

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: November 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation that would substantially reform the Florida Statutes applicable to condominiums, including an increase to the threshold building size for the purposes of the required structural integrity reserve study, a limitation of the scope of the reserve requirements to actual structural issues, an increased timeline for condominium associations to accumulate the required reserves, increased accountability and oversight over condominium associations by the State, a requirement that condominium associations seek no fewer than three quotes for services required pursuant to chapter 718 of the Florida Statutes, and repeal existing preemptions so that local governments may exercise greater regulatory oversight over condominium associations

Resolution No. R-993-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/gh

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MEMORANDUM

(Revised)

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

DATE: November 6, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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 ____, majority plus one ____, 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) ____, 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)(5)
11-6-24

RESOLUTION NO. R-993-24

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD SUBSTANTIALLY REFORM THE FLORIDA STATUTES APPLICABLE TO CONDOMINIUMS, INCLUDING AN INCREASE TO THE THRESHOLD BUILDING SIZE FOR THE PURPOSES OF THE REQUIRED STRUCTURAL INTEGRITY RESERVE STUDY, A LIMITATION OF THE SCOPE OF THE RESERVE REQUIREMENTS TO ACTUAL STRUCTURAL ISSUES, AN INCREASED TIMELINE FOR CONDOMINIUM ASSOCIATIONS TO ACCUMULATE THE REQUIRED RESERVES, INCREASED ACCOUNTABILITY AND OVERSIGHT OVER CONDOMINIUM ASSOCIATIONS BY THE STATE, A REQUIREMENT THAT CONDOMINIUM ASSOCIATIONS SEEK NO FEWER THAN THREE QUOTES FOR SERVICES REQUIRED PURSUANT TO CHAPTER 718 OF THE FLORIDA STATUTES, AND REPEAL EXISTING PREEMPTIONS SO THAT LOCAL GOVERNMENTS MAY EXERCISE GREATER REGULATORY OVERSIGHT OVER CONDOMINIUM ASSOCIATIONS

WHEREAS, a substantial portion of Florida’s condominiums are located in Miami-Dade County; and

WHEREAS, for many County residents, condominium ownership represents their achievement of the American dream; and

WHEREAS, condominiums offer a more affordable ownership option than single family homes while giving the added benefit of property-wide community; and

WHEREAS, many condominium owners are facing financial hardships as insurance premiums skyrocket across the State; and

WHEREAS, during special legislative session D in 2022, the Florida Legislature—in response to the Surfside tragedy and in the hopes of preventing a similar calamity—passed the well-intentioned but unduly burdensome 2022 Building Safety Bill (SB 4-D); and

WHEREAS, SB 4-D imposed significant financial burdens on condominium owners in a short timeframe, including a requirement that associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the condominium property that is three stories or higher in height; and

WHEREAS, the 2023 Condominium and Coop Safety Law (SB 154) modified the regulations set forth in SB 4-D, but not in a way that adequately relieved the substantial financial burdens that SB 4-D imposed on condominium owners; and

WHEREAS, due to the recent bills imposing new requirements on condominium associations, County residents are now under significant financial pressure, and this Board is concerned that these challenges will intensify the affordability issues facing South Florida in addition to putting many residents with condominiums in untenable financial positions that may force owners to sell their units out of desperation; and

WHEREAS, the impact of these changes is especially felt by seniors, who potentially face large and unaffordable special assessments to finance these new requirements imposed by SB 4-D and SB 154; and

WHEREAS, the current height threshold of three floors for the structural integrity reserve study requirement set forth in section 718.112(g) of the Florida Statutes is overly inclusive and should be revised to buildings four stories or higher; and

WHEREAS, to promote affordability while still addressing the root issue of safety, the required structural integrity reserve study set forth in section 718.112(g) of the Florida Statutes should be limited to structural issues; and

WHEREAS, to further promote affordability and ease financial pressure on condominium owners, the timeframe for condominium associations to accumulate required reserves should be extended past the current deadline established in chapter 718 of the Florida Statutes, such that the required time to accumulate necessary reserves aligns closer with the timing as to the building's needs and the horizon for expenditures; and

WHEREAS, the Florida Statutes should further be revised to increase accountability on condominium associations, including additional audit requirements and the State's ability to further inquire into an association's finances if discrepancies exist; and

WHEREAS, to ensure that condominium owners are receiving fair prices for required maintenance and studies pursuant to chapter 718 of the Florida Statutes, condominium associations should be required to seek 3 or more quotes for work to be performed on their buildings necessary to comply with chapter 718; and

WHEREAS, currently, the State of Florida's Department of Business and Professional Regulation ("DBPR") exercises sole regulatory oversight over condominium associations; and

WHEREAS, DBPR's regulatory oversight over condominium associations is insufficient, and there would be greater accountability and transparency if local governments were empowered to exercise regulatory oversight over associations; and

WHEREAS, the Board seeks to urge the Florida Legislature address this potential financial crisis and work in a bipartisan fashion to find a sustainable solution,

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 that would substantially reform the Florida Statutes applicable to condominiums, including an increase to the threshold

building size for the purposes of the required structural integrity reserve study, a limitation of the scope of the reserve requirements to actual structural issues, an increased timeline for condominium associations to accumulate the required reserves, increased accountability and oversight over condominium associations by the State, a requirement that condominium associations seek no fewer than three quotes for the purchase of services required pursuant to chapter 718 of the Florida statutes, and repeal existing preemptions so that local governments may exercise greater regulatory oversight over condominium associations.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2025 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Sen. René García**, who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of November, 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.

A handwritten signature in cursive script, appearing to read "CJF", is written over a horizontal line.

Christian J. Fernandez-Andes