

MEMORANDUM

Agenda Item No. 11(A)(6)

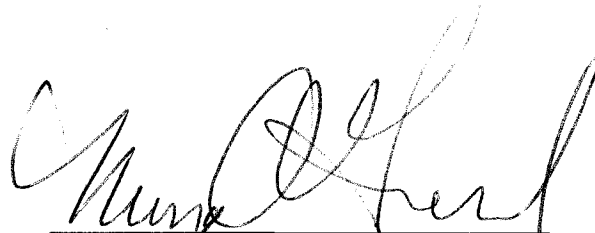
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution urging the legislature to pass legislation eliminating the "Loop Hole" that prevents transfers of real property under discretionary surtax program

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa and Commissioner Carlos A. Gimenez.



Murray A. Greenberg
County Attorney

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MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)

02-20-07

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION ELIMINATING THE “LOOP HOLE”
THAT CURRENTLY PREVENTS CERTAIN TRANSFERS OF
REAL PROPERTY TO BE TAXED UNDER THE
DISCRETIONARY SURTAX PROGRAM

WHEREAS, Chapter 201 of the Florida Statute authorizes the levying, collection and payment of taxes (hereinafter “documentary stamps”) for and in respect to certain documents, including but not limited to deeds, bonds, and certificates of stock; in which real property or any interest therein is granted, assigned, transferred, or otherwise conveyed to, or vested in, a purchaser or other person; and

WHEREAS, the County is authorized under Florida law to levy a discretionary surtax on documents for the purpose of establishing a Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate income families (hereinafter ‘surtax program”); and

WHEREAS, state law currently allows for the transfer of certain interest in property without a recorded deed; and

WHEREAS, these transfers of property are not taxable under the current surtax program;

WHEREAS, these transfers of property without taxation results in a loss of potential revenue to the surtax program; and

WHEREAS, a legislative change requiring these transfers to be taxed would produce, in relative terms, increased revenue to affordable housing through the State’s allocation of documentary stamp taxes and county retained documentary stamp surtax,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation eliminating the “loop hole” that currently prevents certain transfers of real property that take place without a recorded deed to be taxed under the surtax program.

Section 2. Directs the Clerk of the Board to transmit copies of this resolution to the Governor, Senate President, House Speaker, and Chair and members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbying team to advocate for the passage of the legislation set forth in Section 1 above; and directs the Office of Intergovernmental Affairs to include this item in the 2007 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and Commissioner Carlos A. Gimenez and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

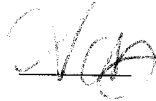
The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of February, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith

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