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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(24)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation prohibiting licensed and unlicensed Agents appearing before the Value Adjustment Board from filing petitions on behalf of property owners without first obtaining the property owners consent and signature

Resolution No. R-369-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 8, 2014

FROM: R. A. Cuevas, Jr.
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SUBJECT: Agenda Item No. 11(A)(24)

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**

_____ **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. 11(A)(24)
4-8-14

RESOLUTION NO. R-369-14

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION PROHIBITING LICENSED AND UNLICENSED AGENTS APPEARING BEFORE THE VALUE ADJUSTMENT BOARD FROM FILING PETITIONS ON BEHALF OF PROPERTY OWNERS WITHOUT FIRST OBTAINING THE PROPERTY OWNERS CONSENT AND SIGNATURE

WHEREAS, property owners are entitled to seek administrative review of their property tax assessment before the Value Adjustment Board ("VAB"), and are entitled to be represented by an agent or attorney before the VAB, whether licensed or unlicensed ("Agents"); and

WHEREAS, VAB proceedings are initiated by filing a petition for relief on a form prescribed by the Florida Department of Revenue; and

WHEREAS, the current petition form requires only unlicensed Agents to obtain their clients' signature on the VAB petition in order to initiate VAB proceedings; and

WHEREAS, the overwhelming majority of Agents are licensed, whether as attorneys or otherwise, and thus do not have to obtain their clients' signature on the VAB petition in order to initiate VAB proceedings; and

WHEREAS, there have been many reported instances of property owners complaining that petitions have been filed by Agents on their behalf but without their consent; and

WHEREAS, there have also been reported instances of multiple Agents filing VAB petitions as to the same property; and

WHEREAS, requiring all Agents to obtain the consent and signature of property owners on any petition prior to submitting it to the VAB will ensure that property owners' interests are being properly represented before the VAB by the Agent of their choice,

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 adopt legislation requiring Agents, both licensed and unlicensed, to obtain the consent and signature of the property owners prior to filing a VAB petition on their behalf, and requiring the Florida Department of Revenue to promulgate a revised form VAB petition that requires property owners' signatures in order to be accepted by the VAB.

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

Section 3. Directs the County's state lobbyists to advocate the passage of legislation accomplishing the goals set forth herein, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package to include this item and to include this issue in the 2015 state legislative package when it is presented to the Board.

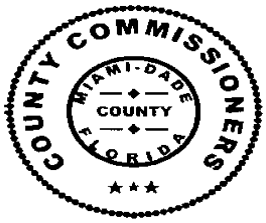
The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2014. 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.

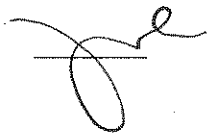
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jorge Martinez-Esteve