

STORAGE NAME: h2121.ca

DATE: April 3, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 2121

RELATING TO: Miami-Dade Lake Belt Plan

SPONSOR(S): Representative Villalobos

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (PRC)
 - (2) REAL PROPERTY & PROBATE (CJC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill repeals a provision that requires the entity holding title to real property located inside the Miami-Dade Lake Belt area or within two miles of the boundary to submit a written affidavit of disclosure to Miami-Dade County. This must occur prior to the sale, lease, or issuance of a development order, including the approval of a change in land use designation or zoning.

This bill clarifies the boundaries of the Miami-Dade County Lake Belt area.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1999, the Florida Legislature adopted § 373.4149 F.S. titled Miami-Dade County Lake Belt Plan. The Lake Belt Area consists of approximately 89 square miles of property between the everglades and urbanized areas of Miami-Dade County.

The current Lake Belt Plan (§ 373.4149 F.S.) requires that before the sale, lease, or issuance of a development order in the Lake Belt Area, and surrounding 2-mile area, the entity owning the real property must submit a written affidavit of disclosure to Miami-Dade County in a form suitable for recording acknowledging the existence of mining activities within close proximity to the property; agreeing to provide copies of the affidavit to all subsequent parties to whom whole or part interest in the real property is transferred either by sale, lease, or other means; and acknowledging potential liability for failure to provide such disclosure. Failure to substantially comply with this requirement makes the "sale of the real property or interest therein voidable at the purchaser's option for a period of seven years."

C. EFFECT OF PROPOSED CHANGES:

This bill repeals subsection (5) of section 373.4149, F.S., that requires the entity holding title to real property located inside the Miami-Dade Lake Belt area or within two miles of the boundary to submit a written affidavit of disclosure to Miami-Dade County prior to the sale, lease, or issuance of a development order, including the approval of a change in land use designation or zoning.

This bill clarifies the boundaries of the Miami-Dade County Lake Belt area.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 373.4149 (3), F.S., to clarify boundaries of the Miami-Dade County Lake Belt Plan.

Section 2: Repeals section 373.4149 (5), F.S., relating to requirements on the sale or lease of certain property or the issuance of a development order in the plan area.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The homeowners within this area may be economically benefitted by the bill as there currently is some concern that the disclosure requirement is acting as a blight on their title. By removing this requirement, homeowners may be able to more easily sell or lease their properties.

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise the revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the tax authority that counties or municipalities have to raise revenue in the aggregate.

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Due to the repeal of section 373.4149(5), F.S., the disclosure language and voidable provision no longer apply. Replacement language is not included, and therefore may be a cause of action for a claim of non-disclosure.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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