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DISCLOSURE OF SPECIAL TAXING DISTRICTS

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By: Jeffrey R. Margolis

My January 23, 2019 post explained that Miami-Dade County was considering an amendment to the Code of Miami-Dade County relating to the disclosures required by a seller of residential property located within a special taxing district. Last year, Miami-Dade County passed County Ordinance 18-12 which amended Section 18-20.2 of the Code of Miami-Dade County requiring the seller of property located within a special taxing district in Miami-Dade County to provide notice and disclose the special taxing district on any deed conveying title to the property and requiring the buyer to sign the deed. Implementation of the ordinance was delayed several times while the County addressed concerns raised about the buyer signing a deed conveying property.

On March 5, the County passed ordinance 19-18 which completely eliminates the requirement for sellers to disclose special taxing districts on deeds and the requirement for buyers to sign the deed. The Code still requires sellers to provide notice in the contract for sale and purchase, or an addendum to the contract for sale and purchase, of the existence of a special district or the pendency of a petition to create a special district to purchasers of residential property located within an existing or proposed special taxing district. The notice of special taxing district must be in the following form:

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 revised ordinance was effective March 15, 2019.

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

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