

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact legislation
authorizing local governments to
exercise greater regulatory
oversight over homeowners'
associations and designating
county sheriffs to receive and
investigate complaints regarding
homeowners' associations as
well as inspect records upon
request

Resolution No. R-74-25

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 Anthony Rodriguez
and Members, Board of County Commissioners

DATE: January 22, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
1-22-25

RESOLUTION NO. _____ R-74-25

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION AUTHORIZING LOCAL GOVERNMENTS TO EXERCISE GREATER REGULATORY OVERSIGHT OVER HOMEOWNERS' ASSOCIATIONS AND DESIGNATING COUNTY SHERIFFS TO RECEIVE AND INVESTIGATE COMPLAINTS REGARDING HOMEOWNERS' ASSOCIATIONS AS WELL AS INSPECT RECORDS UPON REQUEST

WHEREAS, a homeowners' association (HOA) is a type of community association governed under chapter 720 of the Florida Statutes; and

WHEREAS, although many HOA communities run smoothly, instances of HOA fraud and mismanagement continue to be rising problems in Miami-Dade County, including the misappropriation of HOA fees that should properly have been used for the benefit of HOA members, thereby adversely impacting community interests and welfare; and

WHEREAS, in recent years, the Florida Legislature has adopted legislation strengthening HOA laws to enhance protections for HOA members and communities; and

WHEREAS, such legislation has included the enactment of House Bill (HB) 919 during the 2023 Florida Legislative session, known as the "Homeowners' Associations Bill of Rights," which was signed into law as chapter 2023-228, Laws of Florida, and which strengthened regulations regarding association funds and provided criminal penalties for fraudulent voting activities; and

WHEREAS, such legislation has also included HB 1203, passed during the 2024 Florida Legislative session, which significantly enhanced reporting and retention requirements in an effort to increase transparency, and further established continuing education requirements; and

WHEREAS, despite recent legislation that strengthens HOA laws, section 720.302, Florida Statutes, states “the Legislature recognizes that it is not in the best interest of homeowners’ associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners’ associations”; and

WHEREAS, section 720.302, Florida Statutes goes on to provide that homeowners’ associations in this state shall be governed by chapters 607, 617, and 720, Florida Statutes; and

WHEREAS, with respect to condominiums, the Department of Business and Professional Regulation (DBPR) has broad authority to investigate complaints and to enforce statutes and administrative rules regarding condominium operation and management, and to assist condominium owners with answers to questions through an ombudsman; and

WHEREAS, with respect to HOAs, however, DBPR does not have the same broad authority to investigate complaints seeking enforcement of HOA property owner rights under chapter 720, and its powers are limited to resolving disputes such as elections, recalls, and covenant enforcement; and

WHEREAS, authorizing local regulation of homeowners’ associations would enable local governments to be more responsive to the needs of their residents and better address problems that arise in their communities; and

WHEREAS, in the same vein, designating county sheriffs as the appropriate office to receive and investigate complaints regarding HOAs would enhance the protections both state and local regulation could afford, and enable local authorities to be more responsive to local concerns and issues; and

WHEREAS, section 720.303, Florida Statutes, provides that HOA records must be made available for inspection upon request by a parcel owner; and

WHEREAS, specifying that such records must also be made available for inspection upon request by county sheriffs would assist sheriffs in responding to concerns and complaints made to their office,

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 authorizing local governments to exercise greater regulatory oversight over homeowners' associations and designating county sheriffs to receive and investigate complaints regarding homeowners' associations, as well as inspect homeowners' associations records upon request.

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 Commissioner Roberto J. Gonzalez. It was offered by Commissioner **Roberto J. Gonzalez** , 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 22nd day of January, 2025. 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 read "AVZ", is written over a horizontal line.

Anita Viciano Zapata