

Date: March 20, 2018
To: All Florida Agents
From: Mara Alyson, Florida Underwriting Counsel
RE: Miami-Dade County Ordinance Relating to Special Taxing Districts

On February 6, 2018, Section 18-20.2 of the Miami-Dade County Code was expanded to require all sellers in a special taxing district¹ of Miami-Dade County to disclose the existence of the special taxing district on the face of the instrument of conveyance (Deed). This applies to all residential and non-residential transactions within Miami-Dade County. Originally the Ordinance only required developers to disclose the special taxing district in a contract to sell property. As of May 17, 2018, the Ordinance now requires that all sellers, whether residential, non-residential, new construction, or resale, to disclose the existence of a special taxing district on the body of the instrument of conveyance.

The amended Ordinance states:

- (c) Acknowledgement of the special taxing district disclosure statement on the instrument of conveyance. It shall be the responsibility of the seller of property that the following statement shall appear in a prominent location on the face of any instrument conveying title to the property. The Seller shall record the notarized statement in the public records of Miami-Dade County Clerk of the Court:

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 COUNTY (OR PROPOSED TO THE COUNTY COMMISSIONERS) FOR THE PURPOSE OF PROVIDING LOCAL IMPROVEMENTS AND SERVICE IN THE NATURE OF _____.

Signature of Purchaser

Date

It is unclear whether the Agent is liable (and what the penalties are) for failure to adhere to the Ordinance. In light of the ambiguity in the Ordinance, FNTI requires all Deeds recorded on or after May 17, 2018, include the statement on the face of the Deed for property known to be in an existing or proposed special taxing district of Miami-Dade County. To verify whether the property is in a special taxing district, the Agent can contact the Miami-Dade County Property Appraiser or review the most recent TRIM Notice or prior Deed. As many special taxing districts were adjusted in 2016, the Agent should also verify if the property is in a special taxing district with the County directly, as the Seller may not have knowledge whether the district was categorized into a special taxing district.

Questions? Contact your Florida Underwriting Counsel at Mara.Alyson@FNTI.com or 754-264-3775.

¹ Assessment Districts (formerly known as Special Taxing Districts) can be created by property owners in a defined area who vote to levy a tax in support of public improvements to the area. Assessment Districts may be created for lighting, sewers or other infrastructure improvements.

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