



AGENDA INFORMATION

CITY OF MIAMI SPRINGS

CITY COUNCIL

Special Meeting

Wednesday, November 28, 2012

5:30 p.m.

Council Chambers – City Hall

201 Westward Drive, Miami Springs

Mayor Xavier Garcia

Vice Mayor Jennifer Ator

Councilman Bob Best

Councilwoman Grace Bain

Councilman George V. Lob

City Manager Ronald K. Gorland

Assistant City Manager/Finance Director William Alonso

City Attorney Jan K. Seiden

City Clerk Magalí Valls



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Xavier M. Garcia

**Vice Mayor Jennifer Ator
Councilwoman Grace Bain**

**Councilman Bob Best
Councilman George V. Lob**

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium".

**AGENDA
SPECIAL MEETING
Wednesday, November 28, 2012 – 5:30 p.m.
Council Chambers – City Hall
201 Westward Drive – Miami Springs**

1. Call to Order/Roll Call
2. Invocation: Mayor Garcia

Salute to the Flag: Audience Participation
3. First Reading – Ordinance No. 1047-2012 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 97-05, Senior Citizen Additional Homestead Tax Exemption; by Providing a Revised Provision Authorizing Qualified Seniors to Apply for Additional Homestead Tax Exemption Benefits; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

4. Adjourn

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.

ORDINANCE NO. 1047-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 97-05, SENIOR CITIZEN ADDITIONAL HOMESTEAD TAX EXEMPTION; BY PROVIDING A REVISED PROVISION AUTHORIZING QUALIFIED SENIORS TO APPLY FOR ADDITIONAL HOMESTEAD TAX EXEMPTION BENEFITS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, on November 3, 1998, voters of the State of Florida approved an amendment to the Florida Constitution providing for an additional amount of Homestead Exemption for qualified senior citizens; and,

WHEREAS, pursuant to the enactment of H.B. 291, now codified as Florida Statute Section 196.075, all County and Municipal governments were required to enact enabling ordinances in order for the additional Homestead Tax Exemption to be applicable within their respective jurisdictions for qualified persons 65 years of age or older; and,

WHEREAS, due to the potential financial impact of the additional Homestead Exemption on local government finances, many jurisdictions, including the City of Miami Springs, determined that such enabling legislation was not to be enacted at that time; and,

WHEREAS, although the financial impact of enacting such legislation on local government finances remained constant, the City Council remained cognizant of the impact of the rising costs of living on older citizens who subsist on fixed incomes, and enacted Code Section 97-05 in October of 2005 to authorize seniors to apply for the additional \$25,000 Homestead Tax Exemption; and,

WHEREAS, in the recent Presidential Election of 2012, the voters of Florida approved proposed Constitutional Amendment No. 11 which authorized the amendment of Florida Statute Section 196.075 to allow local government authorization of two (2) different additional Homestead Tax Exemptions for seniors; and,

WHEREAS, pursuant to the recently adopted Constitutional Amendment, Florida Statute Section 196.075 now authorizes local governments to adopt ordinances to allow either or both of the following additional Homestead Tax Exemptions, to wit:

- An exemption not exceeding Fifty Thousand (\$50,000) Dollars to any person who has the legal or equitable title to real estate, maintains their permanent residence on the property, is 65 or older, and whose household income does not exceed the income limitation:
- An additional exemption equal to the assessed value of the property to an owner who has title to real estate in Florida with a just value less than Two Hundred and Fifty Thousand (\$250,000) Dollars, has maintained permanent residence on the property for not less than 25 years, is 65 or older and whose household income does not exceed the income limitation; and,

WHEREAS, the City Council is desirous of fulfilling its mandate of providing all possible financial relief and assistance to qualified seniors residing in the City despite the continuing financial pressures being experienced by the City; and,

WHEREAS, the City Council has determined that it is both proper and appropriate to amend Code Section 97-05 in order to provide some additional financial assistance to the qualified seniors residing in the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 97-05, Senior Citizen Additional Homestead Tax Exemption, is hereby amended as follows:

Section 97-05 – Senior Citizen Additional Homestead Tax Exemption

(A) *Additional exemption established.* That in accordance with Section 6 (f) (d), Art. VII of the Florida Constitution and Section 196.075 of the Florida Statutes, any person 65 years of age or over, who has legal or equitable title to real estate located within the City of Miami Springs 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 household annual income does not exceed ~~\$22,693~~ Twenty Seven Thousand and Thirty (\$27,030) Dollars, shall be entitled to make application for an additional Homestead Exemption of ~~\$25,000~~ Fifty Thousand (\$50,000) Dollars. This additional Homestead Exemption, if granted, shall be applicable to all ad valorem tax millage rates levied by the City of Miami Springs.

(B) *Filing Requirements*.....

(C) *Waive of Exemption*.....

(D) *Applicable time of exemption.* That this additional exemption shall be available commencing with the year ~~2007~~ 2013 tax roll, and the Property Appraiser may begin accepting applications and sworn statements for the year ~~2007~~ 2013 tax roll as soon as the appropriate forms are available from the Department of Revenue for ~~2007~~ 2013.

(E) *Annual household income adjustment.* That commencing January 1, ~~2007~~ 2013, and each January 1st thereafter, the ~~\$22,693~~ Twenty Seven Thousand and Thirty (\$27,030) Dollars annual income limitation in this Section shall be adjusted annually and be applicable as of January 1st of that year. The annual income limitation shall be adjusted by the percentage of change and the average cost of living in 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 for the stated period, for the United States as a whole, issued by the U. S. Department of Labor.

(F) *Notification to Property Appraiser.* That the City Clerk shall deliver a certified copy of this Section to the Miami-Dade County Property Appraiser prior to ~~December 1, 2005~~ January 1, 2013.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That this Ordinance shall take effect in the manner provided by law.

PASSED AND ADOPTED by the City Council of the City of Miami Springs,
Florida this 10th day of December, 2012.

The motion to adopt the foregoing ordinance was offered on
second reading by _____, seconded by _____,
and on roll call the following vote ensued:

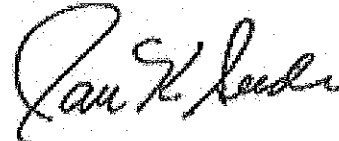
Vice Mayor Ator	" _____ "
Councilman Best	" _____ "
Councilwoman Bain	" _____ "
Councilman Lob	" _____ "
Mayor Garcia	" _____ "

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-28-2012
Second reading: 12-10-2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.

