

MEMORANDUM

Agenda Item No. 11(A)(22)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact House Bill 919, Senate Bill 1114, or similar legislation that would strengthen homeowners' association laws to enhance protections for HOA members and communities, prevent HOA fraud and mismanagement, and provide enhanced criminal and civil enforcement powers

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez.


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(22)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(22)
3-7-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HOUSE BILL 919, SENATE BILL 1114, OR SIMILAR LEGISLATION THAT WOULD STRENGTHEN HOMEOWNERS' ASSOCIATION (HOA) LAWS TO ENHANCE PROTECTIONS FOR HOA MEMBERS AND COMMUNITIES, PREVENT HOA FRAUD AND MISMANAGEMENT, AND PROVIDE ENHANCED CRIMINAL AND CIVIL ENFORCEMENT POWERS

WHEREAS, chapter 720 of the Florida Statutes currently provides for certain protective measures, remedies, and enforcement powers with regard to homeowner's associations (HOA); and

WHEREAS, although many HOA communities run smoothly, instances of HOA fraud or mismanagement are rising problems in Miami-Dade County, adversely impacting public safety and welfare; and

WHEREAS, it is in the best interests of the public to strengthen statutory provisions in order to provide additional protections and remedies to HOA members to minimize and prevent fraud and mismanagement; and

WHEREAS, on February 16, 2023, Representative Juan Carlos Porras (R – Miami) introduced House Bill (HB) 919 for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, on February 23, 2023, Senator Ana Maria Rodriguez (R – Doral) filed Senate Bill (SB) 1114, the identical companion bill to HB 919, for consideration during the 2023 legislative session; and

WHEREAS, HB 919 and SB 1114 would amend chapter 720 of the Florida Statutes to strengthen HOA laws by various measures, such as requiring HOAs to appoint recordkeepers, providing for the removal of HOA officers or directors charged with specified crimes, providing for monetary damages resulting from breach of duties by directors or officers and for transactions resulting in improper personal benefits, prohibiting the use of HOA and reserve funds for the payment of attorneys' fees and defense of the HOA and board members in civil or criminal actions or proceedings, and increasing the enforcement powers of the Department of Business and Professional Regulation's Division of Florida Condominiums, Timeshares, and Mobile Homes concerning civil matters, as well as the Department of Law Enforcement concerning criminal matters; and

WHEREAS, this Board supports legislation that would enhance protections for HOA communities and members,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact House Bill 919, Senate Bill 1114, or similar legislation that would strengthen HOA laws to enhance protections for HOA members and communities, prevent fraud and mismanagement, and provide enhanced criminal and civil enforcement powers.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Senator Ana Maria Rodriguez, Representative Juan Carlos Porras, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Roberto J. Gonzalez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

MDC005