

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact legislation
expanding the list of parties
entitled to notice of a tax deed
sale to include parties with a
reversionary interest in the
subject real property

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(20)

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 present ____, 2/3 membership ____, 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. 11(A)(20)
9-1-22

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION EXPANDING THE LIST OF PARTIES ENTITLED TO NOTICE OF A TAX DEED SALE TO INCLUDE PARTIES WITH A REVERSIONARY INTEREST IN THE SUBJECT REAL PROPERTY

WHEREAS, tax collections, including the sale of tax certificates, tax deed applications, and tax deed sales are governed by chapter 197 of the Florida Statutes; and

WHEREAS, pursuant to chapter 197, real property with delinquent taxes will eventually be sold by the Clerk of Courts (the “Clerk”) via a tax deed sale; and

WHEREAS, additionally, pursuant to section 197.502 of the Florida Statutes, upon an application for a tax deed, the Tax Collector’s Office is required to compile and transmit to the Clerk a list of certain parties entitled to notice of the tax deed sale, and the Clerk must then provide notice to such parties; and

WHEREAS, among the parties entitled under section 197.502 to receive notice of the pending tax deed sale are: (a) any legal titleholder of record; (b) any lienholder of record; (c) any mortgagee of record; (d) any vendee of a recorded contract for deed; (e) any other lienholder who has applied to the tax collector to receive notice if an address is supplied to the tax collector; (f) any person to whom the property was assessed on the tax roll for the year in which the property was last assessed; (g) any lienholder of record who has a recorded lien upon a mobile home located on the property described in the tax certificate; and (h) any legal titleholder of record of the property that is contiguous to the property described in the tax certificate, if the property described is submerged land or common elements of a subdivision; and

WHEREAS, the County sometimes conveys real property for certain specified uses, such as affordable housing, while retaining a right of reverter if such property is not used as required by the terms of the conveyance; and

WHEREAS, parties with rights of reverter are currently not entitled to notice of a pending tax deed sale under section 197.502 of the Florida Statutes; and

WHEREAS, on November 2, 2021, this Board adopted Resolution No. R-1053-21, which directed the County Mayor to study the tax deed process in coordination with stakeholders and compile a list of recommendations—to be presented to this Board in a written report—to improve the tax deed process, including but not limited to providing notice of the tax deed sale to parties with a reversionary interest in real property; and

WHEREAS, on March 3, 2022, the County Mayor provided its report pursuant to Resolution No. R-1053-21 (the “Report”), which this Board accepted at its May 3, 2022 meeting; and

WHEREAS, the Report noted that parties with a reversionary interest are not currently included in the list of parties required under Florida law to receive notice of a pending tax deed sale, and recommended that—should this Board wish to expand the list of parties entitled to notice of a tax deed sale to include parties with a reversionary interest—an urging by this Board in support of legislation effectuating such change would be appropriate; and

WHEREAS, the Report made no further recommendations regarding the tax deed process, noting that there were several legislative reforms in 2018 which have resulted in numerous improvements to the process; and

WHEREAS, this Board wishes to ensure that parties with a reversionary interest in real property receive notice of a tax deed sale of such property; and

WHEREAS, accordingly, this Board would like to urge the Florida Legislature to enact legislation expanding the list of parties entitled to notice of a tax deed sale to include those with a reversionary interest in the subject real property,

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 enact legislation expanding the list of parties entitled to notice of a tax deed sale to include parties with a reversionary interest in the subject real property.

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

Section 3. Directs the County’s state lobbyists to advocate for the legislation set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2023 and 2024 State Legislative Packages when they are presented to the Board.

The Prime Sponsor of the foregoing resolution is Senator René García. 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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. 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.

MJM

Michael J. Mastrucci