

# MEMORANDUM

Agenda Item No. 5(B)

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

**DATE:** September 17, 2024

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to required real estate appraisals whenever the County sells or is involved in a lease of real estate as a lessor or lessee; amending section 2-10.4.2 of the Code to permit the Board of County Commissioners to waive such requirements without a recommendation of the County Mayor

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsor Chairman Oliver G. Gilbert, III.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/jp

MDC001



**MEMORANDUM**  
(Revised)

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

**DATE:** September 17, 2024

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Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(B)

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 \_\_\_\_, majority plus one \_\_\_\_, 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) \_\_\_\_, 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 \_\_\_\_\_

Agenda Item No. 5(B)  
9-17-24

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO REQUIRED REAL ESTATE APPRAISALS WHENEVER THE COUNTY SELLS OR IS INVOLVED IN A LEASE OF REAL ESTATE AS A LESSOR OR LESSEE; AMENDING SECTION 2-10.4.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PERMIT THE BOARD OF COUNTY COMMISSIONERS TO WAIVE SUCH REQUIREMENTS WITHOUT A RECOMMENDATION OF THE COUNTY MAYOR; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, on May 22, 2001, this Board adopted Ordinance No. 01-95 as codified in section 2-10.4.2 of the Code of Miami-Dade County, Florida (“Code”); and

**WHEREAS**, the Code requires that whenever the County purchases, sells, or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of \$5,000,000.00, the County shall prior to consummating the purchase, sale or lease, have the property appraised by two real estate appraisers holding the M.A.I. designation; and

**WHEREAS**, under the current Code, this Board cannot waive the appraisal requirement unless the County Mayor specifically recommends such waiver; and

**WHEREAS**, this amendment to the Code reaffirms this Board’s authority to waive provisions when it determines that such action is in the best interest of the County, and to ensure consistency with other established rules; and

**WHEREAS**, currently, no legislative item related to the sale, lease, or transfer of property where the value of such property is in excess of \$5,000,000.00 may be brought before this Board without two appraisals or unless the County Mayor recommends a waiver of the appraisal requirement; and

**WHEREAS**, as the County's legislative body, it is contrary to the public interest for this Board to be restricted from bringing forward matters concerning the sale, lease, or purchase of property, especially given that this Board is the ultimate decisionmaker on such issues; and

**WHEREAS**, accordingly, this Board desires to amend the Code to allow this Board to waive the provisions of the Code if this Board finds it to be in the best interest of the County to do so and without the recommendation of the County Mayor,

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

**Section 1.** Section 2-10.4.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-10.4.2. Appraisers required for purchases, sales and leases.**

- (a) Whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the ~~[[annual]]~~ value of the property being leased is in excess of ~~[[five million dollars]]~~ >>\$5,000,000.00<<, the County shall prior to consummating the purchase, sale or lease have the property appraised by two ~~[[2]]~~ real estate appraisers holding the M.A.I. designation.
- (b) Upon the written recommendation of the County ~~[[Manager]]~~>>Mayor<<, this Board may waive the provisions of this section if it finds it to be in the best interest of the County to do so. >>Alternatively, any item sponsored by a County Commissioner that involves the County selling or involving the leasing of real estate, whether as lessor or lessee, and where the fee simple value of the property sold or the value of the property being leased is in excess of \$5,000,000.00, this Board, without a recommendation of the County Mayor, may

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<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

waive the provisions of this section by resolution if it finds it to be in the best interest of the County to do so.<<

- (c) The County Commission shall be informed of each of the appraisals prior to the Board's approving or disapproving the transaction.

**Section 2.** 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 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

MAG for GBK

Prepared by:

ASA

Terrence A. Smith  
Debra Herman

Prime Sponsor: Commissioner Kevin Marino Cabrera  
Co-Sponsor: Chairman Oliver G. Gilbert, III