

MEMORANDUM

Agenda Item No. 11(A)(17)

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

DATE: February 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact SB 274, HB
811, or similar legislation which
would create a Condominium
Fraud Investigation Pilot
Program in the State of Florida to
investigate condominium-related
fraud and corruption

Resolution No. R-144-22

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM (Revised)

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

DATE: February 1, 2022

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

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)(17)
2-1-22

RESOLUTION NO. _____ R-144-22

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 274, HB 811, OR SIMILAR LEGISLATION WHICH
WOULD CREATE A CONDOMINIUM FRAUD
INVESTIGATION PILOT PROGRAM IN THE STATE OF
FLORIDA TO INVESTIGATE CONDOMINIUM-RELATED
FRAUD AND CORRUPTION

WHEREAS, Senate Bill (“SB”) 274 and House Bill (“HB”) 811 have been filed for consideration during the Florida Legislature’s 2022 session by Senator Ana Maria Rodriguez (R – Doral) and Representative Tom Fabricio (R – Hialeah), respectively; and

WHEREAS, SB 274 would create the Condominium Fraud Investigation Pilot Program (the “Pilot Program”) within the Department of Legal Affairs in the State of Florida’s Office of the Attorney General; and

WHEREAS, the Pilot Program would investigate condominium-related fraud and corruption in Broward, Miami-Dade, and Monroe Counties, and require the Department of Legal Affairs to hire law enforcement officers and financial investigators to carry out its purpose; and

WHEREAS, SB 274 would also create an Office of the Condominium Ombudsman tasked with receiving and reviewing all complaints submitted regarding condominiums and forwarding relevant complaints to the Department of Legal Affairs for further analysis and potential investigation by the Pilot Program; and

WHEREAS, finally, SB 274 would vest within the Pilot Program the power to subpoena, audit, compel production of documents, and refer complaints for criminal prosecution to the appropriate state attorney for prosecution; and

WHEREAS, similarly, HB 811 would create an investigative unit within the State of Florida's Department of Law Enforcement with the sole responsibility of investigating complaints that allege criminal activity in connection with a residential condominium association; and

WHEREAS, this Board is supportive of legislation designed to eradicate condominium-related fraud and help better ensure the safety of County residents who reside in such dwellings,

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 SB 274, HB 811, or similar legislation which would create a Condominium Fraud Investigation Pilot Program in the State of Florida to investigate condominium-related fraud and corruption.

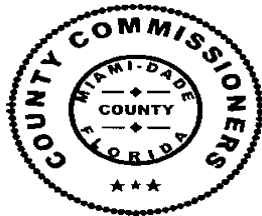
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Ana Maria Rodriguez, Representative Tom Fabricio, and the Chair and remaining members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in section 1, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** 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	aye	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	absent	Rebeca Sosa	absent
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of February, 2022. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "JZ" or similar initials, written over a horizontal line.

Javier Zapata