Exhibit 2

PROPOSED

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ORDINANCE NO.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO COMMUNITY ASSOCIATIONS AND TRANSPARENCY; AMENDING ARTICLE XVI OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), CREATING SECTIONS 5-221 THROUGH 5-225 OF THE CODE, PROVIDING FOR TITLE, COUNTYWIDE APPLICABILITY, INTENT, FINDINGS, AND PURPOSE; REQUIRING CONDOMINIUM, COOPERATIVE, AND HOMEOWNERS' ASSOCIATIONS TO FILE A WRITTEN REGISTRATION WITH THE COUNTY CONTAINING CERTAIN INFORMATION AND DOCUMENTS; PROVIDING FOR THE CREATION OF A COUNTY-MAINTAINED PUBLICLY ACCESSIBLE, ONLINE DATABASE OF SUCH INFORMATION AND DOCUMENTS; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

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(Sponsored by Senator Nan H. Rich)

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13   WHEREAS, Broward County has thousands of residential communities governed

14 by condominium, cooperative, and homeowners' associations ("Community

15 Associations"), the number of which is expected to continue increasing as new

16 developments are constructed in the County;

17   WHEREAS, Community Associations are governed under Chapters 718, 719, and

18 720 of the Florida Statutes;

19   WHEREAS, while Florida law requires the sellers of individual properties within

20 Community Associations to make certain limited disclosures, there is other important

21 information that individuals who are considering whether to purchase or rent within a

22 community may not generally receive;

23   WHEREAS, it is important for purchasers and tenants within Community

24 Associations to receive contact information for the management and officers of

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1 Community Associations, and copies of reports regarding the structural condition of the

2 condominium and cooperative buildings and common elements; and

3   WHEREAS, the Board of County Commissioners believes it is in the best interest

4 of the residents of Broward County to require Community Associations to annually provide

5 certain information and documents to a County-managed online, searchable database of

6 all Community Associations ("Association Database"), thereby increasing transparency

7 and awareness of important information regarding Community Associations and the

8 developments they are responsible for governing,

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10   BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF

11 BROWARD COUNTY, FLORIDA:

12

13   Section 1.   Chapter 5 of the Broward County Code of Ordinances is hereby

14 amended to create Article XVI, Sections 5-221 through 5-225, to read as follows:

15 [Underlining omitted]

16   **ARTICLE XVI. COMMUNITY ASSOCIATION REGISTRATION**

17 **Sec. 5-221. Short Title and Applicability.**

18   (a)   This article shall be known and may be cited as the "Community Association

19 Registration Ordinance."

20   (b)   The provisions of this article shall apply countywide, unless in conflict with

21 an applicable municipal ordinance, pursuant to Section 11.01 of the Broward County

22 Charter. Unless otherwise provided, nothing in this article shall be construed to relieve a

23 person from compliance with applicable county or municipal regulations. The provisions

24 of the Community Association Registration Ordinance shall apply prospectively from

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1 April 1, 2023, and shall not require action by any Community Association, as defined in

2 Section 5-222, prior to such date.

3   (c)   The Community Association Registration Ordinance does not apply to

4 properties within mobile home parks governed under Chapter 723 of the Florida Statutes,

5 or as otherwise preempted by state law.

6 **Sec. 5-222. Intent, Findings, and Purpose.**

7   The Board of County Commissioners of Broward County ("Board") hereby finds it

8 is in the best interest of the residents of the County to ensure transparency by requiring

9 all condominium, cooperative, and homeowners' associations, as defined in

10 Chapters 718, 719, and 720 of the Florida Statutes, respectively (collectively referred to

11 as "Community Associations"), governing residential real property within Broward County

12 to file annual registrations with the County containing certain information and

13 documentation. It is the intent of the Community Association Registration Ordinance to

14 provide a central, online, publicly accessible registry of such information and

15 documentation. Through the registry, individuals who are or may become residents in

16 properties governed by a Community Association can easily and quickly access important

17 information and key documents pertaining to the Community Association.

18 **Sec. 5-223. Community Associations Required to Register.**

19   (a)   By April 1 of each year, all Community Associations shall file a registration

20 with the County's Resilient Environment Department ("Department"). The registration

21 shall contain the following information:

22   (1)   Relevant contact information for the Community Association, including the

23   following:

24   a.   The name of the Community Association, which shall include the

1		name registered with the Florida Division of Corporations and any
2		fictious name(s) the Community Association utilizes;
3	b.	The Community Association's business address;
4	c.	The name and contact address, phone number, and email address
5		for the property manager, the community association manager, or
6		other designated agent for the Community Association;
7	d.	The names and official addresses, phone numbers, and email
8		addresses for the officers and directors of the Community
9		Association;
10	e.	The website address for the Community Association's website, if
11		any; and
12	f.	The website address for the online depository, if any, containing the
13		Community Association's governing documents and bylaws.
14	(2)	A copy of all reports in the possession of the Community Association issued
15		within the last ten (10) years that relate to the structural condition of the
16		property, the buildings, or both, that are owned, operated, or governed by
17		the Community Association, including any required recertification reports, if
18		applicable.
19	(b)	After a Community Association files its initial registration, the Community
20	Association shall file a renewal registration with the Department every twelve (12) months	
21	thereafter reflecting any changes (including new information or documentation) to the	
22	information and documentation required in subsection (a) above.	
23	(c)	The initial registration and all renewal registrations shall be submitted
24	through the County's online portal or on forms designated by the Director of the	

1 Department and shall be accompanied by payment of a registration fee in the amount

2 established by the Board.

3 (d) A Community Association may designate its property manager, community

4 association manager, or other agent to fulfill the Community Association's obligations

5 under this section.

6 **Sec. 5-224. Publicly Accessible Database of Registration Information.**

7 (a) The County shall create and maintain a searchable database containing the

8 registration information and documents for each Community Association registered with

9 the County pursuant to Section 5-223.

10 (b) The database shall be made accessible to the public on the County's

11 website.

12 (c) The County shall post the registration requirements of the Community

13 Association Registration Ordinance on the County's website along with a notice to the

14 public that the database created by this section is available.

15 **Sec. 5-225. Enforcement.**

16 (a) The Community Association Registration Ordinance may be enforced by

17 code enforcement officers, including municipal code enforcement officers and any law

18 enforcement agency having jurisdiction of the area within which the property governed by

19 the Community Association is located, pursuant to Section 125.69 and Chapter 162,

20 Florida Statutes, or any applicable municipal code enforcement provision.

21 (b) Nothing in the Community Association Registration Ordinance is intended

22 to create any private cause of action, and the Community Association Registration

23 Ordinance may only be enforced as set forth herein.

24

1   Section 2.   <u>Severability</u>.

2   If any portion of this Ordinance is determined by any court to be invalid, the invalid

3 portion will be stricken, and such striking will not affect the validity of the remainder of this

4 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be

5 legally applied to any individual, group, entity, property, or circumstance, such

6 determination will not affect the applicability of this Ordinance to any other individual,

7 group, entity, property, or circumstance.

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9   Section 3.   <u>Inclusion in the Broward County Code of Ordinances</u>.

10   It is the intention of the Board of County Commissioners that the provisions of this

11 Ordinance become part of the Broward County Code of Ordinances as of the effective

12 date. The sections of this Ordinance may be renumbered or relettered and the word

13 "ordinance" may be changed to "section," "article," or such other appropriate word or

14 phrase to the extent necessary in order to accomplish such intention.

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Section 4.   Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED   **PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Nathaniel A. Klitsberg   05/11/2022
        Nathaniel A. Klitsberg   (date)
        Senior Assistant County Attorney

By /s/ Maite Azcoitia   05/11/2022
        Maite Azcoitia   (date)
        Deputy County Attorney

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