

MEMORANDUM

Agenda Item No. 5(A)

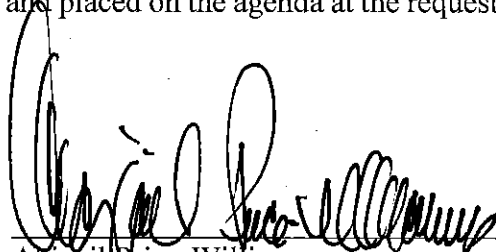
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Public Hearing 5-15-18)
May 1, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to special
taxing districts; amending
Ordinance No. 18-12; delaying
by an additional period of time
the implementation of a
requirement to provide certain
notice to buyers of real property;
allowing for additional delays by
resolution; directing the County
Mayor to provide notice of the
enactment of this ordinance to
real estate industry

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.




Abigail Price-Williams
County Attorney


APW/smm

Memorandum



Date: May 15, 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 to Special Taxing Districts; Delaying
the Implementation of Ordinance 18-12

If implemented, existing staff of the Special Taxing Districts Division will provide notice of the enactment of this ordinance to the real estate industry. Funding is provided by annual tax assessments against affected property through the annual Combined Real Property tax bill. Therefore, implementation of this ordinance will not have a fiscal impact to Miami-Dade County.


Michael Spring
Senior Advisor to the Mayor


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Memorandum



Date: May 15, 2018

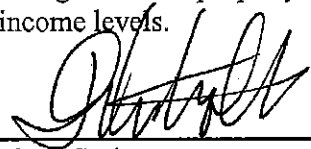
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Amending Ordinance No. 18-12 delaying the implementation of Section 18-20.2 of the Code of Miami-Dade County as amended

The proposed ordinance amends Ordinance No. 18-12 by delaying its enactment for a period of 90 days. Ordinance No. 18-12 amended Section 18-20.2 of the Code of Miami-Dade County, Florida to require 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, and to record a 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.

for 

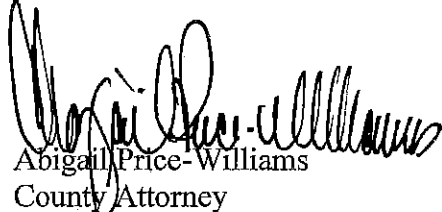
Michael Spring
Senior Advisor



MEMORANDUM
(Revised)

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

DATE: May 15, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(A)

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 _____

Agenda Item No. 5(A)
5-15-18

ORDINANCE NO. _____

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; AMENDING ORDINANCE NO. 18-12; DELAYING BY AN ADDITIONAL PERIOD OF TIME THE IMPLEMENTATION OF A REQUIREMENT TO PROVIDE CERTAIN NOTICE TO BUYERS OF REAL PROPERTY; ALLOWING FOR ADDITIONAL DELAYS BY RESOLUTION; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO REAL ESTATE INDUSTRY; PROVIDING SEVERABILITY; EXCLUSION FROM 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 the original version of section 18-20.2 of the Code, this Board 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 requirements did 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, for this reason, this Board, on February 6, 2018, enacted Miami-Dade County Ordinance No. 18-12 (“Ordinance No. 18-12”), amending section 18-20.2 of the Code by requiring notice to all buyers of real property that the property being acquired is located within a special taxing district, in order to ensure that such buyers are on notice of the actual costs of owning the property; and

WHEREAS, the implementation of Ordinance No. 18-12 was delayed by 90 days from the effective date of Ordinance No. 18-12, to allow for the real estate industry to prepare to follow its provisions; and

WHEREAS, numerous members of the real estate industry have contacted County staff to express additional ideas regarding different ways to achieve the goal of providing notice to buyers of property within special taxing districts without requiring the buyer’s signature on the instrument conveying title; and

WHEREAS, it is in the best interests of County residents to briefly delay the implementation of Ordinance No. 18-12 an additional ninety days, to allow for County staff to meet with real estate industry professionals to explore different and/or better methods for providing such notice,

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

Section 1. Section 3 of Ordinance No. 18-12 is amended to provide that the provisions of section 2 of Ordinance No. 18-12 shall not be implemented or take effect until 90 days from the effective date of this ordinance.

Section 2. If further delays in the implementation of Ordinance 18-12 are warranted, this Board may provide for such delays by resolution.

Section 3. In order to promote awareness of the additional delay in the implementation of Ordinance 18-12, the County Mayor or County Mayor's 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.

Section 4. 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 5. It is the intention of this Board, and it is hereby ordained that the provisions of this ordinance, shall be excluded from the Code of Miami-Dade County.

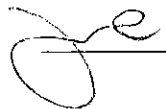
Section 6. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Jorge Martinez-Esteve

Prime Sponsor: Commissioner Jose "Pepe" Diaz