

**ORDINANCE No. 214**

**AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA AMENDING ORDINANCE 189 TO ESTABLISH AN ADDITIONAL HOMESTEAD TAX EXEMPTION OF UP TO \$50,000.00 FOR CERTAIN PERSONS WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE AND WHOSE HOUSEHOLD INCOMES DO NOT EXCEED \$24,214.00, ADJUSTED ANNUALLY; PROVIDING FOR AUTHORITY; ESTABLISHING ADDITIONAL HOMESTEAD TAX EXEMPTION; PROVIDING EXEMPTION LIMITATION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the citizens of the State of Florida, including the residents of the Town of Cinco Bayou, have voted to amend the Constitution of the State of Florida to allow certain senior citizens an additional homestead tax exemption, and

**WHEREAS**, the Town Council previously adopted Ordinance 189 implementing the additional exemption and now desires to amend Ordinance 189 to increase the additional homestead tax exemption and clarify the Household Income requirements, and

**WHEREAS**, the Town Council of the Town of Cinco Bayou does hereby find it is in the best interest of the public health, safety and welfare of the Cinco Bayou's senior citizens that such a homestead tax exemption be adopted for the Town's permanent residents sixty-five years of age and older, and

**WHEREAS**, pursuant to the authority conferred by Section 6(f) Article VII of the Florida Constitution and Section 196.075, Florida Statutes, as amended, the Town Council of the Town of Cinco Bayou does hereby grant an additional homestead tax exemption of up to \$50,000.00 to any person who has legal or equitable title to real estate and maintains thereon the permanent residence of such owner, who has attained age 65, and whose Household Income does not exceed \$24,214.00, as of January 1, 2007. The Household Income is to be adjusted annually by the change in the Consumer Price Index calculated on the first day of each year.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF CINCO BAYOU, FLORIDA:**

**SECTION 1. Section 1 of Ordinance 189 is hereby amended to read as follows:**

This Ordinance is adopted pursuant to Section 196.075, Florida Statutes, as amended, and Section 6(f), Article VII of the Florida Constitution to allow an additional homestead exemption of up to ~~\$25,000~~ \$50,000.00 for any person who has legal or equitable title to real estate and maintains thereon the permanent residence of such owner, who has attained age 65, and whose Household Income does not exceed ~~\$20,000~~ \$24,214.00, as of January 1, 2007, in accordance with the regulation established herein. The Household

Income is to be adjusted annually by the change in the Consumer Price Index calculated on the first day of each year.

**SECTION 2. Section 3 of Ordinance 189 is hereby amended to read as follows.**

- (a) In accordance with Section 6(f) Article VII of the Florida Constitution and Section 196.075, Florida Statutes, as amended, the Town Council hereby authorizes an additional homestead exemption of ~~\$25,000~~ \$50,000.00 commencing with the year ~~2002~~ 2008 for any person who has legal or equitable title to real estate and maintains thereon the permanent residence of such owner, who has attained age 65, and whose Household Income does not exceed ~~\$20,000~~ \$24,214.00, as of January 1, 2007. The Household Income is to be adjusted annually by the change in the Consumer Price Index calculated on the first day of each year.
- (a) Beginning ~~January 1, 2002~~, January 1, 2008, such person's ~~\$20,000~~ \$24,214.00 Household 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 period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12 month period, relative to the United States as a whole, issued by the United States Department of Labor.
- (b) Persons receiving such additional homestead tax exemption shall be subject to the provisions of Sections 196.131 and 196.161, Florida Statutes, as amended, if applicable, pertaining to wrongful receipt of a homestead tax exemption.

**SECTION 3.** The Town Manager/Clerk shall deliver a copy of the adopted Ordinance to the Property Appraiser no later than December 1, 2007. If this Ordinance is thereafter modified or repealed, the Town of Cinco Bayou shall notify the Property Appraiser no later than December 1 of the year prior to the year the exemption expires.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.** All Ordinances and Resolutions of the governing body in conflict herewith are hereby repealed.

**SECTION 5. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction then said holding shall in no way affect the validity of the remaining portions of this Ordinance.




**SECTION 6. CODIFICATION.** The provisions of this Ordinance shall become and be made a part of the code of laws and ordinances of the Town of Cinco Bayou. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.


**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective upon approval of the Town Council and signature of the Mayor.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU,  
FLORIDA ON THIS 14th DAY OF JULY 2007.**

ATTEST:

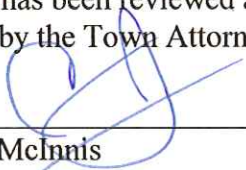
THE TOWN OF CINCO BAYOU,

BY:   
Nell Webb  
Town Manager/Clerk

BY:   
Michael Iovieno, Mayor

[SEAL]

The form and legal sufficiency of the  
Foregoing has been reviewed and  
Approved by the Town Attorney.

  
C. Jeffrey McInnis  
Town Attorney

