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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 11(A)(15)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 20, 2008

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

SUBJECT: Resolution urging the Florida Legislature to amend Section 196.011(6) of the Florida Statutes to require the property appraiser to deliver by certified mail notices of disapproval of renewal applications for homestead exemption

Resolution No. R-1253-08

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Carlos A. Gimenez.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	November 20, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Agenda Item No. 11(A)(15)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 11(A)(15)

11-20-08

RESOLUTION NO. **R-1253-08**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 196.011(6) OF THE FLORIDA STATUTES TO REQUIRE THE PROPERTY APPRAISER TO DELIVER BY CERTIFIED MAIL NOTICES OF DISAPPROVAL OF RENEWAL APPLICATIONS FOR HOMESTEAD EXEMPTION

WHEREAS, Section 196.011 of the Florida Statutes sets forth the procedures for annual review of applications for exemption and the procedures for granting and denying such exemptions; and

WHEREAS, Section 196.011(6) of the Florida Statutes directs the property appraiser, "by first-class mail" on or before July 1 of each year, to serve notice of the denial or cancellation of renewal applications for exemption; and

WHEREAS, Section 196.151 of the Florida Statutes sets forth the procedures for granting and denying original "first time" homestead exemption applications; and

WHEREAS, Section 196.151 of the Florida Statutes directs the property appraiser to deliver notice of disapproval of an original application for homestead exemption "either by personal delivery or by registered mail"; and

WHEREAS, it is beneficial to have owners of property whose exemptions are being cancelled or not renewed to receive notice of such disapproval by certified mail,

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 amend Section 196.011(6) of Florida Statues to require that any notice of disapproval or cancellation of a renewal application be sent by the property appraiser via certified mail.

Section 2. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the President of the Senate, the Speaker of the House, and the Chair and members of the Miami-Dade County State Legislative Delegation.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsor is Commissioner Carlos A. Gimenez. It was offered by Commissioner **Barbara J. Jordan** who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of November, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James K. Kracht