

# MEMORANDUM

Agenda Item No. 11(A)(24)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

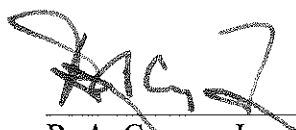
**DATE:** April 8, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to enact legislation  
prohibiting licensed and  
unlicensed Agents appearing  
before the Value Adjustment  
Board from filing petitions on  
behalf of property owners  
without first obtaining the  
property owners consent and  
signature

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/lmp




# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 8, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(24)

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
- ☐ 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 \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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. 11 (A) (24)

4-8-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
ENACT LEGISLATION PROHIBITING LICENSED AND  
UNLICENSED AGENTS APPEARING BEFORE THE VALUE  
ADJUSTMENT BOARD FROM FILING PETITIONS ON  
BEHALF OF PROPERTY OWNERS WITHOUT FIRST  
OBTAINING THE PROPERTY OWNERS CONSENT AND  
SIGNATURE

**WHEREAS**, property owners are entitled to seek administrative review of their property tax assessment before the Value Adjustment Board ("VAB"), and are entitled to be represented by an agent or attorney before the VAB, whether licensed or unlicensed ("Agents"); and

**WHEREAS**, VAB proceedings are initiated by filing a petition for relief on a form prescribed by the Florida Department of Revenue; and

**WHEREAS**, the current petition form requires only unlicensed Agents to obtain their clients' signature on the VAB petition in order to initiate VAB proceedings; and

**WHEREAS**, the overwhelming majority of Agents are licensed, whether as attorneys or otherwise, and thus do not have to obtain their clients' signature on the VAB petition in order to initiate VAB proceedings; and

**WHEREAS**, there have been many reported instances of property owners complaining that petitions have been filed by Agents on their behalf but without their consent; and

**WHEREAS**, there have also been reported instances of multiple Agents filing VAB petitions as to the same property; and

**WHEREAS**, requiring all Agents to obtain the consent and signature of property owners on any petition prior to submitting it to the VAB will ensure that property owners' interests are being properly represented before the VAB by the Agent of their choice,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board;

**Section 1.** Urges the Florida Legislature to adopt legislation requiring Agents, both licensed and unlicensed, to obtain the consent and signature of the property owners prior to filing a VAB petition on their behalf, and requiring the Florida Department of Revenue to promulgate a revised form VAB petition that requires property owners' signatures in order to be accepted by the VAB.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate the passage of legislation accomplishing the goals set forth herein, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package to include this item and to include this issue in the 2015 state legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of April, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

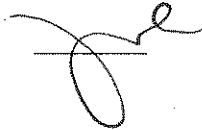
MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Jorge Martinez-Esteve

A handwritten signature in black ink, appearing to read 'Jorge', written over a horizontal line.