

# MEMORANDUM

Agenda Item No. 7(B)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:**

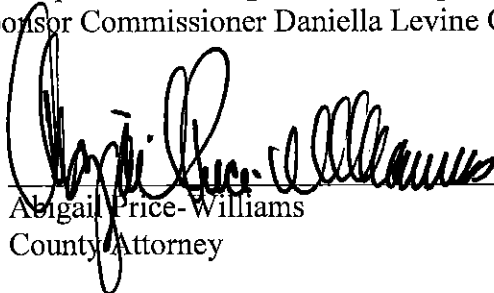
(Second Reading 3-5-19)  
January 23, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:**

Ordinance relating to special taxing districts; amending section 18-20.2 of the Code; requiring sellers of certain real property located within a special taxing district to disclose to buyers within real estate contracts or addenda thereto that such real property is located within a special taxing district and subject to the payment of assessments; removing requirement to provide notice in instruments of conveyance; further requiring the recordation in public records of the County a disclosure of the existence of special taxing district upon the creation of certain new special taxing districts; providing for delayed implementation; directing the County Mayor to provide notice of the enactment of this ordinance to real estate industry and to provide a report to the Board

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



Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** March 5, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

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

**Subject:** Fiscal Impact Statement for Ordinance Relating to Special Taxing Districts, Regarding Notice to Purchasers of Residential Property

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The proposed ordinance would be implemented by the Parks, Recreation and Open Spaces Department (PROS), Special Assessment Districts Division. It would require petitioners of new special taxing districts to prepay the costs of the recordation of taxing district(s) at the time of the filing of the petition. 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.

PROS will provide notice of the enactment of this legislation to the real estate industry.

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

Michael Spring  
Senior Advisor

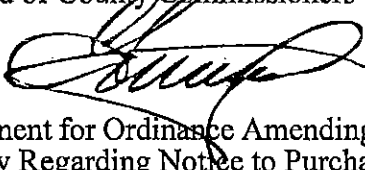
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# Memorandum



**Date:** March 5, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

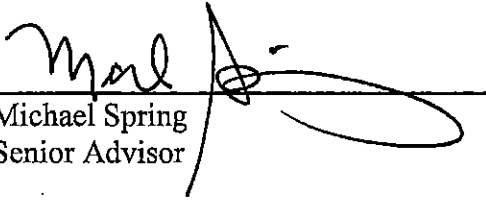
**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Social Equity Statement for Ordinance Amending Section 18-20.2 of the Code of  
Miami-Dade County Regarding Notice to Purchasers of Residential Property

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The proposed ordinance amends Section 18-20.2 of the Code of Miami-Dade County, Florida to require sellers to provide notice on the contract for sale and purchase, or an addendum to such contract, of the existence of a special taxing district or of the pendency of a petition to create such a district. In addition, subsequent sellers shall have the same obligation to provide notice if the prior year's tax bill for the property, which is subject to the transaction, reflected a special assessment for said special taxing district. Further, petitioners of new special taxing districts will also be required to provide a disclosure statement that will be recorded in the public records of Miami-Dade County, Florida upon the creation of the district.

If approved, these requirements will more adequately provide notification to buyers who can then avoid the potential hardship of acquiring property without knowing that it is subject to annual assessments, regardless of their demographics or income levels.

  
\_\_\_\_\_  
Michael Spring  
Senior Advisor



# MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: March 5, 2019

FROM: Abigail Price-Williams  
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) 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.: 7(B)  
3-5-19

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

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; AMENDING SECTION 18-20.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING SELLERS OF CERTAIN REAL PROPERTY LOCATED WITHIN A SPECIAL TAXING DISTRICT TO DISCLOSE TO BUYERS WITHIN REAL ESTATE CONTRACTS OR ADDENDA THERETO THAT SUCH REAL PROPERTY IS LOCATED WITHIN A SPECIAL TAXING DISTRICT AND SUBJECT TO THE PAYMENT OF ASSESSMENTS; REMOVING REQUIREMENT TO PROVIDE NOTICE IN INSTRUMENTS OF CONVEYANCE; FURTHER REQUIRING THE RECORDATION IN PUBLIC RECORDS OF THE COUNTY A DISCLOSURE OF THE EXISTENCE OF SPECIAL TAXING DISTRICT UPON THE CREATION OF CERTAIN NEW SPECIAL TAXING DISTRICTS; PROVIDING FOR DELAYED IMPLEMENTATION; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO REAL ESTATE INDUSTRY AND TO 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 execution of a purchase contract and 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 residential 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 residential property owners who acquire property without knowing that it is subject to such annual assessments; and

**WHEREAS**, this Board, on February 6, 2018, enacted Ordinance No. 18-12 ("Ordinance 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**, 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**, the implementation of Ordinance No. 18-12 has previously been delayed by this Board to allow time to consider the input of the real estate industry; and

**WHEREAS**, after considering the input of the real estate industry, this Board wishes to further amend section 18-20.2 of the Code to protect the interests of Miami-Dade County residential property owners, while also considering the input of the real estate industry,

**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:<sup>1</sup>

**Sec. 18-20.2. – Notice to purchasers of property.**

- (a) *Definition.* The term ~~>>~~“residential”~~<<~~ [“]property” as used in this section shall mean any real property ~~>>~~zoned for residential use and containing residential dwelling units previously sold for the purpose of individual owner occupancy and~~<<~~ located within a special taxing district created, or pending creation by an ordinance proposed to the Board of County Commissioners, pursuant to this chapter. ~~>>~~The term “new residential property” as used in this section shall mean undeveloped land zoned for residential use and any and all residential dwelling units not previously sold for the purpose of individual owner occupancy and located within a special taxing district created, or pending creation, by an ordinance proposed to the Board, pursuant to this chapter.~~<<~~
- (b) *Notice to purchasers* ~~>>~~of new residential property~~<<~~. It shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth ~~>>~~either~~<<~~ in the contract for sale and purchase of the new residential property ~~>>~~or an addendum to such contract, provided that such addendum is executed on the same date as the contract for sale and purchase,~~<<~~ and shall be in substantially the following form:

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<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.

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 \_\_\_\_\_. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.

~~[[e) Acknowledgment of special taxing district disclosure statement on instrument of conveyance. It shall be the responsibility of a seller of property that the following statement shall appear in a prominent location on the face of any instrument conveying title to property. The Seller shall record the notarized statement in the public records of Miami Dade County maintained by the Clerk of the Court:~~

~~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]]~~

>>(c) Notice to purchasers of residential property. It shall be the obligation of a seller of residential property to provide the purchaser thereof with notice in the same manner as required in subsection (b) above, except that this obligation shall not be triggered unless the prior year's tax bill for the property which is the subject of the transaction reflected a special assessment levied for improvements or services within the special taxing district.<<



>>(d) Special taxing district disclosure required to be recorded for certain new districts upon creation. Any special taxing district petition submitted pursuant to section 18-22.1 shall require the petitioning property owners to sign the following statement prior to submitting the petition. Upon creation of the special taxing district, the County Mayor or Mayor's designee shall record the statement, together with the legal description of the property, in the public records of Miami-Dade County, Florida. The petitioning property owner(s) shall be required to prepay the costs of such recordation at the time of the filing of the petition.

THIS PROPERTY IS LOCATED WITHIN  
SPECIAL TAXING DISTRICT CREATED BY MIAMI-  
DADE COUNTY (OR PROPOSED TO BE CREATED)  
FOR THE PURPOSE OF PROVIDING LOCAL  
IMPROVEMENTS AND SERVICES IN THE NATURE  
OF \_\_\_\_\_ . THE COSTS FOR PROVIDING SUCH  
IMPROVEMENTS AND SERVICES SHALL BE PAID  
BY SPECIAL ASSESSMENTS LEVIED AGAINST  
PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL  
ASSESSMENTS MAY BE COLLECTED AT THE SAME  
TIME AND IN THE SAME MANNER AS AD  
VALOREM TAXES.

\_\_\_\_\_  
Signature of Property Owner(s)

\_\_\_\_\_  
Date<<

**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 the 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 5.** The County Mayor or designee shall provide a report regarding the notice requirements in section 4 above within 90 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 6.** 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 7.** 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.

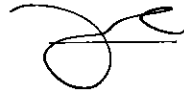
**Section 8.** This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Assistant County Attorney's Names

Prime Sponsor: Commissioner Jose "Pepe" Diaz  
Co-Sponsor: Commissioner Daniella Levine Cava