



26           720.311 Dispute resolution.—  
 27           (1) (a) The Legislature finds that alternative dispute  
 28 resolution has made progress in reducing court dockets and  
 29 trials and in offering a more efficient, cost-effective option  
 30 to litigation. The filing of any petition for arbitration or the  
 31 serving of a demand for presuit mediation as provided for in  
 32 this section shall toll the applicable statute of limitations.  
 33 Any recall dispute filed with the department under s.  
 34 720.303(10) shall be conducted by the department in accordance  
 35 with ~~the provisions of~~ ss. 718.112(2)(j) and 718.1255 and the  
 36 rules adopted by the division. In addition, the department shall  
 37 conduct binding arbitration of election disputes between a  
 38 member and an association in accordance with s. 718.1255 and  
 39 rules adopted by the division. Election disputes and recall  
 40 disputes are not eligible for presuit mediation; these disputes  
 41 must be arbitrated by the department or filed in a court of  
 42 competent jurisdiction. At the conclusion of an arbitration  
 43 proceeding, the department shall charge the parties a fee in an  
 44 amount adequate to cover all costs and expenses incurred by the  
 45 department in conducting the proceeding. Initially, the  
 46 petitioner shall remit a filing fee of at least \$200 to the  
 47 department. The fees paid to the department shall become a  
 48 recoverable cost in the arbitration proceeding, and the  
 49 prevailing party in an arbitration proceeding shall recover its  
 50 reasonable costs and attorney fees in an amount found reasonable

51 | by the arbitrator. The department shall adopt rules to  
 52 | effectuate the purposes of this section.

53 | (b) As used in this section, the term "dispute" means any  
 54 | disagreement between two or more parties that involves:

55 | 1. The authority of the board of directors, under this  
 56 | chapter or an association document, to:

57 | a. Require any owner to take any action, or not to take  
 58 | any action, involving that owner's parcel or the appurtenances  
 59 | thereto.

60 | b. Alter or add a common area or element.

61 | 2. The failure of a governing body, when required by this  
 62 | chapter or an association document, to:

63 | a. Properly conduct elections.

64 | b. Give adequate notice of meetings or other actions.

65 | c. Properly conduct meetings.

66 | d. Allow inspection of books and records.

67 |  
 68 | The term "dispute" does not include any disagreement that  
 69 | primarily involves: title to any parcel or common area; the  
 70 | interpretation or enforcement of any warranty; the levy of a fee  
 71 | or assessment, or the collection of an assessment levied against  
 72 | a party; the eviction or other removal of a tenant from a  
 73 | parcel; alleged breaches of fiduciary duty by one or more  
 74 | directors; or claims for damages to a parcel based upon the  
 75 | alleged failure of the association to maintain the common area

76 | or community property.

77 |       (3) In lieu of the initiation of presuit mediation under  
 78 | this section, a party may submit an eligible dispute to  
 79 | nonbinding arbitration in accordance with s. 718.1255.

80 |       Section 2. Section 720.319, Florida Statutes, is created  
 81 | to read:

82 |       720.319 Homeowners' association ombudsman.—

83 |       (1) ADMINISTRATION; APPOINTMENT; LOCATION.—

84 |       (a) There is created an Office of the Homeowners'  
 85 | Association Ombudsman to be located, for administrative  
 86 | purposes, within the Department of Business and Professional  
 87 | Regulation. The functions of the office shall be funded by the  
 88 | General Appropriations Act.

89 |       (b) The Governor shall appoint the ombudsman. The  
 90 | ombudsman must be an attorney admitted to practice before the  
 91 | Florida Supreme Court and shall serve at the pleasure of the  
 92 | Governor. The ombudsman, an officer, or a full-time employee of  
 93 | the ombudsman's office may not actively engage in any other  
 94 | business or profession that directly or indirectly relates to or  
 95 | conflicts with his or her work in the ombudsman's office; serve  
 96 | as the representative of any political party, executive  
 97 | committee, or other governing body of a political party; serve  
 98 | as an executive, officer, or employee of a political party;  
 99 | receive remuneration for activities on behalf of any candidate  
 100 | for public office; or engage in soliciting votes or other

101 activities on behalf of a candidate for public office. The  
102 ombudsman, an officer, or a full-time employee of the  
103 ombudsman's office may not become a candidate for election to  
104 public office unless he or she first resigns from his or her  
105 office or employment.

106 (c) The ombudsman shall maintain his or her principal  
107 office at a place convenient to the department, which will  
108 enable the ombudsman to expeditiously carry out the duties and  
109 functions of his or her office. The ombudsman may establish  
110 branch offices elsewhere in the state upon the concurrence of  
111 the Governor.

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

115 (a) Having access to and use of all files and records of a  
116 homeowners' association.

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

119 (c) Preparing and issuing reports and recommendations to  
120 the Governor, the department, the President of the Senate, and  
121 the Speaker of the House of Representatives on any matter or  
122 subject within the jurisdiction of chapter 720.

123 (d) Acting as a liaison between the department, parcel  
124 owners, boards of directors, board members, community  
125 association managers, and other affected parties. The ombudsman

126 shall develop policies and procedures to assist parcel owners,  
127 boards of directors, board members, community association  
128 managers, and other affected parties to understand their rights  
129 and responsibilities, as set forth in this chapter, and the  
130 governing documents that govern their respective associations.  
131 The ombudsman shall coordinate and assist in the preparation and  
132 adoption of educational and reference material, and shall  
133 endeavor to coordinate with private or volunteer providers of  
134 these services, so that the availability of these resources is  
135 made known to the largest possible audience.

136 (e) Monitoring and reviewing procedures and disputes  
137 concerning elections or meetings.

138 (f) Making recommendations to the department for changes  
139 in rules and procedures for the filing, investigation, and  
140 resolution of complaints filed by parcel owners, associations,  
141 and managers.

142 (g) Providing resources to assist members of boards of  
143 directors and officers of associations to carry out their powers  
144 and duties consistent with this chapter and the governing  
145 documents that govern the association.

146 (h) Encouraging and facilitating voluntary meetings  
147 between parcel owners, boards of directors, board members,  
148 community association managers, and other affected parties when  
149 the meetings may assist in resolving a dispute within a  
150 homeowners' association before a person submits a dispute for a

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151 formal or administrative remedy. It is the intent of the  
152 Legislature that the ombudsman act as a neutral resource for  
153 both the rights and responsibilities of parcel owners,  
154 associations, and board members.

155 (i) Assisting with the resolution of disputes between  
156 parcel owners and the association, or between parcel owners, if  
157 applicable.

158 Section 3. This act shall take effect July 1, 2022.