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MIAMI-DADE COUNTY TO CONSIDER ORDINANCE REQUIRING DISCLOSURE OF SPECIAL TAXING DISTRICTS

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By: Jeffrey R. Margolis

Doing Business in Florida

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Miami-Dade Board of County Commissioners will consider today for first reading an amendment to the Miami-Dade County Code which would require sellers of residential property located within a special taxing district to disclose to buyers that such property is located within a special taxing district and subject to payment of assessments. On February 6, 2018, Miami-Dade County enacted Ordinance No. 18-12 amending Section 18-20.2 of the County Code to require notice to all buyers of real property that the property is located within a special taxing district and requiring the buyer to sign the instrument conveying title and containing the required notice. The implementation of Ordinance No. 18-12 has been delayed and, as a result of input from the real estate industry, the Commission will consider a further amendment to Section 18-20.2 of the County Code which will require notice of the existence of a special district or the pendency of a petition to create a special district to purchasers of real property located within an existing or proposed special taxing district which is either (a) zoned for residential use and containing residential units previously sold for the purposes of individual owner occupancy (b) undeveloped land zoned for residential use, or (c) and residential units not previously sold for the purpose of individual owner occupancy. The proposed notice would need to be substantially in the following form and included in the contract for purchase and sale or an addendum to the contract for purchase and sale signed on the same date as the contract for purchase and sale:

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.

The proposed amendment also includes a requirement that a notice of a special taxing district, including the legal description of the property, be recorded upon the creation of a special taxing district. The proposed amendment removes the requirement that the purchaser sign the instrument of conveyance containing a notice of the special taxing district.

For more information, please contact the author Jeffrey Margolis on our Business, Finance & Tax Team.

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Jeffrey R. Margolis

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