

By Senator Margolis

35-361A-04

1                                   A bill to be entitled  
2           An act relating to the Division of Florida Land  
3           Sales, Condominiums, and Mobile Homes of the  
4           Department of Business and Professional  
5           Regulation; amending s. 718.501, F.S.; revising  
6           the time within which the division must respond  
7           to and take action on complaints; providing an  
8           effective date.

9  
10           WHEREAS, each condominium association pays \$4 per year  
11           per unit, to be directly deposited in the Florida Land Sales,  
12           Condominium, and Mobile Homes Trust Fund, and

13           WHEREAS, the annual fee that is paid by the condominium  
14           associations is intended to fund the Department of Business  
15           and Professional Regulation's oversight of condominiums, land  
16           sales, and mobile homes, and

17           WHEREAS, the Legislature and the Governor, in fiscal  
18           year 2003, transferred \$8.3 million from the Florida Land  
19           Sales, Condominium, and Mobile Homes Trust Fund to general  
20           revenue, NOW, THEREFORE,

21  
22           Be It Enacted by the Legislature of the State of Florida:

23  
24           Section 1. Paragraph (m) of subsection (1) of section  
25           718.501, Florida Statutes, is amended to read:

26           718.501 Powers and duties of Division of Florida Land  
27           Sales, Condominiums, and Mobile Homes.--

28           (1) The Division of Florida Land Sales, Condominiums,  
29           and Mobile Homes of the Department of Business and  
30           Professional Regulation, referred to as the "division" in this  
31           part, in addition to other powers and duties prescribed by

1 chapter 498, has the power to enforce and ensure compliance  
2 with the provisions of this chapter and rules promulgated  
3 pursuant hereto relating to the development, construction,  
4 sale, lease, ownership, operation, and management of  
5 residential condominium units. In performing its duties, the  
6 division has the following powers and duties:

7 (m) When a complaint is made, the division shall  
8 conduct its inquiry with due regard to the interests of the  
9 affected parties. Within 15 ~~30~~ days after receipt of a  
10 complaint, the division shall acknowledge the complaint in  
11 writing and notify the complainant whether the complaint is  
12 within the jurisdiction of the division and whether additional  
13 information is needed by the division from the complainant.  
14 The division shall conduct its investigation and shall, within  
15 30 ~~90~~ days after receipt of the original complaint or of  
16 timely requested additional information, take action upon the  
17 complaint. However, the failure to complete the investigation  
18 within 30 ~~90~~ days does not prevent the division from  
19 continuing the investigation, accepting or considering  
20 evidence obtained or received after 30 ~~90~~ days, or taking  
21 administrative action if reasonable cause exists to believe  
22 that a violation of this chapter or a rule of the division has  
23 occurred. If an investigation is not completed within the time  
24 limits established in this paragraph, the division shall, on a  
25 monthly basis, notify the complainant in writing of the status  
26 of the investigation. When reporting its action to the  
27 complainant, the division shall inform the complainant of any  
28 right to a hearing pursuant to ss. 120.569 and 120.57.

29 Section 2. This act shall take effect July 1, 2004.  
30  
31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Revises the time within which the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation must respond to and take action on complaints filed with the division.