

MEMORANDUM

Agenda Item No. 14(A)(5)

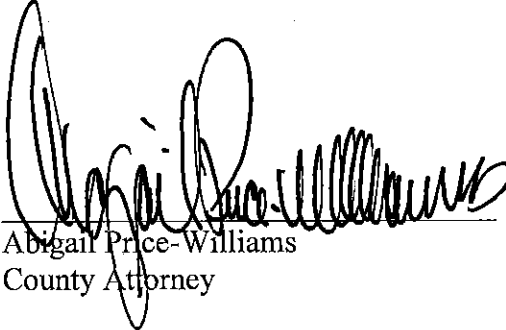
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 8, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution relating to special
taxing districts; delaying the
implementation of Ordinance
No. 18-12 by 120 additional
days; directing the County
Mayor to provide notice of the
enactment of this resolution to
real estate industry

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



Abigail Price-Williams
County Attorney

APW/uw

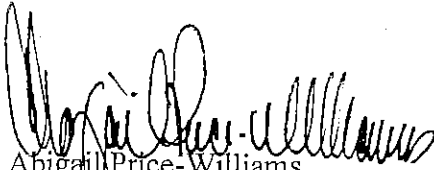


MEMORANDUM

(Revised)

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

DATE: November 8, 2018

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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. 14(A)(5)
11-8-18

RESOLUTION NO. _____

RESOLUTION RELATING TO SPECIAL TAXING DISTRICTS;
DELAYING THE IMPLEMENTATION OF ORDINANCE NO.
18-12 BY 120 ADDITIONAL DAYS; DIRECTING THE
COUNTY MAYOR OR DESIGNEE TO PROVIDE NOTICE OF
THE ENACTMENT OF THIS RESOLUTION TO THE REAL
ESTATE INDUSTRY

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 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, 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, on May 15, 2018, this Board adopted Ordinance No. 18-51, further postponing the implementation of Ordinance No. 18-12 by an additional 90 days, in order to allow time to consider the input of the real estate industry; and

WHEREAS, after considering the input of the real estate industry, an ordinance will be introduced further amending Ordinance No. 18-12 to protect the interests of Miami-Dade County residents, while also considering the input of the real estate industry; and

WHEREAS, Ordinance No. 18-51 provided that further delays to the implementation of Ordinance No. 18-12 could be implemented by a resolution of this Board; and

WHEREAS, it is in the best interests of County residents to briefly further delay the implementation of Ordinance No. 18-12 by an additional 120 days, to allow for this Board to fully consider a revised ordinance further amending Ordinance No. 18-12,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs that:

Section 1. The provisions of Ordinance No. 18-12 shall not be implemented or take effect until 120 days from the effective date of this resolution.

Section 2. In order to promote awareness of the additional delay in the implementation of Ordinance No. 18-12, the County Mayor or designee shall provide notice of the enactment of this resolution 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.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Eileen Higgins
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of November, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Jorge Martinez-Esteve

