

Bill No. CS for CS for CS for SB 1184, 1st Eng.

Amendment No. \_\_\_\_ Barcode 044108

CHAMBER ACTION

Senate

House

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Senator Garcia and Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 14, between lines 2 and 3,

insert:

Section 5. Section 718.5011, Florida Statutes, is created to read:

718.5011 Ombudsman; appointment; administration.--

(1) There is created an Office of the Condominium Ombudsman, to be located for administrative purposes, within the Division of Florida Land Sales, Condominiums, and Mobile Homes. The functions of the office shall be funded by the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund. The ombudsman shall be a bureau chief of the division and the office shall be set within the division in the same manner as any other bureau is staffed and funded.

(2) The Governor shall appoint the ombudsman. The ombudsman must be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Governor. A vacancy in the office shall be filled in the same

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1 manner as the original appointment. An officer or full-time  
2 employee of the ombudsman's office may not actively engage in  
3 any other business or profession; serve as the representative  
4 of any political party, executive committee, or other  
5 governing body of a political party; serve as an executive,  
6 officer, or employee of a political party; receive  
7 remuneration for activities on behalf of any candidate for  
8 public office; or engage in soliciting votes or other  
9 activities on behalf of a candidate for public office. The  
10 ombudsman or any employee of his or her office may not become  
11 a candidate for election to public office unless he or she  
12 first resigns from his or her office or employment.

13           Section 6. Section 718.5012, Florida Statutes, is  
14 created to read:

15           718.5012 Ombudsman; powers and duties.--The ombudsman  
16 shall have the powers that are necessary to carry out the  
17 duties of his or her office, including the following specific  
18 powers:

19           (1) To have access to and use of all files and records  
20 of the division.

21           (2) To employ professional and clerical staff as  
22 necessary for the efficient operation of the office.

23           (3) To prepare and issue reports and recommendations  
24 to the Governor, the department, the division, the Advisory  
25 Council on Condominiums, the President of the Senate, and the  
26 Speaker of the House of Representatives on any matter or  
27 subject within the jurisdiction of the division. The ombudsman  
28 shall make recommendations he or she deems appropriate for  
29 legislation relative to division procedures, rules,  
30 jurisdiction, personnel, and functions.

31           (4) To act as liaison between the division, unit

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1 owners, boards of directors, board members, community  
2 association managers, and other affected parties. The  
3 ombudsman shall develop policies and procedures to assist unit  
4 owners, boards of directors, board members, community  
5 association managers, and other affected parties to understand  
6 their rights and responsibilities as set forth in this chapter  
7 and the condominium documents governing their respective  
8 association. The ombudsman shall coordinate and assist in the  
9 preparation and adoption of educational and reference  
10 material, and shall endeavor to coordinate with private or  
11 volunteer providers of these services, so that the  
12 availability of these resources is made known to the largest  
13 possible audience.

14 (5) To monitor and review procedures and disputes  
15 concerning condominium elections or meetings, including, but  
16 not limited to, recommending that the division pursue  
17 enforcement action in any manner where there is reasonable  
18 cause to believe that election misconduct has occurred.

19 (6) To make recommendations to the division for  
20 changes in rules and procedures for the filing, investigation,  
21 and resolution of complaints filed by unit owners,  
22 associations, and managers.

23 (7) To provide resources to assist members of boards  
24 of directors and officers of associations to carry out their  
25 powers and duties consistent with this chapter, division  
26 rules, and the condominium documents governing the  
27 association.

28 (8) To encourage and facilitate voluntary meetings  
29 with and between unit owners, boards of directors, board  
30 members, community association managers, and other affected  
31 parties when the meetings may assist in resolving a dispute

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1 within a community association before a person submits a  
2 dispute for a formal or administrative remedy. It is the  
3 intent of the Legislature that the ombudsman act as a neutral  
4 resource for both the rights and responsibilities of unit  
5 owners, associations, and board members.

6 Section 7. Section 718.5014, Florida Statutes, is  
7 created to read:

8 718.5014 Ombudsman location.--The ombudsman shall  
9 maintain his or her principal office in Leon County on the  
10 premises of the division or, if suitable space cannot be  
11 provided there, at another place convenient to the offices of  
12 the division which will enable the ombudsman to expeditiously  
13 carry out the duties and functions of his or her office. The  
14 ombudsman may establish branch offices elsewhere in the state  
15 upon the concurrence of the Governor.

16  
17 (Redesignate subsequent sections.)

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, line 26, after the semicolon,

23  
24 insert:

25 creating s. 718.5011, F.S.; creating the Office  
26 of the Condominium Ombudsman within the  
27 Division of Florida Land Sales, Condominiums,  
28 and Mobile Homes; directing the Governor to  
29 appoint the ombudsman; requiring the ombudsman  
30 to be an attorney; providing for the filling of  
31 a vacant ombudsman position; prohibiting the

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1           ombudsman and staff from engaging in any other  
2           profession, serving as a representative or  
3           employee of any political party, or receiving  
4           remuneration for activities on behalf of  
5           political candidates; prohibiting the ombudsman  
6           and staff from seeking public office unless  
7           resigned from the Office of the Condominium  
8           Ombudsman; providing requirements and  
9           limitations for office staff; creating s.  
10          718.5012, F.S.; providing for powers and duties  
11          of the ombudsman; requiring the ombudsman to  
12          prepare and issue reports and make  
13          recommendations to specified persons; directing  
14          the ombudsman to be a liaison between certain  
15          parties, to monitor condominium elections, to  
16          assist unit owners and boards of directors, and  
17          to encourage voluntary resolutions to disputes  
18          before filing the matter as a formal complaint;  
19          creating s. 718.5014, F.S.; providing for the  
20          principal location of the ombudsman's office in  
21          Leon County; authorizing the ombudsman to  
22          establish branch offices elsewhere in the state  
23          under specified circumstances;

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