

ORDINANCE NO. 26-360

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 38, "SPECIAL TAXING DISTRICTS," OF THE TOWN CODE OF ORDINANCES; AMENDING SECTION 38-2, "AMENDMENTS," TO PROVIDE FOR THE ADOPTION OF SPECIAL ASSESSMENTS FOR CAPITAL IMPROVEMENTS AND TO DEFINE "CAPITAL IMPROVEMENT"; AMENDING SECTION 38-3, "IMPLEMENTATION AND ADMINISTRATION," TO ADDRESS CAPITAL IMPROVEMENTS AND INCIDENTAL SERVICES AND IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 38 of the Town Code of Ordinances, "Special Taxing Districts," as created by Ordinance No. 24-331, establishes the exclusive procedures for amending the ordinances that establish and govern the Town's Special Taxing Districts, and addresses the implementation and administration of such districts; and

WHEREAS, Chapter 38 does not presently provide a codified process for the adoption of a special assessment to fund a capital improvement within a Special Taxing District, nor does it define the term "capital improvement"; and

WHEREAS, the Town Council desires to amend Chapter 38 to establish a uniform process for the adoption of special assessments for capital improvement projects, following the same procedures used for the amendment of a district's operating ordinance, and to define "capital improvement"; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is necessary and in the best interest of the public health, safety, and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above-stated recitals is hereby adopted, confirmed, and incorporated herein by this reference.

Section 2. Amendment to Chapter 38. Chapter 38, "Special Taxing Districts," of the Town Code of Ordinances is hereby amended to read as follows (words underlined are added; words ~~stricken through~~ are deleted; asterisks (* * *) indicate provisions not amended and remaining in full force and effect):

Chapter 38 SPECIAL TAXING DISTRICTS

Sec. 38-1. Reserved.

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Sec. 38-2. Amendments and Special Assessments.

(a) *Amendment by HOA or homeowner.* The following shall be the exclusive procedures for the amendment of the ordinances establishing and governing the Town's Special Taxing Districts ("Operating Ordinance") and adoption of special assessments for capital improvements. A "Capital improvement" is defined as a physical asset constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost, exceeding \$2,000. The cost of a capital improvement is generally nonrecurring and may require multiyear financing.

(1) A letter of intent (LOI) is submitted to the Town from the applicable homeowner association (HOA), if the Special Taxing District has a mandatory, active HOA, otherwise ten percent of the homeowners (herein after referred to as the "homeowners") within the existing Special Taxing District. The LOI is to include an exhibit containing a list of every folio and address within the boundaries.

(2) Once in receipt of an LOI, the Town will draft a petition to be circulated among the properties within the Special Taxing District.

a. The petition will contain:

1. The name and contact information of the party or parties which submitted the LOI to the Town to initiate this process.
2. All proposed changes to the special taxing district including the estimated economic impact of the change.
3. An explanation of this amendment process and a copy of the ordinance from which this chapter is derived.

b. Once drafted the petition will then be presented to the Town Council for approval by resolution.

c. A courtesy notice will be sent to all properties located within the Special Taxing District prior to the Council meeting approving the petition.

(3) The requesting party, either the HOA or the homeowners, will circulate the petition among all property owners within the district boundaries and must acquire the support of more than 50 percent of the property owners for the amendment/assessment request to proceed.

a. The petition must be completed and returned to the Town within four months from the date of the resolution approving the petition. If the petition is not returned to the Town within four months, then it will be deemed unsuccessful.

b. All submitted petition forms must be original, completed in ink, and dated.

c. Only one property owner's signature, per household, will count toward the more than 50 percent requirement.

(4) Once the petition is received by the Town the level of support will be assessed and the amendment/assessment process will continue as follows:

a. If the support of at least 50 percent of the property owners plus one additional property owner is not attained on the petition, then the request for amendment/assessment to the existing Special Taxing District will have been deemed unsuccessful and no further progress will be made.

1. The HOA or homeowners are barred from requesting a materially similar amendment/assessment request for one year from the date of the unsuccessful petition.

b. If the support of more than 50 percent but not more than 66.66 percent of the property owners is attained on the petition, then a legislative package will be prepared for approval before the Town Council, which if approved will require an election.

1. The item will be presented to the Town Council for two readings with mailed notice being sent to all property owners within the district at least 21 days before the second reading.

2. If the item is approved by the Town Council on second reading, then the item will be set for an election.

3. A majority of qualified voters will need to approve the amendment/assessment in order to enact the requested changes.

4. The election will be conducted by mailed ballot by either the Miami-Dade Elections Department or by the Town's Clerk as to be determined by the Town Council.

c. If the support of more than 66.66 percent of the property owners is attained on the petition, then a legislative package will be prepared for approval and enactment before the Town Council.

1. The item will be presented to the Town Council for two readings with mailed notice being sent to all property owners within the district at least 21 days before the second reading. The notice shall contain the proposed changes to the district and a cost estimate of said change.

2. If the item is approved by the Town Council on second reading, then the item will be enacted, and no election will be required.

(Notwithstanding the foregoing, if a petition attains more than 66.66 percent support, the Town Council, at its discretion, may still choose to have an election on the requested amendment to the special taxing district.)

(5) Any costs, including without limitation, printing, mailing and postage, associated with any petition and/or election will be the financial responsibility of the existing Special Taxing District regardless of whether the amendment passes or fails.

(b) Amendments by Town Council.

(1) The Town Council shall not initiate any amendments to the operating ordinance of any existing Special Taxing District or adopt a special assessment for a capital improvement, except pursuant to the procedures outlined in Section 38-2(a).

(Ord. No. 24-331, § 2(Exh. A), 10-29-2024)

Sec. 38-3. Implementation and administration.

(a) Except as otherwise provided for herein, the Town shall not add any service or make any improvement not expressly provided for in the Special Taxing District's Operating Ordinance, and strictly construe such ordinance.

(b) Notwithstanding the foregoing, the Town may provide services or capital improvements that are not expressly provided for in the Special Taxing District Operating Ordinance, but only so long as such services or improvements are directly related to the administration of the services, are restoration improvements of the same kind, or are necessary for the safety, health, or welfare of the public which are expressly provided for in the operating ordinance, hereinafter referred to as "incidental services/improvements"

(1) In determining whether a service or expenditure is an incidental service/improvement, the Town shall consider whether the expenditure or service provides for the same continual level of service maintained by the Special Taxing District or whether the expenditure or service augments what is being provided. Incidental services/improvements should only be those necessary to maintain the current level of service.

(2) When providing incidental services/improvements the Town shall employ best practices to secure the most cost-effective options, provided they comply with the Town Code and Florida Law.

(c) The Town Council shall host at least one budget workshop tailored to discuss the proposed budgets of the Special Taxing Districts between the dates of March 1 and June 30 of each calendar year.

(Ord. No. 24-331, § 2(Exh. A), 10-29-2024)

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Miami Lakes; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" may be changed to "Section," "Article," or other appropriate word.

Section 5. Conflicts. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

FIRST READING

The foregoing Ordinance was offered by Vice Mayor Morera who moved its adoption on first reading. The motion was seconded by Councilmember Garcia and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

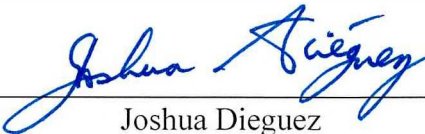
Passed and adopted on first reading on the 21st of July 2026

SECOND READING

The foregoing Ordinance was offered by Mayor Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Garcia and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Absent
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted in second reading on the 18th day of August 2026



Joshua Dieguez
Mayor

Attest:



Gina Inguanzo
Town Clerk

Approved as to form and legal sufficiency:



Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
Deputy Town Attorney