

**RESOLUTION NO.** 2017-039

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, IN SUPPORT OF ALL NECESSARY LEGISLATIVE ACTION ADVANCING THE RECOMMENDATIONS OF THE MIAMI-DADE COUNTY GRAND JURY ADDRESSING CONDO OWNERS' PLEAS FOR HELP, AS SET FORTH IN THE REPORT FILED FEBRUARY 6, 2017, TO PROTECT CONDOMINIUM OWNERS AND RESIDENTS IN THE STATE OF FLORIDA.

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

**WHEREAS**, the Grand Jury investigation discovered that there have been many years of condominium association problems in the State of Florida and concluded that there were severe weaknesses in the current laws and regulations governing condominiums and their boards and associations; that the condominium laws and regulations are ineffective; that board directors, management companies, and associations have apparently become emboldened in their willful refusal to abide by and honor existing laws in this area; and that fraudulent activities go unpunished; and

**WHEREAS**, many condominiums in our City are plagued by poorly-run boards with no accountability to owners for mismanagement, and at times with impunity, at great expense and risk of property loss to owners; and

**WHEREAS**, the deleterious effects of poorly-run condominiums cause declining property values and impact the community as a whole;

**WHEREAS**, among its suggested reforms, the Grand Jury recommended criminal liability for directors and members of condominium boards and associations for certain violations concerning access to official association records; amendments to Section 617.0832 of the Florida Statutes, concerning the board directors who can presently vote on contracts that directly benefits directors, and management companies that hire staff that they have financial interests in, so as to make the disclosure of conflict of interests applicable to the board directors and property management companies who vote and enter into contracts on behalf of the associations; to provide condominium election monitoring with greater authority given to ensure the integrity of the election process and of the ballots submitted, along with the imposition of criminal liability for violations; and the potential creation of a Bureau of Compliance, separate from DBPR, with additional investigatory powers; and

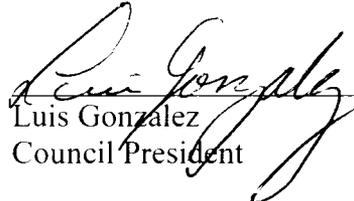
**WHEREAS**, the Florida Legislature has two pending bills, Senate Bill 1682 and House Bill 1237, that advance the recommendations of the Grand Jury by proposing reforms that will strengthen the rights of condominium owners in fair and transparent elections, unimpeded access to records, and ethical management of property by condominium boards and management companies; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The Mayor and the City Council support all necessary legislative action advancing the recommendations of the Miami-Dade County Grand Jury addressing condo owners' pleas for help, as set forth in the report filed February 6, 2017 to protect condominium owners and residents in the State of Florida.

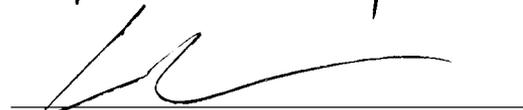
PASSED AND ADOPTED this 25 day of April, 2017.

  
Luis Gonzalez  
Council President

Attest:

Approved on this 1 day of May, 2017.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

  
Lorena E. Bravo  
City Attorney

Resolution was adopted by a (6-0-1) vote with Councilmembers, Caragol, Gonzalez, Hernandez, Cue-Fuente, Lozano and Casáls-Muñoz voting "Yes". Councilmember Garcia-Martinez absent