

ITEM #18₍₂₎
(Proposed Amendments)

**ADDITIONAL MATERIAL
REGULAR MEETING**

MAY 24, 2022

**SUBMITTED AT THE REQUEST OF
COUNTY ADMINISTRATION**

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO COMMUNITY ASSOCIATIONS AND TRANSPARENCY; AMENDING ARTICLE XVI ~~OF CHAPTER 5~~ 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~~ PROVIDE CERTAIN INFORMATION AND IDENTIFY THE LOCATION WHERE CERTAIN INFORMATION AND DOCUMENTS MAY BE ACCESSED ONLINE; PROVIDING FOR THE CREATION OF A COUNTY-MAINTAINED PUBLICLY ACCESSIBLE, ONLINE DATABASE OF SUCH INFORMATION AND DOCUMENTS PORTAL; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, Broward County has thousands of residential communities governed by condominium, cooperative, and homeowners' associations ("Community Associations"), the number of which is expected to continue increasing as new developments are constructed in the County;

WHEREAS, Community Associations are governed under Chapters 718, 719, and 720 of the Florida Statutes;

WHEREAS, while Florida law requires the sellers of individual properties within Community Associations to make certain limited disclosures, there is other important information that individuals who are considering whether to purchase or rent within a community may not generally receive;

WHEREAS, it is important for purchasers and tenants within Community Associations to receive contact information for the management and officers of

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 identify certain contact information and the location where certain documents to may be
6 accessed online using a County-managed online, searchable database of all Community
7 Associations (“Association Database”) portal, thereby increasing transparency and
8 awareness of important information regarding Community Associations and the
9 developments they are responsible for governing,

10
11 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
12 BROWARD COUNTY, FLORIDA:

13
14 Section 1. Chapter 5 of the Broward County Code of Ordinances is hereby
15 amended to create Article XVI, Sections 5-221 through 5-225, to read as follows:

16 [Underlining omitted]

17 **ARTICLE XVI. COMMUNITY ASSOCIATION REGISTRATION**
18 **INFORMATION ORDINANCE**

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

20 (a) This article shall be known and may be cited as the “Community Association
21 Registration Information Ordinance.”

22 (b) The provisions of this article shall apply countywide, unless in conflict with
23 an applicable municipal ordinance, pursuant to Section 11.01 of the Broward County
24 Charter. Unless otherwise provided, nothing in this article shall be construed to relieve a

1 person from compliance with applicable county or municipal regulations. The provisions
2 of the Community Association Registration Information Ordinance shall apply
3 prospectively from April 1, 2023, and shall not require action by any Community
4 Association, as defined in Section 5-222, prior to such date.

5 (c) The Community Association Registration Information Ordinance does not
6 apply to properties within mobile home parks governed under Chapter 723 of the Florida
7 Statutes, or as otherwise preempted by state law.

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

9 The Board of County Commissioners of Broward County ("Board") hereby finds it
10 is in the best interest of the residents of the County to ensure transparency by requiring
11 all condominium, cooperative, and homeowners' associations, as defined in
12 Chapters 718, 719, and 720 of the Florida Statutes, respectively (collectively referred to
13 as "Community Associations"), governing residential real property within Broward County
14 to ~~file annual registrations with~~ submit information to the County's ~~with the containing~~
15 ~~certain information and documentation~~ online portal, including each Community
16 Association's contact information and where the governing documents, bylaws, and/or
17 structural reports applicable to the Community Association can be found online. It is the
18 intent of the Community Association Registration Information Ordinance to provide a
19 central, online, publicly accessible ~~registry of~~ portal for links to such information and
20 documentation. Through the ~~registry portal~~, individuals who are or may become residents
21 in properties governed by a Community Association can easily and quickly ascertain
22 where to access online important information and key documents pertaining to the
23 Community Association.

1 **Sec. 5-223. Information Required From Community Associations Required to**
2 **Register.**

3 (a) By April 1 of each year, all Community Associations shall ~~file a registration~~
4 ~~with~~ submit to the County's Resilient Environment Department ("Department"). ~~The~~
5 ~~registration shall contain the following information:~~

6 ~~(1)~~ Rrelevant ~~contact~~ information for the Community Association, including the
7 following:

8 ~~a.~~ (1) The name of the Community Association, which shall include the name
9 registered with the Florida Division of Corporations and any fictitious
10 name(s) the Community Association utilizes;

11 ~~b.~~ (2) The Community Association's business address;

12 ~~c.~~ (3) The name and contact address, phone number, and email address for the
13 property manager, the community association manager, or other
14 designated agent for the Community Association;

15 ~~d.~~ (4) The names and official addresses, phone numbers, and email addresses
16 for the officers and directors of the Community Association;

17 ~~e.~~ (5) The website address for the Community Association's website, if any; ~~and~~

18 ~~f.~~ (6) The website address for the online depository, if any, ~~containing where the~~
19 Community Association's ~~posts its~~ governing documents and bylaws; ~~and~~

20 ~~(2)~~ (7) ~~A copy of all~~ The website address, if any, where the Community Association
21 posts any reports in the ~~its~~ possession of the Community Association issued
22 within the last ten (10) years that relate to the structural condition of the
23 property, the buildings, or both, that are owned, operated, or governed by
24

the Community Association, including any required recertification reports, if applicable.

By submitting the required information, the Community Association attests that the information submitted is accurate and complete.

(b) After a Community Association ~~files its initial registration~~ submits its initial filing to the County's online portal, the Community Association shall ~~file a renewal registration with the Department~~ every twelve (12) months thereafter ~~reflecting~~ verify the accuracy of, or identify any changes (including new information or documentation) to, the information and documentation required in subsection (a) above.

(c) The initial ~~registration~~ submission and all ~~renewal registrations~~ annual verifications and changes shall be submitted through the County's online portal ~~or on forms designated by the Director of the Department and shall be accompanied by payment of a registration fee in the amount established by the Board.~~

(d) A Community Association may designate its property manager, community association manager, or other agent to fulfill the Community Association's obligations under this section.

Sec. 5-224. Publicly Accessible ~~Database of Registration Information~~ Portal.

(a) The County shall ~~create and maintain a searchable database containing the registration information and documents~~ make available to the public on the County's website the information submitted by each Community Association ~~registered with the County through the online portal~~ pursuant to Section 5-223.

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

1 (e) The County shall post the ~~registration~~ requirements of the Community
2 Association ~~Registration Information~~ Ordinance on the County's website along with a
3 notice to the public that the ~~database portal~~ created by this section is available.

4 **Sec. 5-225. Enforcement.**

5 (a) The Community Association ~~Registration Information~~ Ordinance may be
6 enforced by code enforcement officers, including municipal code enforcement officers
7 and any law enforcement agency having jurisdiction of the area within which the property
8 governed by the Community Association is located, pursuant to Section 125.69 and
9 Chapter 162, Florida Statutes, or any applicable municipal code enforcement provision.

10 (b) Nothing in the Community Association ~~Registration Information~~ Ordinance
11 is intended to create any private cause of action, and the Community Association
12 ~~Registration Information~~ Ordinance may only be enforced as set forth herein.

13
14 Section 2. Severability.

15 If any portion of this Ordinance is determined by any court to be invalid, the invalid
16 portion will be stricken, and such striking will not affect the validity of the remainder of this
17 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
18 legally applied to any individual, group, entity, property, or circumstance, such
19 determination will not affect the applicability of this Ordinance to any other individual,
20 group, entity, property, or circumstance.

21
22 Section 3. Inclusion in the Broward County Code of Ordinances.

23 It is the intention of the Board of County Commissioners that the provisions of this
24 Ordinance become part of the Broward County Code of Ordinances as of the effective