

# MEMORANDUM

Agenda Item No. 11(A)(19)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** March 16, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to enact Senate Bill  
290, House Bill 603, or similar  
legislation to authorize county  
legislative and governing bodies  
to create boards to investigate  
alleged retaliatory conduct by  
landlords and to authorize such  
boards to impose fines

Resolution No. R-236-21

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor  
Commissioner Jean Monestime.



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Geri Bonzon-Keenan  
County Attorney

GBK/uw



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
County Attorney

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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)(19)  
3-16-21

RESOLUTION NO. \_\_\_\_\_ R-236-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 290, HOUSE BILL 603, OR SIMILAR LEGISLATION TO AUTHORIZE COUNTY LEGISLATIVE AND GOVERNING BODIES TO CREATE BOARDS TO INVESTIGATE ALLEGED RETALIATORY CONDUCT BY LANDLORDS AND TO AUTHORIZE SUCH BOARDS TO IMPOSE FINES

**WHEREAS**, the Florida Legislature enacted the Florida Residential Landlord and Tenant Act, as codified in chapter 83, part II, Florida Statutes (the “Act”); and

**WHEREAS**, the Act provides certain protections for tenants, and prohibits certain activities by landlords, including, but not limited to, making it unlawful for a landlord to engage in retaliatory conduct against a tenant as set forth in section 83.64 of the Act; and

**WHEREAS**, examples of retaliatory conduct include (1) discriminatorily increasing rent or decreasing services to a tenant; or (2) bringing or threatening to bring an action for possession or other civil action, primarily because the landlord is retaliating against the tenant under the following circumstances:

- (a) the tenant has complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the premises;
- (b) the tenant has organized, encouraged, or participated in a tenant organization;
- (c) the tenant has complained to the landlord regarding the landlord’s failure to comply with the terms of the rental agreement;
- (d) the tenant is a servicemember who has terminated a rental agreement pursuant to the Act;
- (e) the tenant has paid rent to a condominium, cooperative, or homeowners’ association after demand from the association in order to pay the landlord’s obligation to the association; or

(f) the tenant has exercised his or her rights under local, state, or federal fair housing laws; and

**WHEREAS**, this Board is concerned about keeping neighborhoods throughout Miami-Dade County safe and enjoyable for all of their residents; and

**WHEREAS**, this Board believes that protecting the health, safety, and welfare of the residents of Miami-Dade County is of great importance; and

**WHEREAS**, this Board is concerned about residents being evicted from their homes without due process and in violation of the Act; and

**WHEREAS**, this Board is taking steps to minimize the impact of the COVID-19 crisis on tenants; and

**WHEREAS**, Senator Dennis Baxley (R-Lady Lake) introduced Senate Bill 290 and Representative Keith L. Truenow (R-Tavares) introduced House Bill 603, both for the 2021 legislative session, authorizing county legislative and governing bodies, pursuant to section 125.01, Florida Statutes, to create boards to investigate alleged retaliatory conduct by landlords in violation of section 83.64 of the Act; and

**WHEREAS**, SB 290 and HB 603 would also authorize such boards to impose fines for retaliatory conduct by landlords; and

**WHEREAS**, this Board believes that with the opportunity to create local boards with the authority to investigate and impose fines against landlords who are alleged to have engaged in retaliatory conduct in violation of the Act, more Miami-Dade residents will be safe from illegal evictions and landlord harassment,

**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 Senate Bill 290 and House Bill 603, or similar legislation that would authorize county legislative and governing bodies, pursuant to section 125.01, Florida Statutes, to create boards to investigate alleged retaliatory conduct by landlords in violation of section 83.64 of the Act, and would further authorize such boards to impose fines.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Dennis Baxley, Representative Keith L. Truenow, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County’s state lobbyists to advocate for the legislation described in section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. It was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	<b>aye</b>	
	Oliver G. Gilbert, III, Vice-Chairman	<b>aye</b>	
Sen. René García	<b>aye</b>	Keon Hardemon	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Danielle Cohen Higgins	<b>aye</b>
Eileen Higgins	<b>aye</b>	Joe A. Martinez	<b>absent</b>
Kionne L. McGhee	<b>aye</b>	Jean Monestime	<b>aye</b>
Raquel A. Regalado	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>		

