

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION
OF THE CITY OF MIAMI BEACH, FLORIDA, SUPPORTING
FLORIDA SENATE BILL 1682 (SB 1682) AND HOUSE BILL
1237 (HB 1237) AMENDING FLORIDA'S CONDOMINIUM
ACT BY PROVIDING REFORMS TO PROTECT
CONDOMINIUM OWNERS AND RESIDENTS.**

WHEREAS, on February 6, 2017, the Miami-Dade County Grand Jury ("Grand Jury") issued its Final Report following an investigation of complaints concerning the management and operation of condominiums in the State of Florida; and

WHEREAS, in its Final Report, the Grand Jury suggested various reforms to the laws governing condominiums in Florida; and

WHEREAS, among its suggested reforms, the Grand Jury recommended criminal liability for directors and members of condominium boards and associations for violations concerning access to official association records, condominium election monitoring and criminal penalties for violations, and conflict of interest provisions for condominium directors; and

WHEREAS, on March 1, 2017, the Miami Beach City Commission passed and adopted Resolution No. 2017-29767 supporting amendments to Florida's Condominium Act, consistent with the Grand Jury's recommendations; and

WHEREAS, on March 3, 2017, Florida Senate Bill 1682 (SB 1682) and related House Bill 1237 (HB 1237) were filed for consideration during the Florida Legislature's 2017 session by Senator Rene Garcia (R-Hialeah) and Co-Introducer Senator Jose Javier Rodriguez (D-Miami), and by Representative Jose Felix Diaz (R-Miami), respectively; and

WHEREAS, both SB 1682 and HB 1237 were filed in response to the Grand Jury's Final Report and incorporate some of the Final Report's recommendations, as well as provide other comprehensive reforms to Florida's Condominium Act; and

WHEREAS, SB 1682 and HB 1237 include provisions: prohibiting an attorney from representing both the condominium board and the management company of the association; prohibiting a board member or management company from purchasing a unit at a foreclosure sale resulting from the association's foreclosure of its lien for unpaid assessments or from taking title by a deed in lieu of foreclosure; designating bids for materials, equipment, or services as official records of the association; providing renters with the right to inspect the association's official records; imposing criminal penalties for directors or members of boards or associations for knowingly, willfully, and repeatedly violating laws regarding access to official records; limiting board member terms to no more than 4 consecutive 2-year terms, unless approved by a 2/3 vote of the

association's total voting interests; requiring the digital posting of specified association documents for associations with 500 or more units that do not manage timeshares; removing the board's right to certify or not certify a recall and instead recalled board members may file a petition for arbitration; imposing minimum standards for arbitrators and requiring the issuance of arbitration discussions within 30 days of the hearing; prohibiting an association from employing or contracting with a service provider owned or operated by a board member, or any person with a financial relationship with a board member; and imposing criminal penalties for fraudulent voting activities, among other reforms; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach support the reforms to Florida's Condominium Act set forth in SB 1682 and HB 1237.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby support Florida Senate Bill 1682 (SB 1682) and House Bill 1237 (HB 1237) amending Florida's Condominium Act by providing reforms to protect condominium owners and residents.

PASSED AND ADOPTED this 22nd day of March, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

3/16/17

Date