the division shall so declare and prohibit such
584 sales to such vendor, ~~it shall~~, within 2 days after receipt of
585 such notice, the division shall give ~~written~~ notice to such
586 vendor by electronic mail of the receipt by the division of such
587 notification of delinquency and such vendor shall be directed to
588 forthwith make payment thereof or, upon failure to do so, to
589 show cause before the division why further sales to such vendor
590 shall not be prohibited. Good and sufficient cause to prevent
591 such action by the division may be made by showing payment,
592 failure of consideration, or any other defense which would be
593 considered sufficient in a common-law action. The vendor shall
594 have 5 days after service ~~receipt~~ of such notice via electronic
595 mail within which to show such cause, and he or she may demand a
596 hearing thereon, provided he or she does so in writing within
597 said 5 days, such written demand to be delivered to the division
598 either in person, by electronic mail, or by due course of mail
599 within such 5 days. If no such demand for hearing is made, the
600 division shall thereupon declare in writing to such vendor and

601 to all manufacturers and distributors within the state that all
602 further sales to such vendor are prohibited until such time as
603 the division certifies in writing that such vendor has fully
604 paid for all liquors previously purchased. In the event such
605 prohibition of sales and declaration thereof to the vendor,
606 manufacturers, and distributors is ordered by the division, the
607 vendor may seek review of such decision by the Department of
608 Business and Professional Regulation within 5 days. In the event
609 application for such review is filed within such time, such
610 prohibition of sales shall not be made, published, or declared
611 until final disposition of such review by the department.

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

614 561.55 Manufacturers', distributors', brokers', sales
615 agents', importers', vendors', and exporters' records and
616 reports.—

617 (2) Each manufacturer, distributor, broker, sales agent,
618 and importer shall make a full and complete report by the 10th
619 day of each month for the previous calendar month. The report
620 must be ~~shall be made out in triplicate; two copies shall be~~
621 ~~sent to the division, and the third copy shall be retained for~~
622 ~~the manufacturer's, distributor's, broker's, sales agent's, or~~
623 ~~importer's record. Reports shall be made on forms prepared and~~
624 ~~furnished~~ by the division and filed with the division through
625 the division's electronic data submission system.

626 Section 12. Section 562.455, Florida Statutes, is amended
 627 to read:

628 562.455 Adulterating liquor; penalty.—Whoever adulterates,
 629 for the purpose of sale, any liquor, used or intended for drink,
 630 with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum,
 631 capsicum, copperas, laurel water, logwood, brazil wood,
 632 cochineal, sugar of lead, or any other substance which is
 633 poisonous or injurious to health, and whoever knowingly sells
 634 any liquor so adulterated, commits ~~shall be guilty of~~ a felony
 635 of the third degree, punishable as provided in s. 775.082, s.
 636 775.083, or s. 775.084.

637 Section 13. Paragraphs (d) and (f) of subsection (2) of
 638 section 718.112, Florida Statutes, are amended to read:

639 718.112 Bylaws.—

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

643 (d) *Unit owner meetings.*—

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

650 2. Unless the bylaws provide otherwise, a vacancy on the

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

676 the newly constituted board even if the directors constitute
677 less than a quorum or there is only one director. In a
678 residential condominium association of more than 10 units or in
679 a residential condominium association that does not include
680 timeshare units or timeshare interests, co-owners of a unit may
681 not serve as members of the board of directors at the same time
682 unless they own more than one unit or unless there are not
683 enough eligible candidates to fill the vacancies on the board at
684 the time of the vacancy. A unit owner in a residential
685 condominium desiring to be a candidate for board membership must
686 comply with sub-subparagraph 4.a. and must be eligible to be a
687 candidate to serve on the board of directors at the time of the
688 deadline for submitting a notice of intent to run in order to
689 have his or her name listed as a proper candidate on the ballot
690 or to serve on the board. A person who has been suspended or
691 removed by the division under this chapter, or who is delinquent
692 in the payment of any assessment ~~monetary obligation~~ due to the
693 association, is not eligible to be a candidate for board
694 membership and may not be listed on the ballot. For purposes of
695 this paragraph, a person is delinquent if a payment is not made
696 by the due date as specifically identified in the declaration of
697 condominium, bylaws, or articles of incorporation. If a due date
698 is not specifically identified in the declaration of
699 condominium, bylaws, or articles of incorporation, the due date
700 is the first day of the assessment period. A person who has been

701 convicted of any felony in this state or in a United States
702 District or Territorial Court, or who has been convicted of any
703 offense in another jurisdiction which would be considered a
704 felony if committed in this state, is not eligible for board
705 membership unless such felon's civil rights have been restored
706 for at least 5 years as of the date such person seeks election
707 to the board. The validity of an action by the board is not
708 affected if it is later determined that a board member is
709 ineligible for board membership due to having been convicted of
710 a felony. This subparagraph does not limit the term of a member
711 of the board of a nonresidential or timeshare condominium.

712 3. The bylaws must provide the method of calling meetings
713 of unit owners, including annual meetings. Written notice must
714 include an agenda, must be mailed, hand delivered, or
715 electronically transmitted to each unit owner at least 14 days
716 before the annual meeting, and must be posted in a conspicuous
717 place on the condominium property at least 14 continuous days
718 before the annual meeting. Upon notice to the unit owners, the
719 board shall, by duly adopted rule, designate a specific location
720 on the condominium property where all notices of unit owner
721 meetings must be posted. This requirement does not apply if
722 there is no condominium property for posting notices. In lieu
723 of, or in addition to, the physical posting of meeting notices,
724 the association may, by reasonable rule, adopt a procedure for
725 conspicuously posting and repeatedly broadcasting the notice and

726 the agenda on a closed-circuit cable television system serving
727 the condominium association. However, if broadcast notice is
728 used in lieu of a notice posted physically on the condominium
729 property, the notice and agenda must be broadcast at least four
730 times every broadcast hour of each day that a posted notice is
731 otherwise required under this section. If broadcast notice is
732 provided, the notice and agenda must be broadcast in a manner
733 and for a sufficient continuous length of time so as to allow an
734 average reader to observe the notice and read and comprehend the
735 entire content of the notice and the agenda. In addition to any
736 of the authorized means of providing notice of a meeting of the
737 board, the association may, by rule, adopt a procedure for
738 conspicuously posting the meeting notice and the agenda on a
739 website serving the condominium association for at least the
740 minimum period of time for which a notice of a meeting is also
741 required to be physically posted on the condominium property.
742 Any rule adopted shall, in addition to other matters, include a
743 requirement that the association send an electronic notice in
744 the same manner as a notice for a meeting of the members, which
745 must include a hyperlink to the website where the notice is
746 posted, to unit owners whose e-mail addresses are included in
747 the association's official records. Unless a unit owner waives
748 in writing the right to receive notice of the annual meeting,
749 such notice must be hand delivered, mailed, or electronically
750 transmitted to each unit owner. Notice for meetings and notice

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

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

772 a. At least 60 days before a scheduled election, the
773 association shall mail, deliver, or electronically transmit, by
774 separate association mailing or included in another association
775 mailing, delivery, or transmission, including regularly

776 published newsletters, to each unit owner entitled to a vote, a
777 first notice of the date of the election. A unit owner or other
778 eligible person desiring to be a candidate for the board must
779 give written notice of his or her intent to be a candidate to
780 the association at least 40 days before a scheduled election.
781 Together with the written notice and agenda as set forth in
782 subparagraph 3., the association shall mail, deliver, or
783 electronically transmit a second notice of the election to all
784 unit owners entitled to vote, together with a ballot that lists
785 all candidates. Upon request of a candidate, an information
786 sheet, no larger than 8 1/2 inches by 11 inches, which must be
787 furnished by the candidate at least 35 days before the election,
788 must be included with the mailing, delivery, or transmission of
789 the ballot, with the costs of mailing, delivery, or electronic
790 transmission and copying to be borne by the association. The
791 association is not liable for the contents of the information
792 sheets prepared by the candidates. In order to reduce costs, the
793 association may print or duplicate the information sheets on
794 both sides of the paper. The division shall by rule establish
795 voting procedures consistent with this sub-subparagraph,
796 including rules establishing procedures for giving notice by
797 electronic transmission and rules providing for the secrecy of
798 ballots. Elections shall be decided by a plurality of ballots
799 cast. There is no quorum requirement; however, at least 20
800 percent of the eligible voters must cast a ballot in order to

801 have a valid election. A unit owner may not authorize any other
802 person to vote his or her ballot, and any ballots improperly
803 cast are invalid. A unit owner who violates this provision may
804 be fined by the association in accordance with s. 718.303. A
805 unit owner who needs assistance in casting the ballot for the
806 reasons stated in s. 101.051 may obtain such assistance. The
807 regular election must occur on the date of the annual meeting.
808 Notwithstanding this sub-subparagraph, an election is not
809 required unless more candidates file notices of intent to run or
810 are nominated than board vacancies exist.

811 b. Within 90 days after being elected or appointed to the
812 board of an association of a residential condominium, each newly
813 elected or appointed director shall certify in writing to the
814 secretary of the association that he or she has read the
815 association's declaration of condominium, articles of
816 incorporation, bylaws, and current written policies; that he or
817 she will work to uphold such documents and policies to the best
818 of his or her ability; and that he or she will faithfully
819 discharge his or her fiduciary responsibility to the
820 association's members. In lieu of this written certification,
821 within 90 days after being elected or appointed to the board,
822 the newly elected or appointed director may submit a certificate
823 of having satisfactorily completed the educational curriculum
824 administered by a division-approved condominium education
825 provider within 1 year before or 90 days after the date of

826 | election or appointment. The written certification or
827 | educational certificate is valid and does not have to be
828 | resubmitted as long as the director serves on the board without
829 | interruption. A director of an association of a residential
830 | condominium who fails to timely file the written certification
831 | or educational certificate is suspended from service on the
832 | board until he or she complies with this sub-subparagraph. The
833 | board may temporarily fill the vacancy during the period of
834 | suspension. The secretary shall cause the association to retain
835 | a director's written certification or educational certificate
836 | for inspection by the members for 5 years after a director's
837 | election or the duration of the director's uninterrupted tenure,
838 | whichever is longer. Failure to have such written certification
839 | or educational certificate on file does not affect the validity
840 | of any board action.

841 | c. Any challenge to the election process must be commenced
842 | within 60 days after the election results are announced.

843 | 5. Any approval by unit owners called for by this chapter
844 | or the applicable declaration or bylaws, including, but not
845 | limited to, the approval requirement in s. 718.111(8), must be
846 | made at a duly noticed meeting of unit owners and is subject to
847 | all requirements of this chapter or the applicable condominium
848 | documents relating to unit owner decisionmaking, except that
849 | unit owners may take action by written agreement, without
850 | meetings, on matters for which action by written agreement

851 without meetings is expressly allowed by the applicable bylaws
852 or declaration or any law that provides for such action.

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

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

868 8. A unit owner may tape record or videotape a meeting of
869 the unit owners subject to reasonable rules adopted by the
870 division.

871 9. Unless otherwise provided in the bylaws, any vacancy
872 occurring on the board before the expiration of a term may be
873 filled by the affirmative vote of the majority of the remaining
874 directors, even if the remaining directors constitute less than
875 a quorum, or by the sole remaining director. In the alternative,

876 a board may hold an election to fill the vacancy, in which case
877 the election procedures must conform to sub-subparagraph 4.a.
878 unless the association governs 10 units or fewer and has opted
879 out of the statutory election process, in which case the bylaws
880 of the association control. Unless otherwise provided in the
881 bylaws, a board member appointed or elected under this section
882 shall fill the vacancy for the unexpired term of the seat being
883 filled. Filling vacancies created by recall is governed by
884 paragraph (j) and rules adopted by the division.

885 10. This chapter does not limit the use of general or
886 limited proxies, require the use of general or limited proxies,
887 or require the use of a written ballot or voting machine for any
888 agenda item or election at any meeting of a timeshare
889 condominium association or nonresidential condominium
890 association.

891
892 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
893 association of 10 or fewer units may, by affirmative vote of a
894 majority of the total voting interests, provide for different
895 voting and election procedures in its bylaws, which may be by a
896 proxy specifically delineating the different voting and election
897 procedures. The different voting and election procedures may
898 provide for elections to be conducted by limited or general
899 proxy.

900 (f) *Annual budget.*—

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

918 2.a. In addition to annual operating expenses, the budget
919 must include reserve accounts for capital expenditures and
920 deferred maintenance. These accounts must include, but are not
921 limited to, roof replacement, building painting, and pavement
922 resurfacing, regardless of the amount of deferred maintenance
923 expense or replacement cost, and any other item that has a
924 deferred maintenance expense or replacement cost that exceeds
925 \$10,000. The amount to be reserved must be computed using a

926 formula based upon estimated remaining useful life and estimated
927 replacement cost or deferred maintenance expense of each reserve
928 item. The association may adjust replacement reserve assessments
929 annually to take into account any changes in estimates or
930 extension of the useful life of a reserve item caused by
931 deferred maintenance. This subsection does not apply to an
932 adopted budget in which the members of an association have
933 determined, by a majority vote at a duly called meeting of the
934 association, to provide no reserves or less reserves than
935 required by this subsection.

936 b. Before turnover of control of an association by a
937 developer to unit owners other than a developer pursuant to s.
938 718.301, the developer may vote the voting interests allocated
939 to its units to waive the reserves or reduce the funding of
940 reserves through the period expiring at the end of the second
941 fiscal year after the fiscal year in which the certificate of a
942 surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or
943 an instrument that transfers title to a unit in the condominium
944 which is not accompanied by a recorded assignment of developer
945 rights in favor of the grantee of such unit is recorded,
946 whichever occurs first, after which time reserves may be waived
947 or reduced only upon the vote of a majority of all nondeveloper
948 voting interests voting in person or by limited proxy at a duly
949 called meeting of the association. If a meeting of the unit
950 owners has been called to determine whether to waive or reduce

951 the funding of reserves and no such result is achieved or a
952 quorum is not attained, the reserves included in the budget
953 shall go into effect. After the turnover, the developer may vote
954 its voting interest to waive or reduce the funding of reserves.

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

966 4. The only voting interests that are eligible to vote on
967 questions that involve waiving or reducing the funding of
968 reserves, or using existing reserve funds for purposes other
969 than purposes for which the reserves were intended, are the
970 voting interests of the units subject to assessment to fund the
971 reserves in question. Proxy questions relating to waiving or
972 reducing the funding of reserves or using existing reserve funds
973 for purposes other than purposes for which the reserves were
974 intended must contain the following statement in capitalized,
975 bold letters in a font size larger than any other used on the

976 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
977 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
978 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
979 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

980 Section 14. Paragraph (m) of subsection (1) of section
981 718.501, Florida Statutes, is amended to read:

982 718.501 Authority, responsibility, and duties of Division
983 of Florida Condominiums, Timeshares, and Mobile Homes.—

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

998 (m) If a complaint is made, the division must conduct its
999 inquiry with due regard for the interests of the affected
1000 parties. Within 30 days after receipt of a complaint, the

1001 division shall acknowledge the complaint in writing and notify
1002 the complainant whether the complaint is within the jurisdiction
1003 of the division and whether additional information is needed by
1004 the division from the complainant. The division shall conduct
1005 its investigation and, within 90 days after receipt of the
1006 original complaint or of timely requested additional
1007 information, take action upon the complaint. However, the
1008 failure to complete the investigation within 90 days does not
1009 prevent the division from continuing the investigation,
1010 accepting or considering evidence obtained or received after 90
1011 days, or taking administrative action if reasonable cause exists
1012 to believe that a violation of this chapter or a rule has
1013 occurred. If an investigation is not completed within the time
1014 limits established in this paragraph, the division shall, on a
1015 monthly basis, notify the complainant in writing of the status
1016 of the investigation. When reporting its action to the
1017 complainant, the division shall inform the complainant of any
1018 right to a hearing pursuant to ss. 120.569 and 120.57. The
1019 division may adopt rules regarding the submission of a complaint
1020 against an association.

1021 Section 15. Section 718.5014, Florida Statutes, is amended
1022 to read:

1023 718.5014 Ombudsman location.—The ombudsman shall maintain
1024 his or her principal office at a ~~in Leon County on the premises~~
1025 ~~of the division or, if suitable space cannot be provided there,~~

1026 | ~~at another~~ place convenient to the offices of the division which
 1027 | will enable the ombudsman to expeditiously carry out the duties
 1028 | and functions of his or her office. The ombudsman may establish
 1029 | branch offices elsewhere in the state upon the concurrence of
 1030 | the Governor.

1031 | Section 16. Paragraph (a) of subsection (7) of section
 1032 | 721.15, Florida Statutes, is amended to read:

1033 | 721.15 Assessments for common expenses.—

1034 | (7) (a) A purchaser, regardless of how her or his timeshare
 1035 | estate or timeshare license has been acquired, including a
 1036 | purchaser at a judicial sale, is personally liable for all
 1037 | assessments for common expenses which come due while the
 1038 | purchaser is the owner of such interest. A successor in interest
 1039 | is jointly and severally liable with her or his predecessor in
 1040 | interest for all unpaid assessments against such predecessor up
 1041 | to the time of transfer of the timeshare interest to such
 1042 | successor without prejudice to any right a successor in interest
 1043 | may have to recover from her or his predecessor in interest any
 1044 | amounts assessed against such predecessor and paid by such
 1045 | successor. A successor in interest who pays the unpaid
 1046 | assessments attributable to her or his predecessor in interest
 1047 | is a subordinate lienholder for purposes of satisfying the
 1048 | requirements of s. 45.032(3)(b). The predecessor in interest or
 1049 | his or her agent, or a person providing resale transfer services
 1050 | for the predecessor in interest pursuant to s. 721.17(3) or his

1051 or her agent, shall deliver to the managing entity a copy of the
1052 recorded deed of conveyance if the interest is a timeshare
1053 estate or a copy of the instrument of transfer if the interest
1054 is a timeshare license, with the name and mailing address of the
1055 successor in interest within 15 days after the date of transfer,
1056 and after such delivery the successor in interest shall be
1057 listed by the managing entity as the owner of the timeshare
1058 interest on the books and records of the timeshare plan. The
1059 managing entity shall not be liable to any person for any
1060 inaccuracy in the books and records of the timeshare plan
1061 arising from the failure of the predecessor in interest to
1062 timely and correctly notify the managing entity of the name and
1063 mailing address of the successor in interest.

1064 Section 17. Subsection (1) of section 455.219, Florida
1065 Statutes, is amended to read:

1066 455.219 Fees; receipts; disposition; periodic management
1067 reports.—

1068 (1) Each board within the department shall determine by
1069 rule the amount of license fees for its profession, based upon
1070 department-prepared long-range estimates of the revenue required
1071 to implement all provisions of law relating to the regulation of
1072 professions by the department and any board; however, when the
1073 department has determined, based on the long-range estimates of
1074 such revenue, that a profession's trust fund moneys are in
1075 excess of the amount required to cover the necessary functions

1076 | of the board, or the department when there is no board, the
1077 | department may adopt rules to implement a waiver of license
1078 | renewal fees for that profession for a period not to exceed 2
1079 | years, as determined by the department. Each board, or the
1080 | department when there is no board, shall ensure license fees are
1081 | adequate to cover all anticipated costs and to maintain a
1082 | reasonable cash balance, as determined by rule of the
1083 | department, with advice of the applicable board. If sufficient
1084 | action is not taken by a board within 1 year of notification by
1085 | the department that license fees are projected to be inadequate,
1086 | the department shall set license fees on behalf of the
1087 | applicable board to cover anticipated costs and to maintain the
1088 | required cash balance. The department shall include recommended
1089 | fee cap increases in its annual report to the Legislature.
1090 | Further, it is legislative intent that no regulated profession
1091 | operate with a negative cash balance. The department may provide
1092 | by rule for the advancement of sufficient funds to any
1093 | profession or the Florida Athletic State~~Boxing~~ Commission
1094 | operating with a negative cash balance. Such advancement may be
1095 | for a period not to exceed 2 consecutive years and shall require
1096 | interest to be paid by the regulated profession. Interest shall
1097 | be calculated at the current rate earned on Professional
1098 | Regulation Trust Fund investments. Interest earned shall be
1099 | allocated to the various funds in accordance with the allocation
1100 | of investment earnings during the period of the advance.

1101 Section 18. Subsection (4) of section 548.002, Florida
 1102 Statutes, is amended to read:

1103 548.002 Definitions.—As used in this chapter, the term:

1104 (4) "Commission" means the Florida Athletic State~~Boxing~~
 1105 Commission.

1106 Section 19. Subsections (3) and (4) of section 548.05,
 1107 Florida Statutes, are amended to read:

1108 548.05 Control of contracts.—

1109 (3) The commission may require that each contract contain
 1110 language authorizing the ~~Florida State Boxing~~ commission to
 1111 withhold any or all of any manager's share of a purse in the
 1112 event of a contractual dispute as to entitlement to any portion
 1113 of a purse. The commission may establish rules governing the
 1114 manner of resolution of such dispute. In addition, if the
 1115 commission deems it appropriate, the commission is hereby
 1116 authorized to implead interested parties over any disputed funds
 1117 into the appropriate circuit court for resolution of the dispute
 1118 prior to release of all or any part of the funds.

1119 (4) Each contract subject to this section shall contain
 1120 the following clause: "This agreement is subject to the
 1121 provisions of chapter 548, Florida Statutes, and to the rules of
 1122 the Florida Athletic State~~Boxing~~ Commission and to any future
 1123 amendments of either."

1124 Section 20. Subsection (12) of section 548.071, Florida
 1125 Statutes, is amended to read:

1126 548.071 Suspension or revocation of license or permit by
 1127 commission.—The commission may suspend or revoke a license or
 1128 permit if the commission finds that the licensee or permittee:

1129 (12) Has been disciplined by the ~~Florida State Boxing~~
 1130 commission or similar agency or body of any jurisdiction.

1131 Section 21. Section 548.077, Florida Statutes, is amended
 1132 to read:

1133 548.077 Florida Athletic ~~State Boxing~~ Commission;
 1134 collection and disposition of moneys.—All fees, fines,
 1135 forfeitures, and other moneys collected under the provisions of
 1136 this chapter shall be paid by the commission to the Chief
 1137 Financial Officer who, after the expenses of the commission are
 1138 paid, shall deposit them in the Professional Regulation Trust
 1139 Fund to be used for the administration and operation of the
 1140 commission and to enforce the laws and rules under its
 1141 jurisdiction. In the event the unexpended balance of such moneys
 1142 collected under the provisions of this chapter exceeds \$250,000,
 1143 any excess of that amount shall be deposited in the General
 1144 Revenue Fund.

1145 Section 22. This act shall take effect July 1, 2020.