

MEMORANDUM

Agenda Item No. 11(A)(11)

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

DATE: October 3, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to provide report on: (1) the status of registration by condominium, cooperative, and homeowners' associations in the Miami-Dade County Community Associations Registry pursuant to the requirements set forth in chapter 17D of the Code; and (2) potential measures to increase public education and awareness regarding available resources

Resolution No. R-895-23

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/gh



MEMORANDUM

(Revised)

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

DATE: October 3, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

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

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 _____

Agenda Item No. 11(A)(11)
10-3-23

Override _____

RESOLUTION NO. R-895-23

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE REPORT ON: (1) THE STATUS OF REGISTRATION BY CONDOMINIUM, COOPERATIVE, AND HOMEOWNERS' ASSOCIATIONS IN THE MIAMI-DADE COUNTY COMMUNITY ASSOCIATIONS REGISTRY PURSUANT TO THE REQUIREMENTS SET FORTH IN CHAPTER 17D OF THE CODE OF MIAMI-DADE COUNTY; AND (2) POTENTIAL MEASURES TO INCREASE PUBLIC EDUCATION AND AWARENESS REGARDING AVAILABLE RESOURCES

WHEREAS, a large number of Miami-Dade County residents live in common interest communities served by homeowners' associations (HOAs), condominium associations, and cooperative associations (collectively "community associations"); and

WHEREAS, although many community associations run smoothly, instances of fraud or mismanagement continue to be rising problems in Miami-Dade County, adversely impacting community safety and welfare, and particularly in HOA communities; and

WHEREAS, in an effort to increase community awareness and to promote transparency, on March 1, 2022, this Board adopted Ordinance No. 22-23, creating chapter 17D of the Code of Miami-Dade County, known as the "Miami-Dade County Ordinance for Registration of Community Associations (the "Registration Ordinance"); and

WHEREAS, the Registration Ordinance requires all community associations to file a written registration with the Miami-Dade County Department of Regulatory and Economic Resources including, among other things, the association's name, address, property manager, officers and directors, governing documents, planned capital projects, most recent audited financial statements, association fees, approved special assessments, annual budget, structural reports, and insurance policies; and

WHEREAS, pursuant to the Registration Ordinance, the County created the Community Associations Registry, a searchable database including such information; and

WHEREAS, provided that community associations register and comply, important information will be made accessible to owners living in such communities; and

WHEREAS, this Board seeks a report regarding the level of registration compliance, including the number of community associations which have registered, or failed to register, measures which have been taken to educate the public and the community associations regarding the registration requirements and availability of this resource, and any recommended measures to increase registration and to enforce compliance; and

WHEREAS, chapter 718, Florida Statutes, creates an ombudsman for the Division of Florida Condominiums, Timeshares, and Mobile Homes within the Florida Department of Business and Professional Regulation (“DBPR”), but there is currently no such DBPR ombudsman for HOAs; and

WHEREAS, it is therefore increasingly important that owners in HOA communities are able to effectively access information and resources regarding their rights; and

WHEREAS, the County has a general consumer protection website and phone number, which includes a link to the Community Associations Registry for public access, but no specific hotline or website tailored to HOA fraud or mismanagement; and

WHEREAS, it would be in the interest of the public to expand upon available resources specifically tailored to HOA fraud, as well as education as to available resources through the registry, so that victims of such actions can be provided with direction and information,

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

Section 1. This Board incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. This Board directs the County Mayor or County Mayor's designee, within 60 days of the effective date of this resolution, to identify the number of (i) cooperative associations, (ii) condominium associations, and (iii) HOAs which have registered with the Community Associations Registry and those which have failed to so register, in accordance with chapter 17D of the Code of Miami-Dade County.

Section 3. The County Mayor or County Mayor's designee is further directed to submit a report to this Board within 90 days of the effective date of this resolution. Such report shall, at a minimum: (1) set forth the information directed in section 2 herein; (2) identify measures which have been taken to educate the public and the community associations regarding the registration requirements and availability of the information set forth in the Community Associations Registry; (3) identify recommended measures to maximize registration and to enforce compliance; (4) provide recommendations to increase public education and awareness, which may consider, among other potential measures, revisions to the website that are specifically tailored to HOAs, a consumer hotline, and the creation of a point person at the Miami-Dade County Police Department regarding HOA fraud; and (5) provide the estimated cost, if any, of accomplishing any such recommendations, as well as identification of any legally available funds to do so. Pursuant to rule 5.06(j) of the Board's Rules of Procedure, the completed report shall be placed on the first available agenda of the full Board without committee review.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of October, 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "Debra Herman".

Debra Herman