

By the Committee on Regulated Industries; and Senators Garcia and Jones

580-02896-24

2024426c1

1                                   A bill to be entitled  
2       An act relating to community associations; creating s.  
3       16.0151, F.S.; creating the Condominium and  
4       Homeowners' Association Economic Crime, Fraud, and  
5       Corruption Investigation Pilot Program within the  
6       Department of Legal Affairs in the Office of the  
7       Attorney General; providing the purpose of the pilot  
8       program; defining the term "corruption"; authorizing  
9       the department to contract with a private entity to  
10      achieve the program's purpose; requiring the  
11      department to hire specified personnel under certain  
12      circumstances; authorizing the submission of  
13      complaints to the Office of the Condominium and  
14      Homeowners' Ombudsman; requiring the ombudsman to  
15      review such complaints and take specified actions;  
16      providing powers of and requirements for the  
17      department relating to the pilot program; requiring  
18      that the pilot program be funded from the Division of  
19      Florida Condominiums, Timeshares, and Mobile Homes  
20      Trust Fund; requiring that the pilot program's primary  
21      office be located in Miami-Dade County; providing for  
22      future repeal of the pilot program unless it is  
23      reviewed and saved from repeal by the Legislature;  
24      amending s. 215.22, F.S.; exempting the Division of  
25      Florida Condominiums, Timeshares, and Mobile Homes  
26      Trust Fund from contributing to the General Revenue  
27      Fund; amending s. 718.111, F.S.; requiring the  
28      division to monitor condominium associations'  
29      compliance with requirements relating to maintenance

580-02896-24

2024426c1

30 of certain insurance or fidelity bonding of certain  
31 persons; authorizing the division to issue fines and  
32 penalties for noncompliance; creating s. 718.13, F.S.;  
33 requiring the division to establish a searchable  
34 cloud-based database by a specified date which  
35 contains specified information regarding each  
36 condominium association in this state; requiring the  
37 division to establish rules and procedures for  
38 associations to report such information; requiring a  
39 condominium association to notify the division of any  
40 changes to the information related to the association  
41 which is listed in the database; requiring that the  
42 creation and administration of the database be funded  
43 in part by specified proceeds; amending s. 718.501,  
44 F.S.; requiring the division to forward complaints  
45 received alleging fraud or corruption to the Office of  
46 the Condominium and Homeowners' Ombudsman; amending s.  
47 718.5011, F.S.; renaming the Office of the Condominium  
48 Ombudsman as the Office of the Condominium and  
49 Homeowners' Ombudsman; amending s. 718.5012, F.S.;  
50 revising the powers of the ombudsman; amending s.  
51 718.509, F.S.; conforming a provision to changes made  
52 by the act; making technical changes; providing an  
53 effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Section 16.0151, Florida Statutes, is created to  
58 read:

580-02896-24

2024426c1

59       16.0151 Condominium and Homeowners' Association Economic  
60 Crime, Fraud, and Corruption Investigation Pilot Program.-

61       (1) The Condominium and Homeowners' Association Economic  
62 Crime, Fraud, and Corruption Investigation Pilot Program is  
63 created within the Department of Legal Affairs, Office of the  
64 Attorney General. The purpose of the pilot program is to  
65 investigate condominium and homeowners' association-related  
66 economic crime, fraud, and corruption in this state. For the  
67 purposes of this section, the term "corruption" means the act of  
68 an official or fiduciary person who unlawfully and wrongfully  
69 uses his or her position to procure some benefit for himself or  
70 herself or for another person, contrary to the duty and rights  
71 of others. The department may contract with a private entity  
72 that employs retired law enforcement officers who have subject  
73 matter expertise in financial fraud to achieve the purpose of  
74 the pilot program. If the department does not contract with a  
75 private entity, the department must hire a suitable number of  
76 financial investigators, investigators with previous law  
77 enforcement experience, and clerical employees to staff the  
78 pilot program.

79       (2) A person may submit a condominium or homeowners'  
80 association-related complaint to the Office of the Condominium  
81 and Homeowners' Ombudsman. The ombudsman shall review all  
82 complaints submitted to the office and determine which  
83 complaints to forward to the department for additional analysis  
84 and investigation under the pilot program. If a complaint  
85 submitted to the pilot program does not contain allegations of  
86 economic crimes, fraud, or corruption, the task force must  
87 forward the complaint to the Division of Florida Condominiums,

580-02896-24

2024426c1

88 Timeshares, and Mobile Homes, which shall investigate claims  
89 made pursuant to s. 718.501.

90 (3) The department has the power to issue subpoenas and  
91 conduct audits for investigations in furtherance of the pilot  
92 program, and may administer oaths, subpoena witnesses, and  
93 compel production of books, papers, or other records relevant to  
94 such investigations. If, after reviewing a complaint filed under  
95 the pilot program, the department finds sufficient evidence for  
96 criminal prosecution, it must refer the case to the appropriate  
97 state attorney for prosecution.

98 (4) The department shall fund the pilot program from the  
99 Division of Florida Condominiums, Timeshares, and Mobile Homes  
100 Trust Fund as specifically appropriated annually in the General  
101 Appropriations Act.

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

104 (6) This section is repealed October 2, 2029, unless  
105 reviewed and saved from repeal through reenactment by the  
106 Legislature.

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

109 215.22 Certain income and certain trust funds exempt.—

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

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

115 Section 3. Paragraph (h) of subsection (11) of section  
116 718.111, Florida Statutes, is amended to read:

580-02896-24

2024426c1

117 718.111 The association.—

118 (11) INSURANCE.—In order to protect the safety, health, and  
119 welfare of the people of the State of Florida and to ensure  
120 consistency in the provision of insurance coverage to  
121 condominiums and their unit owners, this subsection applies to  
122 every residential condominium in the state, regardless of the  
123 date of its declaration of condominium. It is the intent of the  
124 Legislature to encourage lower or stable insurance premiums for  
125 associations described in this subsection.

126 (h) The association shall maintain insurance or fidelity  
127 bonding of all persons who control or disburse funds of the  
128 association. The insurance policy or fidelity bond must cover  
129 the maximum funds that will be in the custody of the association  
130 or its management agent at any one time. The division shall  
131 monitor compliance with this paragraph and may issue fines and  
132 penalties established by the division for failure of an  
133 association to maintain the required insurance policy or  
134 fidelity bond. As used in this paragraph, the term “persons who  
135 control or disburse funds of the association” includes, but is  
136 not limited to, those individuals authorized to sign checks on  
137 behalf of the association, and the president, secretary, and  
138 treasurer of the association. The association shall bear the  
139 cost of any such bonding.

140 Section 4. Section 718.13, Florida Statutes, is created to  
141 read:

142 718.13 Database for condominium association information.—

143 (1) By July 1, 2026, the division shall establish a  
144 searchable cloud-based database that contains information  
145 regarding each condominium association operating within this

580-02896-24

2024426c1

146 state. The division shall establish rules and procedures for how  
147 an association is to provide such information. The database must  
148 allow a user to search the name by which a condominium property  
149 is identified to find the association that governs such  
150 property. At a minimum, the database must include all of the  
151 following information for each association:

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

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

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

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

165 (e) A copy of any studies regarding funds in reserve  
166 accounts held by the association or any reports regarding the  
167 physical inspection of properties maintained by the association,  
168 including any structural integrity reserve studies conducted  
169 under s. 718.112(2)(g) of such properties.

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

173 (3) Expenses associated with the creation and  
174 administration of the database must be funded in part by

580-02896-24

2024426c1

175 proceeds from the annual fee paid by associations pursuant to s.  
176 718.501(2) (a).

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

179 718.501 Authority, responsibility, and duties of Division  
180 of Florida Condominiums, Timeshares, and Mobile Homes.—

181 (1) The division may enforce and ensure compliance with  
182 this chapter and rules relating to the development,  
183 construction, sale, lease, ownership, operation, and management  
184 of residential condominium units and complaints related to the  
185 procedural completion of milestone inspections under s. 553.899.  
186 In performing its duties, the division has complete jurisdiction  
187 to investigate complaints and enforce compliance with respect to  
188 associations that are still under developer control or the  
189 control of a bulk assignee or bulk buyer pursuant to part VII of  
190 this chapter and complaints against developers, bulk assignees,  
191 or bulk buyers involving improper turnover or failure to  
192 turnover, pursuant to s. 718.301. However, after turnover has  
193 occurred, the division has jurisdiction to investigate  
194 complaints related only to financial issues, elections, and the  
195 maintenance of and unit owner access to association records  
196 under s. 718.111(12), and the procedural completion of  
197 structural integrity reserve studies under s. 718.112(2)(g). If  
198 the division receives a complaint about an association which  
199 alleges economic crimes, fraud, or corruption, the division must  
200 forward the complaint to the Office of the Condominium and  
201 Homeowners' Ombudsman, pursuant to s. 16.0151.

202 (a)1. The division may make necessary public or private  
203 investigations within or outside this state to determine whether

580-02896-24

2024426c1

204 any person has violated this chapter or any rule or order  
205 hereunder, to aid in the enforcement of this chapter, or to aid  
206 in the adoption of rules or forms.

207 2. The division may submit any official written report,  
208 worksheet, or other related paper, or a duly certified copy  
209 thereof, compiled, prepared, drafted, or otherwise made by and  
210 duly authenticated by a financial examiner or analyst to be  
211 admitted as competent evidence in any hearing in which the  
212 financial examiner or analyst is available for cross-examination  
213 and attests under oath that such documents were prepared as a  
214 result of an examination or inspection conducted pursuant to  
215 this chapter.

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

220 (c) For the purpose of any investigation under this  
221 chapter, the division director or any officer or employee  
222 designated by the division director may administer oaths or  
223 affirmations, subpoena witnesses and compel their attendance,  
224 take evidence, and require the production of any matter which is  
225 relevant to the investigation, including the existence,  
226 description, nature, custody, condition, and location of any  
227 books, documents, or other tangible things and the identity and  
228 location of persons having knowledge of relevant facts or any  
229 other matter reasonably calculated to lead to the discovery of  
230 material evidence. Upon the failure by a person to obey a  
231 subpoena or to answer questions propounded by the investigating  
232 officer and upon reasonable notice to all affected persons, the



580-02896-24

2024426c1

233 division may apply to the circuit court for an order compelling  
234 compliance.

235 (d) Notwithstanding any remedies available to unit owners  
236 and associations, if the division has reasonable cause to  
237 believe that a violation of any provision of this chapter or  
238 related rule has occurred, the division may institute  
239 enforcement proceedings in its own name against any developer,  
240 bulk assignee, bulk buyer, association, officer, or member of  
241 the board of administration, or its assignees or agents, as  
242 follows:

243 1. The division may permit a person whose conduct or  
244 actions may be under investigation to waive formal proceedings  
245 and enter into a consent proceeding whereby orders, rules, or  
246 letters of censure or warning, whether formal or informal, may  
247 be entered against the person.

248 2. The division may issue an order requiring the developer,  
249 bulk assignee, bulk buyer, association, developer-designated  
250 officer, or developer-designated member of the board of  
251 administration, developer-designated assignees or agents, bulk  
252 assignee-designated assignees or agents, bulk buyer-designated  
253 assignees or agents, community association manager, or community  
254 association management firm to cease and desist from the  
255 unlawful practice and take such affirmative action as in the  
256 judgment of the division carry out the purposes of this chapter.  
257 If the division finds that a developer, bulk assignee, bulk  
258 buyer, association, officer, or member of the board of  
259 administration, or its assignees or agents, is violating or is  
260 about to violate any provision of this chapter, any rule adopted  
261 or order issued by the division, or any written agreement

580-02896-24

2024426c1

262 entered into with the division, and presents an immediate danger  
263 to the public requiring an immediate final order, it may issue  
264 an emergency cease and desist order reciting with particularity  
265 the facts underlying such findings. The emergency cease and  
266 desist order is effective for 90 days. If the division begins  
267 nonemergency cease and desist proceedings, the emergency cease  
268 and desist order remains effective until the conclusion of the  
269 proceedings under ss. 120.569 and 120.57.

270 3. If a developer, bulk assignee, or bulk buyer fails to  
271 pay any restitution determined by the division to be owed, plus  
272 any accrued interest at the highest rate permitted by law,  
273 within 30 days after expiration of any appellate time period of  
274 a final order requiring payment of restitution or the conclusion  
275 of any appeal thereof, whichever is later, the division must  
276 bring an action in circuit or county court on behalf of any  
277 association, class of unit owners, lessees, or purchasers for  
278 restitution, declaratory relief, injunctive relief, or any other  
279 available remedy. The division may also temporarily revoke its  
280 acceptance of the filing for the developer to which the  
281 restitution relates until payment of restitution is made.

282 4. The division may petition the court for appointment of a  
283 receiver or conservator. If appointed, the receiver or  
284 conservator may take action to implement the court order to  
285 ensure the performance of the order and to remedy any breach  
286 thereof. In addition to all other means provided by law for the  
287 enforcement of an injunction or temporary restraining order, the  
288 circuit court may impound or sequester the property of a party  
289 defendant, including books, papers, documents, and related  
290 records, and allow the examination and use of the property by

580-02896-24

2024426c1

291 the division and a court-appointed receiver or conservator.

292 5. The division may apply to the circuit court for an order  
293 of restitution whereby the defendant in an action brought under  
294 subparagraph 4. is ordered to make restitution of those sums  
295 shown by the division to have been obtained by the defendant in  
296 violation of this chapter. At the option of the court, such  
297 restitution is payable to the conservator or receiver appointed  
298 under subparagraph 4. or directly to the persons whose funds or  
299 assets were obtained in violation of this chapter.

300 6. The division may impose a civil penalty against a  
301 developer, bulk assignee, or bulk buyer, or association, or its  
302 assignee or agent, for any violation of this chapter or related  
303 rule. The division may impose a civil penalty individually  
304 against an officer or board member who willfully and knowingly  
305 violates this chapter, an adopted rule, or a final order of the  
306 division; may order the removal of such individual as an officer  
307 or from the board of administration or as an officer of the  
308 association; and may prohibit such individual from serving as an  
309 officer or on the board of a community association for a period  
310 of time. The term "willfully and knowingly" means that the  
311 division informed the officer or board member that his or her  
312 action or intended action violates this chapter, a rule adopted  
313 under this chapter, or a final order of the division and that  
314 the officer or board member refused to comply with the  
315 requirements of this chapter, a rule adopted under this chapter,  
316 or a final order of the division. The division, before  
317 initiating formal agency action under chapter 120, must afford  
318 the officer or board member an opportunity to voluntarily  
319 comply, and an officer or board member who complies within 10

580-02896-24

2024426c1

320 days is not subject to a civil penalty. A penalty may be imposed  
321 on the basis of each day of continuing violation, but the  
322 penalty for any offense may not exceed \$5,000. The division  
323 shall adopt, by rule, penalty guidelines applicable to possible  
324 violations or to categories of violations of this chapter or  
325 rules adopted by the division. The guidelines must specify a  
326 meaningful range of civil penalties for each such violation of  
327 the statute and rules and must be based upon the harm caused by  
328 the violation, upon the repetition of the violation, and upon  
329 such other factors deemed relevant by the division. For example,  
330 the division may consider whether the violations were committed  
331 by a developer, bulk assignee, or bulk buyer, or owner-  
332 controlled association, the size of the association, and other  
333 factors. The guidelines must designate the possible mitigating  
334 or aggravating circumstances that justify a departure from the  
335 range of penalties provided by the rules. It is the legislative  
336 intent that minor violations be distinguished from those which  
337 endanger the health, safety, or welfare of the condominium  
338 residents or other persons and that such guidelines provide  
339 reasonable and meaningful notice to the public of likely  
340 penalties that may be imposed for proscribed conduct. This  
341 subsection does not limit the ability of the division to  
342 informally dispose of administrative actions or complaints by  
343 stipulation, agreed settlement, or consent order. All amounts  
344 collected shall be deposited with the Chief Financial Officer to  
345 the credit of the Division of Florida Condominiums, Timeshares,  
346 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
347 bulk buyer fails to pay the civil penalty and the amount deemed  
348 to be owed to the association, the division shall issue an order

580-02896-24

2024426c1

349 directing that such developer, bulk assignee, or bulk buyer  
350 cease and desist from further operation until such time as the  
351 civil penalty is paid or may pursue enforcement of the penalty  
352 in a court of competent jurisdiction. If an association fails to  
353 pay the civil penalty, the division shall pursue enforcement in  
354 a court of competent jurisdiction, and the order imposing the  
355 civil penalty or the cease and desist order is not effective  
356 until 20 days after the date of such order. Any action commenced  
357 by the division shall be brought in the county in which the  
358 division has its executive offices or in the county where the  
359 violation occurred.

360 7. If a unit owner presents the division with proof that  
361 the unit owner has requested access to official records in  
362 writing by certified mail, and that after 10 days the unit owner  
363 again made the same request for access to official records in  
364 writing by certified mail, and that more than 10 days has  
365 elapsed since the second request and the association has still  
366 failed or refused to provide access to official records as  
367 required by this chapter, the division shall issue a subpoena  
368 requiring production of the requested records where the records  
369 are kept pursuant to s. 718.112.

370 8. In addition to subparagraph 6., the division may seek  
371 the imposition of a civil penalty through the circuit court for  
372 any violation for which the division may issue a notice to show  
373 cause under paragraph (r). The civil penalty shall be at least  
374 \$500 but no more than \$5,000 for each violation. The court may  
375 also award to the prevailing party court costs and reasonable  
376 attorney fees and, if the division prevails, may also award  
377 reasonable costs of investigation.

580-02896-24

2024426c1

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

382 (f) The division may adopt rules to administer and enforce  
383 this chapter.

384 (g) The division shall establish procedures for providing  
385 notice to an association and the developer, bulk assignee, or  
386 bulk buyer during the period in which the developer, bulk  
387 assignee, or bulk buyer controls the association if the division  
388 is considering the issuance of a declaratory statement with  
389 respect to the declaration of condominium or any related  
390 document governing such condominium community.

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

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

398 (j) The division shall provide training and educational  
399 programs for condominium association board members and unit  
400 owners. The training may, in the division's discretion, include  
401 web-based electronic media and live training and seminars in  
402 various locations throughout the state. The division may review  
403 and approve education and training programs for board members  
404 and unit owners offered by providers and shall maintain a  
405 current list of approved programs and providers and make such  
406 list available to board members and unit owners in a reasonable

580-02896-24

2024426c1

407 and cost-effective manner.

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

410 (l) The division shall develop a program to certify both  
411 volunteer and paid mediators to provide mediation of condominium  
412 disputes. The division shall provide, upon request, a list of  
413 such mediators to any association, unit owner, or other  
414 participant in alternative dispute resolution proceedings under  
415 s. 718.1255 requesting a copy of the list. The division shall  
416 include on the list of volunteer mediators only the names of  
417 persons who have received at least 20 hours of training in  
418 mediation techniques or who have mediated at least 20 disputes.  
419 In order to become initially certified by the division, paid  
420 mediators must be certified by the Supreme Court to mediate  
421 court cases in county or circuit courts. However, the division  
422 may adopt, by rule, additional factors for the certification of  
423 paid mediators, which must be related to experience, education,  
424 or background. Any person initially certified as a paid mediator  
425 by the division must, in order to continue to be certified,  
426 comply with the factors or requirements adopted by rule.

427 (m) If a complaint is made, the division must conduct its  
428 inquiry with due regard for the interests of the affected  
429 parties. Within 30 days after receipt of a complaint, the  
430 division shall acknowledge the complaint in writing and notify  
431 the complainant whether the complaint is within the jurisdiction  
432 of the division and whether additional information is needed by  
433 the division from the complainant. The division shall conduct  
434 its investigation and, within 90 days after receipt of the  
435 original complaint or of timely requested additional

580-02896-24

2024426c1

436 information, take action upon the complaint. However, the  
437 failure to complete the investigation within 90 days does not  
438 prevent the division from continuing the investigation,  
439 accepting or considering evidence obtained or received after 90  
440 days, or taking administrative action if reasonable cause exists  
441 to believe that a violation of this chapter or a rule has  
442 occurred. If an investigation is not completed within the time  
443 limits established in this paragraph, the division shall, on a  
444 monthly basis, notify the complainant in writing of the status  
445 of the investigation. When reporting its action to the  
446 complainant, the division shall inform the complainant of any  
447 right to a hearing under ss. 120.569 and 120.57. The division  
448 may adopt rules regarding the submission of a complaint against  
449 an association.

450 (n) Condominium association directors, officers, and  
451 employees; condominium developers; bulk assignees, bulk buyers,  
452 and community association managers; and community association  
453 management firms have an ongoing duty to reasonably cooperate  
454 with the division in any investigation under this section. The  
455 division shall refer to local law enforcement authorities any  
456 person whom the division believes has altered, destroyed,  
457 concealed, or removed any record, document, or thing required to  
458 be kept or maintained by this chapter with the purpose to impair  
459 its verity or availability in the department's investigation.

460 (o) The division may:

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

464 (p) The division shall cooperate with similar agencies in



580-02896-24

2024426c1

465 other jurisdictions to establish uniform filing procedures and  
466 forms, public offering statements, advertising standards, and  
467 rules and common administrative practices.

468 (q) The division shall consider notice to a developer, bulk  
469 assignee, or bulk buyer to be complete when it is delivered to  
470 the address of the developer, bulk assignee, or bulk buyer  
471 currently on file with the division.

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

475 (s) The division shall submit to the Governor, the  
476 President of the Senate, the Speaker of the House of  
477 Representatives, and the chairs of the legislative  
478 appropriations committees an annual report that includes, but  
479 need not be limited to, the number of training programs provided  
480 for condominium association board members and unit owners, the  
481 number of complaints received by type, the number and percent of  
482 complaints acknowledged in writing within 30 days and the number  
483 and percent of investigations acted upon within 90 days in  
484 accordance with paragraph (m), and the number of investigations  
485 exceeding the 90-day requirement. The annual report must also  
486 include an evaluation of the division's core business processes  
487 and make recommendations for improvements, including statutory  
488 changes. The report shall be submitted by September 30 following  
489 the end of the fiscal year.

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

492 718.5011 Ombudsman; appointment; administration.—

493 (1) There is created an Office of the Condominium and

580-02896-24

2024426c1

494 Homeowners' Ombudsman, to be located for administrative purposes  
495 within the Division of Florida Condominiums, Timeshares, and  
496 Mobile Homes. The functions of the office shall be funded by the  
497 Division of Florida Condominiums, Timeshares, and Mobile Homes  
498 Trust Fund. The ombudsman shall be a bureau chief of the  
499 division, and the office shall be set within the division in the  
500 same manner as any other bureau is staffed and funded.

501 Section 7. Subsections (3) through (10) of section  
502 718.5012, Florida Statutes, are amended, and subsections (11),  
503 (12), and (13) are added to that section, to read:

504 718.5012 Ombudsman; powers and duties.—The ombudsman shall  
505 have the powers that are necessary to carry out the duties of  
506 his or her office for this chapter and chapter 720, including  
507 the following specific powers:

508 (3) To prepare and issue reports and recommendations to the  
509 Governor, the department, the division, the Advisory Council on  
510 Condominiums, the President of the Senate, and the Speaker of  
511 the House of Representatives on any matter or subject within the  
512 jurisdiction of the division. The ombudsman shall make  
513 recommendations he or she deems appropriate for legislation  
514 relative to division procedures, rules, jurisdiction, personnel,  
515 and functions.

516 (4) To act as liaison between the division, unit owners,  
517 boards of directors, board members, community association  
518 managers, and other affected parties under this chapter and  
519 chapter 720. The ombudsman shall develop policies and procedures  
520 to assist homeowners, unit owners, boards of directors, board  
521 members, community association managers, and other affected  
522 parties to understand their rights and responsibilities as set

580-02896-24

2024426c1

523 forth in this chapter and the ~~condominium~~ documents governing  
524 their respective associations ~~association~~. The ombudsman shall  
525 coordinate and assist in the preparation and adoption of  
526 educational and reference material, and shall endeavor to  
527 coordinate with private or volunteer providers of these  
528 services, so that the availability of these resources is made  
529 known to the largest possible audience.

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

536 (6) To make recommendations to the division for changes in  
537 rules and procedures for the filing, investigation, and  
538 resolution of complaints filed by homeowners, unit owners,  
539 associations, and managers.

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

544 (8) To encourage and facilitate voluntary meetings with and  
545 between homeowners, unit owners, boards of directors, board  
546 members, community association managers, and other affected  
547 parties when the meetings may assist in resolving a dispute  
548 within a community association before a person submits a dispute  
549 for a formal or administrative remedy. It is the intent of the  
550 Legislature that the ombudsman act as a neutral resource for  
551 both the rights and responsibilities of homeowners, unit owners,

580-02896-24

2024426c1

552 associations, and board members.

553 (9) To assist with the resolution of disputes between  
554 homeowners, unit owners, and the association or between  
555 homeowners or unit owners when the dispute is not within the  
556 jurisdiction of the division to resolve.

557 (10) To appoint an election monitor to attend the annual  
558 meeting of the homeowner or unit owners and conduct the election  
559 of directors if 15 percent of the total voting interests in an  
560 association, or six owners, whichever is greater, make such a  
561 petition to the ombudsman ~~Fifteen percent of the total voting~~  
562 ~~interests in a condominium association, or six unit owners,~~  
563 ~~whichever is greater, may petition the ombudsman to appoint an~~  
564 ~~election monitor to attend the annual meeting of the unit owners~~  
565 ~~and conduct the election of directors.~~ The ombudsman shall  
566 appoint a division employee, a person or persons specializing in  
567 homeowners' association or condominium election monitoring, as  
568 applicable, or an attorney licensed to practice in this state as  
569 the election monitor. All costs associated with the election  
570 monitoring process shall be paid by the association. The  
571 division shall adopt a rule establishing procedures for the  
572 appointment of election monitors and the scope and extent of the  
573 monitor's role in the election process.

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

577 (12) To petition the court to appoint a receiver if the  
578 appointment of a receiver is in the best interests of the  
579 association or owners.

580 (13) To issue subpoenas and conduct audits for

580-02896-24

2024426c1

581 investigations for the purposes of the Condominium and  
582 Homeowners' Association Economic Crime, Fraud, and Corruption  
583 Investigation Pilot Program established under s. 16.0151.

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

586 718.509 Division of Florida Condominiums, Timeshares, and  
587 Mobile Homes Trust Fund.—

588 (2) All moneys collected by the division from fees, fines,  
589 or penalties or from costs awarded to the division by a court or  
590 administrative final order must ~~shall~~ be paid into the Division  
591 of Florida Condominiums, Timeshares, and Mobile Homes Trust  
592 Fund. The Legislature shall appropriate funds from this trust  
593 fund sufficient to administer ~~carry out the provisions of this~~  
594 ~~chapter and the provisions of~~ law with respect to each category  
595 of business covered by the trust fund. The division shall  
596 maintain separate revenue accounts in the trust fund for each of  
597 the businesses regulated by the division. The division shall  
598 provide for the proportionate allocation among the accounts of  
599 expenses incurred by the division in the performance of its  
600 duties with respect to each of these businesses. As part of its  
601 normal budgetary process, the division shall prepare an annual  
602 report of revenue and allocated expenses related to the  
603 operation of each of these businesses, which may be used to  
604 determine fees charged by the division. ~~This subsection shall~~  
605 ~~operate pursuant to the provisions of s. 215.20.~~

606 Section 9. This act shall take effect July 1, 2024.