

ORDINANCE NO. 2007-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 25-6 “ADDITIONAL HOMESTEAD EXEMPTION FOR SENIOR CITIZENS” OF ARTICLE I, “IN GENERAL”, OF CHAPTER 25 “TAXATION” TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF THE HOMESTEAD EXEMPTION FOR LOW-INCOME SENIORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR DELIVERY TO THE PROPERTY APPRAISER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 7, 2006, voters approved an amendment to the Florida Constitution providing for municipal and county governments to have the option of increasing the amount of homestead tax exemption to certain qualifying senior citizens; and

WHEREAS, the Village Council desires to implement the increased homestead exemption for qualifying senior citizens in accordance with the provisions of Section 196.075 of the Florida Statutes, as created by the 2007 session of the Florida Legislature through its enactment of HB 333.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Revised Senior Citizen Homestead Exemption Adopted. That Section 25-6 “Additional Homestead Exemption For Senior Citizens” of Article I “ In General” of Chapter 25 “Taxation” of the Village Code of Ordinances, is hereby amended to read, as follows:

¹ / Proposed additions to text of Village Code are indicated by underline; proposed deletions from text of Village Code are indicated by strikethrough.

Sec. 25-6. Additional homestead exemption for senior citizens.

(1) In accordance with Section 6(f), Art. VII of the Florida Constitution and F.S. § 196.075, any person 65 years of age or over who has legal or equitable title to real estate located within the Village of Key Biscayne ("Village") in Miami-Dade County and maintains thereon his/her permanent residence which residence qualifies for and receives homestead exemption pursuant to Section 6(a), Art. VII of the Florida Constitution, and whose annual household income does not exceed \$20,000.00 shall be entitled to make application for an additional homestead exemption of \$25,000.00. However for the tax year which commences on January 1, 2007, and each year thereafter as provided by law, the additional homestead exemption amount of \$25,000 which is described above shall be replaced by an additional homestead exemption in the amount of \$50,000. This ~~additional~~ \$50,000 homestead exemption, if granted, shall be applicable to all ad valorem tax millage rates levied by the Village, and shall apply only to ad valorem taxes levied by the Village.

(2) Every person claiming the additional homestead exemption pursuant to this section must file an application therefore with the Miami-Dade County Property Appraiser no later than March 1 of each year for which such exemption is claimed, unless otherwise provided by law. Such application shall include a sworn statement of household income for all members of the household and shall be filed on a form prescribed by the Florida Department of Revenue. On or before June 1 of each year every applicant must file supporting documentation with the Property Appraiser, unless otherwise provided by law. Said documentation shall include copies of all federal income tax returns, wage and earning statements, and such other documentation as required by the Property Appraiser, including documentation necessary to verify the income received by all of the members of the household for the prior year.

(3) Failure to file the application and sworn statement by March 1 or failure to file the required supporting documentation by June 1 of any given year shall constitute a waiver of the additional exemption privilege for that year.

(4) ~~This~~ The \$25,000 additional exemption shall ~~was first~~ be available commencing with the year 2001 tax roll., and the Property Appraiser is requested to accept applications and sworn statements for the year 2001 tax roll upon adoption of the ordinance from which this section derives. The revised homestead exemption amount of \$50,000 which is provided for in this section, shall be available commencing with the year 2007 tax roll.

(5) In accordance with F.S. § 196.075(3), commencing January 1, 2001, and each January 1 thereafter, the \$20,000.00 annual income limitation in this section shall be adjusted annually. The annual income limitation shall be adjusted by the percentage of change in 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 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered

to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Delivery to the Property Appraiser .** That the Village Clerk shall prior to June 1, 2007, deliver a copy of this Ordinance to the Miami-Dade County Property Appraiser, as requested by the Property Appraiser's letter of April 10, 2007.

Section 6. **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading and shall apply retroactively to January 1, 2007.

PASSED AND ADOPTED on first reading this 15th day of May, 2007.

PASSED AND ADOPTED on second reading this 22nd day of May, 2007.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY