

MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: April 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to collaborate with the Miami-Dade Bar Association ("MDB") and MDB's development of a Condo Practicum Program to educate and assist condominium unit owners and condominium associations regarding state and local resources and regulatory requirements and to identify funding for such program; and requiring a report

Resolution No. R-284-24

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/ks



MEMORANDUM

(Revised)

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

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
4-2-24

RESOLUTION NO. _____ R-284-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COLLABORATE WITH THE MIAMI-DADE BAR ASSOCIATION ("MDB") AND MDB'S DEVELOPMENT OF A CONDO PRACTICUM PROGRAM TO EDUCATE AND ASSIST CONDOMINIUM UNIT OWNERS AND CONDOMINIUM ASSOCIATIONS REGARDING STATE AND LOCAL RESOURCES AND REGULATORY REQUIREMENTS AND TO IDENTIFY FUNDING FOR SUCH PROGRAM; AND REQUIRING A REPORT

WHEREAS, the number of residents living in condominiums in the United States has risen steadily since 1970 and is expected to continue to increase, particularly in highly desirable real estate markets such as South Florida; and

WHEREAS, indeed, Miami-Dade County is home to thousands of condominium associations that provide housing to hundreds of thousands of County residents; and

WHEREAS, in recent years, condominium associations in Miami-Dade County have been plagued with various challenges that impact community safety and welfare; and

WHEREAS, for example, an investigation of the tragic collapse of the Champlain Towers in Surfside on June 24, 2021, found that necessary repairs to maintain the structural integrity of the building and inspections were delayed; and

WHEREAS, additionally, condominium associations are increasingly facing allegations of fraud or fiscal mismanagement; and

WHEREAS, in response to these issues, there have been various efforts at the local and state level to increase regulation and oversight, as well as resources and awareness, for condominium residents and associations to ensure the safety and well-being of residents; and

WHEREAS, on March 1, 2022, this Board enacted Ordinance No. 22-23, creating chapter 17D of the Code of Miami-Dade County, Florida, known as the “Miami-Dade County Ordinance for Registration of Community Associations” (the “Registration Ordinance”); and

WHEREAS, the Registration Ordinance requires condominium 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, budget, structural reports, and insurance policies (the “Registry”); and

WHEREAS, the Registry was created in part to facilitate transparency as well as resident awareness of and accessibility to important information and resources regarding condominium associations; and

WHEREAS, the Miami-Dade Bar Association (MDB), formerly known as the Dade County Bar Association (DCBA), desires to partner with the County to develop a condominium practicum program (the “Condo Practicum Program” or “Program”), which would work with local law students to provide information and resources to condominium residents and associations, and is more fully described in Attachment “A” attached hereto and incorporated herein by reference; and

WHEREAS, through the Condo Practicum Program, law students under the supervision of a condominium law attorney would assist condominium associations and owners with the appropriate documentation of financial or maintenance issues, in understanding regulatory requirements, in applying for financial assistance for special assessments and other resources, and more; and

WHEREAS, in keeping with its commitment to promote the public well-being and safety of condominium residents in Miami-Dade County, this Board desires to partner with MDB in the development of the Condo Practicum Program to increase accessibility and awareness of important information and resources regarding condominium associations,

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

Section 1. Directs the County Mayor or County Mayor's designee to collaborate with the Miami-Dade Bar Association (MDB) and their development of a Condo Practicum Program which would educate and assist condominium unit owners and condominium associations regarding state and local resources and regulatory requirements, and is more fully described in Attachment A attached hereto and incorporated herein by reference.

Section 2. Directs the County Mayor or County Mayor's designee to prepare and submit a report to this Board within 90 days of the effective date of this resolution. The report shall provide information concerning the Program, including but not limited to: (1) the staffing and organization of the Program, including any County staff who will assist the Program and the nature of their assistance, including their expected time commitment to the Program on a weekly basis; (2) high-level information about the budget for the Program, including the funding sources for the budget, the percentage proportionate share of each funding contributor's funding contribution, and whether the Program is expected to continue indefinitely or have a limited term; and (3) a funding source and amount of funds that the County Mayor or County Mayor's designee recommends that the County use to contribute to the Program for its first year and for any subsequent years. The completed report shall be placed on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado. It was offered by Commissioner **Marleine Bastien**, who moved its adoption. The motion was seconded by Commissioner **Roberto J. Gonzalez** 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	aye
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 2nd day of April, 2024. 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.

CJW

Melissa Gallo
Christopher J. Wahl
Veronica Sanchez



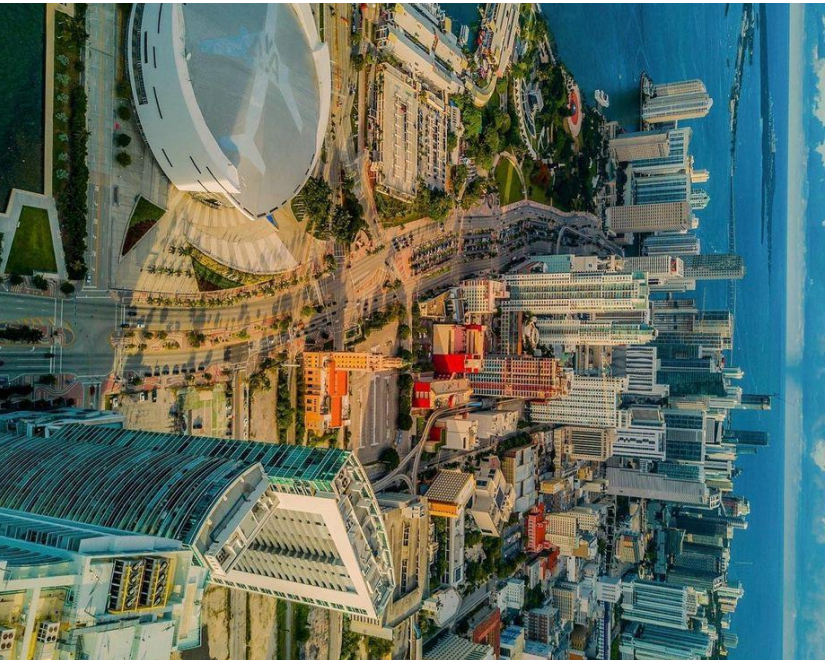
Miami-Dade Bar/Miami-Dade County Condo Practicum Program

A Proposal for Miami- Dade County

MDC007



Program Basics



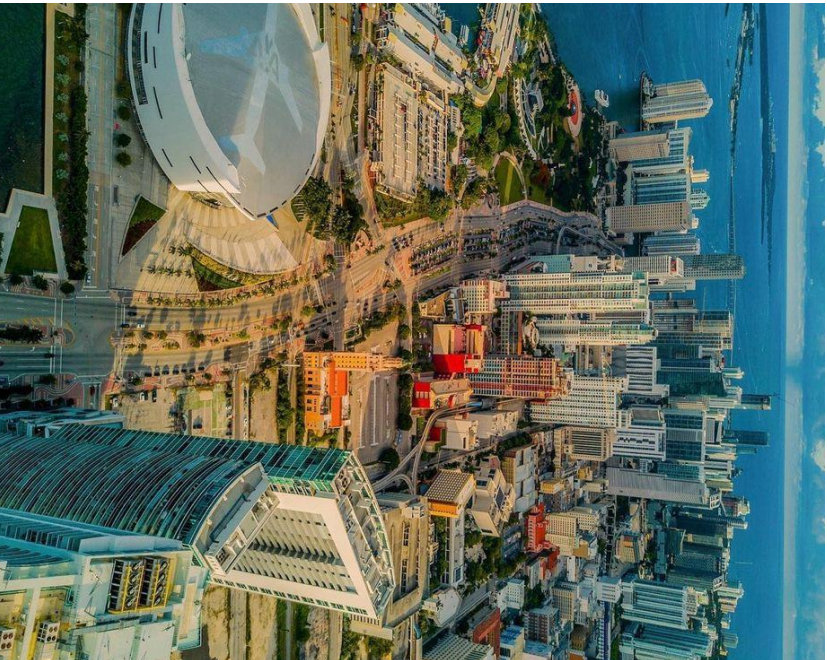
The Condo Practicum Program will be staffed by the Miami-Dade Bar, students from various South Florida law schools handling work in order to gain experience and satisfy graduation requirements, and attorneys who volunteer their time to the program *pro bono*. Using a legal practicum model, that staff will work to educate condo residents about County and state resources available to help with issues of specific concerns to condos.

The ideal clients of the program are:

- Condo boards who wish to understand new county requirements for disclosure, wish to remain compliant, and need assistance in understanding the administrative process;
- Condo unit owners who want to learn about the public resources available to them or need basic assistance in preparing an application.



Program Basics



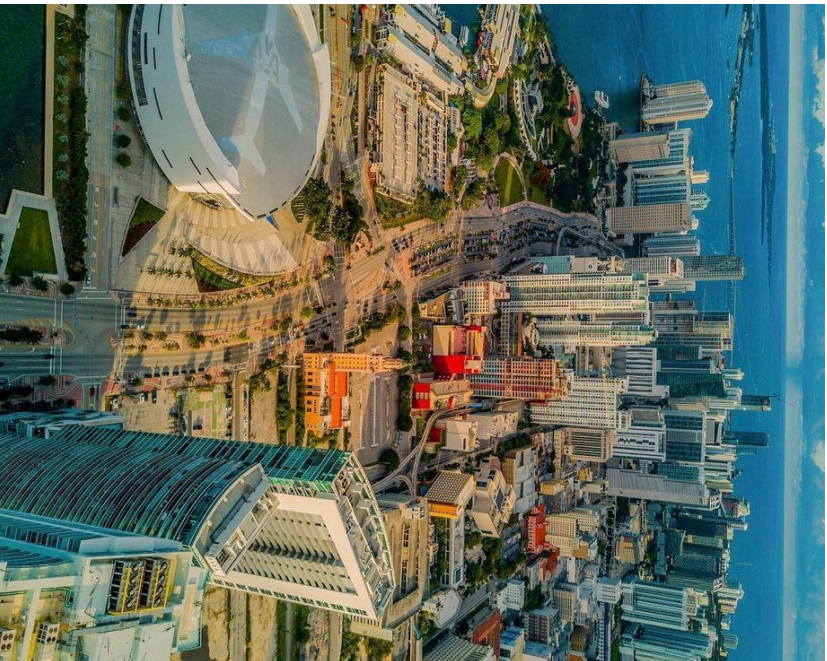
Each client will receive education and guidance.

Each client will receive help in either complying with County ordinances, accessing County and State of Florida assistance, or filing complaints with the Department of Business and Professional Regulation that are administratively sound. In some cases, clients might be referred to an attorney for further legal assistance.

While law students will be the main point of contact for clients, attorneys and a program manager will make sure the program remains on track, clients are satisfied with the service and the resources provided are sound.

The Miami-Dade Bar already has experience with this kind of practicum, including a highly successful program currently helping downtown Miami business owners navigate permitting bureaucracy and access assistance.

How it works



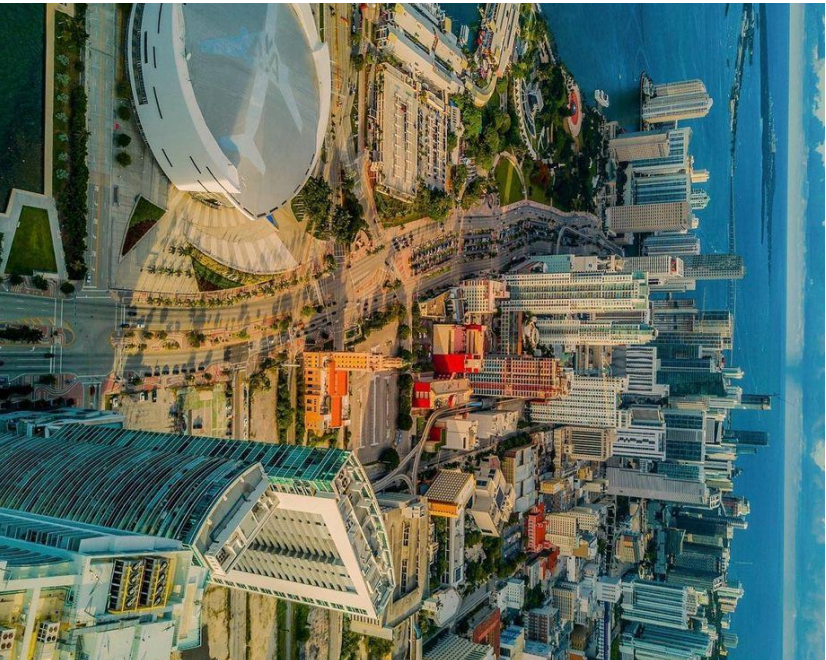
Clients would approach the program by calling a toll-free number, meeting an intake manager, accessing a website/app, or through a referral from the County. (Marketing will be conducted to drive client traffic).

Once clients are qualified by an intake manager, they will be assigned a student to guide them.

Examples of things that students in the program would be expected to do include:

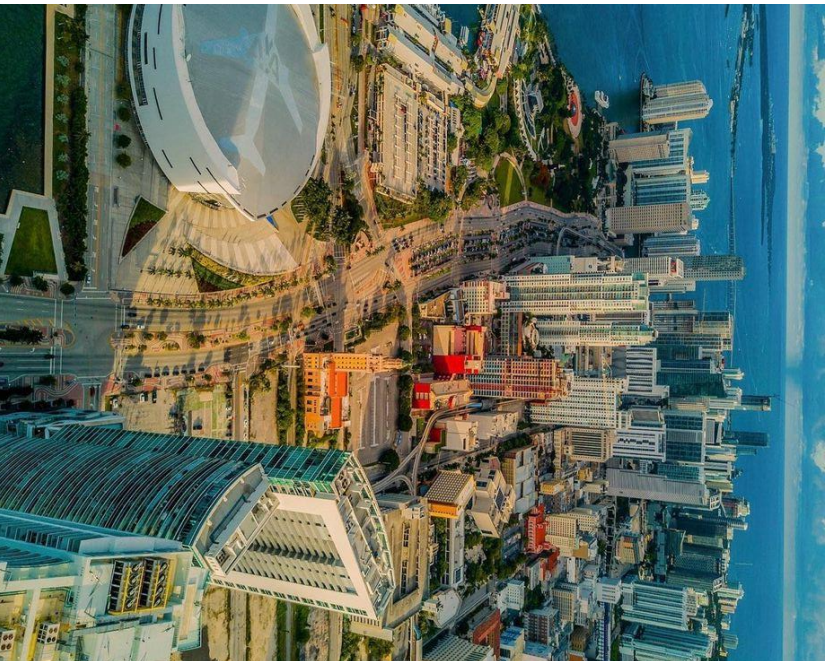
- Assist condo board members in understanding the regulatory requirements recently implemented by the Miami-Dade County Board of County Commissioners, and with filing required information with the County.
- Guide condo board members to resources on best practices to make sure they remain compliant with county condo regulations.

How it works



Examples of things that students in the program would be expected to do include:

- Help condo residents who qualify for the County's Condominium Special Assessment Financial Assistance demonstrate the requirements to apply for that aid.
- Document issues being brought forward by condo residents.
- Connect residents with counsel referral when the issue is legal.
- Coach condo unit owners on how to document issues and write complaints appropriately so that issues are plainly presented to the Department of Business and Professional Regulation;
- Follow up with DBPR once complaints are filled and advocating before these regulators so that the issues in complaints are taken seriously;
- Help condo unit owners apply for any additional resources they may be entitled to.



At the conclusion of each case, it is expected that condo unit owners (or board member) will have solved or found the appropriate resources needed to solve their outstanding issues.

In addition, those residents and board members who interact with the program will be better educated and knowledgeable about their rights and the appropriate way to engage disputes with their condo board.

In some cases, they will be referred to appropriate legal counsel outside of this program if necessary.

Feedback will be delivered to the County to better understand the nature of the issues.



Program Participants

Trained law students under the supervision of a condo law attorney will be matched with condo unit owners or condo board members looking for assistance or resources. To be clear, this is not legal assistance. The expectation is that each resident (or group of residents if related to a single condo property) will be assigned to a specific law school student, who will work to address concerns for up to a set number of hours. If the issues the residents face cannot be resolved during that time, the program will refer them to a competent attorney who can continue assisting them.

A program administrator will handle the day-to-day management of the program, promote it in the media, manage client intake and qualification, oversee effectiveness and report results, quarterly.

The Miami Dade Bar's Condo Law committee will serve the program in an advisory capacity.





Program Parameters

The Condo Practicum Program will educate condo unit owners who need assistance with the following kind of issues:

- Accessing State of Florida and Miami-Dade County aid.
- Documenting and reporting financial irregularities and suspected fraud by condo boards to the Department of Business and Professional Regulation (DBPR);
- Assist clients in documenting alleged violations of F.S. 718 to the DBPR, and any alleged violations of Florida law.
- Help condo unit owners understand their rights as it relates to access public records, and information about their Board.
- Following up when issues have been reported to avoid hitting an administrative "wall";
- Helping condo unit owners access any other resources that they may be entitled to receive.



Program Parameters

The Condo Practicum Program will educate condo board members who need assistance with the following kind of issues:

- Understanding new reporting and accountability requirements implemented by the Board of County Commissioners.
- Filling out required forms and submitting required information to Miami-Dade County.
- Working with the County Finance Department to refer clients towards financial institutions who can provide lending options for emergency repairs.



Program Parameters

In addition, for areas NOT covered by this program, the MDB will create branded resource materials documents to guide condo unit owners, so that they can understand their rights and how to exercise them.



Program Eligibility

Any condo unit owner or condo board member in Miami-Dade County is eligible



Program Benefits to Students

The students benefit from this program in a myriad of ways. Students will:

- Network with top condo estate attorneys and firms in Miami-Dade County;
- Interact with various regulatory and law enforcement agencies and build asset value with them;
- Receive hands-on training regarding the nuances of condo law and regulation;
- Gain research skills needed to write and review complaints;
- Build resilience and self-confidence to be better leaders for tomorrow;
- Add professional experiences for their resume.

Program Sequence

The lifecycle of the program has six parts:

1. Pro bono attorney recruitment,
2. Law student recruitment,
3. Education and training,
4. Outreach to condo unit owners,
5. Program administration, and
6. Reporting.

1 Pro Bono Attorney Recruitment

2 Law Student Recruitment

3 Education

4 Outreach to Condo Owners

5 Program Administration

6 Reporting



Program Sequence

- **Pro bono attorney recruitment** - The Bar has already approached several South Florida attorneys with vast knowledge of condo law. We will secure a group of dedicated attorneys who will donate their time in order to train and supervise law students on these issues.
- **Law student recruitment** – The Bar will request an initial two-semester commitment various South Florida law schools. In order to avoid gaps in service, the Bar will recruit new students every semester.
- **Education** - The Bar will create a curriculum for participating law students that provides extensive knowledge about condo law and regulation. The curriculum will include pre-recorded, live virtual, and in-person classes.
- **Outreach to condo residents** - Once the first cohort of students is trained, outreach will begin to promote the program through mass media, community outreach and direct contact.

Program Sequence Continued

- **Program administration** - The program administrator will handle the day-to-day logistics of running a successful practicum, including handling intake, assigning tasks, checking in to see condo unit owners are being properly served and conducting exit interviews with those who graduate from the program to measure their level of satisfaction. At regular intervals, the program administrator may adapt the other parts in the lifecycle of the program in order to increase effectiveness. The program administrator will also promote the program through mass media.
- **Reporting** - On a quarterly basis, the Miami-Dade Bar will make a full report that measures performance of the program against expected deliverables. This will discuss the status of the program by considering the number unit owners assisted through intake, number of hours of services provided, the kind of services requested, and the satisfaction level of program participants. The media imprint of the program will also be part of the deliverables considered.



Media Kit

As part of its effort to promote program visibility, have message discipline when conducting outreach, and in order to fully integrate Miami-Dade County into the process of raising awareness for the program, the Program Administrator will create and share a media kit.

This media kit will include:

- Uniform program branding, including logos, colors and typeface;
- Talking points to support the program;
- If desired, fully-designed collateral material to be promoted as earned or paid media, including but not limited to: digital flyers, digital ads, postcards, radio ads, and/or TV commercials;
- Draft op-eds, letters and Facebook posts in support of the program that can be shared with allies and supporters.



Program Administrator

Eleazar Meléndez, the Bar's Program Manager will be the driving force running the program.

The Executive Director, Bret Berlin shall be the reporting party and shall be responsible for all milestones and presentations.