

R5 AL AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE VII, ENTITLED "CONSUMER PROTECTION OF OWNERS OF RESIDENTIAL REAL PROPERTY," BY AMENDING SECTION 58-602 THEREOF, ENTITLED "NOTICE TO ASSOCIATIONS," TO MODIFY THE NOTICE REQUIREMENT FOR PROSPECTIVE BULK OWNERS OF RESIDENTIAL CONDOMINIUM UNITS, TO INCLUDE A STATEMENT OF RIGHTS UNDER STATE LAW; AND PROVIDING FOR REFERENCES TO FLORIDA STATUTES, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: May 20, 2026 11:30 a.m. First Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE VII, ENTITLED "CONSUMER PROTECTION OF OWNERS OF RESIDENTIAL REAL PROPERTY," BY AMENDING SECTION 58-602 THEREOF, ENTITLED "NOTICE TO ASSOCIATIONS," TO MODIFY THE NOTICE REQUIREMENT FOR PROSPECTIVE BULK OWNERS OF RESIDENTIAL CONDOMINIUM UNITS, TO INCLUDE A STATEMENT OF RIGHTS UNDER STATE LAW; AND PROVIDING FOR REFERENCES TO FLORIDA STATUTES, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

### **BACKGROUND/HISTORY**

The attached Ordinance is presented by the sponsor, Commissioner Alex J. Fernandez, for consideration by the Mayor and City Commission at First Reading.

Condominiums are a popular form of residential real property ownership in the City of Miami Beach and are featured among the City's most cherished historic buildings within both local and National Register districts.

Rising property values and recent changes to the Florida Condominium Act, chapter 718, F.S., and other relevant state statutes have contributed to increased attempts to terminate older condominiums in the City of Miami Beach.

Section 718.117, F.S., provides the methods by which condominiums may be terminated. Section 718.117(3)(c), F.S., sets forth the procedures, rights, and obligations of parties with respect to an optional termination of condominium initiated by an owner, together with its affiliates, who holds at least 80 percent of the voting interests in the condominium (a "bulk owner").

The City of Miami Beach Office of the Inspector General ("OIG") has identified that condominium residents may not be aware of efforts by developers to acquire controlling interests in condominium property and gain bulk owner status (defined in the attached Ordinance as "prospective bulk owners") until it is too late to meaningfully express their opinions, raise objections, or explore alternative living arrangements. The OIG further found that this lack of transparency can be especially harmful to elderly and middle- and fixed-income condominium owners.

On June 25, 2025, the City Commission adopted Ordinance No. 2025-4737 to require prospective bulk owners of residential condominium units to provide notice of their acquisition of interests in condominium property to each unit owner on the property; the board of the condominium association; the property manager (if applicable); and the City Manager. The Mayor and City Commission adopted Ordinance No. 2025-4767 to require prospective bulk owners to provide notice of any present or pending application, or other request, to amend the Comprehensive Plan

or Land Development Regulations in connection with a proposed redevelopment of the condominium property.

Many unit owners and tenants in the City are unfamiliar with their rights under the Florida Condominium Act and other applicable law in the event of a termination of condominium. Therefore, the Mayor and City Commission desire to expand the contents of the required notice by prospective bulk owners to include a statement of the rights of unit owners and condominium unit tenants.

## **ANALYSIS**

The attached Ordinance amends Chapter 58, Article VII of the City Code, entitled “Consumer Protection of Owners of Residential Real Property,” to amend the existing notice requirement applicable to prospective bulk owners. Specifically, the Ordinance requires prospective bulk owners to include a statement summarizing the rights of unit owners and tenants in the event of a termination of condominium.<sup>[1]</sup> The Ordinance also requires the notice to contain the contact information for the Office of the Florida Condominium Ombudsman should recipients have further questions about the rights and responsibilities of unit owners, condominium associations, and boards of directors. The sponsor’s intent is to promote transparency, protect condominium unit owners’ interests, and ensure that unit owners and tenants are aware of rights they may have under state law. The notice does not constitute legal advice. The proposed requirement does not impose a more restrictive or burdensome regulation on development that would otherwise be permitted on the property.

Consistent with the regulations on prospective bulk owners that were recently adopted by the City Commission, the attached Ordinance (i) would apply once a prospective bulk owner has acquired, or is under contract to purchase, 20% or more of the total ownership interests in the condominium; and (ii) would apply to condominium property with a minimum of 12 condominium units.

The Ordinance requires the prospective bulk owner to update and redistribute the notice within five (5) business days of any changes to the information contained in the notice. The Ordinance also requires the condominium association and/or property manager to conspicuously publish the notice in the manner in which notices are customarily provided to the condominium association.

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<sup>[1]</sup> A requirement that prospective bulk buyers provide a statement of unit owner/tenant rights is not in conflict with or expressly preempted by the Florida Condominium Act or the Florida Deceptive and Unfair Trade Practices Act.

## **FISCAL IMPACT STATEMENT**

The City will use existing resources to enforce this Ordinance.

**Does this Ordinance require a Business Impact Estimate?** Yes  
(FOR ORDINANCES ONLY)

**If applicable, the Business Impact Estimate (BIE) was published on: June 11, 2025**  
**See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>**

**FINANCIAL INFORMATION**

**CONCLUSION**

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

City Attorney

**Sponsor(s)**

Commissioner Alex J. Fernandez

**Co-sponsor(s)**

**Condensed Title**

11:30 a.m. 1st Rdg, Condominium Prospective Bulk Owner Notice. (Fernandez) CA

**Previous Action (For City Clerk Use Only)**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE VII, ENTITLED "CONSUMER PROTECTION OF OWNERS OF RESIDENTIAL REAL PROPERTY," BY AMENDING SECTION 58-602 THEREOF, ENTITLED "NOTICE TO ASSOCIATIONS," TO MODIFY THE NOTICE REQUIREMENT FOR PROSPECTIVE BULK OWNERS OF RESIDENTIAL CONDOMINIUM UNITS, TO INCLUDE A STATEMENT OF RIGHTS UNDER STATE LAW; AND PROVIDING FOR REFERENCES TO FLORIDA STATUTES, REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the condominium form of ownership is popular throughout the City of Miami Beach ("City"), including in its historic districts; and

**WHEREAS**, in response to rising property values and recent changes to the Florida Condominium Act, Ch. 718, Florida Statutes, and other applicable law, attempts to terminate condominiums are on the rise in the City; and

**WHEREAS**, it is in the public interest to ensure transparency in the condominium termination buyout process and to apprise unit owners and tenants of negotiations with other unit owners; and

**WHEREAS**, predatory tactics to initiate condominium terminations threaten the housing security of City of Miami Beach condominium owners and tenants and the City's substantial commitment to and investment in its historic properties; and

**WHEREAS**, on July 5, 2025, the Mayor and City Commission adopted Ordinance No. 2025-4736 to prohibit certain predatory or repeated and unwanted contacts to unit owners for solicitations, and Ordinance No. 2025-4737 to require prospective bulk owners to provide notice of their acquisition of units to unit owners, the condominium association secretary or an equivalent officer, the property manager of the condominium, and the City Manager; and

**WHEREAS**, on September 3, 2025, the Mayor and City Commission adopted Ordinance No. 2025-4767 to require a prospective bulk owner to provide notice to residential condominium unit owners of any present or pending application, or other request, to amend the Comprehensive Plan or Land Development Regulations in connection with a proposed redevelopment of the condominium property; and

**WHEREAS**, many unit owners and tenants in the City are unfamiliar with their rights under the Florida Condominium Act and other applicable law in the event of a termination of condominium; and

**WHEREAS**, the Mayor and City Commission desire to expand the contents of the required notice by prospective bulk owners to include a statement of the rights of unit owners and condominium unit tenants.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Chapter 58 of the Code of the City of Miami Beach, Florida, entitled "Housing," is hereby amended as follows:

**CHAPTER 58  
HOUSING**

\* \* \*

**ARTICLE VII. CONSUMER PROTECTION OF OWNERS OF RESIDENTIAL REAL PROPERTY**

\* \* \*

**Sec. 58-602. Requiring notice to condominium associations by prospective bulk owners.**

- (a) Within thirty (30) calendar days after a prospective bulk owner acquires twenty (20) percent or more of the ownership interests of condominium property, or succeeds in or receives an assignment of the interests of a prospective bulk owner, the prospective bulk owner shall deliver a notice by mail to the following recipients:
  - (1) The secretary or equivalent officer of the condominium association.
  - (2) The property manager.
  - (3) Each unit owner of a unit in the condominium.
  - (4) The city manager.
- (b) The notice shall contain the following information:
  - (1) The name, principal address, business phone number, and email address of the prospective bulk owner. If the prospective bulk owner is an entity, the notice shall also include the name, principal address, business phone number, and email address of the registered agent. If the prospective bulk owner is an entity formed and existing outside the state of Florida, the notice shall also include the prospective bulk owner's Florida business address or, if applicable, local business address.
  - (2) The name and street address(es) of the condominium.
  - (3) The total number of units which the prospective bulk owner has acquired as of the date of the notice, and the percentage of the total units in the condominium which the prospective bulk owner has acquired.
  - (4) The following statement:

"The party named in this notice has acquired at least twenty (20) percent of the ownership interests in this condominium."
  - (5) If the prospective bulk owner intends to approve and file a plan of termination of condominium, the notice shall also include the following statement:

"The party named in this notice has begun acquiring ownership interests in this condominium with the intent to approve and file a plan of termination with the Division of Florida Condominiums, Timeshares, and Mobile Homes."
  - (6) If the prospective bulk owner has filed a present or pending application, or other request, to amend the comprehensive plan or land development regulations in connection with a

proposed redevelopment of the condominium property, the notice shall also include the following statement:

"The party named in this notice has filed a planning and zoning application to amend the City of Miami Beach's Comprehensive Plan and/or Land Development Regulations in connection with a proposed redevelopment of this condominium property. A copy of the application may be obtained from the City of Miami Beach by contacting the Planning Department at 305-673-7550 or [planninginfo@miamibeachfl.gov](mailto:planninginfo@miamibeachfl.gov)."

(7) The following statement:

"IF A TERMINATION OF CONDOMINIUM IS PROPOSED OR APPROVED, YOU MAY BE ENTITLED TO:

- A right to lease your unit for twelve (12) months on the same terms as similar unit types within the property, if the unit will be offered for lease to the public after termination.
- A purchase price for your unit equal to at least one hundred percent (100%) of fair market value.
- A relocation payment in an amount equal to one percent (1%) of the termination proceeds from the sale of your unit(s), if your unit was granted homestead exemption status by the Miami-Dade County Property Appraiser as of the date of the recording of the plan of termination.
- Written disclosures by the bulk owner prior to the presentation of a plan of termination to the unit owners pursuant to Section 718.117(3)(c), Florida Statutes, consisting of the following:
  - a. The identity of the bulk owner;
  - b. The units acquired by the bulk owner, the date of acquisition, and total compensation paid for each unit;
  - c. The relationship of any board member to the bulk owner and its affiliates; and
  - d. Facts showing compliance with the requirements of and public policies set forth in Section 718.117.

THIS NOTICE DOES NOT CONSTITUTE LEGAL ADVICE. FOR MORE INFORMATION ABOUT THE RIGHTS AND RESPONSIBILITIES OF FLORIDA CONDOMINIUM UNIT OWNERS, BOARDS, AND ASSOCIATIONS, PLEASE VISIT THE FLORIDA CONDOMINIUM OMBUDSMAN'S WEBSITE AT [HTTPS://WWW2.MYFLORIDALICENSE.COM/CONDOS-TIMESHARES-MOBILE-HOMES/CONDOMINIUM-OMBUDSMAN/](https://www2.myfloridalicense.com/condos-timeshares-mobile-homes/condominium-ombudsman/), OR CONTACT THEIR OFFICE AT (954) 202-3234 (ENGLISH) / 954-202-3235 (ESPAÑOL)."

- (c) The prospective bulk owner shall deliver an updated version of the notice to all recipients required under this section within five (5) business days following a change to any information contained in the notice.

- (d) Any notice required under this section shall be plainly visible and written in a font size of no less than 14 points, and all information thereupon shall be clear and legible.
- (e) Upon receipt of a notice, the association or property manager shall conspicuously publish, post, or distribute the notice in a common area or otherwise in the manner by which notices are customarily provided to the members of the association.
- (f) *Effective date.* The provisions of this section shall apply to any prospective bulk owner that acquires twenty (20) percent or more of the ownership interests of condominium property on or after July 1, 2025.
- (g) *Applicability.* This section shall apply to condominium property with a minimum of twelve (12) condominium units.

**SECTION 2. REFERENCES TO FLORIDA STATUTES.**

All references to any section, chapter, or provision of the Florida Statutes in this Ordinance are made as that section, chapter, or provision may be amended from time to time.

**SECTION 3. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Miami Beach City Code. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2026.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026.

**ATTEST:**



\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
Steven Meiner, Mayor

(Sponsored by Commissioner Alex J. Fernandez)

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

Underline denotes new additions  
~~Strikethrough~~ denotes deletions

\_\_\_\_\_  
City Attorney   5/17/2026  
Date