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

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 15, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact SJR 492, HJR 275, SB 488, HB 277, or similar legislation that would limit the just value determination, for purposes of the additional homestead exemption for low-income seniors, to the value as determined at the time of the owner's initial application for the exemption

Resolution No. R-1170-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Jose "Pepe" Diaz.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(14)

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**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor'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)(14)
12-15-15

RESOLUTION NO. R-1170-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SJR 492, HJR 275, SB 488, HB 277, OR SIMILAR LEGISLATION THAT WOULD LIMIT THE JUST VALUE DETERMINATION, FOR PURPOSES OF THE ADDITIONAL HOMESTEAD EXEMPTION FOR LOW-INCOME SENIORS, TO THE VALUE AS DETERMINED AT THE TIME OF THE OWNER'S INITIAL APPLICATION FOR THE EXEMPTION

WHEREAS, Article VII, Section 6(d)(2) of the Florida Constitution provides that counties and municipalities, if authorized by general law, may by ordinance grant an additional homestead exemption equal to the assessed value of property to any person who:

- has legal or equitable title to real estate with a just value less than $250,000.00;
- has maintained thereon the permanent residence of the owner for not less than 25 years;
- has attained age 65; and
- whose household income does not exceed $20,000.00; and

WHEREAS, Section 196.075(2)(b) of the Florida Statutes is the implementing legislation for this additional homestead exemption for low-income seniors; and

WHEREAS, as these constitutional and statutory provisions are currently written, however, if the property's just value subsequently rises above $250,000.00, whether due to quickly rising or volatile real estate markets or otherwise, the person becomes ineligible for—and may lose—such additional exemption, likely resulting in a severe hardship for many low-income seniors throughout the state; and

WHEREAS, currently, 21 counties, including Miami-Dade County, have passed ordinances granting the additional homestead exemption for low income seniors; and

WHEREAS, joint resolutions in both the Senate and House, Senate Joint Resolution 492 ("SJR 492") by Senator Anitere Flores (R–Miami) and House Joint Resolution 275 ("HJR 275") by Representative Bryan Avila (R–Hialeah), have been filed for consideration during the 2016 session of the Florida Legislature; and

WHEREAS, SJR 492 and HJR 275 would propose an amendment to Article VII, Section 6 of the Florida Constitution that, if approved by the electors of the state, would revise the additional homestead exemption for low-income seniors to specify that the just value determination, for purposes of the exemption, shall be limited to the time of the owner's initial application for the exemption; and

WHEREAS, additionally, Senator Flores and Representative Avila have filed companion bills, Senate Bill 488 ("SB 488") and House Bill 277 ("HB 277"), respectively, that would implement SJR 492 and/or HJR 275 by amending Section 196.075(2) of the Florida Statutes to limit the just value determination, for purposes of the additional homestead exemption for low-income seniors, to the value as determined at the time of the owner's initial application for the exemption; and

WHEREAS, by limiting the just value determination to the time of the owner's initial application, such legislation would allow low-income seniors to maintain their additional homestead exemption in the face of quickly appreciating or volatile real estate markets; and

WHEREAS, this Board would like to express its support for SJR 492, HJR 275, SB 488, HB 277, or similar legislation,

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 enact SJR 492, HJR 275, SB 488, HB 277, or similar legislation that would limit the just value determination, for purposes of the additional homestead exemption for low-income seniors, to the value as determined at the time of the owner's initial application for the exemption.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Anitere Flores, Representative Bryan Avila, and the Chair and remaining members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa and the Co-Sponsor is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **Esteban L. Bovo, Jr.** who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MJM

Michael J. Mastrucci