

Bill No. CS for CS for CS for SB 1184

Amendment No. ____ Barcode 923720

CHAMBER ACTION

Senate

House

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

WD/2R
04/23/2004 05:17 PM

.
. .
. .
. .
. .
. .

Senator Garcia and Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 12, between lines 19 and 20,

insert:

Section 6. 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 Secretary of Business and Professional Regulation 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 secretary. A

Bill No. CS for CS for CS for SB 1184

Amendment No. ____ Barcode 923720

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

14 Section 7. Section 718.5012, Florida Statutes, is
15 created to read:

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

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

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

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

Bill No. CS for CS for CS for SB 1184

Amendment No. ____ Barcode 923720

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

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

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

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

29 (8) To encourage and facilitate voluntary meetings
30 with and between unit owners, boards of directors, board
31 members, community association managers, and other affected

Bill No. CS for CS for CS for SB 1184

Amendment No. ____ Barcode 923720

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

7 Section 8. Section 718.5014, Florida Statutes, is
8 created to read:

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

17
18 (Redesignate subsequent sections.)

19
20

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

22 And the title is amended as follows:

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

24

25 insert:

26 creating s. 718.5011, F.S.; creating the Office
27 of the Condominium Ombudsman within the
28 Division of Florida Land Sales, Condominiums,
29 and Mobile Homes; directing the Secretary of
30 Business and Professional Regulation to appoint
31 the ombudsman; requiring the ombudsman to be an

Bill No. CS for CS for CS for SB 1184

Amendment No. ____ Barcode 923720

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

26
27
28
29
30
31