

RESOLUTION No. 23-52

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, URGING THE FLORIDA LEGISLATURE TO ENACT HOUSE BILL 919, SENATE BILL 1114, OR SIMILAR LEGISLATION THAT WOULD STRENGTHEN HOMEOWNERS' ASSOCIATION (HOA) LAWS TO ENHANCE PROTECTIONS FOR HOA MEMBERS AND COMMUNITIES; PREVENT HOA FRAUD AND MISMANAGEMENT; AND PROVIDE ENHANCED CRIMINAL AND CIVIL ENFORCEMENT POWERS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 720, Florida Statutes, currently provides for certain protective measures, remedies, and enforcement powers with regard to homeowner's associations ("HOA"); and

WHEREAS, although many HOA communities run smoothly, instances of HOA fraud or mismanagement are rising problems in Miami-Dade County, including the City of Doral ("City") adversely impacting public safety and welfare of the City's residents; and

WHEREAS, it is in the best interests of the public, and the City's residents, to strengthen statutory provisions in order to provide additional protections and remedies to HOA members to minimize and prevent fraud and mismanagement; and

WHEREAS, on February 16, 2023, Representative Juan Carlos Porras (R – Miami) introduced House Bill (HB) 919 for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, on February 23, 2023, Senator Ana Maria Rodriguez (R – Doral) filed Senate Bill (SB) 1114, the identical companion bill to HB 919, for consideration during the 2023 legislative session; and

WHEREAS, HB 919 and SB 1114 would amend chapter 720 of the Florida Statutes to strengthen HOA laws by various measures, such as requiring HOAs to appoint

recordkeepers, providing for the removal of HOA officers or directors charged with specified crimes, providing for monetary damages resulting from breach of duties by directors or officers and for transactions resulting in improper personal benefits, prohibiting the use of HOA and reserve funds for the payment of attorneys' fees and defense of the HOA and board members in civil or criminal actions or proceedings, and increasing the enforcement powers of the Department of Business and Professional Regulation's Division of Florida Condominiums, Timeshares, and Mobile Homes concerning civil matters, as well as the Department of Law Enforcement concerning criminal matters; and

WHEREAS, the City Council for the City of Doral supports legislation that would enhance protections for HOA communities and members.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Support of HB 919 and SB 1114. The City Council for the City of Doral urges the Florida Legislature to enact House Bill 919, Senate Bill 1114, or similar legislation that would strengthen HOA laws to enhance protections for HOA members and communities, prevent fraud and mismanagement, and provide enhanced criminal and civil enforcement powers.

Section 3. Transmittal. The City Clerk for the City of Doral is hereby directed to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Senator Ana Maria Rodriguez, Representative Juan Carlos Porras, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Cabral who moved its adoption.

The motion was seconded by Councilmember Puig-Corve and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 12 day of April, 2023.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



VALERIE VICENTE, ESQ. for
NABORS, GIBLIN & NICKERSON, P.A.
INTERIM CITY ATTORNEY