

ORDINANCE NO. 2013-01-289

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR AN ADDITIONAL FIFTY THOUSAND DOLLAR (\$50,000.00) HOMESTEAD EXEMPTION FOR QUALIFYING SENIORS TO BE APPLIED TO TAXES LEVIED BY THE CITY; PROVIDING FOR THE ANNUAL SUBMISSION OF A SWORN STATEMENT TO THE PROPERTY APPRAISER; ALLOWING SUPPORTING DOCUMENTATION; PROVIDING FOR WAIVER OF EXEMPTION; PROVIDING FOR COMMENCEMENT OF EXEMPTION; PROVIDING FOR AN ANNUAL INCREASE IN THE INCOME LIMITATION; REPEALING ORDINANCE 2004-19-35; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 13, 2004, the City Council approved an additional homestead exemption for certain qualifying seniors in the amount of Twenty-Five Thousand Dollars (\$25,000.00), and

WHEREAS, Section 196.075, Florida Statutes was recently amended to delete any reference to a \$25,000 senior exemption and to allow municipalities to provide a Fifty Thousand Dollars (\$50,000.00) exemption to qualifying seniors, and

WHEREAS, Councilwoman Felicia Robinson is recommending that the City Council adopt an ordinance recognizing the \$50,000.00 senior exemption in accordance with the Statute, and

WHEREAS, it is estimated that the fiscal impact to the City for the additional exemption will be \$61,500 annually,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. HOMESTEAD EXEMPTION: In accordance with Section 196.075, Florida Statutes, any person 65 years of age or over who has legal or equitable title to real estate located within the City of Miami Gardens and receives a homestead exemption pursuant to Section 6A, Art. VII of the Florida Constitution and who has household income does not exceed Twenty Thousand Dollars (\$20,000.00) shall be entitled to make application for an additional homestead exemption of Fifty Thousand Dollars (\$50,000.00). This additional homestead exemption, if granted, shall be applicable to all taxes levied by the City of Miami Gardens.

Section 3. APPLICATION PROCESS: Every person claiming the additional homestead exemption pursuant to this Ordinance must file an application with the Miami Dade County Property Appraiser no later than March 1 of each year for which such tax exemption is claimed. Such application shall include a sworn statement of household income for all members of the household and shall be filed on the form proscribed by the Florida Department Revenue. Every applicant must file supporting documentation with the Property Appraiser. Said documentation shall include copies of all federal income tax returns, wages and earning statements, and other documentation required by the property appraiser, including

documentation necessary to verify the income received by all members of the household for the prior year.

Section 4. WAIVER: Failure to file applications and sworn statements by March 1, or failure to file the required supporting documentation, shall constitute a waiver of the additional exemption privilege for that year.

Section 5. COMMENCEMENT: This additional exemption shall be available commencing with the 2013 tax roll and the property appraiser may begin accepting applications and sworn statements for the year 2013 tax roll as soon as the appropriate forms are available from the Department of Revenue.

Section 6. ANNUAL ADJUSTMENTS: Each January, the \$20,000.00 annual income limitation and this Ordinance shall be adjusted annually and applicable as of January of each year. The annual income limitation shall be adjusted by the percentage of change and the average cost of living index for the immediately preceding calendar year compared with the average cost of living index for the calendar year immediately prior to that year as used herein "index" shall be the average of the monthly consumer price index figures for the stated period for the United States as a whole, issued by the United States Department of Labor.

Section 7. DIRECTIONS TO THE CITY CLERK: The City Clerk shall within thirty (30) days of the adoption of this Ordinance deliver a certified copy of this Ordinance to the Miami-Dade County Property Appraiser.

Section 8. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 9. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 10. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 9th DAY OF JANUARY, 2013.

PASSED ON SECOND READING ON THE 23rd DAY OF JANUARY, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 23rd DAY OF JANUARY, 2013.



OLIVER GILBERT, III, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: COUNCILWOMAN FELICIA ROBINSON

Ordinance No. 2013-01-289

Moved by: Councilwoman Robinson
Second by: Vice Mayor Davis

VOTE: 7-0

Mayor Oliver Gilbert, III	<u>X</u> (Yes)	_____ (No)
Vice Mayor Lisa Davis	<u>X</u> (Yes)	_____ (No)
Councilwoman Lillie Q. Odom	<u>X</u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	_____ (No)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	_____ (No)
Councilman Rodney Harris	<u>X</u> (Yes)	_____ (No)
Councilman Erhabor Ighodaro, Ph.D.	<u>X</u> (Yes)	_____ (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date: <i>(Enter X in box)</i>	January 23, 2013		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other	
					X		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading	
	X					x	
				Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
						x	
Funding Source:	General Fund		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
						x	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:	<i>(Enter #)</i>			
		X					
Sponsor Name	Councilwoman Felicia Robinson		Department:	City Council			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR AN ADDITIONAL FIFTY THOUSAND DOLLAR (\$50,000.00) HOMESTEAD EXEMPTION FOR QUALIFYING SENIORS TO BE APPLIED TO TAXES LEVIED BY THE CITY; PROVIDING FOR THE ANNUAL SUBMISSION OF A SWORN STATEMENT TO THE PROPERTY APPRAISER; ALLOWING SUPPORTING DOCUMENTATION; PROVIDING FOR WAIVER OF EXEMPTION; PROVIDING FOR COMMENCEMENT OF EXEMPTION; PROVIDING FOR AN ANNUAL INCREASE IN THE INCOME LIMITATION; REPEALING ORDINANCE 2004-19-35; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Summary:

On October 13, 2004, the City Council approved an additional homestead exemption for certain qualifying seniors for Twenty-Five Thousand Dollars (\$25,000.00). The Florida Legislature recently amended Section 196.075 of the Florida Statutes to delete any reference to a \$25,000 senior exemption and to allow municipalities to provide a Fifty Thousand Dollars (\$50,000.00) exemption to qualifying seniors. If The City does not act, qualifying seniors will lose the \$25,000.00 exemption that they were afforded since 2004.

**ITEM I-1) ORDINANCE
SECOND READING/PUBLIC HEARING
Homestead Exemption**

Councilwoman Felicia Robinson is recommending that the City Council adopt an ordinance recognizing the \$50,000.00 senior exemption in accordance with the Statute. It is estimated that the fiscal impact to the City for the additional exemption will be \$61,500 annually,

Proposed Action:

That the City Council adopt the attached Ordinance.

Attachment: