

Date: (Public Hearing: 7-6-23)
June 21, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 5(H)

From: Daniella Levine Cava
Mayor



Ordinance No. 23-45

Subject: Ordinance Approving, Adopting and Ratifying Special Taxing District Rates for Certain Street Lighting Special Taxing Districts

Executive Summary

The purpose of this item is to gain authorization from the Board of County Commissioners (Board) to collect non-ad valorem assessments placed on the 2023 real property tax bills.

Recommendation

It is recommended that the Board approve the attached Ordinance pertaining to the proposed FY 2023-24 assessment rates for the active street lighting Special Taxing Districts (Districts) listed in Exhibit A, attached hereto. All lots and parcels within the Districts are unique due to their geographical boundaries, affected property owners, and level of service. Approval of this Ordinance is required to obtain the necessary funding to continue providing services for all lots and parcels. Of the total 1,041 active Special Taxing Districts, the attached Ordinance relates to the rates for 11 Districts that are increasing, as reflected in Exhibit A. The Parks, Recreation and Open Spaces Department (PROS) has determined, and I concur, that the services provided by these Districts will offer special benefits to properties within each district, exceeding the amount of special assessments to be levied.

The proposed rate increases are necessary amongst other things to cover utility rate increases approved by the Public Service Commission, and contractual inflationary costs. Further, some of these Districts have depleted their developer deposits or carryover, and their proposed rates represent the Districts' true operational and administrative cost. Pursuant to Florida law and the Street Lighting Agreement approved by the Board during the creation of these Districts, failure to approve these rates may result in suspension of services or accrued interest applied for lack of payment to the utility company, and those additional expenses would need to be passed on to the property owners in those Districts.

Therefore, it is hereby recommended that the proposed rates in Exhibit A be approved and adopted.

Scope

These proposed FY 2023-24 assessment rates are for street lighting districts within Commission District 1 represented by County Commissioner Oliver G. Gilbert, III, Commission District 8 represented by County Commissioner Danielle Cohen Higgins, District 9 represented by County Commissioner Kionne L. McGhee, Commission District 11 represented by County Commissioner Roberto J. Gonzalez, and Commission District 12 represented by County Commissioner Juan Carlos Bermudez.

Fiscal Impact/Funding Source

The fiscal impact of this Ordinance is countywide, but only for those homeowners within the boundaries of one or more Special Taxing Districts. The total assessment in the Ordinance for these 11 Districts with proposed rate increases is \$109,134.00 (Exhibit A). Of these 11 Districts, 8 or 72.72% are increasing by less than \$50.00 for the year. These active street lighting Districts are composed of 454 folios. These funds will accrue from the special assessments paid by the property owners of folios within the active Special Taxing Districts. As per section 1.01A(11) of the Miami-Dade County's Charter, expenses accrued for Special Taxing Districts on a yearly basis must be paid in the year they become due. The Charter provides that "[a]ll county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only." Approval of these rates is necessary to ensure that the required funding is available to maintain current levels of service.

Social Equity Statement

If approved, property owners within the affected Special Taxing Districts may have an increase in special assessments appropriately apportioned according to the special benefit they receive from the Special Taxing District services, regardless of their demographics or income levels.

Track Record/Monitor

The implementation and operation of the Special Taxing Districts are monitored by Liset Romero-Lopez, Chief of the Special Assessment Districts Division (Division) with PROS, and the financials are overseen by Christina Salinas Cotter, Assistant Director, PROS.

Delegation of Authority

This item authorizes the County Mayor or County Mayor's designee, contingent upon Board adoption of a non-ad valorem assessment roll, to place the non-ad valorem assessments on the 2023 real property tax bills, subjecting the properties on which the special assessments are levied to the same collection procedures as for ad valorem taxes, including possible loss of title.

Background

Miami-Dade County (County) creates Special Taxing Districts, at the request of residents or developers, to provide public improvements and special services. Chapter 18 of the County Code (Code) provides the legal framework for Special Taxing Districts. Pursuant to petition, notice and public hearing, the Board by various ordinances has established Special Taxing Districts in the County for the following types of services:

1. Street Lighting - created in existing communities at their request and mandated by Code in new subdivisions within unincorporated County to provide lighting continuity along the public right-of-way;
2. Security Guard - provides stationary and/or roving patrols staffed by off-duty police officers or commercial guards;
3. Multipurpose Maintenance - includes, but is not limited to, landscape and lake maintenance; maintenance of swales, walls, and graffiti abatement for walls within or abutting the public right-of-way; and
4. Capital Improvement/Road Maintenance - provides for upgrades or improvements within public right-of-way; examples include water/sewer, drainage, utilities and other roadway improvements.

The County is currently responsible for the management and operation of 1,041 active Special Taxing Districts. Of these, 897 are Street Lighting Districts, 24 are Security Guard Districts, 118 are Multipurpose Maintenance Districts, and 2 are Capital Improvement/Road Maintenance Districts. The special assessments are levied on a unit basis for security guard services, road maintenance and service relocations; square-footage basis for multipurpose maintenance services; and front-footage basis for street lighting services and gas pipeline services.

Pursuant to section 18-14(4) of the Code, the County Mayor or County Mayor's designee caused assessment rolls to be prepared and filed with the Clerk of the Board. Each affected property owner was notified that the special assessments, when approved and confirmed pursuant to section 18-14(6) of the Code, will be placed on the 2023 real property tax bills and that, if these special assessments are not paid when due, the properties on which the special assessments are levied will be respectively subject to the same collection procedures as for ad valorem taxes, including possible loss of title.

Pursuant to Florida Statute 197.3632 and section 18-14(5) of the Code, the County is required to publicly notice the hearing regarding the adoption of the non-ad valorem assessment rolls in Special Taxing Districts. Pursuant to Florida Statute 197.3632, the Board is required to adopt non-ad valorem assessment rolls at a public hearing held between January 1st and September 25 for any district for which the rates will increase from the prior year.

Pursuant to notices published, posted, and mailed to all property owners within the Special Taxing Districts, the Board will hold a public hearing upon the notification of the assessment rolls, and all interested persons will be afforded the opportunity to present their objections, if any, with respect to their assessments on such assessment rolls. Prior to the hearing, residents of Districts with proposed rate increases will receive a required notice in the mail informing them of the public hearing. In addition, as required by law, staff will advertise the public hearing for impacted Districts in a newspaper of general circulation. Finally, staff from the Division have reached out to impacted Districts with organized associations to arrange for meetings with concerned residents and hosted an informational town hall meeting.

In accordance with section 18-19 of the Code, the Audit and Management Services Department (AMS) has been conducting annual audits on Special Taxing Districts. The most recent audit conducted for FY 2021 resulted in no adverse findings. AMS continues to provide oversight and PROS is working cooperatively with AMS to address any recommendations for improving the program.



Jimmy Morales
Chief Operations Officer

Proposed Fiscal Year 2023-24 Special Assessment Districts Rates
(Assessments based on front footage)
EXHIBIT A (Street Lighting Districts with Increasing Rates)

| District | District Description | FY 2022-23 Current Rate | FY 2023-24 Proposed Rate | Number of Folios | Number of Units | Value |
|----------|-------------------------------|----------------------------|-----------------------------|---------------------|--------------------|--------------|
| L0078 | ANDOVER FIRST ADDITION | \$ 1.2280 | \$ 6.7919 | 189 | 5253 | \$ 35,677.00 |
| L0281 | BARIMA ESTATES SPTX | \$ 1.3818 | \$ 1.4773 | 77 | 8409 | \$ 12,422.00 |
| L0283 | MIRELDA ESTATES SPTX | \$ 1.6056 | \$ 1.9455 | 53 | 6293 | \$ 12,243.00 |
| L0315 | FANTASY HOMES SPTX | \$ 1.3313 | \$ 1.4195 | 86 | 4601 | \$ 6,531.00 |
| L0331 | SHOMA/KENDALL STREET LIGHTING | \$ 0.9990 | \$ 1.2928 | 166 | 9604 | \$ 12,416.00 |
| L0335 | CENAL ESTATES SLID | \$ 1.0520 | \$ 1.1768 | 151 | 20727 | \$ 24,391.00 |
| L0708 | PW SAB SUBDIVISION L-708 | \$ 1.4637 | \$ 2.2242 | 1 | 330 | \$ 733.00 |
| L0892 | PW MELQUIADES SUBDIVISION S | \$ 0.7143 | \$ 0.9442 | 8 | 896 | \$ 846.00 |
| L1137 | GREYSTOKE HOMES AT 216 STREET | \$ 1.1387 | \$ 1.4468 | 20 | 1392 | \$ 2,013.00 |
| L1285 | RITA GARDEN THE CENTER SLIDS | \$ 0.0063 | \$ 0.6042 | 1 | 480 | \$ 290.00 |
| L1350 | SPTX VANESSA'S PLACE L-1350 | \$ 0.9823 | \$ 1.4352 | 16 | 1096 | \$ 1,572.00 |



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(H)

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 _____

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7-6-23

ORDINANCE NO. 23-45

ORDINANCE APPROVING, ADOPTING AND RATIFYING NON-AD VALOREM ASSESSMENT ROLLS, RATES AND ASSESSMENTS FOR 11 CERTAIN STREET LIGHTING SPECIAL TAXING DISTRICTS IN MIAMI-DADE COUNTY, FLORIDA FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

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

WHEREAS, a public hearing has been conducted by the Board of County Commissioners in accordance with the requirements and procedures of chapter 18 of the Code of Miami-Dade County,

BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. This Board incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. This Board intends to use the uniform method of collection of non-ad valorem assessments as authorized in section 197.3632, Florida Statutes, as amended, for collecting the non-ad valorem assessments levied within Miami-Dade County for special taxing districts, including the street lighting districts described in the accompanying memorandum. Legal descriptions of such areas to the assessments, units of measurement, and the amount of the assessment are attached to the accompanying memorandum as Exhibit A and incorporated herein

by reference. Except as herein provided, this Board hereby also incorporates by reference: (1) all previously adopted ordinances establishing and/or amending the districts and service areas described in Exhibit A to the accompanying memorandum; and (2) any resolutions adopting preliminary or amended assessment rolls resolutions for the districts and service areas described in Exhibit A.

Section 3. After duly advertised public hearing, this Board has received written objections, if any, and heard testimony from all interested persons and, based on the special benefits to the properties within the districts described in Exhibit A to the accompanying memorandum, hereby determines that the assessments shown on the assessment rolls are in proportion to the special benefits accruing to the respective parcels of real property appearing on said assessment rolls and that the levies of the assessments are needed to fund the cost of providing street lighting services within these districts. Said assessment rolls (a copy of which are made a part hereof by reference) are approved, adopted, and confirmed pursuant to section 18-14(6) of the Code of Miami-Dade County, Florida.

Section 4. All assessments made upon said assessment rolls shall constitute a special assessment lien upon real property so assessed from the date of the confirmation of such assessments, in accordance with the provisions of section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 5. All assessments shall be payable in accordance with section 18-14(7) of the Code of Miami-Dade County, Florida. As authorized by section 197.3632, Florida Statutes, all special assessments levied and imposed under the provisions of the various ordinances previously approved by the Board, shall be collected, subject to the provisions of chapter 197, Florida Statutes, in the same manner and at the same time as ad valorem taxes. Unless paid when due, such

assessments shall be deemed delinquent and payment thereof may be enforced by means of the procedures provided by the provisions of chapter 197, Florida Statutes, or section 18-14(8) of the Code of Miami-Dade County, Florida.

Section 6. Within 30 days from the effective date of this ordinance, the Clerk of the Board of County Commissioners is directed to deliver to the Finance Director a copy of the assessment roll, and to cause a duly certified copy of this ordinance, together with the assessment roll, to be filed and recorded in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 7. Unless otherwise prohibited by law, this ordinance shall supersede all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions in the Code of Miami-Dade County in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.

Section 8. 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.

Section 9. All provisions of this ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon override by this Board.

Section 10. It is the intention of the Board of County Commissioners and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

PASSED AND ADOPTED:
Approved by County Attorney as
to form and legal sufficiency:

July 6, 2023

GKS for GBK

Prepared by:

DPL

Daija Page Lifshitz
Jorge Martinez-Esteve