

MEMORANDUM

Agenda Item No. 11(A)(8)

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

DATE: September 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation requiring the creation of a state-maintained online searchable database of all condominium associations registered in the State; or alternatively, urging the Division of Florida Condominiums, Timeshares and Mobile Homes of the Department of Business and Professional Regulation to create and maintain such a database

Resolution No. R-831-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

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

DATE: September 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

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)(8)
9-1-21

RESOLUTION NO. _____ R-831-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION REQUIRING THE CREATION OF A STATE-MAINTAINED ONLINE SEARCHABLE DATABASE OF ALL CONDOMINIUM ASSOCIATIONS REGISTERED IN THE STATE; OR ALTERNATIVELY, URGING THE DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND MOBILE HOMES OF THE DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION TO CREATE AND MAINTAIN SUCH A DATABASE

WHEREAS, a condominium is a form of ownership of real property created pursuant to chapter 718 of the Florida Statutes comprised of units which are individually owned and have an undivided share of access to common facilities; and

WHEREAS, a condominium is created by recording a declaration of condominium in the public records of the county in which the condominium will be located; and

WHEREAS, a declaration is similar to a constitution as it governs the relationship among the unit owners and the association; and

WHEREAS, specifically, a declaration of condominium may include covenants and restrictions concerning the use, occupancy and transfer of the units permitted by law with reference to real property; and

WHEREAS, all unit owners are members of the condominium association, an entity responsible for the operation of the common elements owned by the unit owners, which operates or maintains real property in which unit owners have use rights; and

WHEREAS, the condominium association is overseen by an elected board of directors, commonly referred to as a “board of administration”; and

WHEREAS, the association enacts condominium association bylaws, which govern the administration of the association, including quorum, voting rights, and election and removal of board members; and

WHEREAS, condominium associations are regulated by the Division of Florida Condominiums, Timeshares and Mobile Homes of the Department of Business and Professional Regulation; and

WHEREAS, more Americans live in condominium associations today than ever before, according to the 2020-2021 National and State Statistical Review for Community Association Data (the “Review”) published by the Foundation for Community Association Research; and

WHEREAS, according to the Review, approximately 28 million Americans, or roughly 8.3 percent of the U.S. population, now live in condominiums; and

WHEREAS, the State of Florida in particular has over 17,000 condominium associations housing approximately 3.5 million residents, the second-highest number in the country behind only California; and

WHEREAS, the number of individuals living in condominiums has risen steadily since 1970 and is expected to continue to increase in 2021 and beyond; and

WHEREAS, this Board believes that a state-maintained online searchable database of all condominium associations registered in the State of Florida—similar to sunbiz.org for corporations—would promote the public’s access to important information and key documents concerning such associations and therefore be in the best interests of the millions of Florida residents who reside in condominiums, including the hundreds of thousands of such residents in Miami-Dade County,

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 legislation requiring the creation of a state-maintained online searchable database of all condominium associations registered in the State of Florida, with links to any documents filed by the association under Chapter 718 of the Florida Statutes as well as a link to the association's website, if applicable, and a link to the county property appraiser's website with respect to each of the real properties owned by the association. Alternatively, this Board urges the Division of Florida Condominiums, Timeshares and Mobile Homes of the Department of Business and Professional Regulation to create and maintain such a database.

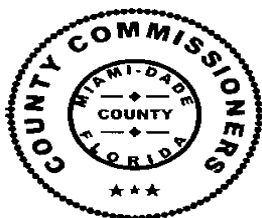
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Secretary of the Florida Department of Business and Professional Regulation, and the Florida Condominium Ombudsman.

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 include this item in the 2022 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2021. 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

HARVEY RUVIN, CLERK

By: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MSM

Michael J. Mastrucci