



549732

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/05/2024	.	
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The Committee on Regulated Industries (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 72 - 335

and insert:

16.0151 Condominium and Homeowners' Association Economic Crime, Fraud, and Corruption Investigation Pilot Program.-

(1) The Condominium and Homeowners' Association Economic Crime, Fraud, and Corruption Investigation Pilot Program is created within the Department of Legal Affairs, Office of the Attorney General. The purpose of the pilot program is to



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11 investigate condominium and homeowners' association-related
12 economic crime, fraud, and corruption in this state. The
13 department may contract with a private entity that employs
14 retired law enforcement officers who have subject matter
15 expertise in financial fraud to achieve the purpose of the pilot
16 program. If the department does not contract with a private
17 entity, the department must hire a suitable number of financial
18 investigators, investigators with previous law enforcement
19 experience, and clerical employees to staff the pilot program.

20 (2) A person may submit a condominium or homeowners'
21 association-related complaint to the Office of the Condominium
22 Ombudsman or the Office of the Homeowners' Association
23 Ombudsman, respectively. The ombudsman shall review all
24 complaints submitted to the office and determine which
25 complaints to forward to the department for additional analysis
26 and investigation under the pilot program. If a complaint
27 submitted to the pilot program does not contain allegations of
28 economic crimes, fraud, or corruption, the task force must
29 forward the complaint to the Division of Florida Condominiums,
30 Timeshares, and Mobile Homes and the Office of the Homeowners'
31 Association Ombudsman, which shall investigate claims made
32 pursuant to ss. 718.501 and 720.319, respectively.

33 (3) The department has the power to issue subpoenas and
34 conduct audits for investigations in furtherance of the pilot
35 program, and may administer oaths, subpoena witnesses, and
36 compel production of books, papers, or other records relevant to
37 such investigations. If, after reviewing a complaint filed under
38 the pilot program, the department finds sufficient evidence for
39 criminal prosecution, it must refer the case to the appropriate



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40 state attorney for prosecution.

41 (4) The department shall fund the pilot program from the
42 Division of Florida Condominiums, Timeshares, and Mobile Homes
43 Trust Fund as specifically appropriated annually in the General
44 Appropriations Act.

45 (5) The pilot program's primary office shall be located in
46 Miami-Dade County.

47 (6) This section is repealed October 2, 2029, unless
48 reviewed and saved from repeal through reenactment by the
49 Legislature.

50 Section 2. Paragraph (w) is added to subsection (1) of
51 section 215.22, Florida Statutes, to read:

52 215.22 Certain income and certain trust funds exempt.—

53 (1) The following income of a revenue nature or the
54 following trust funds shall be exempt from the appropriation
55 required by s. 215.20(1):

56 (w) The Division of Florida Condominiums, Timeshares, and
57 Mobile Homes Trust Fund.

58 Section 3. Paragraph (h) of subsection (11) of section
59 718.111, Florida Statutes, is amended to read:

60 718.111 The association.—

61 (11) INSURANCE.—In order to protect the safety, health, and
62 welfare of the people of the State of Florida and to ensure
63 consistency in the provision of insurance coverage to
64 condominiums and their unit owners, this subsection applies to
65 every residential condominium in the state, regardless of the
66 date of its declaration of condominium. It is the intent of the
67 Legislature to encourage lower or stable insurance premiums for
68 associations described in this subsection.



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69 (h) The association shall maintain insurance or fidelity
70 bonding of all persons who control or disburse funds of the
71 association. The insurance policy or fidelity bond must cover
72 the maximum funds that will be in the custody of the association
73 or its management agent at any one time. The division shall
74 monitor compliance with this paragraph and may issue fines and
75 penalties established by the division for failure of an
76 association to maintain the required insurance policy or
77 fidelity bond. As used in this paragraph, the term "persons who
78 control or disburse funds of the association" includes, but is
79 not limited to, those individuals authorized to sign checks on
80 behalf of the association, and the president, secretary, and
81 treasurer of the association. The association shall bear the
82 cost of any such bonding.

83 Section 4. Section 718.13, Florida Statutes, is created to
84 read:

85 718.13 Database for condominium association information.-

86 (1) By July 1, 2026, the division shall establish a
87 searchable cloud-based database that contains information
88 regarding each condominium association operating within this
89 state. The database must allow a user to search the name by
90 which a condominium property is identified to find the
91 association that governs such property. At a minimum, the
92 database must include all of the following information for each
93 association:

94 (a) The names, e-mail addresses, and other contact
95 information of officers and directors of the association.

96 (b) An indication that the association is self-managed, or,
97 if not self-managed, the contact information for any person



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98 licensed under part VIII of chapter 468 and responsible for
99 management of the association.

100 (c) A copy of the association's governing documents,
101 including, but not limited to, declarations, bylaws, and rules
102 and any amendments thereto.

103 (d) A copy of the association's adopted annual budget, in a
104 file format that is compatible with the database, which includes
105 the amount and purpose of any monthly assessments and current or
106 pending special assessments levied by the association.

107 (e) A copy of any studies regarding funds in reserve
108 accounts held by the association or any reports regarding the
109 physical inspection of properties maintained by the association,
110 including any structural integrity reserve studies conducted
111 under s. 718.112(2)(g) of such properties.

112 (2) An association must notify the division of any changes
113 to the information related to the association which is included
114 in the database within 30 days after such changes occur.

115 (3) Expenses associated with the creation and
116 administration of the database must be funded in part by
117 proceeds from the annual fee paid by associations pursuant to s.
118 718.501(2)(a).

119 Section 5. Subsection (1) of section 718.501, Florida
120 Statutes, is amended to read:

121 718.501 Authority, responsibility, and duties of Division
122 of Florida Condominiums, Timeshares, and Mobile Homes.—

123 (1) The division may enforce and ensure compliance with
124 this chapter and rules relating to the development,
125 construction, sale, lease, ownership, operation, and management
126 of residential condominium units and complaints related to the



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127 procedural completion of milestone inspections under s. 553.899.
128 In performing its duties, the division has complete jurisdiction
129 to investigate complaints and enforce compliance with respect to
130 associations that are still under developer control or the
131 control of a bulk assignee or bulk buyer pursuant to part VII of
132 this chapter and complaints against developers, bulk assignees,
133 or bulk buyers involving improper turnover or failure to
134 turnover, pursuant to s. 718.301. However, after turnover has
135 occurred, the division has jurisdiction to investigate
136 complaints related only to financial issues, elections, and the
137 maintenance of and unit owner access to association records
138 under s. 718.111(12), and the procedural completion of
139 structural integrity reserve studies under s. 718.112(2)(g). If
140 the division receives a complaint about an association which
141 alleges economic crimes, fraud, or corruption, the division must
142 forward the complaint to the Office of the Condominium Ombudsman
143 or the Office of the Homeowners' Association Ombudsman pursuant
144 to s. 16.0151.

145 (a)1. The division may make necessary public or private
146 investigations within or outside this state to determine whether
147 any person has violated this chapter or any rule or order
148 hereunder, to aid in the enforcement of this chapter, or to aid
149 in the adoption of rules or forms.

150 2. The division may submit any official written report,
151 worksheet, or other related paper, or a duly certified copy
152 thereof, compiled, prepared, drafted, or otherwise made by and
153 duly authenticated by a financial examiner or analyst to be
154 admitted as competent evidence in any hearing in which the
155 financial examiner or analyst is available for cross-examination



156 and attests under oath that such documents were prepared as a
157 result of an examination or inspection conducted pursuant to
158 this chapter.

159 (b) The division may require or permit any person to file a
160 statement in writing, under oath or otherwise, as the division
161 determines, as to the facts and circumstances concerning a
162 matter to be investigated.

163 (c) For the purpose of any investigation under this
164 chapter, the division director or any officer or employee
165 designated by the division director may administer oaths or
166 affirmations, subpoena witnesses and compel their attendance,
167 take evidence, and require the production of any matter which is
168 relevant to the investigation, including the existence,
169 description, nature, custody, condition, and location of any
170 books, documents, or other tangible things and the identity and
171 location of persons having knowledge of relevant facts or any
172 other matter reasonably calculated to lead to the discovery of
173 material evidence. Upon the failure by a person to obey a
174 subpoena or to answer questions propounded by the investigating
175 officer and upon reasonable notice to all affected persons, the
176 division may apply to the circuit court for an order compelling
177 compliance.

178 (d) Notwithstanding any remedies available to unit owners
179 and associations, if the division has reasonable cause to
180 believe that a violation of any provision of this chapter or
181 related rule has occurred, the division may institute
182 enforcement proceedings in its own name against any developer,
183 bulk assignee, bulk buyer, association, officer, or member of
184 the board of administration, or its assignees or agents, as



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185 follows:

186 1. The division may permit a person whose conduct or
187 actions may be under investigation to waive formal proceedings
188 and enter into a consent proceeding whereby orders, rules, or
189 letters of censure or warning, whether formal or informal, may
190 be entered against the person.

191 2. The division may issue an order requiring the developer,
192 bulk assignee, bulk buyer, association, developer-designated
193 officer, or developer-designated member of the board of
194 administration, developer-designated assignees or agents, bulk
195 assignee-designated assignees or agents, bulk buyer-designated
196 assignees or agents, community association manager, or community
197 association management firm to cease and desist from the
198 unlawful practice and take such affirmative action as in the
199 judgment of the division carry out the purposes of this chapter.
200 If the division finds that a developer, bulk assignee, bulk
201 buyer, association, officer, or member of the board of
202 administration, or its assignees or agents, is violating or is
203 about to violate any provision of this chapter, any rule adopted
204 or order issued by the division, or any written agreement
205 entered into with the division, and presents an immediate danger
206 to the public requiring an immediate final order, it may issue
207 an emergency cease and desist order reciting with particularity
208 the facts underlying such findings. The emergency cease and
209 desist order is effective for 90 days. If the division begins
210 nonemergency cease and desist proceedings, the emergency cease
211 and desist order remains effective until the conclusion of the
212 proceedings under ss. 120.569 and 120.57.

213 3. If a developer, bulk assignee, or bulk buyer fails to



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214 pay any restitution determined by the division to be owed, plus
215 any accrued interest at the highest rate permitted by law,
216 within 30 days after expiration of any appellate time period of
217 a final order requiring payment of restitution or the conclusion
218 of any appeal thereof, whichever is later, the division must
219 bring an action in circuit or county court on behalf of any
220 association, class of unit owners, lessees, or purchasers for
221 restitution, declaratory relief, injunctive relief, or any other
222 available remedy. The division may also temporarily revoke its
223 acceptance of the filing for the developer to which the
224 restitution relates until payment of restitution is made.

225 4. The division may petition the court for appointment of a
226 receiver or conservator. If appointed, the receiver or
227 conservator may take action to implement the court order to
228 ensure the performance of the order and to remedy any breach
229 thereof. In addition to all other means provided by law for the
230 enforcement of an injunction or temporary restraining order, the
231 circuit court may impound or sequester the property of a party
232 defendant, including books, papers, documents, and related
233 records, and allow the examination and use of the property by
234 the division and a court-appointed receiver or conservator.

235 5. The division may apply to the circuit court for an order
236 of restitution whereby the defendant in an action brought under
237 subparagraph 4. is ordered to make restitution of those sums
238 shown by the division to have been obtained by the defendant in
239 violation of this chapter. At the option of the court, such
240 restitution is payable to the conservator or receiver appointed
241 under subparagraph 4. or directly to the persons whose funds or
242 assets were obtained in violation of this chapter.



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243 6. The division may impose a civil penalty against a
244 developer, bulk assignee, or bulk buyer, or association, or its
245 assignee or agent, for any violation of this chapter or related
246 rule. The division may impose a civil penalty individually
247 against an officer or board member who willfully and knowingly
248 violates this chapter, an adopted rule, or a final order of the
249 division; may order the removal of such individual as an officer
250 or from the board of administration or as an officer of the
251 association; and may prohibit such individual from serving as an
252 officer or on the board of a community association for a period
253 of time. The term "willfully and knowingly" means that the
254 division informed the officer or board member that his or her
255 action or intended action violates this chapter, a rule adopted
256 under this chapter, or a final order of the division and that
257 the officer or board member refused to comply with the
258 requirements of this chapter, a rule adopted under this chapter,
259 or a final order of the division. The division, before
260 initiating formal agency action under chapter 120, must afford
261 the officer or board member an opportunity to voluntarily
262 comply, and an officer or board member who complies within 10
263 days is not subject to a civil penalty. A penalty may be imposed
264 on the basis of each day of continuing violation, but the
265 penalty for any offense may not exceed \$5,000. The division
266 shall adopt, by rule, penalty guidelines applicable to possible
267 violations or to categories of violations of this chapter or
268 rules adopted by the division. The guidelines must specify a
269 meaningful range of civil penalties for each such violation of
270 the statute and rules and must be based upon the harm caused by
271 the violation, upon the repetition of the violation, and upon



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272 such other factors deemed relevant by the division. For example,
273 the division may consider whether the violations were committed
274 by a developer, bulk assignee, or bulk buyer, or owner-
275 controlled association, the size of the association, and other
276 factors. The guidelines must designate the possible mitigating
277 or aggravating circumstances that justify a departure from the
278 range of penalties provided by the rules. It is the legislative
279 intent that minor violations be distinguished from those which
280 endanger the health, safety, or welfare of the condominium
281 residents or other persons and that such guidelines provide
282 reasonable and meaningful notice to the public of likely
283 penalties that may be imposed for proscribed conduct. This
284 subsection does not limit the ability of the division to
285 informally dispose of administrative actions or complaints by
286 stipulation, agreed settlement, or consent order. All amounts
287 collected shall be deposited with the Chief Financial Officer to
288 the credit of the Division of Florida Condominiums, Timeshares,
289 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
290 bulk buyer fails to pay the civil penalty and the amount deemed
291 to be owed to the association, the division shall issue an order
292 directing that such developer, bulk assignee, or bulk buyer
293 cease and desist from further operation until such time as the
294 civil penalty is paid or may pursue enforcement of the penalty
295 in a court of competent jurisdiction. If an association fails to
296 pay the civil penalty, the division shall pursue enforcement in
297 a court of competent jurisdiction, and the order imposing the
298 civil penalty or the cease and desist order is not effective
299 until 20 days after the date of such order. Any action commenced
300 by the division shall be brought in the county in which the



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301 division has its executive offices or in the county where the
302 violation occurred.

303 7. If a unit owner presents the division with proof that
304 the unit owner has requested access to official records in
305 writing by certified mail, and that after 10 days the unit owner
306 again made the same request for access to official records in
307 writing by certified mail, and that more than 10 days has
308 elapsed since the second request and the association has still
309 failed or refused to provide access to official records as
310 required by this chapter, the division shall issue a subpoena
311 requiring production of the requested records where the records
312 are kept pursuant to s. 718.112.

313 8. In addition to subparagraph 6., the division may seek
314 the imposition of a civil penalty through the circuit court for
315 any violation for which the division may issue a notice to show
316 cause under paragraph (r). The civil penalty shall be at least
317 \$500 but no more than \$5,000 for each violation. The court may
318 also award to the prevailing party court costs and reasonable
319 attorney fees and, if the division prevails, may also award
320 reasonable costs of investigation.

321 (e) The division may prepare and disseminate a prospectus
322 and other information to assist prospective owners, purchasers,
323 lessees, and developers of residential condominiums in assessing
324 the rights, privileges, and duties pertaining thereto.

325 (f) The division may adopt rules to administer and enforce
326 this chapter.

327 (g) The division shall establish procedures for providing
328 notice to an association and the developer, bulk assignee, or
329 bulk buyer during the period in which the developer, bulk



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330 assignee, or bulk buyer controls the association if the division
331 is considering the issuance of a declaratory statement with
332 respect to the declaration of condominium or any related
333 document governing such condominium community.

334 (h) The division shall furnish each association that pays
335 the fees required by paragraph (2)(a) a copy of this chapter, as
336 amended, and the rules adopted thereto on an annual basis.

337 (i) The division shall annually provide each association
338 with a summary of declaratory statements and formal legal
339 opinions relating to the operations of condominiums which were
340 rendered by the division during the previous year.

341 (j) The division shall provide training and educational
342 programs for condominium association board members and unit
343 owners. The training may, in the division's discretion, include
344 web-based electronic media and live training and seminars in
345 various locations throughout the state. The division may review
346 and approve education and training programs for board members
347 and unit owners offered by providers and shall maintain a
348 current list of approved programs and providers and make such
349 list available to board members and unit owners in a reasonable
350 and cost-effective manner.

351 (k) The division shall maintain a toll-free telephone
352 number accessible to condominium unit owners.

353 (l) The division shall develop a program to certify both
354 volunteer and paid mediators to provide mediation of condominium
355 disputes. The division shall provide, upon request, a list of
356 such mediators to any association, unit owner, or other
357 participant in alternative dispute resolution proceedings under
358 s. 718.1255 requesting a copy of the list. The division shall



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359 include on the list of volunteer mediators only the names of
360 persons who have received at least 20 hours of training in
361 mediation techniques or who have mediated at least 20 disputes.
362 In order to become initially certified by the division, paid
363 mediators must be certified by the Supreme Court to mediate
364 court cases in county or circuit courts. However, the division
365 may adopt, by rule, additional factors for the certification of
366 paid mediators, which must be related to experience, education,
367 or background. Any person initially certified as a paid mediator
368 by the division must, in order to continue to be certified,
369 comply with the factors or requirements adopted by rule.

370 (m) If a complaint is made, the division must conduct its
371 inquiry with due regard for the interests of the affected
372 parties. Within 30 days after receipt of a complaint, the
373 division shall acknowledge the complaint in writing and notify
374 the complainant whether the complaint is within the jurisdiction
375 of the division and whether additional information is needed by
376 the division from the complainant. The division shall conduct
377 its investigation and, within 90 days after receipt of the
378 original complaint or of timely requested additional
379 information, take action upon the complaint. However, the
380 failure to complete the investigation within 90 days does not
381 prevent the division from continuing the investigation,
382 accepting or considering evidence obtained or received after 90
383 days, or taking administrative action if reasonable cause exists
384 to believe that a violation of this chapter or a rule has
385 occurred. If an investigation is not completed within the time
386 limits established in this paragraph, the division shall, on a
387 monthly basis, notify the complainant in writing of the status



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388 of the investigation. When reporting its action to the
389 complainant, the division shall inform the complainant of any
390 right to a hearing under ss. 120.569 and 120.57. The division
391 may adopt rules regarding the submission of a complaint against
392 an association.

393 (n) Condominium association directors, officers, and
394 employees; condominium developers; bulk assignees, bulk buyers,
395 and community association managers; and community association
396 management firms have an ongoing duty to reasonably cooperate
397 with the division in any investigation under this section. The
398 division shall refer to local law enforcement authorities any
399 person whom the division believes has altered, destroyed,
400 concealed, or removed any record, document, or thing required to
401 be kept or maintained by this chapter with the purpose to impair
402 its verity or availability in the department's investigation.

403 (o) The division may:

- 404 1. Contract with agencies in this state or other
405 jurisdictions to perform investigative functions; or
406 2. Accept grants-in-aid from any source.

407 (p) The division shall cooperate with similar agencies in
408 other jurisdictions to establish uniform filing procedures and
409 forms, public offering statements, advertising standards, and
410 rules and common administrative practices.

411 (q) The division shall consider notice to a developer, bulk
412 assignee, or bulk buyer to be complete when it is delivered to
413 the address of the developer, bulk assignee, or bulk buyer
414 currently on file with the division.

415 (r) In addition to its enforcement authority, the division
416 may issue a notice to show cause, which must provide for a



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417 hearing, upon written request, in accordance with chapter 120.

418 (s) The division shall submit to the Governor, the
419 President of the Senate, the Speaker of the House of
420 Representatives, and the chairs of the legislative
421 appropriations committees an annual report that includes, but
422 need not be limited to, the number of training programs provided
423 for condominium association board members and unit owners, the
424 number of complaints received by type, the number and percent of
425 complaints acknowledged in writing within 30 days and the number
426 and percent of investigations acted upon within 90 days in
427 accordance with paragraph (m), and the number of investigations
428 exceeding the 90-day requirement. The annual report must also
429 include an evaluation of the division's core business processes
430 and make recommendations for improvements, including statutory
431 changes. The report shall be submitted by September 30 following
432 the end of the fiscal year.

433 Section 6. Subsection (10) of section 718.5012, Florida
434 Statutes, is amended, and subsections (11), (12), and (13) are
435 added to that section, to read:

436 718.5012 Ombudsman; powers and duties.—The ombudsman shall
437 have the powers that are necessary to carry out the duties of
438 his or her office, including the following specific powers:

439 (10) To appoint an election monitor to attend the annual
440 meeting of the unit owners and conduct the election of directors
441 if 15 percent of the total voting interests in a condominium
442 association, or six owners, whichever is greater, make such a
443 petition to the ombudsman ~~Fifteen percent of the total voting~~
444 ~~interests in a condominium association, or six unit owners,~~
445 ~~whichever is greater, may petition the ombudsman to appoint an~~



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446 ~~election monitor to attend the annual meeting of the unit owners~~
447 ~~and conduct the election of directors.~~ The ombudsman shall
448 appoint a division employee, a person or persons specializing in
449 condominium election monitoring, or an attorney licensed to
450 practice in this state as the election monitor. All costs
451 associated with the election monitoring process shall be paid by
452 the association. The division shall adopt a rule establishing
453 procedures for the appointment of election monitors and the
454 scope and extent of the monitor's role in the election process.

455 (11) To void an election if the ombudsman determines that a
456 violation of this chapter has occurred relating to condominium
457 elections.

458 (12) To petition the court to appoint a receiver if the
459 appointment of a receiver is in the best interests of the
460 association or owners.

461 (13) To issue subpoenas and conduct audits for
462 investigations for the purposes of the Condominium and
463 Homeowners' Association Economic Crime, Fraud, and Corruption
464 Investigation Pilot Program established under s. 16.0151.

465 Section 7. Subsection (2) of section 718.509, Florida
466 Statutes, is amended to read:

467 718.509 Division of Florida Condominiums, Timeshares, and
468 Mobile Homes Trust Fund.—

469 (2) All moneys collected by the division from fees, fines,
470 or penalties or from costs awarded to the division by a court or
471 administrative final order must ~~shall~~ be paid into the Division
472 of Florida Condominiums, Timeshares, and Mobile Homes Trust
473 Fund. The Legislature shall appropriate funds from this trust
474 fund sufficient to administer ~~carry out the provisions of this~~



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475 chapter and the ~~provisions of~~ law with respect to each category
476 of business covered by the trust fund. The division shall
477 maintain separate revenue accounts in the trust fund for each of
478 the businesses regulated by the division. The division shall
479 provide for the proportionate allocation among the accounts of
480 expenses incurred by the division in the performance of its
481 duties with respect to each of these businesses. As part of its
482 normal budgetary process, the division shall prepare an annual
483 report of revenue and allocated expenses related to the
484 operation of each of these businesses, which may be used to
485 determine fees charged by the division. ~~This subsection shall~~
486 ~~operate pursuant to the provisions of s. 215.20.~~

487 Section 8. Section 720.319, Florida Statutes, is created to
488 read:

489 720.319 Office of the Homeowners' Association Ombudsman.—

490 (1) ADMINISTRATION; APPOINTMENT; LOCATION.—

491 (a) There is created the Office of the Homeowners'
492 Association Ombudsman to be located, for administrative
493 purposes, within the Department of Business and Professional
494 Regulation. The functions of the office shall be funded by the
495 General Appropriations Act.

496 (b) The Governor shall appoint the ombudsman. The ombudsman
497 must be an attorney admitted to practice before the Florida
498 Supreme Court and shall serve at the pleasure of the Governor.
499 The ombudsman, an officer, or a full-time employee of the office
500 may not actively engage in any other business or profession that
501 directly or indirectly relates to or conflicts with his or her
502 work in the office; serve as the representative or an executive,
503 officer, or employee of any political party, executive



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504 committee, or other governing body of a political party; receive
505 remuneration for activities on behalf of any candidate for
506 public office; or engage in soliciting votes or other activities
507 on behalf of a candidate for public office. The ombudsman, an
508 officer, or a full-time employee of the office may not become a
509 candidate for election to public office unless he or she first
510 resigns from his or her office or employment.

511 (c) The ombudsman shall maintain his or her principal
512 office at a location convenient to the department, which will
513 enable the ombudsman to expeditiously carry out the duties and
514 functions of his or her office. The ombudsman may establish
515 branch offices elsewhere in this state upon the concurrence of
516 the Governor.

517 (2) POWERS AND DUTIES.—The ombudsman has the powers
518 necessary to carry out the duties of his or her office,
519 including, but not limited to:

520 (a) Having access to and use of all files and records of
521 the division.

522 (b) Employing professional and clerical staff as necessary
523 for the efficient operation of the office.

524 (c) Preparing and issuing reports and recommendations to
525 the Governor, the department, the President of the Senate, and
526 the Speaker of the House of Representatives on any matter or
527 subject within the jurisdiction of this chapter.

528 (d) Acting as a liaison between the department, parcel
529 owners, boards of directors, board members, community
530 association managers, and other affected parties. The ombudsman
531 shall develop policies and procedures to assist parcel owners,
532 boards of directors, board members, community association



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533 managers, and other affected parties in understanding their
534 rights and responsibilities as set forth in this chapter and in
535 the governing documents of their respective associations. The
536 ombudsman shall coordinate and assist in the preparation and
537 adoption of educational and reference materials and shall
538 endeavor to coordinate with private or volunteer providers of
539 such services so that the availability of such resources is made
540 known to the largest possible audience.

541 (e) Monitoring and reviewing procedures and disputes
542 concerning association elections or meetings, including, but not
543 limited to, recommending that the division pursue enforcement
544 action in any manner if there is reasonable cause to believe
545 that election misconduct has occurred, as well as reviewing
546 secret ballots cast at a vote of the association.

547 (f) Making recommendations to the division for changes in
548 rules and procedures for the filing, investigation, and
549 resolution of complaints filed by parcel owners, associations,
550 or managers.

551 (g) Providing resources to assist members of boards of
552 directors and officers of associations to carry out their powers
553 and duties consistent with this chapter and the governing
554 documents of their respective associations.

555 (h) Encouraging and facilitating voluntary meetings between
556 parcel owners, boards of directors, board members, community
557 association managers, and other affected parties when the
558 meetings may assist in resolving a dispute within a homeowners'
559 association before a person submits a dispute for a formal or
560 administrative remedy. The ombudsman shall act as a neutral
561 resource for the rights and responsibilities of parcel owners,



562 associations, and board members.
563 (i) Assisting with the resolution of disputes between
564 parcel owners and the association, or between parcel owners, if
565 applicable.
566 (j) Appointing an election monitor.
567 (k) Issuing subpoenas and conducting audits for
568 investigations for the purposes of the Condominium and
569 Homeowners' Association Economic Crime, Fraud, and Corruption
570 Investigation Pilot Program established under s. 16.0151.

571
572 ===== T I T L E A M E N D M E N T =====

573 And the title is amended as follows:
574 Delete lines 3 - 40
575 and insert:
576 16.0151, F.S.; creating the Condominium and
577 Homeowners' Association Economic Crime, Fraud, and
578 Corruption Investigation Pilot Program within the
579 Department of Legal Affairs in the Office of the
580 Attorney General; providing the purpose of the pilot
581 program; authorizing the department to contract with a
582 private entity to achieve the program's purpose;
583 requiring the department to hire specified personnel
584 under certain circumstances; authorizing the
585 submission of complaints to the Office of the
586 Condominium Ombudsman or the Office of the Homeowners'
587 Association Ombudsman; requiring the ombudsman to
588 review such complaints and take specified actions;
589 providing powers of and requirements for the
590 department relating to the pilot program; requiring



591 that the pilot program be funded from the Division of
592 Florida Condominiums, Timeshares, and Mobile Homes
593 Trust Fund; requiring that the pilot program's primary
594 office be located in Miami-Dade County; providing for
595 future repeal of the pilot program unless it is
596 reviewed and saved from repeal by the Legislature;
597 amending s. 215.22, F.S.; exempting the Division of
598 Florida Condominiums, Timeshares, and Mobile Homes
599 Trust Fund from contributing to the General Revenue
600 Fund; amending s. 718.111, F.S.; requiring the
601 division to monitor condominium associations'
602 compliance with requirements relating to maintenance
603 of certain insurance or fidelity bonding of certain
604 persons; authorizing the division to issue fines and
605 penalties for noncompliance; creating s. 718.13, F.S.;
606 requiring the division to establish a searchable
607 cloud-based database by a specified date which
608 contains specified information regarding each
609 condominium association in this state; requiring a
610 condominium association to notify the division of any
611 changes to the information related to the association
612 which is listed in the database; requiring that the
613 creation and administration of the database be funded
614 in part by specified proceeds; amending s. 718.501,
615 F.S.; requiring the division to forward complaints
616 received alleging fraud or corruption to the Office of
617 the Condominium Ombudsman or the Office of the
618 Homeowners' Association Ombudsman; amending s.
619 718.5012, F.S.;