

Memorandum



Date: April 25, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Report Relating to Notice to Purchasers of Property, Pursuant to Section 18-20.2 of the Miami-Dade County Code – Directive 180345

Agenda Item No. 2B1
May 15, 2018

On February 6, 2018, the Miami-Dade County Board of County Commissioners (Board), approved Ordinance No. 18-12 (Attachment 1), which amended the Code of Miami-Dade County (Code) to require that all sellers of real property disclose to buyers if a property is located within an existing or proposed special taxing district. The notice must be included in the contract for sale and purchase of the property in substantially the same form as provided for in section 18-20.2(b) of the Code.

In accordance with Directive 180345, requiring the County Mayor or designee to provide notice of the enactment of this ordinance to the real estate industry and provide a report to the Board, the Parks, Recreation and Open Spaces Special Assessment Districts Division (Division) undertook several initiatives.

Pursuant to Section 4 of Ordinance 18-12, the Division drafted a letter detailing the requirements of the adopted ordinance and notified via United States mail and e-mail where feasible, the following entities: Florida Association of Realtors, the Miami Association of Realtors, the Real Property, Probate & Trust Law Section of the Florida Bar, and local real property title insurance companies. A sample of the letter sent notifying of the provisions of this ordinance is attached to the report. (Attachment 2).

Currently, the Division receives tax and lien search requests, which are addressed by providing a letter identifying the existence or lack thereof of a special taxing district. Upon the implementation of the provisions of this ordinance, the Division will include a statement on the letter notifying of seller's responsibility to notice and record a notarized statement informing buyer of the existence of a special taxing district. An announcement has also been posted on the Special Assessment Districts Division's website, with a direct link to Ordinance 18-12. The Division has also been addressing calls and will continue to provide information to the community regarding this new provision.

In accordance with Ordinance No. 14-65, this memorandum will be placed on the next available Board meeting agenda. If additional information is needed, please contact Parks, Recreation and Open Spaces Department Director Maria I. Nardi at (305) 755-7903.

Attachment 1: Ordinance No. 18-12

Attachment 2: Form Template Letter to Real Estate Industry

- c. Abigail Price-Williams, County Attorney
- Geri Bonzon-Keenan, First Assistant County Attorney
- Michael Spring, Senior Advisor, Office of the Mayor
- Maria I. Nardi, Director, Parks, Recreation and Open Spaces
- Cathy Jackson, Interim Commission Auditor and Director, Audit and Management Services
- Christopher Agrippa, Director, Clerk of the Board
- Eugene Love, Agenda Coordinator

ATTACHMENT 1

MEMORANDUM

Amended
Agenda Item No. 7(E)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

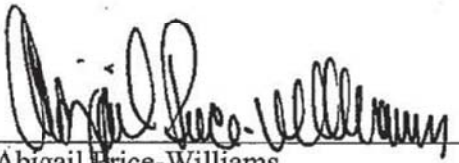
DATE: (Second Reading 2-6-18)
November 21, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to special taxing districts; amending section 18-20.2 of the Code; requiring all sellers of real property located within a special taxing district to disclose to buyers on any instrument conveying title that such real property is located within a special taxing district and subject to the payment of assessments; requiring such sellers to record buyers' written acknowledgement in public records of Miami-Dade County; providing for delayed implementation; directing the County Mayor to provide notice of the enactment of this ordinance to real estate industry and provide a report to the Board

Ordinance No. 18-12

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Barbara J. Jordan.


Abigail Price-Williams
County Attorney

APW/smm

Memorandum



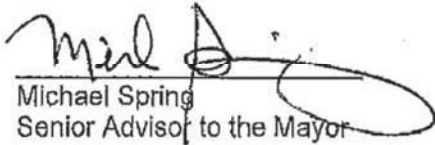
Date: February 6, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating Special Taxing Districts and
Purchasers of Property

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. If implemented, existing staff of the Special Taxing Districts Division will provide notice of the enactment of this ordinance to the real estate industry.


Michael Spring
Senior Advisor to the Mayor

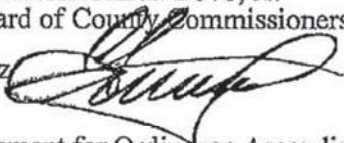
Fis01718 172561

Memorandum



Date: February 6, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Amending Section 18-20.2 of the Code of Miami-Dade County relating to notice to purchasers of property

The proposed ordinance amends Section 18-20.2 of the Code of Miami-Dade County, Florida requiring sellers of property located within an existing Special Taxing District to notify buyers of the existence or the pending creation of a Special Taxing District. The seller shall record the notarized statement in the public records of Miami-Dade County maintained by the Clerk of the Court.

If approved, this will help buyers avoid the potential hardship of acquiring property without knowing that their property is subject to annual assessments, regardless of their demographics or income levels.


Michael Spring
Senior Advisor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 6, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Amended
Agenda Item No. 7(E)

Please note any items checked.

- "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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
2-6-18

ORDINANCE NO. 18-12

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; AMENDING SECTION 18-20.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING ALL SELLERS OF REAL PROPERTY LOCATED WITHIN A SPECIAL TAXING DISTRICT TO DISCLOSE TO BUYERS ON ANY INSTRUMENT CONVEYING TITLE THAT SUCH REAL PROPERTY IS LOCATED WITHIN A SPECIAL TAXING DISTRICT AND SUBJECT TO THE PAYMENT OF ASSESSMENTS; REQUIRING SUCH SELLERS TO RECORD BUYERS' WRITTEN ACKNOWLEDGEMENT IN PUBLIC RECORDS OF MIAMI-DADE COUNTY; PROVIDING FOR DELAYED IMPLEMENTATION; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO REAL ESTATE INDUSTRY AND PROVIDE A REPORT TO THE BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has the exclusive authority to approve the establishment of special taxing districts within the boundaries of Miami-Dade County ("County") pursuant to Section 1.01 (A) (11) of the County's Home Rule Charter and Chapter 18 of the Code of Miami-Dade County, Florida; and

WHEREAS, this Board recognizes that there is a need to provide adequate and full disclosure about special taxing districts, including the requirement to pay annual assessments, to all potential purchasers of real property located within a special taxing district prior to the final sale of the real property; and

WHEREAS, by the enactment of section 18-20.2 of the Code, this Board has previously required developers of new residential property located within a special taxing district to disclose the existence of a special taxing district within the real estate contract; and

WHEREAS, these existing requirements do not provide adequate notice to subsequent purchasers of real property that a property is subject to the payment of an annual assessment for the improvements or services provided by a special taxing district; and

WHEREAS, this Board wishes to avoid the potential hardship to property owners who acquire property without knowing that it is subject to such annual assessments; and

WHEREAS, providing notice to all buyers of real property, both residential and non-residential, that property is located within a special taxing district within the instrument conveying title will ensure that such buyers will be on notice of the actual costs of owning the property,

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

Section 1. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Section 18-20.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 18-20.2. – Notice to purchasers of ~~[[new residential]]~~ property.

- (a) Definition. The term "~~[[new residential]]~~ property" as used in this section shall mean any >>real property located within a special taxing district created, or pending creation by an ordinance proposed to the Board of County Commissioners, pursuant to this chapter<<[[and all undeveloped land zoned for residential use and any and all residential dwelling units not previously sold for the purpose of individual owner occupancy.]]

¹ 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.

Section 3. The provisions of Section 2 of this ordinance shall not be implemented until 90 days from the effective date of this ordinance.

Section 4. In order to promote awareness of these notice requirements, the County Mayor or designee shall provide notice of the enactment of this ordinance to the real estate industry, including, but not limited to: Florida Association of Realtors, the Miami Association of Realtors, the Real Property, Probate & Trust Law Section of the Florida Bar, and local real property title insurance companies. The County Mayor or designee shall provide a report regarding this directive to the Board within 60 days of the effective date of this ordinance and place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

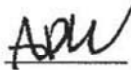
Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. 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.

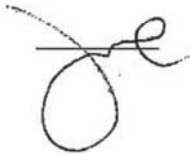
Section 7. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: February 6, 2018

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jorge Martinez-Esteve

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Barbara J. Jordan



ATTACHMENT 2

Miami-Dade County
Parks, Recreation and Open Spaces
Special Assessment Districts Division
111 NW 1st Street Suite 1510
Miami, FL 33128
T 305-375-2702 F 305-375-3338

April 2, 2018

Miami Association of Realtors
700 S. Royal Poinciana Blvd., Suite 400
Miami, FL 33166

Re: Sec. 18-20.2 of the Code of Miami-Dade County, Florida, regarding notice to purchasers of property

To whom it may concern:

The Miami-Dade County Board of County Commissioners, at a public hearing on February 6, 2018, approved Ordinance No. 18-12, which changed the Code of Miami-Dade County (Code) to require that all sellers of real property disclose to buyers that the property is located within an existing or proposed special taxing district. The notice must be included in the contract for sale and purchase of the property in substantially the same form as provided for in section 18-20.2(b) of the Code.

Additionally, sellers of real property located within an existing or proposed special taxing district must include the following disclosure in any instrument conveying title:

I HEREBY CERTIFY THAT I UNDERSTAND THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY MIAMI-DADE COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____.

Signature of Purchaser Date

The Code now also requires such sellers to record the buyer's written acknowledgment of this notice in the public records of Miami-Dade County.

While the Code previously only required this acknowledgement to be part of the contract for sale and purchase of a *new* residential property, now, as amended, such acknowledgement shall be included on *any* instrument conveying title.

We request you notify any interested parties that participate in these transactions. Additionally, please let us know if there are other organizations or entities that should receive this notice. Attached for your information is a copy of Ordinance No. 18-12. If you have any questions or need additional information, please contact the Special Assessment Districts Division by phone at (305) 375-2702 or by e-mail at STDP@miamidade.gov.

Sincerely,

Christina Salinas Cotter, Assistant Director
Performance Excellence

Attachment: Ordinance No. 18-12

c: Florida Association of Realtors
Real Property, Probate & Trust Law Section of the Florida Bar