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LEGISLATIVE ACTION

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

1           **Senate Substitute for Amendment (549732) (with title**  
2 **amendment)**

3  
4           Delete lines 72 - 350  
5 and insert:

6           16.0151 Condominium and Homeowners' Association Economic  
7 Crime, Fraud, and Corruption Investigation Pilot Program.-

8           (1) The Condominium and Homeowners' Association Economic  
9 Crime, Fraud, and Corruption Investigation Pilot Program is  
10 created within the Department of Legal Affairs, Office of the



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11 Attorney General. The purpose of the pilot program is to  
12 investigate condominium and homeowners' association-related  
13 economic crime, fraud, and corruption in this state. For the  
14 purposes of this section, the term "corruption" means the act of  
15 an official or fiduciary person who unlawfully and wrongfully  
16 uses his or her position to procure some benefit for himself or  
17 herself or for another person, contrary to the duty and rights  
18 of others. The department may contract with a private entity  
19 that employs retired law enforcement officers who have subject  
20 matter expertise in financial fraud to achieve the purpose of  
21 the pilot program. If the department does not contract with a  
22 private entity, the department must hire a suitable number of  
23 financial investigators, investigators with previous law  
24 enforcement experience, and clerical employees to staff the  
25 pilot program.

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

37 (3) The department has the power to issue subpoenas and  
38 conduct audits for investigations in furtherance of the pilot  
39 program, and may administer oaths, subpoena witnesses, and



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40 compel production of books, papers, or other records relevant to  
41 such investigations. If, after reviewing a complaint filed under  
42 the pilot program, the department finds sufficient evidence for  
43 criminal prosecution, it must refer the case to the appropriate  
44 state attorney for prosecution.

45 (4) The department shall fund the pilot program from the  
46 Division of Florida Condominiums, Timeshares, and Mobile Homes  
47 Trust Fund as specifically appropriated annually in the General  
48 Appropriations Act.

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

51 (6) This section is repealed October 2, 2029, unless  
52 reviewed and saved from repeal through reenactment by the  
53 Legislature.

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

56 215.22 Certain income and certain trust funds exempt.—

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

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

62 Section 3. Paragraph (h) of subsection (11) of section  
63 718.111, Florida Statutes, is amended to read:

64 718.111 The association.—

65 (11) INSURANCE.—In order to protect the safety, health, and  
66 welfare of the people of the State of Florida and to ensure  
67 consistency in the provision of insurance coverage to  
68 condominiums and their unit owners, this subsection applies to



69 every residential condominium in the state, regardless of the  
70 date of its declaration of condominium. It is the intent of the  
71 Legislature to encourage lower or stable insurance premiums for  
72 associations described in this subsection.

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

87 Section 4. Section 718.13, Florida Statutes, is created to  
88 read:

89 718.13 Database for condominium association information.-

90 (1) By July 1, 2026, the division shall establish a  
91 searchable cloud-based database that contains information  
92 regarding each condominium association operating within this  
93 state. The division shall establish rules and procedures for how  
94 an association is to provide such information. The database must  
95 allow a user to search the name by which a condominium property  
96 is identified to find the association that governs such  
97 property. At a minimum, the database must include all of the



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98 following information for each association:

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

101 (b) An indication that the association is self-managed, or,  
102 if not self-managed, the contact information for any person  
103 licensed under part VIII of chapter 468 and responsible for  
104 management of the association.

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

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

112 (e) A copy of any studies regarding funds in reserve  
113 accounts held by the association or any reports regarding the  
114 physical inspection of properties maintained by the association,  
115 including any structural integrity reserve studies conducted  
116 under s. 718.112(2)(g) of such properties.

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

120 (3) Expenses associated with the creation and  
121 administration of the database must be funded in part by  
122 proceeds from the annual fee paid by associations pursuant to s.  
123 718.501(2)(a).

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

126 718.501 Authority, responsibility, and duties of Division



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127 of Florida Condominiums, Timeshares, and Mobile Homes.—

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

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

154 2. The division may submit any official written report,  
155 worksheet, or other related paper, or a duly certified copy



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156 thereof, compiled, prepared, drafted, or otherwise made by and  
157 duly authenticated by a financial examiner or analyst to be  
158 admitted as competent evidence in any hearing in which the  
159 financial examiner or analyst is available for cross-examination  
160 and attests under oath that such documents were prepared as a  
161 result of an examination or inspection conducted pursuant to  
162 this chapter.

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

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

182 (d) Notwithstanding any remedies available to unit owners  
183 and associations, if the division has reasonable cause to  
184 believe that a violation of any provision of this chapter or



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185 related rule has occurred, the division may institute  
186 enforcement proceedings in its own name against any developer,  
187 bulk assignee, bulk buyer, association, officer, or member of  
188 the board of administration, or its assignees or agents, as  
189 follows:

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

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





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214 nonemergency cease and desist proceedings, the emergency cease  
215 and desist order remains effective until the conclusion of the  
216 proceedings under ss. 120.569 and 120.57.

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

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

239         5. The division may apply to the circuit court for an order  
240 of restitution whereby the defendant in an action brought under  
241 subparagraph 4. is ordered to make restitution of those sums  
242 shown by the division to have been obtained by the defendant in



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243 violation of this chapter. At the option of the court, such  
244 restitution is payable to the conservator or receiver appointed  
245 under subparagraph 4. or directly to the persons whose funds or  
246 assets were obtained in violation of this chapter.

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



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



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301 a court of competent jurisdiction, and the order imposing the  
302 civil penalty or the cease and desist order is not effective  
303 until 20 days after the date of such order. Any action commenced  
304 by the division shall be brought in the county in which the  
305 division has its executive offices or in the county where the  
306 violation occurred.

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

317 8. In addition to subparagraph 6., the division may seek  
318 the imposition of a civil penalty through the circuit court for  
319 any violation for which the division may issue a notice to show  
320 cause under paragraph (r). The civil penalty shall be at least  
321 \$500 but no more than \$5,000 for each violation. The court may  
322 also award to the prevailing party court costs and reasonable  
323 attorney fees and, if the division prevails, may also award  
324 reasonable costs of investigation.

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

329 (f) The division may adopt rules to administer and enforce



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330 this chapter.

331 (g) The division shall establish procedures for providing  
332 notice to an association and the developer, bulk assignee, or  
333 bulk buyer during the period in which the developer, bulk  
334 assignee, or bulk buyer controls the association if the division  
335 is considering the issuance of a declaratory statement with  
336 respect to the declaration of condominium or any related  
337 document governing such condominium community.

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

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

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

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

357 (l) The division shall develop a program to certify both  
358 volunteer and paid mediators to provide mediation of condominium



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359 disputes. The division shall provide, upon request, a list of  
360 such mediators to any association, unit owner, or other  
361 participant in alternative dispute resolution proceedings under  
362 s. 718.1255 requesting a copy of the list. The division shall  
363 include on the list of volunteer mediators only the names of  
364 persons who have received at least 20 hours of training in  
365 mediation techniques or who have mediated at least 20 disputes.  
366 In order to become initially certified by the division, paid  
367 mediators must be certified by the Supreme Court to mediate  
368 court cases in county or circuit courts. However, the division  
369 may adopt, by rule, additional factors for the certification of  
370 paid mediators, which must be related to experience, education,  
371 or background. Any person initially certified as a paid mediator  
372 by the division must, in order to continue to be certified,  
373 comply with the factors or requirements adopted by rule.

374 (m) If a complaint is made, the division must conduct its  
375 inquiry with due regard for the interests of the affected  
376 parties. Within 30 days after receipt of a complaint, the  
377 division shall acknowledge the complaint in writing and notify  
378 the complainant whether the complaint is within the jurisdiction  
379 of the division and whether additional information is needed by  
380 the division from the complainant. The division shall conduct  
381 its investigation and, within 90 days after receipt of the  
382 original complaint or of timely requested additional  
383 information, take action upon the complaint. However, the  
384 failure to complete the investigation within 90 days does not  
385 prevent the division from continuing the investigation,  
386 accepting or considering evidence obtained or received after 90  
387 days, or taking administrative action if reasonable cause exists



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388 to believe that a violation of this chapter or a rule has  
389 occurred. If an investigation is not completed within the time  
390 limits established in this paragraph, the division shall, on a  
391 monthly basis, notify the complainant in writing of the status  
392 of the investigation. When reporting its action to the  
393 complainant, the division shall inform the complainant of any  
394 right to a hearing under ss. 120.569 and 120.57. The division  
395 may adopt rules regarding the submission of a complaint against  
396 an association.

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

407 (o) The division may:

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

411 (p) The division shall cooperate with similar agencies in  
412 other jurisdictions to establish uniform filing procedures and  
413 forms, public offering statements, advertising standards, and  
414 rules and common administrative practices.

415 (q) The division shall consider notice to a developer, bulk  
416 assignee, or bulk buyer to be complete when it is delivered to



417 the address of the developer, bulk assignee, or bulk buyer  
418 currently on file with the division.

419 (r) In addition to its enforcement authority, the division  
420 may issue a notice to show cause, which must provide for a  
421 hearing, upon written request, in accordance with chapter 120.

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

437 Section 6. Subsection (1) of section 718.5011, Florida  
438 Statutes, is amended to read:

439 718.5011 Ombudsman; appointment; administration.—

440 (1) There is created an Office of the Condominium and  
441 Homeowners' Ombudsman, to be located for administrative purposes  
442 within the Division of Florida Condominiums, Timeshares, and  
443 Mobile Homes. The functions of the office shall be funded by the  
444 Division of Florida Condominiums, Timeshares, and Mobile Homes  
445 Trust Fund. The ombudsman shall be a bureau chief of the





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446 division, and the office shall be set within the division in the  
447 same manner as any other bureau is staffed and funded.

448 Section 7. Subsections (3) through (10) of section  
449 718.5012, Florida Statutes, are amended, and subsections (11),  
450 (12), and (13) are added to that section, to read:

451 718.5012 Ombudsman; powers and duties.—The ombudsman shall  
452 have the powers that are necessary to carry out the duties of  
453 his or her office for this chapter and chapter 720, including  
454 the following specific powers:

455 (3) To prepare and issue reports and recommendations to the  
456 Governor, the department, the division, the Advisory Council on  
457 Condominiums, the President of the Senate, and the Speaker of  
458 the House of Representatives on any matter or subject within the  
459 jurisdiction of the division. The ombudsman shall make  
460 recommendations he or she deems appropriate for legislation  
461 relative to division procedures, rules, jurisdiction, personnel,  
462 and functions.

463 (4) To act as liaison between the division, unit owners,  
464 boards of directors, board members, community association  
465 managers, and other affected parties under this chapter and  
466 chapter 720. The ombudsman shall develop policies and procedures  
467 to assist homeowners, unit owners, boards of directors, board  
468 members, community association managers, and other affected  
469 parties to understand their rights and responsibilities as set  
470 forth in this chapter and the ~~condominium~~ documents governing  
471 their respective associations ~~association~~. The ombudsman shall  
472 coordinate and assist in the preparation and adoption of  
473 educational and reference material, and shall endeavor to  
474 coordinate with private or volunteer providers of these



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475 services, so that the availability of these resources is made  
476 known to the largest possible audience.

477 (5) To monitor and review procedures and disputes  
478 concerning ~~condominium~~ elections or meetings, including, but not  
479 limited to, recommending that the division pursue enforcement  
480 action in any manner where there is reasonable cause to believe  
481 that election misconduct has occurred and reviewing secret  
482 ballots cast at a vote of the association.

483 (6) To make recommendations to the division for changes in  
484 rules and procedures for the filing, investigation, and  
485 resolution of complaints filed by homeowners, unit owners,  
486 associations, and managers.

487 (7) To provide resources to assist members of boards of  
488 directors and officers of associations to carry out their powers  
489 and duties consistent with this chapter, chapter 720, division  
490 rules, and the condominium documents governing the association.

491 (8) To encourage and facilitate voluntary meetings with and  
492 between homeowners, unit owners, boards of directors, board  
493 members, community association managers, and other affected  
494 parties when the meetings may assist in resolving a dispute  
495 within a community association before a person submits a dispute  
496 for a formal or administrative remedy. It is the intent of the  
497 Legislature that the ombudsman act as a neutral resource for  
498 both the rights and responsibilities of homeowners, unit owners,  
499 associations, and board members.

500 (9) To assist with the resolution of disputes between  
501 homeowners, unit owners, and the association or between  
502 homeowners or unit owners when the dispute is not within the  
503 jurisdiction of the division to resolve.



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504           (10) To appoint an election monitor to attend the annual  
505 meeting of the homeowner or unit owners and conduct the election  
506 of directors if 15 percent of the total voting interests in an  
507 association, or six owners, whichever is greater, make such a  
508 petition to the ombudsman ~~Fifteen percent of the total voting~~  
509 ~~interests in a condominium association, or six unit owners,~~  
510 ~~whichever is greater, may petition the ombudsman to appoint an~~  
511 ~~election monitor to attend the annual meeting of the unit owners~~  
512 ~~and conduct the election of directors.~~ The ombudsman shall  
513 appoint a division employee, a person or persons specializing in  
514 homeowners' association or condominium election monitoring, as  
515 applicable, or an attorney licensed to practice in this state as  
516 the election monitor. All costs associated with the election  
517 monitoring process shall be paid by the association. The  
518 division shall adopt a rule establishing procedures for the  
519 appointment of election monitors and the scope and extent of the  
520 monitor's role in the election process.

521           (11) To void an election if the ombudsman determines that a  
522 violation of this chapter or chapter 720 has occurred relating  
523 to elections.

524           (12) To petition the court to appoint a receiver if the  
525 appointment of a receiver is in the best interests of the  
526 association or owners.

527           (13) To issue subpoenas and conduct audits for  
528 investigations for the purposes of the Condominium and  
529 Homeowners' Association Economic Crime, Fraud, and Corruption  
530 Investigation Pilot Program established under s. 16.0151.

531           Section 8. Subsection (2) of section 718.509, Florida  
532 Statutes, is amended to read:



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533           718.509 Division of Florida Condominiums, Timeshares, and  
534 Mobile Homes Trust Fund.—

535           (2) All moneys collected by the division from fees, fines,  
536 or penalties or from costs awarded to the division by a court or  
537 administrative final order must ~~shall~~ be paid into the Division  
538 of Florida Condominiums, Timeshares, and Mobile Homes Trust  
539 Fund. The Legislature shall appropriate funds from this trust  
540 fund sufficient to administer ~~carry out the provisions of~~ this  
541 chapter and the ~~provisions of~~ law with respect to each category  
542 of business covered by the trust fund. The division shall  
543 maintain separate revenue accounts in the trust fund for each of  
544 the businesses regulated by the division. The division shall  
545 provide for the proportionate allocation among the accounts of  
546 expenses incurred by the division in the performance of its  
547 duties with respect to each of these businesses. As part of its  
548 normal budgetary process, the division shall prepare an annual  
549 report of revenue and allocated expenses related to the  
550 operation of each of these businesses, which may be used to  
551 determine fees charged by the division. ~~This subsection shall~~  
552 ~~operate pursuant to the provisions of s. 215.20.~~

553  
554 ===== T I T L E   A M E N D M E N T =====

555 And the title is amended as follows:

556           Delete lines 3 - 66

557 and insert:

558           16.0151, F.S.; creating the Condominium and  
559 Homeowners' Association Economic Crime, Fraud, and  
560 Corruption Investigation Pilot Program within the  
561 Department of Legal Affairs in the Office of the



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562 Attorney General; providing the purpose of the pilot  
563 program; defining the term "corruption"; authorizing  
564 the department to contract with a private entity to  
565 achieve the program's purpose; requiring the  
566 department to hire specified personnel under certain  
567 circumstances; authorizing the submission of  
568 complaints to the Office of the Condominium and  
569 Homeowners' Ombudsman; requiring the ombudsman to  
570 review such complaints and take specified actions;  
571 providing powers of and requirements for the  
572 department relating to the pilot program; requiring  
573 that the pilot program be funded from the Division of  
574 Florida Condominiums, Timeshares, and Mobile Homes  
575 Trust Fund; requiring that the pilot program's primary  
576 office be located in Miami-Dade County; providing for  
577 future repeal of the pilot program unless it is  
578 reviewed and saved from repeal by the Legislature;  
579 amending s. 215.22, F.S.; exempting the Division of  
580 Florida Condominiums, Timeshares, and Mobile Homes  
581 Trust Fund from contributing to the General Revenue  
582 Fund; amending s. 718.111, F.S.; requiring the  
583 division to monitor condominium associations'  
584 compliance with requirements relating to maintenance  
585 of certain insurance or fidelity bonding of certain  
586 persons; authorizing the division to issue fines and  
587 penalties for noncompliance; creating s. 718.13, F.S.;  
588 requiring the division to establish a searchable  
589 cloud-based database by a specified date which  
590 contains specified information regarding each



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591 condominium association in this state; requiring the  
592 division to establish rules and procedures for  
593 associations to report such information; requiring a  
594 condominium association to notify the division of any  
595 changes to the information related to the association  
596 which is listed in the database; requiring that the  
597 creation and administration of the database be funded  
598 in part by specified proceeds; amending s. 718.501,  
599 F.S.; requiring the division to forward complaints  
600 received alleging fraud or corruption to the Office of  
601 the Condominium and Homeowners' Ombudsman; amending s.  
602 718.5011, F.S.; renaming the Office of the Condominium  
603 Ombudsman as the Office of the Condominium and  
604 Homeowners' Ombudsman; amending s. 718.5012, F.S.;  
605 revising the powers of the ombudsman; amending s.  
606 718.509, F.S.; conforming a provision to changes made  
607 by the act; making technical changes; providing an  
608 effective date.