

BILL

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1 A bill to be entitled
 2 An act relating to the Department of Business and
 3 Professional Regulation; amending s. 718.501, F.S.;
 4 adjusting the annual fee paid to the Division of Florida
 5 Land Sales, Condominiums, and Mobile Homes by certain
 6 condominium associations; providing for repeal; amending
 7 s. 721.27, F.S.; adjusting the annual fee paid to the
 8 division by managing entities of timeshare plans;
 9 providing for repeal; amending s. 455.2281, F.S.;
 10 providing an unlicensed activity fee waiver for specified
 11 entities and licensees; providing for repeal; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Subsection (2) of section 718.501, Florida
 17 Statutes, is amended to read:

18 718.501 Powers and duties of Division of Florida Land
 19 Sales, Condominiums, and Mobile Homes.--

20 (2) (a) 1. Effective January 1, 1992, each condominium
 21 association which operates more than two units shall pay to the
 22 division an annual fee in the amount of \$4 for each residential
 23 unit in condominiums operated by the association. If the fee is
 24 not paid by March 1, then the association shall be assessed a
 25 penalty of 10 percent of the amount due, and the association
 26 will not have standing to maintain or defend any action in the
 27 courts of this state until the amount due, plus any penalty, is
 28 paid.

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29 2. Notwithstanding subparagraph 1., on each succeeding
 30 January 1 until expiration of this subparagraph, the amount due
 31 under subparagraph 1. is reduced to \$2 for each residential unit
 32 in condominiums operated by the association. This subparagraph
 33 expires July 1, 2009, unless reenacted by the Legislature prior
 34 to that date.

35 (b) All fees shall be deposited in the Division of Florida
 36 Land Sales, Condominiums, and Mobile Homes Trust Fund as
 37 provided by law.

38 Section 2. Section 721.27, Florida Statutes, is amended to
 39 read:

40 721.27 Annual fee for each timeshare unit in plan.--

41 (1) On January 1 of each year, each managing entity of a
 42 timeshare plan located in this state shall collect as a common
 43 expense and pay to the division an annual fee of \$2 for each 7
 44 days of annual use availability that exist within the timeshare
 45 plan at that time, subject to any limitations on the amount of
 46 such annual fee pursuant to s. 721.58. If any portion of the
 47 annual fee is not paid by March 1, the managing entity may be
 48 assessed a penalty pursuant to s. 721.26.

49 (2) Notwithstanding subsection (1), on January 1, 2009,
 50 and on each succeeding January 1 until expiration of this
 51 subsection, the annual fee due for each 7 days of annual use
 52 availability under subsection (1) is reduced to \$1. This
 53 subsection expires July 1, 2009, unless reenacted by the
 54 Legislature prior to that date.

55 Section 3. Section 455.2281, Florida Statutes, is amended
 56 to read:

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57 | 455.2281 Unlicensed activities; fees; disposition.--
 58 | (1) In order to protect the public and to ensure a
 59 | consumer-oriented department, it is the intent of the
 60 | Legislature that vigorous enforcement of regulation for all
 61 | professional activities is a state priority. All enforcement
 62 | costs should be covered by professions regulated by the
 63 | department. Therefore, the department shall impose, upon initial
 64 | licensure and each renewal thereof, a special fee of \$5 per
 65 | licensee. Such fee shall be in addition to all other fees
 66 | collected from each licensee and shall fund efforts to combat
 67 | unlicensed activity. Any profession regulated by the department
 68 | which offers services that are not subject to regulation when
 69 | provided by an unlicensed person may use funds in its unlicensed
 70 | activity account to inform the public of such situation. The
 71 | board with concurrence of the department, or the department when
 72 | there is no board, may earmark \$5 of the current licensure fee
 73 | for this purpose, if such board, or profession regulated by the
 74 | department, is not in a deficit and has a reasonable cash
 75 | balance. A board or profession regulated by the department may
 76 | authorize the transfer of funds from the operating fund account
 77 | to the unlicensed activity account of that profession if the
 78 | operating fund account is not in a deficit and has a reasonable
 79 | cash balance. The department shall make direct charges to this
 80 | fund by profession and shall not allocate indirect overhead. The
 81 | department shall seek board advice regarding enforcement methods
 82 | and strategies prior to expenditure of funds; however, the
 83 | department may, without board advice, allocate funds to cover
 84 | the costs of continuing education compliance monitoring under s.

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85 455.2177. The department shall directly credit, by profession,
 86 revenues received from the department's efforts to enforce
 87 licensure provisions. The department shall include all financial
 88 and statistical data resulting from unlicensed activity
 89 enforcement and from continuing education compliance monitoring
 90 as separate categories in the quarterly management report
 91 provided for in s. 455.219. The department shall not charge the
 92 account of any profession for the costs incurred on behalf of
 93 any other profession. For an unlicensed activity account, a
 94 balance which remains at the end of a renewal cycle may, with
 95 concurrence of the applicable board and the department, be
 96 transferred to the operating fund account of that profession.

97 (2) For fiscal year 2008-2009 only, the following entities
 98 and licensees, as determined by the department based on cash
 99 balances and fee renewal schedules, are exempt from paying the
 100 unlicensed activity fee imposed under subsection (1):

- 101 (a) Board of Architecture and Interior Design;
- 102 (b) Florida Board of Auctioneers;
- 103 (c) Board of Landscape Architecture;
- 104 (d) Board of Pilot Commissioners;
- 105 (e) Board of Professional Surveyors and Mappers;
- 106 (f) Florida Real Estate Appraisal Board;
- 107 (g) Asbestos Unit;
- 108 (h) Athlete agents; and
- 109 (i) Community association managers.

110
 111 This subsection expires July 1, 2009, unless reenacted by the
 112 Legislature prior to that date.

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Section 4. This act shall take effect July 1, 2008.