

**MEMORANDUM**

GOE  
Agenda Item No. 3 (B)

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

**DATE:** September 11, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance amending Section  
18-3 of the Code; revising  
procedures for processing of  
special taxing district  
petitions

The accompanying ordinance was prepared and placed on the agenda at the request of  
Commissioner Sally A. Heyman.



Murray A. Greenberg  
County Attorney

MAG/bw

# Memorandum



**Date:**

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

**From:** George M. Borges  
County Manager

**Subject:** Ordinance revising procedures for processing of special taxing district petitions

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The ordinance revising procedures for processing of special taxing district petitions will not have a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to read "Ysela Llort", written over a horizontal line.

Ysela Llort  
Assistant County Manager

fs01807



# MEMORANDUM

(Revised)

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

**DATE:** June 26, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 4(N)

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

Agenda Item No. 4(N)

Veto \_\_\_\_\_

6-26-07

Override \_\_\_\_\_

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

ORDINANCE AMENDING SECTION 18-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROCEDURES FOR PROCESSING OF SPECIAL TAXING DISTRICT PETITIONS BY REQUIRING PREFERENCE INDICATORS ON PETITIONS, ESTABLISHING PROCEDURES FOR REVISING PREFERENCE INDICATORS ON PETITIONS, AND VALIDATING OR REVALIDATING OF PETITIONS AND COUNTER PETITIONS; CLARIFYING REQUIREMENT FOR THE MAILING OF NOTICES PRIOR TO PUBLIC HEARINGS AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 18-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 18-3. Proceedings for creation and establishment of districts.**

The proceedings for the creation and establishment of a district under the provisions of this article shall be as follows:

- (a) *Petition* There shall be filed with the Clerk of the Board a petition requesting the creation and establishment of a special taxing district under the provisions of this article, signed by the ~~[[County Manager]]~~ >>Mayor<< or by fifty (50) per centum of the resident owners of property embraced within the proposed district. Opposite each such signature of owners of property there shall be inserted his>>or her<< post office address and a brief reference to the property within the proposed district which is owned by such signer, and such reference shall be sufficient to

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

identify any property involved and shall set forth the folio number of the County tax bill covering such property. For the purposes of any such petition of owners of property, the rights of mortgagees and lienors shall not be considered and the signature of any person holding a fee interest in the property shall be sufficient, and either the signature of the husband or the wife shall be sufficient in cases where the property is owned by both husband and wife. In addition to the foregoing such petition shall also contain and set forth the following:

- (1) >>A preference indicator either "for" or "against" the improvement or service opposite each resident owner's signature on the signature line; such indicator marked in the affirmative shall be a prerequisite to being counted as a valid signature for the purposes of validation of such petition. In the event both husband and wife execute the petition selecting the same preference indicator, only one signature shall be counted. However, if both husband and wife execute the petition selecting opposite preference indicators, neither signature shall be counted; and<<

~~[(4)]~~>>(2)<<The boundaries or other description sufficient to identify the property embraced in the proposed district, together with a survey sketch showing the location of the proposed district, and

~~[(2)]~~>>(3)<<A brief description of the project requested to be constructed, acquired, reconstructed or installed.

- (b) Certification of petition, >>procedure for receiving counter-petition and for processing petition and counter-petition. << Upon receipt of ~~[[any]]~~ such petition, the Clerk of the Board shall transmit a copy thereof to the County Manager, who shall examine the petition and file a written report with the Clerk at the earliest practicable date >>provided that:

- (1) Within 120 days of the filing of the report with the Clerk of the Board, resident owners may submit a counter-petition in the format containing the information set forth in paragraph (a) above signed by: (i) property owners "for" or "against" the requested improvement or service, and (ii) property owners who signed the original petition and wish to

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change their preference indicator may do so by marking their current preference indicator in the appropriate place and affixing their signature opposite such preference indicator on said counter-petition. Where the property is owned by both husband and wife, the signature of the person signing the original petition shall be required to change the preference indicator. In the event both husband and wife executed the original petition selecting the same preference indicator, the signature on the counter-petition of either husband or wife changing the preference indicator will result in the signatures for their parcel of property not being counted. In no event will more than one signature relating to the same parcel of property be counted, and if the petition and the counter-petition contain multiple signatures with conflicting preference indicators, said signatures will not be counted as either "for" or "against" the improvement or service being petitioned for; and

- (2) If such counter-petition is submitted within the prescribed time, a revalidation of the original petition shall take place using the most current tax roll, counting as invalid both the signatures on the original petition of those no longer residing within the proposed boundaries and the signatures previously indicating a "for" preference now marked "against" on the counter-petition. If after revalidation the petition remains valid, a revised written report shall be filed with the Clerk, and the Manager shall then proceed to complete his report and as appropriate schedule the petition with related ordinances and/or resolutions on the agenda of the Board of County Commissioners. In the event such revalidation results in less than the required amount of affirmative signatures needed to qualify such petition, the petition shall be deemed invalid and a revised written report closing the Department's file shall be filed with the Clerk.<<

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- (d) *Notice of public hearing.* Upon receipt of such report of the County Manager, and from such other investigations as the Board may make or cause to be made, the Clerk of the

Board shall prepare a certificate fixing the place, date and hour for a public hearing, which certificate shall set forth a copy of the petition, excluding signatures, and brief summaries of the report and recommendations of the County Manager, including (but without limitation) his recommendations as to any additional territory which should be embraced within the proposed district. Notice of such public hearing, stating that a petition for the creation and establishment of a special taxing district under the provisions of this article has been filed with the Clerk of the Board and setting forth a brief description of the project petitioned for, the boundaries or other description sufficient to identify the property to be embraced in the proposed district, a brief summary of the report and recommendations of the County Manager, and stating the place, date and hour fixed by the Board for such public hearing, shall be:

- (1) Published once a week for two (2) consecutive weeks in some newspaper of general circulation within the County to be designated in the resolution;
- (2) Posted in not less than five (5) public places within the proposed district;
- (3) Mailed to all owners of taxable property within the boundaries of the proposed district, including any additional territory recommended by the County Manager, whose names and addresses appear on the last preceding assessment roll for County taxes.

The first such publications and such posting and mailing shall occur not less than fifteen (15) days prior to the date fixed for such hearing. >> Such mailing shall be accomplished by the Clerk of the Board in sufficient time to cause a U.S. Postal Service postmark to be affixed to such mailing not less than fifteen (15) days prior to such hearing. <<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

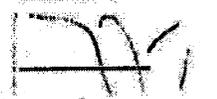
Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. 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. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

James K. Kracht

Sponsored by Commissioner Sally A. Heyman

