

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 218

INTRODUCER: Senator Hays

SUBJECT: Mortgage Guaranty Trust Fund/Office of Financial Regulation

DATE: January 22, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Hansen	AP	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 218 re-creates, without modification, the Mortgage Guaranty Trust Fund within the Office of Financial Regulation. The bill is effective July 1, 2013, and has no fiscal impact on state or local funds.

This bill repeals section 494.00173(4), Florida Statutes.

II. Present Situation:

Article III, s. 19(f) of the Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless the trust fund is exempted by the constitution or operation of law.

The Mortgage Guaranty Trust Fund within the Office of Financial Regulation is scheduled to be terminated on July 1, 2014. The trust fund was created for the purpose of compensating persons who have suffered monetary damages due to a violation of ch. 494, F.S., by a licensed loan originator, mortgage broker, or mortgage lender. Funding for the trust fund was authorized by the 2009 Legislature in s. 494.00172, F.S., and consists of an annual license fee on loan originators, mortgage brokers, and mortgage lenders.

III. Effect of Proposed Changes:

The Mortgage Guaranty Trust Fund within the Office of Financial Regulation is re-created without modification. Section 494.00173(4), F.S., which terminates the trust fund on July 1, 2014, is repealed.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to Art. III, s. 19(f)(1) of the Florida Constitution, a bill that re-creates a trust fund must pass by a three-fifths vote of the membership of each house in a separate bill for that purpose only.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
