

1 EXHIBIT 1
2 RESOLUTION NO. 2020-
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4 A RESOLUTION OF THE MAYOR AND CITY
5 COMMISSION OF THE CITY OF HALLANDALE BEACH,
6 FLORIDA, IN FAVOR OF REQUIRING "KAUFMAN
7 LANGUAGE" OR "AS AMENDED FROM TIME TO TIME"
8 LANGUAGE IN CONDOMINIUM AND HOMEOWNER
9 ASSOCIATION DECLARATIONS; AND PROVIDING AN
10 EFFECTIVE DATE.
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13 WHEREAS, the City of Hallandale Beach, Florida is densely populated with
14 numerous condominium and homeowner associations; and

15 WHEREAS, condominium associations are governed by Florida Statute 718 et.
16 Seq., "The Florida Condominium Act" and homeowner associations are governed by
17 Florida Statute 720 et. Seq. "The Florida Homeowner Association Act;" and

18 WHEREAS, each year the Florida Legislature typically passes new laws and
19 amends the foregoing statutes in order to better protect the residents of the State of
20 Florida, including those that live within the City; and

21 WHEREAS, as a result of several court decisions, many of the new laws that get
22 passed each year and attempt to assist owners in condominiums and HOAs do not apply
23 in all condominiums and HOAs in the City of Hallandale Beach, unless the declarations of
24 these communities specifically contain language that makes it clear that the association
25 will be governed by the version of Chapter 718 or Chapter 720 that was in effect when the
26 declaration was originally recorded and "as the statute is amended from time to time;" and

27 WHEREAS, some associations have the "as amended from time to time" language
28 in their governing documents and others do not. This has led to new laws being applicable
29 to some associations in this city while at the same time not being applicable to those
30 associations that do not have "as amended from time to time" language in their governing
31 documents; and

32 WHEREAS, as a result of the foregoing, each condominium and HOA in the City
33 is governed by different sets of statutes, depending upon when the condominium or HOA
34 was built, what statute was in effect at that time, and whether the governing documents
35 contain "as amended from time to time" language, known as "Kaufman Language;" and

36 WHEREAS, the foregoing has resulted in confusion and inconsistencies between
37 the laws that apply to communities that are even located next to each other, as one

community may be subject to the laws as they existed before Florida Statutes 718 or 720 even existed, while the neighboring community which was built at exactly the same time may be subject to the current version of these statutes; and

WHEREAS, in the interests of protecting the owners of condominium units and homes located in homeowner associations, this commission recommends that all community associations adopt amendments to their governing documents which incorporates “as amended from time to time” language; and

WHEREAS, in the interests of protecting residents in condominiums and homeowner associations in the State of Florida, this Commission requests that the Florida Legislature enact legislation that requires all new declarations of condominium and declarations of covenants and restrictions to contain language that automatically incorporates legislative amendments as they are passed by the Florida Legislature from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:

SECTION 1. The foregoing “Whereas” clauses are incorporated herein.

SECTION 2. The Mayor and City Commission hereby recommend that all community associations adopt amendments to their governing documents which incorporates “as amended from time to time” language.

SECTION 3. The Mayor and City Commission hereby requests that the Florida Legislature enact legislation that requires all new declarations of condominium and declarations of covenants and restrictions to contain language that automatically incorporates legislative amendments as they are passed by the Florida Legislature from time to time.

SECTION 4. The City Clerk is hereby instructed to distribute this resolution to associations known to the City and to other individuals and representatives, as appropriate, including City Clerks of other municipalities, the Florida League of Cities and the Broward Delegation.

72 **SECTION 5. Effective Date.** This Resolution shall take effect immediately upon
73 its passage and adoption.

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75 APPROVED AND ADOPTED this _____ day of _____ 2020.

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JOY F. COOPER
MAYOR

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82 SPONSORED BY: COMMISSIONER ANABELLE LIMA-TAUB

ATTEST:

JENORGEN M. GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

FINAL VOTE ON ADOPTION

Mayor Cooper _____

Vice Mayor Javellana _____

Commissioner Butler _____

Commissioner Lazarow _____

Commissioner Lima-Taub _____

JENNIFER MERINO
CITY ATTORNEY

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