

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing and consider the adoption of an Ordinance providing an additional homestead exemption of Twenty-Five Thousand 00/100 Dollars (\$25,000) for any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age sixty-five (65), and whose household income does not exceed certain income limits.

2. WHAT ACTION ACCOMPLISHES: Considers an Ordinance that would institute the additional homestead exemption.

3. MANAGEMENT RECOMMENDATION: Follow Board direction of December 12, 2006, meeting to draft ordinance for Senior Citizen Additional Homestead Exemption.

4. Departmental Category: 5:00 #1 **5. Meeting Date:** **January 23, 2007**

6. Agenda:	7. Requirement/Purpose: (specify)		8. Request Initiated:	
	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Statute	Fla. Stat.	Commissioner Board of County Commissioners (BOCC)
	<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	196.075 (2)	Department BOCC
	<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code		Division BOCC
	<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other		By: Andrea R. Fraser, Chief Assistant County Attorney
<input type="checkbox"/> Walk-On				

9. Background:

Chapter 196.075 (2) Florida Statutes allows a local governments to provide an additional homestead exemption of up to Twenty-Five Thousand 00/100 Dollars (\$25,000) for homeowners age sixty-five (65) and over whose annual income does not exceed Twenty Thousand and 00/100 Dollars (\$20,000). The cities of Cape Coral, Sanibel and the town of Fort Myers Beach have presently approved this exemption.

At the December 5, 2006, regular scheduled Board of County Commissioners (BOCC) Meeting, the Board directed staff to prepare the Senior Citizen Homestead Exemption item for the December 12, 2006, BOCC Meeting for consideration. At the December 12, 2006, BOCC Meeting, the Board directed staff to prepare the ordinance for Public Hearing.

ATTACHMENTS: Ordinance
 Notice of Intent
 Financial & Administrative Impacts Statement (FAIS)
 Blue Sheet 20061654 (Walk-On Meeting Date December 12, 2006)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>Andrea Fraser</i>	Analyst	Risk	Grants	Mgr.	<i>1/10/07</i>
					<i>RK/19</i>	<i>1-9-07</i>	<i>1/9/07</i>	<i>1/9/06</i>	<i>1-10-07</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED TO:
Admin.
1-8-07

RECEIVED BY
COUNTY ADMIN:
1/8/07 4:45 pm
COUNTY ADMIN
FORWARDED TO:
1/10 1:10
PR

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, PROVIDING AN ADDITIONAL HOMESTEAD EXEMPTION OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR PERSONS SIXTY-FIVE (65) AND OLDER WITH CERTAIN INCOME LIMITS; PROVIDING FOR AUTHORITY; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING CRITERIA FOR ADDITIONAL EXEMPTION; ESTABLISHING THE AMOUNT OF THE EXEMPTION; PROVIDING FOR APPLICATION PROCEDURE; PROVIDING FOR PROPERTY HELD JOINTLY WITH RIGHT OF SURVIVORSHIP; PROVIDING FOR ANNUAL ADJUSTMENT OF THE INCOME LIMITATION; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE AND LEE COUNTY PROPERTY APPRAISER; CODIFICATION; SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

WHEREAS, Section 196.075, Florida Statutes and Section 6(f), Article VII of the Florida Constitution grants local governments the ability to establish an additional homestead exemption for certain persons sixty-five (65) and older and whose household income does not exceed certain income limits; and

WHEREAS, the Board of County Commissioners hereby finds that it is in the best interest of the citizenry to establish an additional homestead exemption for persons meeting the prescribed criteria.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

SECTION ONE: **SHORT TITLE**

This Ordinance will be known and cited as the Senior Citizen Additional Homestead Exemption Ordinance.

SECTION TWO: **DEFINITIONS**

The words and phrases in this Ordinance shall have the meanings provided by Section 196.075, Florida Statutes, as may be amended from time to time.

1. *Household* means a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling.
2. *Household income* means the adjusted gross income, as defined in Section 62 of the United States Internal Revenue Code, of all members of a household.

SECTION THREE: **GENERALLY**

An additional homestead exemption is hereby allowed for any person who has legal or equitable title to real estate and maintains therein their permanent residence as owner, who is age sixty-five (65) and older, and whose household income does not exceed the income limitation of Twenty Thousand and 00/100 Dollars (\$20,000) as adjusted pursuant to Section Seven of this Ordinance.

Such homestead exemptions shall only apply to taxes levied by Lee County, including dependent special districts and municipal service taxing units.

SECTION FOUR: **EXEMPTION AMOUNT**

Beginning in the 2008 tax year, and each tax year thereafter, the amount of homestead exemption authorized by this Ordinance shall be Twenty-Five Thousand and 00/100 Dollars (\$25,000.00).

A person eligible for the homestead exemption authorized by this Ordinance shall be entitled to the full amount of the exemption authorized by this article, which when added to any other exemption from ad valorem assessment granted to a particular property that results in an exemption exceeding the ad valorem assessment of the property, then the homestead exemption authorized by this article shall only be available to the extent that it is equal to the difference between the ad valorem assessment of the property and any other exemption from ad valorem assessment granted to the property.

Persons receiving such additional homestead tax exemption shall be subject to the provisions of Section 196.131 and 196.161, Florida Statutes, as amended, if applicable, pertaining to wrongful receipt of a homestead exemption.

SECTION FIVE: **APPLICATION PROCEDURE**

Annually, not later than March 1, a sworn statement of household income must be submitted to the Lee County Property Appraiser on a form prescribed by the Department of Revenue. The taxpayer's sworn statement shall attest to the accuracy of documents required by the Department of Revenue to be submitted and grant permission to allow

review of the documents if requested by the Property Appraiser. The Lee County Property Appraiser may not grant the exemption without the required documentation.

SECTION SIX: **JOINTLY HELD PROPERTY WITH RIGHT OF SURVIVORSHIP**

If the title to the property is held jointly with right of survivorship, the person residing on the property and otherwise qualifying may receive the entire amount of the additional homestead exemption.

SECTION SEVEN: **ANNUAL ADJUSTMENT OF INCOME LIMITATION**

Beginning January 1, 2006, the income limitation shall be Twenty-Three Thousand Four Hundred Sixty-Three and 00/100 Dollars (\$23,463.00). Beginning January 1, 2007, the income limitation shall be adjusted annually, on January 1, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that.

SECTION EIGHT: **CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements shall apply.

SECTION NINE: **SEVERABILITY**

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provisions of this Ordinance shall be held unconstitutional by any court of competent

jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION TEN: **FILING**

The Clerk is directed to send a certified copy of this Ordinance to the Bureau of Administrative Code, Department of State and to the Lee County Property Appraiser.

SECTION ELEVEN: **CODIFICATION AND SCRIVENER'S ERRORS**

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION TWELVE: **EFFECTIVE DATE**

This Ordinance will take effect upon filing with the Department of State.

Commissioner _____ made a motion to adopt the foregoing ordinance,
seconded by Commissioner _____. The vote was as follows:

ROBERT P. JANES	_____
A. BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANKLIN B. MANN	_____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2007.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chair

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 23rd day of January 2007, at 5:00 o'clock p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, PROVIDING AN ADDITIONAL HOMESTEAD EXEMPTION OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FOR PERSONS SIXTY-FIVE (65) AND OLDER WITH CERTAIN INCOME LIMITS; PROVIDING FOR AUTHORITY; PROVIDING FOR SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING CRITERIA FOR ADDITIONAL EXEMPTION; ESTABLISHING THE AMOUNT OF THE EXEMPTION; PROVIDING FOR APPLICATION PROCEDURE; PROVIDING FOR PROPERTY HELD JOINTLY WITH RIGHT OF SURVIVORSHIP; PROVIDING FOR ANNUAL ADJUSTMENT OF THE INCOME LIMITATION; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE AND LEE COUNTY PROPERTY APPRAISER; CODIFICATION; SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.

LEE COUNTY, FLORIDA

FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT

PROPOSED COUNTY ORDINANCE:

I. NAME OF ORDINANCE: Senior Citizen Additional Homestead Exemption

A. Statement of Purpose

Implementation of a Senior Citizen Additional Homestead Exemption.

B. Narrative Summary of Ordinance (Several Sentence Summary)

Chapter 196.075 (2) Florida Statutes allows a local jurisdiction to provide an additional homestead exemption of up to \$25,000 for homeowners age 65 or over whose annual income does not exceed \$20,000. Adoption of Senior Citizen Additional Homestead Exemption Ordinance will effect only those persons age 65 and older with income less than \$25,000.

C. Principal Division(s) or Department(s) Affected (List)

Budget
Property Appraiser

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:
Senior Citizen Additional Homestead Exemption**

I. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS.

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel				
Fringe		N/A		
Operating				
Capital Outlay				
Total				

D. List the anticipated revenues to cover costs identified in II., C., above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee? N/A

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? N/A

E. Give a brief narrative analysis of the information contained in II., A. through D., above.

Florida Statutes provides local government the ability to establish this additional homestead exemption to certain low income senior citizen property owners. The estimated property tax revenue loss for FY 06-07, if this ordinance were adopted, would approximate \$1,600,000, broken down as follows:

General Fund	\$961,294
Capital Outlay	\$123,820
Conservation 2020	\$136,485
Library	\$111,509
Uninc. MSTU	\$253,863
All Hazards	\$20,009
	<u>\$1,606,980</u>

The Senior Homestead Exemption would also apply to the dependent fire districts and to MSTU's for special lighting districts, etc.

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20061654

1. ACTION REQUESTED/PURPOSE:

Request direction from the Board of County Commissioners to consider the implementation of a Senior Citizen Homestead Exemption up to \$25,000 for Persons age 65, and whose household income does not exceed \$20,000. The income limitation shall be adjusted annually each January 1, by the percentage change in the average cost of living index for the immediate prior year.

2. WHAT ACTION ACCOMPLISHES:

Brings the issue of the Senior Citizen Homestead Exemption before the Board of County Commissioners for consideration.

3. MANAGEMENT RECOMMENDATION:

Receive direction from the Board of County Commissioners.

4. Departmental Category: <u>WO #2</u>		5. Meeting Date: December 12, 2006
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	Commissioner
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	Department <u>County Administration</u>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	Division <u>Budget Services</u>
<input type="checkbox"/> Public	<input type="checkbox"/> Other	By: <u>Dinah Lewis, Admin Services Dir.</u>
<input checked="" type="checkbox"/> Walk-On		<i>[Signature]</i>

9. Background:

Chapter 196.075 (2) Florida Statutes allows a local jurisdiction to provide an additional homestead exemption of up to \$25,000 for homeowners age 65 or over whose annual income does not exceed \$20,000. The cities of Cape Coral, Sanibel and the town of Fort Myers Beach have presently approved this exemption. Those cities exemptions resulted in \$13,214,570 in property value exempted from taxation for FY06-07 for those millages to which the homestead exemption applied. Lee County BOCC has not exercised the exemption option to date. A projection of the revenue impact to Lee County is attached. The projection is reliable for planning purposes but is not intended as a precise calculation.

Implementation of this exemption would require an ordinance and public hearing.

NOTE: On November 7, 2006, Amendment #6 was passed that would provide counties and municipalities the ability to exempt an **additional** \$25,000 for low-income seniors raising the original \$25,000 additional exemption to \$50,000. The legislature must first implement the change by general law.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other



**MEMORANDUM FROM THE
DEPARTMENT OF ADMINISTRATIVE SERVICES**

Date: December 7, 2006

To: Public Resources

From: Dinah L. Lewis
Director
Phone: (239) 335-2887
EMail: dllewis@leegov.com

A handwritten signature in black ink, appearing to read "Dinah L. Lewis", written over the typed name and contact information.

RE: **Walk-On Item for 12/12/06**

The attached item is a Walk-on for the December 12, 2006 agenda. The reason for the walk-on is that the Board directed at the December 5, 2006 meeting that this be prepared for the December 12, 2006 session.

Effect of Implementing Additional 25,000 Homestead Exemption for Persons Age 65+ With Income Less Than \$25,000

1. Methodology

2005 American Community Survey from Census Bureau - Selected Data

82,793 households out of 235,033 are headed by persons 65+ (35.2%)

53,823 households are less than \$24,999 income (22.9% of all households)

Income Profile	Percent
Less than \$10,000	4.9
10,000 to 14,999	5.0
15,000 to 24,999	13.0
25,000 to 34,999	14.9
35,000 to 49,999	16.0
50,000 to 74,999	19.3
75,000 to 99,999	11.4
100,000 to 149,999	8.9
150,000 to 199,999	2.9
200,000 or more	3.7
	100.0
Median Household Income	\$46,053
Mean Household Income	\$65,632
Number of Households 65+	82,793
Percent Income <\$24,999	22.90%
Adjusted Number of Households (Income)	18,960
Percent Homestead Exemptions (Residential Parcels Base Only) in 2005 Based upon 141,680 parcels with homestead exemptions measured against 246,030 parcels in residential use. (Information from Property Appraiser)	57.59%
Adjusted Number of Households With Homestead Exemption meeting Age and Income Criteria	10,919
Times 50,000	25,000
Affected Taxable Value	\$272,970,798
	\$272,970,798/1000
	\$272,971

II. Revenue Impact

Fund	Assessment Base	X	2005		2006	
			Millage Rate = (FY05-06)	Potential Lost Revenue	Millage Rate = (FY06-07)	Potential Lost Revenue
General Fund	\$272,971		3.9332	\$1,073,649	3.5218	\$961,294
Capital Outlay	\$272,971		0.5124	\$139,870	0.4536	\$123,820
Conservation 2020	\$272,971		0.5000	\$136,485	0.5000	\$136,485
Library	\$272,971		0.6055	\$165,284	0.4085	\$111,509
Unincorporated Area MSTU	\$272,971		1.0028	\$273,735	0.9300	\$253,883
All Hazards	\$272,971		0.0733	\$20,009	0.0733	\$20,009
				\$1,809,032		\$1,606,980

Assumptions: 1. Board of County Commissioners approves maximum exemption amount of \$25,000.

Prepared 11/14/06

2. Board of County Commissioners elects not to apply this exemption to dependent fire districts and MSTBU's (various Municipal Service Taxing Units).