OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(E)

(Second Reading 5-1-12)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 6, 2012

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

SUBJECT: Ordinance relating to the duties and powers of the Property Appraiser; amending Sec. 2-70 of the Code

Ordinance No.12-34

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: May 1, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance relating to the duties and powers of the Property Appraiser amending section 2-70 of the Code of Miami-Dade County

---

The proposed ordinance amends section 2-70 of the Code of Miami-Dade County amending the duties and powers of the Property Appraiser to include subpoena powers. The Property Appraiser may ask the Chairperson of the Board of County Commissioner to issue a subpoena(s) in order to compel the attendance of witnesses and/or the production of documents necessary to perform his/her duties and responsibilities as the County's Property Appraiser. However, this subpoena request can only be made after confirming that issuing said subpoena(s) does not interfere with any on-going criminal investigations. The implementation of this item does not have a fiscal impact to the County.

Office of the Mayor

fis5012

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

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

SUBJECT: 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**

_____ **Ordinance creating a new board requires detailed County Manager'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. 7(E)
5-1-12

ORDINANCE NO. 12-34

ORDINANCE RELATING TO THE DUTIES AND POWERS OF THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY; AMENDING SECTION 2-70 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO AUTHORIZE THE PROPERTY APPRAISER TO REQUEST THE ISSUANCE OF A SUBPOENA FROM THE CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR PENALTIES, 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 2-70 of the Code of Miami-Dade County, Florida, is amended to read as follows:[1]

CHAPTER 2. ADMINISTRATION

* * *

Sec. 2-70. Duties and Powers of the Property Appraiser.

The Property Appraiser of Miami-Dade County shall serve as the head of the Office of the Property Appraiser with the following specific powers and responsibilities:

* * *

>>(8) The Property Appraiser, in order to make a determination regarding the exempt status, classification, or valuation of real and personal property in Miami-Dade County, may request the

[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.

Chairperson of the Board of County Commissioners to issue subpoenas to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by the Property Appraiser in the performance of such duties. At the request of the Property Appraiser, the Chairperson of the Commission may issue said process on behalf of the Board of County Commissioners. Prior to requesting the issuance of a subpoena, the Property Appraiser shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Property Appraiser shall not request the issuance of a subpoena where the State Attorney, the U.S. Attorney for the Southern District of Florida, or other law enforcement agency notifies the Property Appraiser in writing that the subpoena will interfere with an ongoing criminal investigation. The Property Appraiser may seek enforcement of such process issued under the authority of this section by filing a petition for enforcement in the County Court of Miami-Dade County, Florida, or other appropriate cause of action in any court of competent jurisdiction. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry, or to produce records, documents or other evidence, if in his or her power to do so, may be fined by the County Court of Miami-Dade County, Florida or other court of competent jurisdiction, not more than five hundred dollars ($500.00) or imprisoned not more than sixty (60) days, or both. Any person who, with intent thereby to mislead, makes or causes to be made any false entry or statement of fact in any report, account, record or other document submitted pursuant to this section, or who shall willfully neglect or fail to make, or cause to be made, full, true and correct entries in such reports, accounts, records or other documents, or who shall willfully mutilate, alter or by any other means falsify any documentary evidence, may be fined by the County Court of Miami-Dade County, Florida, or other court of competent jurisdiction, not more than five hundred dollars ($500.00) or imprisoned not more than sixty (60) days, or both.<<

[[~~(8)~~]]>>(9)<< The Property Appraiser may perform any other lawful acts which the Property Appraiser may consider necessary or desirable in carrying out the purposes and provisions of this ordinance.

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.

S

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: May 1, 2012

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Jorge Martinez-Esteve

Prime Sponsor: Chairman Joe A. Martinez