

61B-23.00215 Ombudsman; Election Monitoring; Monitor’s Role; Scope and Extent.

(1) NO CHANGE

(2)(a) Form of petition. In order to file a petition for the appointment of an election monitor, a unit owner must complete DBPR FORM CO 6000-9, PETITION FOR APPOINTMENT OF ELECTION MONITOR, incorporated by reference and effective _____ ~~8-7-05~~, available by contacting the Division of Florida Condominiums, Timeshares, and Mobile Homes, Northwood Centre, 1940 North Monroe, Tallahassee, Florida 32399-1030, or shall use a substantial equivalent of the form which shall contain the following information. The form must, as applicable:

1. State that the purpose of the petition is to seek signatures for the appointment of an election monitor by the ombudsman for the annual meeting of unit owners for the election of directors;
2. Contain a signature space for authorized unit owners or voting interests to sign and must provide a space for those signing the petition to provide his or her name; owners of multiple units must sign for each unit joining in the petition for appointment of an election monitor;
3. Identify each unit number;
4. Supply the date that each unit owner signed the petition;
5. Provide the name and signature of an individual who is authorized to represent the unit owners petitioning for the appointment of an election monitor, along with the mailing address, telephone number, fax number, and email address of the representative;
6. Indicate that if a monitor is appointed, the association and all its members shall be obligated to pay the costs and fees of the monitor; and
7. State the total number of voting interests in the condominium association.
8. State the date, place, and time of the election.

(b) Only the signatures of those persons who are unit owners of record shall be counted in the calculation to determine whether the minimum number of votes have been cast in favor of requesting the appointment of a monitor.

(c) A current list of qualified voters for each condominium unit and a copy of the First Notice of Election shall be filed with the petition.

(3) Time to file. The petition for appointment of an election monitor, current list of qualified voters for each condominium unit, and a copy of the First Notice of Election must be filed with the ombudsman not less than 21 ~~14~~ days in advance of a planned election to provide sufficient time to process the petition, provide for verification of the signatures, and appoint a monitor.

(4) Once the ombudsman has received a timely filed petition for appointment of an election monitor, the ombudsman shall examine the petition to ensure that all required information is provided and that a sufficient number of voting interests have signed the petition.

(a) If the petition is deficient, the ombudsman shall provide the petitioners with notice of the deficiencies, and petitioners will have 5 calendar days from receipt of such notice to timely correct the petition, or if the deficiencies cannot be corrected, the petition shall be denied and the materials shall be returned to the unit owners petitioning for appointment of an election monitor.

(b) Within 5 calendar days of the determination that a petition is complete and sufficient, the ombudsman shall provide a copy of the petition to the association by certified mail, along with a notice that a petition for appointment of election monitor has been filed with the ombudsman. Where the determination that a petition is complete and sufficient is made within 5 days of a scheduled election, the ombudsman shall immediately provide a copy of the petition to the association upon making such determination of completeness. Associations shall cooperate with the ombudsman and the appointed election monitor and

provide each with copies of records or information requested in order to validate the petition and take any other action necessary for the efficient and orderly conduct of the election.

(5) Once a petition has been found to be adequate, the ombudsman shall appoint an election monitor as provided by the provisions of Section 718.5012(10)(9), Florida Statutes, and this rule. Any appointment of a division employee shall be subject to the approval of the division director.

(6) – (9) NO CHANGE

Rulemaking Specific Authority 718.5012(10)(9) FS. Law Implemented 718.1255, 718.5012(10)(9), 718.5014 FS. History—New 8-7-05, Amended _____.