

## **ALCOHOLIC BEVERAGE AND TOBACCO REGULATION**

### **CS/SB 156 — Alcohol & Tobacco Products/Minors**

by Comprehensive Planning, Local & Military Affairs Committee; and Senators Hargrett and Carlton

The bill prohibits location of a business licensed to sell alcoholic beverages for on-premises consumption within 500 feet of an elementary school, middle school, or secondary school, unless approved by local government as promoting the public health, safety and general welfare of the community under formal proceedings, as provided in s. 125.66(4) or s. 166.041(3), F.S. There are three classes of exceptions: premises licensed on or before July 1, 1999, restaurants that derive at least 51 percent of their gross revenues from the sale of food or nonalcoholic beverages, and locations operated by nonprofit civic organizations with temporary permits.

The bill also creates penalties for a minor who purchases or attempts to purchase alcoholic beverages or tobacco products. It makes the purchase or attempted purchase of alcoholic beverages by any person under the age of 21 a second degree misdemeanor, and it makes the attempted purchase of a tobacco product by any person under the age of 18 a noncriminal violation.

If approved by the Governor, these provisions take effect July 1, 1999.

*Vote: Senate 34-0; House 106-4*

### **HB 209 — Alcohol Sales/By the Drink**

by Rep. Bitner and others (CS/SB 340 by Regulated Industries Committee; and Senator Gutman)

Current law provides for an election to determine both the question of whether a county will allow sales of intoxicating liquors, wines, and beers, and the question of whether such sales, if allowed, will be restricted to package only. If the electors of a county vote to allow sales of intoxicating beverages, but to restrict these sales to package only, there is no statutory authority for a subsequent election addressing only the question of package versus “by the drink” sales. This bill provides a mechanism for a subsequent election on only this issue. The bill also provides for the form of the ballot and the results of the election.

If approved by the Governor, these provisions take effect July 1, 1999.

*Vote: Senate 38-1; House 113-3*

### **HB 315 — Alcoholic Beverages**

by Rep. Gay and others (CS/SB 1070 by Regulated Industries Committee; and Senator Sullivan)

The bill allows distributors of wine and spirits to offer discounts on the basis of license series and license type. It authorizes distributors to give different discounts to on-premises licensees than to off-premises licensees or to give different discounts to different types of businesses (for example a restaurant, a bar, a bowling center, or a hotel).

The bill also codifies current agency practice and allows distributors of malt beverages to charge different malt beverage prices according to county, the branch of the distributor's parent place of business, quantity sold, or whether a vendor sells malt beverages on-premises or off-premises. The distributor must file all price differentials in advance with the Department of Business and Professional Regulation, as provided by rule.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 116-0*

### **CS/SB 1444 — Beverage License/Historic Structures**

by Regulated Industries Committee; and Senator Jones

The bill creates a new category of "specialty center," consisting of an enclosed development having at least 170,000 square feet of leasable area and containing restaurants, entertainment facilities, specialty shops, and a movie theater with not less than 18 operating screens. The bill allows consumption of alcoholic beverages sold for consumption on the premises by a vendor in this type of specialty center only within areas of the specialty center that are designated as a part of a vendor's licensed premises. The official designation of such areas is made in the sketch of the licensed premises, which is attached to the vendor's application for a beverage license.

The bill provides that any license issued under a local or special act is subject to all requirements and restrictions of the Beverage Law, and it creates a new special liquor license for an historic hotel or motel that meets certain requirements.

Finally, the bill authorizes the Division of Historical Resources of the Department of State to hold any money received from the sale of publications in the operating trust fund or in a separate account in the name of a citizen-support organization.

If approved by the Governor, these provisions take effect upon becoming law.  
*Vote: Senate 39-0; House 105-13*

## **CONDOMINIUMS AND RESIDENTIAL ASSOCIATIONS**

### **CS/HB 383 — Residential Property Associations**

by Business Regulation & Consumer Affairs Committee; Rep. Goodlette and others  
(CS/SB 814 by Regulated Industries Committee and Senators Saunders, Latvala, Webster, McKay, Carlton, Cowin, Kurth, Brown-Waite, Bronson and Sebesta)

The bill provides that either a grantor or a beneficiary of an inter vivos trust that owns a unit, parcel, or mobile home may serve on the board of directors of the condominium association, cooperative association, homeowners' association, or mobile homeowners' association. It provides that where membership in a corporation is limited to certain property owners and the corporation has been formed for the benefit of those property owners, no such property owner can be excluded from corporate membership.

The bill includes mobile home subdivisions in the definition of "homeowners' association," thereby allowing application of the homeowners' association statutes to mobile home subdivisions. It also provides that a mobile home subdivision may create a homeowners' association pursuant to the mobile home park homeowners' association statutes, under certain circumstances.

The bill amends sections in the cooperative statutes to better conform to corresponding sections in the condominium statutes.

The bill authorizes cooperative associations and homeowners' associations to conduct penny-ante games and bingo games, subject to the same restrictions as condominium associations and other associations currently authorized to conduct these games.

If approved by the Governor, these provisions take effect upon becoming law.  
*Vote: Senate 38-0; House 114-0*

### **CS/HB 1063 — Condominiums and Residential Associations/Taxes**

by Real Property & Probate Committee and Rep. Bronson (CS/SB 1168 by Regulated Industries Committee; and Senator Bronson)

The bill requires that when a declaration of condominium is recorded, a certificate or receipted bill must be filed with the clerk of the circuit court in the county where the

property is located showing that all taxes due and owing on the property have been paid in full as of the date of recordation.

The bill also provides the Regulatory Council of Community Association Managers the authority to adopt rules regarding continuing education providers.

If approved by the Governor, these provisions take effect July 1, 1999.

*Vote: Senate 40-0; House 116-0*

## **REGULATION OF PROFESSIONS**

### **CS/HB 417 — Real Estate Brokers & Salespersons**

by Real Property & Probate Committee and Reps. J. Miller, Constantine and others  
(CS/SB 1072 by Regulated Industries Committee and Senator Sullivan)

The bill eliminates the requirement that real estate brokers and salespersons provide a Notice of Nonrepresentation upon “first contact” with a potential buyer or seller. However, disclosures must be made before, or at the time of, entering into a listing agreement or any agreement for representation or before showing of property, whichever comes first. The disclosure language that previously was required in the Notice of Nonrepresentation is placed instead in the “Transaction Broker Notice” and “Single Agent Notice.”

The bill exempts certain registered brokers and financial institutions from the registration requirements for real estate brokers if their services are in connection with negotiating the purchase, sale or rental of a business enterprise to or by a person who is an accredited investor.

The bill provides that a recovery from the Real Estate Recovery Fund cannot be made if the final judgment is on appeal, and it clarifies eligibility of a consumer to make a claim in cases involving limited liability companies or limited liability partnerships.

The bill also makes technical revisions to clarify existing law.

If approved by the Governor, these provisions take effect October 1, 1999.

*Vote: Senate 39-0; House 117-0*

**CS/SB 2268 — Contracting**

by Regulated Industries Committee and Senator Clary

Contractors can be licensed either by the state or by local authorities. This bill directs the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board to establish the job scope for any licensure category registered under ch. 489, parts I and II, F.S., to achieve uniformity among the job scopes currently in use by local jurisdictions. The bill also provides a special procedure for state licensure of locally registered contractors who meet certain minimum requirements.

The bill provides that local building code administrators and inspectors may be disciplined for issuing a building permit without obtaining the contractor's certificate or registration number. It clarifies that a locally registered contractor operating outside the locality is guilty of unlicensed contracting. It provides that a local building department will not issue a building permit to a contractor who does not hold a state issued certificate or registration.

The bill provides that a contractor who has been subjected to an unlawful levy of an occupational license tax may initiate a court challenge. The prevailing party in such a challenge is entitled to recover reasonable attorneys' fees.

The bill provides that, absent a finding of fraud, deceit, or negligence, a contractor will not be subject to discipline based on the contractor's reliance on a building code interpretation made by a person authorized to enforce the building code.

The bill clarifies the exemption from local permitting for telecommunications company employees installing low-voltage wiring. It requires continuing education for asbestos contractors and clarifies that an asbestos contractor may qualify multiple business organizations only if the licensee can adequately supervise each organization. It provides that licenses for fire extinguisher contractors will be issued for two years instead of one year and modifies the fee schedule accordingly.

The bill directs the Joint Legislative Committee on Intergovernmental Relations, in consultation with the Office of Program Policy Analysis and Government Accountability, to conduct a study to determine the fiscal impact on local governments of instituting a single-tier regulatory system for construction, electrical and alarm system contractors in Florida. This provision takes effect upon the act becoming a law.

If approved by the Governor, these provisions take effect October 1, 1999, except as otherwise provided.

*Vote: Senate 35-0; House 117-0*

## **TELECOMMUNICATIONS AND THE INTERNET**

### **HB 433 — Telecommunications Frequencies**

by Rep. Ball (SB 874 by Senator Bronson)

The bill extends the current law regarding interference with fire or police radio frequencies to prohibit unauthorized interference with radio frequencies assigned by the Federal Communications Commission to any state, county, or municipal governmental agency or water management district. The bill also prohibits knowingly interfering with radio transmissions made by volunteer communications personnel who are providing communications support upon request of a governmental agency during tests, drills, field operations, or emergency events. A violation is a first degree misdemeanor.

If approved by the Governor, these provisions take effect July 1, 1999.

*Vote: Senate 40-0; House 116-0*

### **HB 2123 — Telecommunications Services**

by Utilities & Communications Committee and Rep. Rojas (CS/SB 1008 by Regulated Industries Committee)

The bill extends until January 1, 2001, a local exchange telecommunications company's responsibility to furnish basic local exchange telecommunications service within a reasonable time period to any person requesting such service within the company's service area. Likewise, the interim universal service mechanism and the deadline for establishing a permanent universal service fund is extended until January 1, 2001.

The bill restores the authority of local governments to control placement of pay phones and negotiate fees or solicit in-kind contributions in consideration for permitting pay phones on public rights-of-way within their jurisdictions.

The bill requires the Public Service Commission to undertake a comprehensive effort to inform consumers about how to protect themselves in a competitive telecommunications market. Specifically, the commission is directed to educate consumers about the Lifeline and Link-up programs and how to avoid "slamming" and "cramming" by telecommunications companies.

The bill authorizes the State Board of Community Colleges to develop, own, and market distance learning products through a not-for-profit corporation. The board may trademark, copyright, or patent these products but must make them readily available for appropriate use in the state system of education. The board may assess a fee for the

products to be used by the state education system, but no more than the cost of producing and disseminating them. It may sell copies of the products to nonpublic schools and the public. The proceeds of sales to nonpublic entities will not be limited to cost.

The bill transfers to the Department of Education responsibility for coordinating the use of existing advanced telecommunication's resources, including the state's satellite transponders, the SUNCOM Network, the Florida Information Resource Network, and the satellite communication facilities of the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services.

The bill creates the Florida Distance Learning Network Advisory Council in place of the Florida Distance Learning Network. The Council is created in the Department of Education to advise and assist the Department of Education in carrying out its duties relating to distance learning. The Council consists of 13 members to be appointed by the Commissioner of Education and must include the Chancellor of State University System and the Executive Director of the Florida Community College System, or their designees.

The bill establishes the Information Service Technology Development Task Force for the purpose of developing policy recommendations that will foster the development and beneficial use of advanced communications networks and information technologies in Florida. The task force will identify key factors and develop policy recommendations for promoting Internet-related technologies in Florida. The task force will report to the Governor, the President of the Senate and the Speaker of the House by February 14, 2000, and by February 14, 2001, outlining principles, policy recommendations, and any suggested legislation. Staff support for the task force will be provided by the State Technology Office in the Department of Management Services.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise provided.

*Vote: Senate 35-0; House 116-2*

## **WATER AND WASTEWATER UTILITIES REGULATION**

### **CS/SB 1352 — Public Service Commission**

by Regulated Industries Committee and Senators Bronson, Dyer, Horne, Casas, Holzendorf, Childers, Geller and Sullivan

This bill requires the Public Service Commission (PSC) to consider utility property to be used and useful in public service if it is needed to serve current customers, if it will be needed to serve customers within five years (capped at a growth rate in connections no

greater than 5 percent per year), or if it will be needed to serve customers in more than five years and the utility can establish a clear and convincing justification for such consideration. It also prohibits the PSC from deducting future contributions-in-aid-of-construction from this investment in margin reserve. Additionally, the PSC must approve rates which allow recovery of the full amount of environmental compliance costs. These provisions of the bill do not apply to rate cases pending on March 11, 1999.

The bill also provides that when a water or wastewater utility files for a rate change with the PSC, it must provide notice to the governing body of all counties in its service area affected by the requested rate change. The governing body may petition to intervene in the rate proceeding and the PSC is required to grant any such petition. Other changes include authorization for the PSC to grant interim rates in staff assisted rate cases to allow the utility to recover operations and maintenance expenses while the case is being processed and a clarification that when a county takes back jurisdiction under the county option during a pending rate case, the PSC is to complete the case.

The bill exempts from PSC regulation systems owned, operated, managed, or controlled by a nonprofit corporation formed for the purpose of acting on behalf of a political subdivision. The bill also allows sales, assignments, or transfers of facilities that are subject to approval by the commission to occur prior to such approval, if the contract for sale, assignment or transfer is made contingent upon commission approval. It also eliminates requirements that reseller utilities file annual reports with the PSC and conduct meter testing.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 25-11; House 95-21*