

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2350

SPONSOR: Regulated Industries Committee and Senator Silver

SUBJECT: Land Sales/Condominiums/Mobile Homes

DATE: March 6, 2002                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	RI	Favorable/CS
2.	_____	_____	GO	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	RC	_____
6.	_____	_____	_____	_____

## I. Summary:

The bill requires that both the Division of Florida Land Sales, Condominiums, and Mobile Homes and the Division of Alcoholic Beverages and Tobacco be organized with at least three specified bureaus. The bill also prohibits transfer of more than 10 percent of the moneys deposited in the trust fund of either division during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

The bill amends s. 20.165 of the Florida Statutes.

## II. Present Situation:

### Department of Business and Professional Regulation Organization

Chapter 20, F.S., provides the organizational structure of Florida's executive branch. Section 20.165, F.S., creates the Department of Business and Professional Regulation (DBPR) and creates numerous divisions within the DBPR, including the Division of Florida Land Sales, Condominiums, and Mobile Homes.

The Division of Florida Land Sales, Condominiums, and Mobile Homes (the Division) administers six regulatory programs: land sales (ch. 498, F.S.), condominiums (ch. 718, F.S.), cooperatives (ch. 719, F.S.), mobile home parks (ch. 723, F.S.), timeshares (ch. 721, F.S.) and licensing of yacht and ship brokers (ch. 326, F.S.). The Division was organized by program area with the following bureaus until February 2000: the Bureau of Land Sales, the Bureau of Condominiums, the Bureau of Timeshares, and the Bureau of Mobile Homes. In February 2000, this organizational structure was abolished by the DBPR and replaced with a new organizational structure, which divides the Division into the following bureaus: Bureau of Standards and

Registration, Bureau of Customer Service, and Bureau of Compliance. This reorganization was an internal organization initiated by the DBPR. Although the structure of the Division has changed, the Division still has the same regulatory authority pursuant to statute.

### **Trust Fund**

In 1987, the Florida Land Sales Trust Fund, the Florida Condominiums Trust Fund, the Florida Mobile Home Trust Fund, and the Florida Real Estate Time Sharing Trust Fund were dissolved and the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust fund (the Division trust fund) was established within the State Treasury. ss. 16, 20, 24, 26, 27, ch. 87-102, Laws of Florida. All funds contained within the previous funds were merged and credited to the new Division trust fund. s. 27, 87-102, Laws of Florida. In 1988, the Division trust fund statute, s. 498.019, F.S., was amended, retaining the single trust fund but requiring separate revenue accountings for each of the businesses regulated by the division, i.e., land sales, yacht and ship brokers, condominiums, timeshares, cooperatives, and mobile homes. s. 8, ch. 88-90, Laws of Florida. The amended language also requires the Division to provide for a proportionate allocation of administrative expenses incurred by the Division among the businesses' individual accounts. In addition, the Division must prepare an annual report of revenue and allocated expenses related to the operation of each of the businesses which may be used to determine fees charged by the Division. All fees and penalties collected under the specific chapters relating to land sales, yacht and ship brokers, condominiums, timeshares, cooperatives, and mobile homes are deposited into the Division trust fund.

Current law permits a state agency to transfer moneys between separate agency trust funds without legislative approval if the amount transferred is less than \$1 million. s. 216.181(1), F.S. If the amount transferred is in excess of \$1 million, the transfer must be approved by the Legislative Budget Commission pursuant to a request of the state agency filed with the Executive Office of the Governor.

### **III. Effect of Proposed Changes:**

The bill provides for the organization of the Division of Florida Land Sales, Condominiums, and Mobile Homes and the Division of Alcoholic Beverages and Tobacco. It requires that the Division of Florida Land Sales, Condominiums, and Mobile Homes be organized with at least three bureaus, the Bureau of Condominiums, the Bureau of Timeshare, and the Bureau of Mobile Homes, any other provision of law to the contrary notwithstanding. It requires that the Division of Alcoholic Beverages and Tobacco be organized with at least three bureaus, the Bureau of Licensing, the Bureau of Auditing, and the Bureau of Law Enforcement.

The bill also prohibits transfer of more than 10 percent of the moneys deposited in the trust fund of either division to the office of the secretary or to other parts of the department during any fiscal year without the prior specific authorization by the Legislature in the General Appropriations Act.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The effect on the Department is indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.