

MEMORANDUM

Agenda Item No. 11(A)(5)

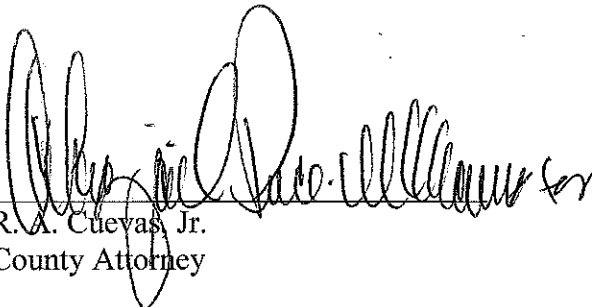
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 3, 2012

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

SUBJECT: Resolution formalizing the partnership between the County and the Property Appraiser to address the problem of homestead tax exemption fraud and directing Mayor to assist the Property Appraiser in his efforts to reduce improper homestead exemptions

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jose "Pepe" Diaz and Chairman Joe A. Martinez.


R. A. Cuevas, Jr.
County Attorney

RAC/jls

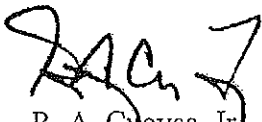


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 3, 2012

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County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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

Agenda Item No. 11(A)(5)
7-3-12

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION FORMALIZING THE PARTNERSHIP BETWEEN THE COUNTY AND THE PROPERTY APPRAISER TO ADDRESS THE PROBLEM OF HOMESTEAD TAX EXEMPTION FRAUD; DIRECTING THE MAYOR OR DESIGNEE TO EXPAND THE COOPERATION BETWEEN THE COUNTY AND THE PROPERTY APPRAISER, TO SHARE THE GEO-CODING AND OTHER DATA-MINING CAPABILITIES OF THE INFORMATION TECHNOLOGY DEPARTMENT, TO PROVIDE ALL USEFUL DATABANKS, SUCH AS THE REGULATORY AND ECONOMIC RESOURCES DEPARTMENT'S LIST OF ABANDONED PROPERTIES, AND OTHERWISE TO ASSIST THE PROPERTY APPRAISER IN HIS EFFORTS TO REDUCE IMPROPER HOMESTEAD EXEMPTIONS

WHEREAS, in the current times of economic hardship, the ability of the County to fund essential services has dropped year after year; and

WHEREAS, losses in revenue due to the economic slow-down and recession have already forced the County to reduce services, lower support to deserving community groups, lay off employees, and cut salaries and benefits; and

WHEREAS, if nothing is done, these losses in revenues will cause even further cuts and reductions, creating more hardships, and perhaps even threatening the funding for essential social services to children and the elderly and even for police and fire protection; and

WHEREAS, in such difficult economic times, it would be counter-productive to raise the millage rate or increase taxes because the hard-working people of the South Florida cannot afford to pay more taxes and still care for their own families and to grow the economy; and

WHEREAS, it is therefore more important than ever to ensure that every person paying taxes pays his or her full share, neither more nor less; and

WHEREAS, due in part to the decline in the real estate market caused by the current recession and the resulting financial pressures on residential property owners, there appears to have been an increase in the number of instances in which taxpayers have improperly claimed and received homestead exemptions from ad valorem taxes; and

WHEREAS, the Property Appraiser, Pedro J. Garcia, has done an admirable job of investigating and penalizing tax exemption fraud in general, has increased his investigations in this area, and, in the last three years, has returned to the tax roll over \$1.3 billion in taxable property, and has, in 2011, filed a record \$7.9 million in tax liens so that, as of May 22, 2012, there are over \$14.5 million in tax liens recorded with the Clerk of the Courts; and

WHEREAS, the Board of County Commissioners and the Mayor have already assisted the Property Appraiser by lending him sworn police officers to help in his investigations and by providing him access to County information and databanks; and

WHEREAS, the Board wishes to formalize and to expand the partnership with the Property Appraiser; and

WHEREAS, Miami-Dade County's Information and Technology Department has the resources to geo-code data and to associate that data with particular addresses and folio numbers; and

WHEREAS, to give one example, the Neighborhood Compliance Division of the Regulatory and Economic Resources Department has the ability to generate a list of properties that have been found to be open, vacant, and abandoned in the unincorporated Miami-Dade

County which could be cross-checked against the list of properties with homesteads exemptions to identify possible wrongful homestead exemptions,

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

Section 1. Directs the Mayor or designee to obtain for the Property Appraiser a list of properties receiving homestead tax exemptions which have been identified as abandoned by the records of the Neighborhood Compliance Division of the Regulatory and Economic Resources Department and other County departments. These properties are likely to be improperly receiving homestead exemptions because such properties would appear not to qualify as the owner's permanent residence as required by the laws governing homestead tax exemptions.

Section 2. Directs the Mayor or designee to increase and expand the sharing of the geo-coding, data-banks, and other data-mining capabilities of the Information Technology Department to assist the Property Appraiser in order to identify properties that are likely improperly receiving homestead exemptions.

Section 3. Directs the Mayor or designee to otherwise continue and expand the County's partnership with the Property Appraiser in reducing the harm to the community caused by homestead tax exemption fraud.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Jose "Pepe" Diaz and Chairman Joe A. Martinez. 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:

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Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebeca Sosa
Xavier L. Suarez
Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of July, 2012. 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.

TWL

Thomas W. Logue

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