

MEMORANDUM

Agenda Item No. 11(A)(3)

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

DATE: November 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to study the tax deed process and compile list of recommendations to improve the tax deed process including but not limited to requiring notice to parties with a reversionary interest in real property and to provide written report back to this Board within 90 days regarding recommendations

Resolution No. R-1053-21

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/smm



MEMORANDUM

(Revised)

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

DATE: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
11-2-21

RESOLUTION NO. _____ R-1053-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO STUDY THE TAX DEED PROCESS AND COMPILE LIST OF RECOMMENDATIONS TO IMPROVE THE TAX DEED PROCESS INCLUDING BUT NOT LIMITED TO REQUIRING NOTICE TO PARTIES WITH A REVERSIONARY INTEREST IN REAL PROPERTY AND TO PROVIDE WRITTEN REPORT BACK TO THIS BOARD WITHIN 90 DAYS REGARDING RECOMMENDATIONS

WHEREAS, pursuant to chapter 197 of the Florida Statutes, real property with delinquent taxes will eventually be sold by the Miami-Dade Clerk of Courts 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 persons entitled to notice of the tax deed sale; and

WHEREAS, the Tax Collector's Office uses National Title and Abstract Company ("National Title"), a third party provider to compile the property information report identifying the list of persons entitled to notice of the tax deed sale; and

WHEREAS, the Clerk is required to provide notice to those persons identified on the property information report provided by National Title; and

WHEREAS, the County sometimes conveys real property for certain specified uses (such as for 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 not entitled to notice of a pending tax deed sale pursuant to Florida law; and

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

WHEREAS, because tax deed sales are governed by Florida law, certain changes to the tax deed process may require an amendment to the Florida Statutes; and

WHEREAS, the professional staff at the Tax Collector's Office, Clerk's Office, and National Title are best situated to examine the tax deed process and make any recommendations on strengthening the tax deed process, including but not limited to recommendations to ensure that parties with reversionary rights obtain notice to a pending tax deed sale,

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

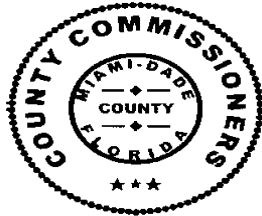
Section 1. The County Mayor or County Mayor's designee to take all actions necessary to work with stakeholders in the tax deed process including the Clerk's Office and National Title to study the tax deed process and compile a list of recommendations to improve the tax deed process, including but not limited to ways to provide notice of a pending tax deed sale to parties with a reversionary interest in real property, and recommending statutory changes as deemed necessary.

Section 2. The County Mayor or County Mayor's designee to provide a written report to this Board within 90 days of the effective date of this resolution on the recommendations of the County Mayor's or Mayor's designee pursuant to section 1 above. Pursuant to Ordinance No. 14-65, the written reports required by this resolution shall be placed on an agenda of the Board.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of November, 2021. 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: Melissa Adames
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MSM

Jorge Martinez-Esteve
Michael J. Mastrucci