

MEMORANDUM

Agenda Item No. 11(A)(19)

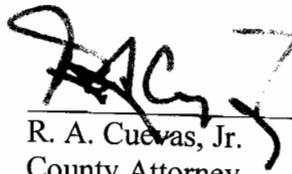
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 5, 2010

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

SUBJECT: Resolution urging the Florida
Legislature to propose a
constitutional amendment
to prohibit increases in the
assessed value of homestead
property in any year in which
the market value of such
property decreases

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

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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 Manager'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)(19)
10-5-10

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PROPOSE A CONSTITUTIONAL AMENDMENT TO
PROHIBIT INCREASES IN THE ASSESSED VALUE OF
HOMESTEAD PROPERTY IN ANY YEAR IN WHICH THE
MARKET VALUE OF SUCH PROPERTY DECREASES

WHEREAS, in 1992, Florida voters passed the “Save Our Homes” provision of the Florida Constitution, which limits the amount that the assessed value of a homestead property can increase annually to the lesser of three percent or the Consumer Price Index (CPI); and

WHEREAS, in 1994, the Legislature implemented the “Save Our Homes” amendment;
and

WHEREAS, in 1995, the Governor and the Cabinet adopted an administrative rule related to “Save Our Homes”, popularly known as the “recapture rule”, which requires property appraisers to increase the prior year’s assessed value of a homestead property by the lower of three percent or the CPI on all property when the value is lower than the market value; and

WHEREAS, this requirement applies even if the market value of the homestead property has decreased from the prior year; and

WHEREAS, the recapture rule results in homestead property owners protected by “Save Our Homes” seeing an increase in the assessed value of their home in years in which the market value of their property has decreased; and

WHEREAS, in such years, this increase in assessed value for homestead properties can potentially translate into an increase in property taxes from the prior year; and

WHEREAS, this increase in assessed value should be viewed against the backdrop of the protection “Save Our Homes” has provided longtime homeowners from the rapid increases in property values when home values were rising quickly; and

WHEREAS, nonetheless, as home values in Miami-Dade County have declined in the last several years, some long-time homestead property owners are seeing increases in assessed value of their homes based on the recapture rule; and

WHEREAS, for the current year, homestead property owners protected by “Save Our Homes” have seen a 2.7 percent increase in the assessed value of their homes under the recapture rule even though the market value of their homes may have declined; and

WHEREAS, in the last several sessions, the Florida Legislature has considered joint resolutions that would propose constitutional amendments to overturn the recapture rule and prohibit increases in the assessed value of homestead property in any year in which the market value of the property decreases; and

WHEREAS, during the 2010 session, the Legislature considered Senate Joint Resolution 718 by Senator Mike Fasano, House Joint Resolution 27 by Representative Anitere Flores and House Joint Resolution 39 by Representative Marcelo Llorente, but these joint resolutions did not pass; and

WHEREAS, passage of a joint resolution proposing a constitutional amendment to overturn the recapture rule and prohibit increases in the assessed value of homestead property in any year in which the market value of the property decreases would provide needed property tax relief particularly during these difficult economic times to longtime homestead property owners, a significant number of whom are elderly and on fixed incomes,

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 pass a joint resolution proposing a constitutional amendment to prohibit increases in the assessed value of homestead property in any year in which the market value of the property decreases.

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

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2011 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsor is Senator Javier D. Souto. 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:

	Dennis C. Moss, Chairman
	Jose "Pepe" Diaz, Vice-Chairman
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2010. 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.



Jess M. McCarty