

By Senator Burgess

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1 A bill to be entitled
2 An act relating to the homeowners' association
3 ombudsman; creating s. 720.319, F.S.; creating the
4 Office of the Homeowners' Association Ombudsman within
5 the Division of Florida Condominiums, Timeshares, and
6 Mobile Homes of the Department of Business and
7 Professional Regulation; providing for funding of the
8 office; directing the Governor to appoint the
9 ombudsman; requiring that the ombudsman be an attorney
10 admitted to practice before the Florida Supreme Court;
11 providing that the ombudsman serves at the pleasure of
12 the Governor; prohibiting the ombudsman and officers
13 and full-time employees of the office from holding
14 certain positions, engaging in certain activities, or
15 receiving certain remuneration; providing for the
16 principal location of the ombudsman's office;
17 authorizing the ombudsman to establish branch offices
18 under specified circumstances; specifying the powers
19 and duties of the ombudsman; providing for the
20 administration of an election monitoring process;
21 authorizing rulemaking for the division; providing
22 that a specified rule governs the administration of
23 election monitoring under certain circumstances;
24 providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 720.319, Florida Statutes, is created to
29 read:

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30 720.319 Homeowners' association ombudsman.-

31 (1) ADMINISTRATION; APPOINTMENT; LOCATION.-

32 (a) There is created an Office of the Homeowners'
33 Association Ombudsman, to be located for administrative purposes
34 within the Division of Florida Condominiums, Timeshares, and
35 Mobile Homes. The functions of the office shall be funded by the
36 Division of Florida Condominiums, Timeshares, and Mobile Homes
37 Trust Fund. The ombudsman shall be a bureau chief of the office,
38 and the office shall be set within the division in the same
39 manner as any other bureau is staffed and funded.

40 (b) The Governor shall appoint the ombudsman. The ombudsman
41 must be an attorney admitted to practice before the Florida
42 Supreme Court and shall serve at the pleasure of the Governor.
43 The ombudsman, an officer, or a full-time employee of the
44 ombudsman's office may not actively engage in any other business
45 or profession that directly or indirectly relates to or
46 conflicts with his or her work in the ombudsman's office; serve
47 as the representative of any political party, executive
48 committee, or other governing body of a political party; serve
49 as an executive, officer, or employee of a political party;
50 receive remuneration for activities on behalf of any candidate
51 for public office; or engage in soliciting votes or other
52 activities on behalf of a candidate for public office. The
53 ombudsman, an officer, or a full-time employee of the
54 ombudsman's office may not become a candidate for election to
55 public office unless he or she first resigns from his or her
56 office or employment.

57 (c) The ombudsman shall maintain his or her principal
58 office at a place convenient to the offices of the division

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59 which will enable the ombudsman to carry out the duties and
60 functions of his or her office expeditiously. The ombudsman may
61 establish branch offices elsewhere in this state upon the
62 concurrence of the Governor.

63 (2) POWERS AND DUTIES.—The ombudsman has the powers
64 necessary to carry out the duties of his or her office,
65 including, but not limited to, the authority to do any of the
66 following:

67 (a) Access and use all files and records of the division.

68 (b) Employ professional and clerical staff as necessary for
69 the efficient operation of the office.

70 (c) Prepare and issue reports and recommendations to the
71 Governor, the department, the division, the President of the
72 Senate, and the Speaker of the House of Representatives on any
73 matter or subject within the jurisdiction of the division. The
74 ombudsman shall make recommendations he or she deems appropriate
75 for legislation relative to division procedures, rules,
76 jurisdiction, personnel, and functions.

77 (d) Act as liaison between the division, parcel owners,
78 boards of directors, board members, community association
79 managers, and other affected parties. The ombudsman shall
80 develop policies and procedures to assist parcel owners, boards
81 of directors, board members, community association managers, and
82 other affected parties to understand their rights and
83 responsibilities as set forth in this chapter and the governing
84 documents of their respective associations. The ombudsman shall
85 coordinate and assist in the preparation and adoption of
86 educational and reference materials and shall endeavor to
87 coordinate with private or volunteer providers of these

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88 services, so that the availability of any such resource is made
89 known to the largest possible audience.

90 (e) Monitor and review procedures and disputes concerning
91 elections or meetings, including, but not limited to,
92 recommending that the division pursue enforcement action in any
93 manner if there is reasonable cause to believe that election
94 misconduct has occurred and reviewing secret ballots cast at a
95 vote of the association.

96 (f) Make recommendations to the division for changes in
97 rules and procedures for the filing, investigation, and
98 resolution of complaints filed by parcel owners, associations,
99 or managers.

100 (g) Provide resources to assist members of boards of
101 directors and officers of associations to carry out their powers
102 and duties consistent with this chapter, division rules, and the
103 governing documents of their associations.

104 (h) Encourage and facilitate voluntary meetings between
105 parcel owners, boards of directors, board members, community
106 association managers, and other affected parties when the
107 meetings may assist in resolving a dispute that involves a
108 homeowners' association before a person submits a dispute for a
109 formal or administrative remedy. It is the intent of the
110 Legislature that the ombudsman act as a neutral resource for
111 both the rights and responsibilities of parcel owners,
112 associations, and board members.

113 (i) Assist with the resolution of disputes between parcel
114 owners and the association or between parcel owners when the
115 dispute is not within the jurisdiction of the division to
116 resolve.

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117 (j) Appoint an election monitor.

118 (3) ELECTION MONITORING.—

119 (a) Fifteen percent of the total voting interests in a
120 homeowners' association, or six parcel owners, whichever is
121 greater, may petition the ombudsman to appoint an election
122 monitor to attend the annual meeting of the parcel owners and
123 conduct the election of directors.

124 (b) The ombudsman shall appoint a division employee, a
125 person who specializes in homeowners' association election
126 monitoring, or an attorney licensed to practice in this state as
127 the election monitor.

128 (c) All costs associated with the election monitoring
129 process must be paid by the association.

130 (d) The division may adopt a rule establishing procedures
131 for the appointment of election monitors and the scope and
132 extent of the monitor's role in the election process. If the
133 division does not adopt a rule, then, to the extent applicable,
134 rule 61B-23.00215, Florida Administrative Code, must govern the
135 administration of election monitoring.

136 Section 2. This act shall take effect July 1, 2025.