



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Parks and Cultural Affairs Committee

January 18, 2018
9:30 A.M.
Commission Chambers

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PCAC Meeting: January 18, 2018
Research Notes

Item No. 1G1
File No. 172561

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO SPECIAL TAXING DISTRICTS; AMENDING SECTION 18-20.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING ALL SELLERS OF REAL PROPERTY LOCATED WITHIN A SPECIAL TAXING DISTRICT TO DISCLOSE TO BUYERS WITHIN REAL ESTATE CONTRACTS AND ON ANY INSTRUMENT CONVEYING TITLE THAT SUCH REAL PROPERTY IS LOCATED WITHIN A SPECIAL TAXING DISTRICT AND SUBJECT TO THE PAYMENT OF ASSESSMENTS; REQUIRING SUCH SELLERS TO RECORD BUYERS' WRITTEN ACKNOWLEDGEMENT IN PUBLIC RECORDS OF MIAMI-DADE COUNTY; PROVIDING FOR DELAYED IMPLEMENTATION; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO REAL ESTATE INDUSTRY AND PROVIDE A REPORT TO THE BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the ordinance requiring all sellers of real property within a special taxing district to inform and record notice to all buyers that the property is within a special taxing district.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Chapter 18: (*Improvement and Special Districts*) and Sec. 18-20.2 (*Notice to all purchasers of new residential property*): [https://library.municode.com/fl/miami - dade county/codes/code_of_ordinances?nodeId=PTIIIICOR_CH18IMSPRPDI](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIIICOR_CH18IMSPRPDI)

Section 1.01 of the County's Home Rule Charter (*Powers*): <http://www.miamidade.gov/charter/library/charter.pdf>
Which States: “ (c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.”

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12
Department/Requester: None

11/20/2017: The Board adopted the item on first reading and scheduled for public hearing.

FISCAL IMPACT

This item has no fiscal impact.

ANALYSIS

According to the Mayor's memo, if implemented, existing staff of the Special Taxing Districts Division will provide notice of the enactment of this ordinance to the real estate industry. If approved, this will help buyers avoid the potential hardship of acquiring property without knowing that their property is subject to annual assessments, regardless of their demographics or income levels.

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Sec. 18.20.2 As it currently reads	Sec. 18.20.2 Proposed Amendments
<p>(a) Definition. The term "new residential property" as used in this section shall mean any and all undeveloped land zoned for residential use and any and all residential dwelling units not previously sold for the purpose of individual owner occupancy.</p>	<p>(a) Definition. The term "property" as used in this section shall mean any real property located within a special taxing district created, or pending creation by an ordinance proposed to the Board of County Commissioners, pursuant to this chapter.</p>
<p>(b) Notice to purchasers. It shall be the obligation of a seller of new residential property to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the new residential property and shall be in substantially the following form:</p> <p>THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.</p> <p>(Ord. No. 89-56, § 1, 6-20-89)</p>	<p>b) Notice to purchasers. It shall be the obligation of a seller of property to provide the purchaser thereof with notice either of the existence of a special district created pursuant to this chapter or of the pendency of a petition to create such a district. The notice required by this section shall be set forth in the contract for sale and purchase of the property and shall be in substantially the following form:</p> <p>THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY Miami-Dade COUNTY (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____. THE COSTS FOR PROVIDING SUCH IMPROVEMENTS AND SERVICES SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST PROPERTIES WITHIN THE DISTRICT. SAID SPECIAL ASSESSMENTS MAY BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS AD VALOREM TAXES.</p> <p>(Ord. No. 89-56, § 1, 6-20-89)</p>
	<p>(c) Acknowledgement of special taxing district disclosure statement on instrument of conveyance. It shall be the responsibility of a seller of property that the following statement shall appear in a prominent location on the face of any instrument conveying title to property. The Seller shall record the notarized statement in the public records of Miami-Dade County maintained by the Clerk of the Court:</p>

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I HEREBY CERTIFY THAT I UNDERSTAND THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS TRANSACTION IS LOCATED WITHIN _____ SPECIAL TAXING DISTRICT CREATED BY MIAMI-DADE (OR PROPOSED TO THE BOARD OF COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICES IN THE NATURE OF _____.

Signature of Purchaser _____ Date _____