

ORDINANCE No. 189

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA ESTABLISHING AN ADDITIONAL HOMESTEAD TAX EXEMPTION OF UP TO \$25,000 FOR CERTAIN PERSONS WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE AND WHOSE HOUSEHOLD INCOMES DO NOT EXCEED \$20,000; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; ESTABLISHING ADDITIONAL HOMESTEAD TAX EXEMPTION; PROVIDING EXEMPTION LIMITATION; PROVIDING FOR APPLICATION PROCEDURE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; 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 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 \$25,000 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 \$20,000.

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

SECTION 1. 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 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 in accordance with the regulation established herein.

SECTION 2. The words and phrases in this Ordinance shall have the meanings provided by Section 196.075, Florida Statutes, as amended, except where the context clearly indicates a different meaning.

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.

Household Income means the adjusted gross income, as defined in s.62 of the United States Internal Revenue Code, of all members of a household.

SECTION 3.

- (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 commencing with the year 2002 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.
- (b) Beginning January 1, 2002, such person's \$20,000 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.
- (c) 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 4. It is the intent of the Town of Cinco Bayou in establishing this Ordinance that it be and is hereby empowered to rescind this additional homestead tax exemption at the end of any particular year should it be determined in the sole discretion of the Town Council that there is an adverse financial impact of such an exemption, and it no longer serves the best financial interest of the Town of Cinco Bayou.

SECTION 5. The additional homestead tax exemption established hereunder shall apply only to taxes levied by the Town of Cinco Bayou.

SECTION 6.

- (a) Those persons entitled to the homestead tax exemption in Section 196.031, Florida Statutes, as amended, may apply for and may receive an additional homestead tax exemption as provided in this Ordinance.
- (b) A taxpayer claiming the additional homestead tax exemption provided under this Ordinance shall annually submit to the Property Appraiser, no later than March 1, a sworn statement of household income on a form prescribed by the Department of Revenue.
- (c) The filing of the statement of the taxpayer shall be supported by copies of any federal income tax returns for the prior year, any wage and earnings statement (W-2 forms), and any other documents the Department of Revenue finds necessary, for each member of the household, to be submitted by June 1. The taxpayer's statement shall attest to the accuracy of such copies. The Property Appraiser may not grant the exemption without the required documentation.

- (d) If title is held jointly with right of survivorship, the person residing on the subject property and otherwise qualifying may receive the entire amount of the additional homestead tax exemption.

SECTION 7. The Town Manager/Clerk shall deliver a copy of the adopted Ordinance to the Property Appraiser no later than December 1, 2001. 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.

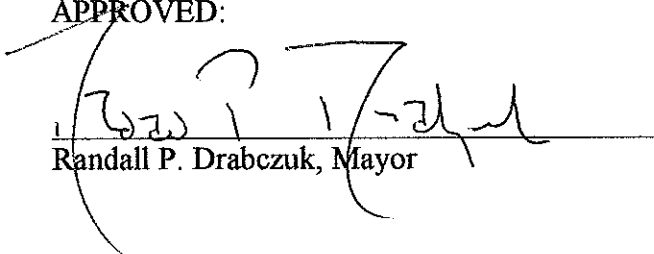
SECTION 8. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 9. 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.

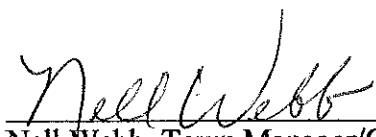
SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective upon approval of the Town Council and signature of the Mayor.

ADOPTED THIS 29th ^{November} DAY OF DECEMBER 2001

APPROVED:


Randall P. Drabczuk, Mayor

ATTEST:


Nell Webb, Town Manager/Clerk





TOWN OF CINCO BAYOU

10 YACHT CLUB DRIVE (CINCO BAYOU)
FT. WALTON BEACH, FLORIDA 32548-4436
850-244-2712
FAX 850-244-9188

MEMORANDUM

FILE

**TO: PETE SMITH PROPERTY APPRAISER
OKALOOSA COUNTY, FLORIDA**

**FROM: NELL WEBB
TOWN MANAGER/CLERK
TOWN OF CINCO BAYOU, FLORIDA**

DATE: November 30, 2001

**SUBJECT: ORDINANCE NO. 189 ESTABLISHING AN ADDITIONAL HOMESTEAD
TAX EXEMPTION OF UP TO \$25,000. FOR CERTAIN PERSONS WHO HAVE
ATTAINED THE AGE OF SIXTY-FIVE AND WHOSE HOUSEHOLD INCOMES DO
NOT EXCEED \$20,000.**

**THIS IS TO ACKNOWLEDGE RECEIPT OF ORDINANCE NO. 189 ESTABLISHING
AN ADDITIONAL HOMESTEAD TAX EXEMPTION FROM THE TOWN OF CINCO
BAYOU, FLORIDA THIS 30TH DAY OF NOVEMBER 2001.**

Sarah Bartholomew
SIGNATURE

Sarah Bartholomew
PRINTED NAME

11/30/01 10:10 AM
DATE TIME