

# Memorandum



**Date:** March 3, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

Agenda Item No. 8(N)(1)(B)

**From:** George M. Burgess  
County Manager

**Subject:** Resolution adopting Implementing Order No. 2-10: Certificate of Use (Foreclosures and Judgments)

## Recommendation

It is recommended that the Board approve the attached resolution adopting Implementing Order No. 2-10: Certificate of Use Procedure (Foreclosures and Judgments).

## Scope

The scope of this item applies to the unincorporated areas of Miami-Dade County.

## Fiscal Impact/Funding Source

None

## Track Record/Monitor

Not applicable

## Background

On December 2, 2008 the Board adopted Ordinance No. 08-133, which requires issuance of a Certificate of Use (CU) by the Department of Planning and Zoning (Department) when residential properties in unincorporated Miami-Dade County are acquired through a Certificate of Title (Foreclosures and Judgments), in accordance with Chapter 45, Florida Statutes. The purpose of the CU process is to document and disclose to the public the extent to which residential properties (i.e. single family, condominium, townhouse, or duplex) acquired in this way comply with all applicable building codes and zoning codes. The CU process includes preparation of a disclosure of findings report, which identifies building or zoning code violations for each property and contains a good faith estimate of the cost to remedy any deficiencies. Building code violations will be referred to the Building Department for enforcement and zoning code violations will be referred to the Office of Neighborhood Compliance for enforcement.

The attached Implementing Order, Certificate of Use (Foreclosures and Judgments), establishes the process that will be used by the Department to implement the provisions contained in the above mentioned Ordinance.

Assistant County Manager




# MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 8(N)(1)(B)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(N)(1)(B)  
3-3-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ADOPTING IMPLEMENTING ORDER  
2-10: CERTIFICATE OF USE (FORECLOSURES AND  
JUDGMENTS), RELATING TO THE CERTIFICATE OF  
USE PROCESS OF THE DEPARTMENT OF  
PLANNING AND ZONING

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby adopts Implementing Order 2-10: Certificate of Use (Foreclosures and Judgments), in the form attached hereto and incorporated herein, and authorizes the County Mayor or Mayor's designee to exercise any and all rights conferred therein.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

- |                                 |                    |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman        |                    |
| Jose "Pepe" Diaz, Vice-Chairman |                    |
| Bruno A. Barreiro               | Audrey M. Edmonson |
| Carlos A. Gimenez               | Sally A. Heyman    |
| Barbara J. Jordan               | Joe A. Martinez    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> of March, 2009. 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas H. Robertson

I.O. No.: 2-10  
Ordered:  
Effective:

MIAMI-DADE COUNTY  
IMPLEMENTING ORDER

CERTIFICATE OF USE  
(FORECLOSURES AND JUDGEMENTS)

**AUTHORITY:**

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter, as amended; Section 33-8 of the Code of Miami-Dade County; and Ordinance No. 08-133.

**POLICY:**

A Certificate of Use (CU) shall be issued by the Department of Planning and Zoning (Department) for each residential property (i.e. single family, condominium, townhouse or duplex) in unincorporated Miami-Dade County acquired through a Certificate of Title (foreclosures and judgments), in accordance with Section 45, Florida Statutes. This Implementing Order shall not apply to Certificates of Title issued prior to December 12, 2008. The Director of the Department of Planning and Zoning (Director) shall establish a process to implement this policy.

**PROCESS:**

The CU shall be for the purpose of determining whether or not the residence in question complies with all building codes and zoning codes applicable to the residence and to provide a disclosure of those findings. The Director shall require disclosure by requiring an inspection of the property by an architect or engineer licensed and registered in the State of Florida, and to subsequently record in the public records of Miami-Dade County the disclosure of findings report (Report), after which the CU may be issued. The Report shall include a good faith estimate of the costs to repair or remedy all building and zoning code violations disclosed by the property inspection. Building violations found in the report shall be referred to the Building Department for enforcement. Zoning violations found in the report shall be referred to the Office of Neighborhood Compliance for enforcement.

In the event there is a question as to the legality of a use, the Director may require additional inspections, affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a CU is issued.

Failure to obtain the required CU shall result in a fine, pursuant to Chapter 8CC of the Miami-Dade County Code, issued to the person or entity that obtained ownership of the property through a Certificate of Title. Failure to pay the fine may result in a lien against the property.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

Approved by the County Attorney as  
to form and legal sufficiency           *m*          

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