



GALT MILE NEWS

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FEBRUARY 2019

INSIDE: Broward County Property Appraiser
and a litany of property tax exemptions

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GALT MILE HOMESTEAD EXPRESS

2019

If you've recently relocated to the Galt Mile neighborhood, somehow survived more than six decades, or served the stars and stripes, exploring property tax exemptions can bulk your bankbook. How will downsizing your empty nest and picking up that sweet little beachfront condo inflate your tax bill? How can you legally homestead a Florida home while your spouse homesteads another in New York? Although investment properties are supposedly ineligible for homestead protection, carefully timed lease agreements enabled Florida residents to rent their properties without losing their exemptions – although this scenario was adulterated by a 2013 hunt for political pork. That's when a St. Augustine lawmaker delivered a patronage perk to his constituents – and consequently obliterated a constitutional right of Homesteaded Florida homeowners to rent their properties for more than 30 days every other year. Whether or not you find the following observations relevant, we strongly suggest that you hang on to this newsletter. Welcome to our 2019 excursion through the valley of Ad Valorem entropy.

Florida Homestead Evolution

Nearly 90 years in the making, Florida's first Homestead Exemption was proposed in 1933 by Fort Lauderdale Statehouse Representative Dwight Laing Rogers Sr. in response to widespread economic turmoil (including massive statewide property tax defaults) during the post-1929 Great Depression. Later serving as Fort Lauderdale's first Congressman from 1944 until he passed in 1954, in 1925 Rogers founded Rogers, Morris & Zeigler (Broward's oldest law firm), which is currently managed by his grandson, former City Commissioner Romney C. Rogers.

The original constitutional amendment was approved by the Florida electorate in 1934 and provided for a \$5000 homestead exemption (comparable to shielding property valued at \$93,380.30 in 2018 dollars). A Statutory increase to \$10,000 was enacted by lawmakers in the 1960s. Following a 1968 revision of the Florida Constitution, when condo owners launched a Constitutional challenge against former Broward Tax Assessor William Markham for denying their 1969 Homestead Exemptions (*Ammerman v. Markham*, 222 So.2d 423 (Fla. 1969)), the court reversed a lower court decision supporting Markham – thereby extending the exemption to individual condominium units. Landslide voter approval of a 1980 constitutional amendment raised the exemption to \$25,000. On January 29, 2008, voters approved Constitutional Amendment #1, which shielded a second \$25,000 from taxation, expanding the exemption's total value to \$50,000.

As amended in 2008, the Florida Constitution (VII)(6), provides legal Florida residents with a Homestead Exemption on their homes, condominiums, co-op apartments, and certain mobile home lots - if they qualify. Capped at \$50,000, this substantial exemption is applicable to the first and third \$25,000 of the assessed value of an owner/occupied residence. While the first \$25,000 applies to all property taxes, the second \$25,000 does NOT offset taxes assessed by the Broward County School Board, a historically corrupt taxing authority that nourished the careers of myriad Federal and State prosecutors. Even so, Broward County property owners shielded by the Homestead Exemption in 2018 saved from \$658 to \$1,035 (depending upon their respective municipal millage rates) for homes valued at \$75,000 or more. A Homestead Exemption added benefit, the "Save Our Homes" tax cap, enabled the average Broward homesteaded homeowner in 2018 to blot out another \$1,902 in taxes. As property values surge, this residency sweetener will limit annual tax increases to 3%.

Bring Home the Bacon

You are entitled to a Homestead Exemption if, as of January 1st, you have made the property your permanent home or the permanent home of a person who is legally or naturally dependent on you. As defined in Florida Statute § 196.012(17), "Permanent residence" means that place where a person has his or her true, fixed, and permanent home and principal establishment to which, whenever absent, he or she has the intention of returning. A person may have only one permanent residence at a time; and, once a permanent residence is established in a foreign state or country, it is presumed to continue until the person shows that a change has occurred." Each year, your permanent residence is determined by where you live on January 1st.

The regular filing period for a 2019 homestead exemption is March 2, 2018 to March 1, 2019. For those of us who sleep through this soft deadline, Section 196.011(8), Florida Statutes, provides a second bite at the apple by allowing the Property Appraiser to extend the filing deadline to September 18, 2019 for applicants who demonstrate that extenuating circumstances precluded timely applications for the 2019 exemption. However, once that "hard" late filing deadline closes, the property appraiser will no longer accept exemption applications for the year, and sob

stories will fall on deaf ears (the final deadline for the 2018 exemption was September 18, 2018).

When applying for a Homestead Exemption, you must provide the documents listed below, dated prior to January 1, 2019. To claim the full exemption, all owners occupying the property as Tenants in Common (i.e., proportional share co-owners) must file in person on jointly held property. In the case of a husband/wife ("Tenants by the Entirety") or Joint Tenants with Right of Survivorship ("JTRS"), any one owner may qualify for 100% coverage – although it is highly advisable for all eligible owner-occupants to file. If a Deed lists different last names for married owners, a marriage certificate must be presented if the deed does not specify that the co-owners are married.

- **Proof of Ownership:** In general, the recorded Deed or Co-op Proprietary Lease must be held in the name(s) of the individuals applying for Homestead. You do not need to bring a copy of the deed or co-op lease if the document has already been recorded in the Official Records of Broward County. If the property is held in a trust, either a Notarized Certificate of Trust OR a complete copy of the Trust Agreement is required. Note: Providing the simple Certificate of Trust form is usually preferable to submitting the entire trust agreement for review, as it prevents nosy bureaucrats from noodling through your estate planning finances.

- **Proof of Permanent Florida Residence (preferably dated prior to January 1, 2019) Acceptable forms of proof are as follows:**

- **FOR ALL APPLICANTS:**

Florida Driver's License (a "Valid in Florida Only" driver license is not acceptable) or Florida Identification Card (for non-drivers only) is required IN ADDITION TO ONE OF THE FOLLOWING:

- Florida Voter's Registration; or
 - Recorded Declaration of Domicile.

o **FOR NON-US CITIZENS:** In addition to the items listed above, you must have proof of permanent residency, resident immigrant status (such as a "Green Card"), asylum/parolee status (or some other ****PRUCOL** status) or proof that you parented a US-born minor child (US Citizen) who shares your residence.

***Note:** it is generally against the law for a Florida resident to drive in Florida with an out-of-state license or tag if he/she claims Homestead Exemption (Sections 320.37 and 322.08 of the Florida Statutes). Since "Valid in Florida Only" driver licenses were issued to snowbirds who didn't want to relinquish a driver license from a different jurisdiction where they maintained a permanent residence, their very existence is anathema to claiming a Florida permanent residence. Discontinued in 2009 due to a conflict with federal identification law (Real ID Act), they are no longer issued or renewed – and those still in circulation were reduced to regulatory scrap on June 30, 2017.

**** PRUCOL** is an acronym for "Permanent Residence (in the United States) Under Color of Law." Leached from the 1978 case "Holley vs. Lavine" (in the United States Court of Appeals for the Second Circuit) that casually evolved into doctrine for determining local or State benefits eligibility, PRUCOL applies to individuals who are neither U.S. citizens nor aliens lawfully admitted for permanent residence (i.e. lawful temporary residents, refugees, political parolees, asylum grantees, deferred deportation, etc.). Essentially, it includes aliens living in the U.S. with the knowledge and permission (express or implied) of the USCIS (United States Citizenship and Immigration Services) and whose departure that agency does not contemplate enforcing.

Following the September 11, 2001 tragedy, the Homeland Security Act of 2002 dissolved the Immigration and Naturalization Service (INS) on March 1, 2003. Its operations were separated into three component agencies - United States Citizenship and Immigration Services (USCIS), Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) – and transferred from the Justice Department to the newly formed Department of Homeland Security. The USCIS focuses exclusively on the administration of benefit applications.

Pursuant to Rule 12D-7.007(3), Florida Administrative Code, anyone residing in the U.S. under what is considered a "temporary" visa (E-, F-, H-, J-, L-, M-, N-, O-, P-, TC- or R-class visa) is ineligible for a Homestead Exemption. Regardless of how long they've owned homes or lived/worked in Florida – or the number of times their visas were legally renewed, those living here under "Temporary Protected Status" (TPS) are also ineligible.

• The Florida Department of Revenue application form (DR-501) requests the following information for all owners living on the premises and filing (if applicable). Most of the requested information is extraneous (bureaucratic flotsam), and will only be reviewed if the county property appraiser determines that the eligibility documentation provided is inconclusive.

- o Each owner's current employer
- o Date of each owner's last Florida permanent residency
- o Date of each owner's previous residency outside Florida and date terminated
- o Date of occupancy for each property owner
- o Social Security numbers of all owners filing, including the Social Security numbers of any married spouses – even if not filing or named in the Deed (as per Section 196.011(1)(b), F.S.) – are required*

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- o Florida Voter Registration number (U.S. citizen) or Immigration number (if not U.S. citizen)
- o Florida Drivers License, Florida I.D. and/or Vehicle Tag numbers (if applicable)
- o Percentage of Ownership
- o Declaration of Domicile w/residency date
- o School Location of Dependent Children
- o Bank Statement and Checking Account Mailing Address
- o Addresses listed on last I.R.S. income tax returns
- o Name and Address of any owners not residing on the property

* As per section 196.011(1)(b), Florida Statutes, the mandated Social Security numbers are used by Property Appraisers for regulatory housekeeping – to verify taxpayer identity and help sort property owners accounts.

• **Florida Statute 196.011(9)** (a) requires the owner to notify the Property Appraiser whenever the use of the property or the status or condition of the owner(s) changes so as to change the exempt status of the property. If the status of the property or the owner(s) alters Homestead eligibility, the law requires notification of the Property Appraiser's office by March 1st. Failure to so notify the property appraiser exposes the property owner to 10 years of retroactive tax indebtedness plus 15 percent interest per annum and a penalty of 50 percent of the taxes fraudulently exempted. If a scofflaw moves to a subsequently purchased Florida property, the local Property Appraiser will record a notice of lien in the county or counties wherein the deadbeat's new property or properties are located.

The amount of the homestead exemption granted to an owner residing on a particular property is applied against the proportional amount of that person's interest in the property. For example, assuming a property valued at \$40,000, with the residing owner's interest in the property being \$20,000, only \$20,000 of the homestead exemption can be applied to that property. If there are multiple owners, all as joint tenants with rights of survivorship, the owner living at property filing can take the full \$25,000 exemption.

The Homestead Exemption does not transfer from property to property. If you had this exemption on another property and moved, you must file a new application for your new residence. Notify the Property Appraiser to cancel the exemptions on your former home. Property purchased during last year may show qualified exemptions of the seller. The sellers' exemptions will not carry past the year of the sale; you must apply for your own exemptions! Note: An adult child who inherits a home from a deceased parent does not inherit the Homestead.

Once the Homestead Exemption is initially granted, a Homestead Renewal Receipt is mailed annually to property owners in early January to verify that the property's status, use and ownership has not changed. Please Note: If this renewal receipt is not received by March 1, failure to contact the Property Appraiser's office may result in the loss of the Homestead Exemption for the year.

Bad Marriage Benefit

If you (or your spouse) have a Homestead Exemption in any other county, state or country (or an equivalent permanent residency-based exemption or tax credit, such as New York's "S.T.A.R." exemption) on another property you also currently own, you will not be eligible for a homestead in Broward until you surrender the exemption in that other jurisdiction. However, there are largely unpublicized exceptions to this rule that may benefit thousands of Floridians in snake-bit marriages.

In the 2010 Florida case *Wells v. Haldeos* – 48 So. 3d 85 (Fla. 2d DCA 2010) – a separated husband and wife (James Haldeos and Rosa Accomando) each had their own homesteads (Accomando lived and worked in New York). On separating, they never spoke and other than the homes, shared nothing. When former Pasco County property appraiser Mike Wells denied Haldeos a homestead exemp-

tion because his wife had one in New York, they headed to the courthouse.

The Homestead Exemption provision in the Florida Constitution – Article VII, Section 6(b) – provides that "Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit." Since the Florida Department of Revenue is charged with establishing rules and regulations for assessing and collecting taxes, it had previously addressed this issue by adding Rule 12D-7.007(7) to the Florida Administrative Code (FAC). It states:

"A married woman and her husband may establish separate permanent residences without showing "impelling reasons" or "just ground" for doing so. If it is determined by the property appraiser that separate permanent residences and separate "family units" have been established by the husband and wife, and they are otherwise qualified, each may be granted homestead exemption from ad valorem taxation under Article VII, Section 6, 1968 State Constitution. The fact that both residences may be owned by both husband and wife as tenants by the entireties will not defeat the grant of homestead ad valorem tax exemption to the permanent residence of each."

Finding for Mr. Haldeos and against the Pasco County Property Appraiser, the Fourth District Court of Appeal held that in circumstances when a husband and wife have established two separate permanent residences in good faith and have no financial connection with and do not provide benefits, income, or support to each other, each may be granted a homestead exemption if they otherwise qualify. Despite his wife's New York residency exemption, Haldeos was granted a Homestead Exemption on his Pasco County home.

Although successfully tested in Court; this exception protocol is far from a cakewalk. When Fort Lauderdale resident Robert Brklacic was nailed by former Broward County Property Appraiser Lori Parrish for having annually claimed a homestead exemption on his Oakland Park home since 1979 while his wife of 13 years was also claiming a residency exemption for her Palm Beach home, the Fourth District Court of Appeal upheld a Circuit Court decision to drop the hammer on Brklacic.

Despite living in separate homes "for personal and professional convenience," Brklacic acknowledged having stayed together on weekends and holidays when they traveled together, stayed with his wife in her Palm Beach home and "continue to maintain a predominantly congenial marriage." Recognizing that "No constitutional or statutory definition for "family unit" exists," the court illuminated a critical eligibility distinction for married couples claiming separate exemptions.

On September 3, 2014, Judge Burton C. Conner observed "The foregoing law and persuasive authority favor finding that a married couple constitutes a single family unit when the marriage is intact, as opposed to the couple being separated or estranged. A single family unit would thus exist where spouses (even though living in separate primary residences or even separate permanent residences) live together at different periods of time, support each other in some financial or emotional way, and/or present themselves as a married couple (as opposed to estranged individuals who are just technically still married)."

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In short, if a husband and wife who are living in separate residences are friendly and supportive, they are considered a "family unit" (and ineligible for multiple homesteads); but if they are convincingly estranged and ignore one another, they are not an intact family unit (and merit respective exemptions). If you are considering this route, unless your ducks are in a row (and can convincingly demonstrate estrangement), expect a judicial haircut. For insight into Parrish's resolve, among the exhibits she logged into evidence was a photograph of the married scofflaws holding hands (an added benefit of having former BSO Detective Ron Cacciatore juicing her hyperactive BCPA fraud unit).

Same Sex Marriages – Benefits and Burdens

On August 21, 2014, U.S. Judge Robert L. Hinkle of Tallahassee threw out Florida's 2008 Constitutional ban on same-sex marriages. Ruling that it violates 14th Amendment guarantees of equal protection and due process, Hinkle likened the ban to historical prohibitions against interracial marriage and called it "an obvious pretext for discrimination." On January 1, 2015, Hinkle ordered county clerks to begin issuing same-sex marriage licenses on January 6, 2015, making Florida the 36th state to legalize same-sex marriage. This new legal status for married same-sex couples allows for ownership of real property by the married couple as Tenants By The Entireties (TBTE).

TBTE provides each spouse with overlapping 100% interests in their Homestead Property Tax Exemption, full exemption coverage (when one spouse receives the Homestead Exemption), and rights of survivorship (inheritance). Solely applicable to married couples, TBTE requires the filing of a new deed changing ownership by two individuals to ownership by a married couple. However, there is a significant downside.

Prior to January 6, 2015, Florida's Constitutional prohibition against same-sex marriages enabled couples to receive Homestead Exemptions on two different properties. Since Florida law permits married couples only one Homestead Exemption (or permanent residency based property tax exemption), same-sex married couples (any married couple) cannot claim more than one Florida Homestead Exemption and is ineligible for that exemption if either person claims a permanent residency based property tax exemption anywhere else on the planet.

Portability: Dodging the Tax Cap Trap

Fearful of losing their homes to the fast growing tax bite from exploding home prices, on November 3, 1992 Florida voters amended the State Constitution with the Save Our Homes tax cap, which lawmakers implemented on January 1, 1995 (section 193.155(1), Florida Statutes). As the overheated housing market saw double digit growth, the annual increase in assessed valuations for homes protected by the Save Our Homes tax cap were limited to the percentage change in the Consumer Price Index (as annually set by the Bureau of Labor Statistics - BLS) or 3% (whichever is less). As disparate valuations for protected and unprotected identical properties continued to widen, longtime property owners exploring relocation were stricken by "tax shock" from the loss of their accrued Save Our Homes protection – and were often forced to remain in their current homes.

This unanticipated "moving penalty" trapped both empty nesters seeking smaller, less expensive homes and growing families longing for larger quarters. Into the mix were tens of thousands of homeowners drowning under fairy tale mortgages and facing foreclosure while lenders took refuge under the nearest rock. The enormous number of properties suspended in Save Our Homes "limbo" served to freeze local housing inventories.

In hopes of crawling out of the recession by partially priming the glacial housing market, in January 2008, Florida voters overwhelmingly approved Constitutional Amendment 1, which added a second \$25,000 Homestead Exemption, capped the annual tax bite for non-homesteaded properties at 10% and enabled homesteaded owners to transfer (or "port") some or all of their Save Our Homes benefits to a new homesteaded property.

If you are applying for a new Homestead Exemption AND you held a Homestead exemption on a previous property within the last 2 tax-

years anywhere in Florida, you should also submit a Portability application with your Homestead application. Again – although portability benefits are transferable, the underlying Homestead Exemption prerequisite for the "Save Our Homes" tax cap is not. You must apply for a new Homestead Exemption to be eligible for portability benefits.

Although Homestead Exemptions aren't heritable, Section 193.155 (3), Florida Statutes, provides for two circumstances under which Save Our Homes protection can be passed on. As long as he or she subsequently files for a Homestead Exemption, a surviving spouse can inherit Save Our Homes benefits, even if not on the title. Also, a decedent's dependent, if residing on the property at the time of death, whether an inheritor, a life estate grantee, or a trust rights beneficiary, can inherit the Save Our Homes value.

In times of inflating property values, Florida's 1992 "Save Our Homes" (SOH) Constitutional Amendment caps annually assessed valuations of Homesteaded properties by the lesser of 3% or the percentage increase of the consumer price index (CPI). However, when property values decline, a homestead "recapture" provision (Section 193.155, F.S. and 12D-8.0062, Florida Administrative Code) causes taxable values to annually rise by 3% (or the percentage change in the CPI - if less) until the assessed value finally equals the market value. As a result, even when their property values drop, certain taxpayers face modest tax increases.

Since the Florida Department of Revenue set the 2018 SOH cap rate at 2.1%, the recapture law triggered an increase in 2017 SOH values for roughly 28,000 Broward homeowners, even though their market values dropped. The provision drives taxpayers crazy and yields minimal revenues, prompting Property Appraisers, Tax Collectors and taxpayers to favor mothballing this Constitutional crabapple.

New Exemptions – Separating the Wheat from the Chaff

After decades of gerrymandering election districts to benefit whatever party currently ruled the roost, the November 2010 voter-approved redistricting reforms delivered by Ballot Amendments 5 and 6 finally precluded Legislative and Congressional incumbents from preselecting who could vote in the districts where they planned to run, forcing them to leave election outcomes to voters – a novel concept for Florida politicians. Outraged by a process that allowed ordinary voters to mess with their career paths by leveling long-twisted playing fields, vengeful Republican legislative leaders sought to give the arrogant public a taste of its own medicine. Overnight, a truckload of junk amendments were nested in the November 2012 ballot.

At the October 18, 2012 GMCA Advisory Board meeting, Government and Media Relations Deputy Bob Wolfe of the Property Appraiser's Office warned neighborhood officials that these amendments cloaked poison pills designed to explode the tax impact on Homesteaded property owners. Anticipating that few voters would actually read the skewed Ballot Language, sponsors fitted them with deliberately misleading Ballot Titles. To further blur their actual impact, tricky lawmakers peppered several reasonable provisions into amendments otherwise back-loaded with regressive partisan privileges and huge tax increases – a planned deception known as logrolling. Although marketed by Republican lawmakers as a vehicle that would enable the legislature to eliminate the Save our Homes recapture rule – an objective long-supported by taxpayers and Property Appraisers alike – also buried in Constitutional Amendment 4 was a \$1.7 billion tax hike for Homesteaded property owners. When voters wisely rejected 8 of the 11 largely screwball amendments – including the ridiculously expensive Amendment 4 – the unpopular recapture rule dodged a bullet.



Three reasonable 2012 amendments that affect property owners successfully exceeded the 60% voter approval required for Constitutional inclusion. Amendment 2 extended an existing exemption for combat-disabled seniors from Florida to all combat-disabled veterans, regardless of where they resided upon entering the military. Amendment 9 entitles the surviving spouses of first responders who die in the line of duty (volunteer law enforcement officers, correctional officers, firefighters, emergency medical technicians and paramedics) to the same total homestead property tax exemption currently available to surviving spouses of Florida military veterans who die from service-related causes while on active duty. Amendment 11 authorizes cities and counties to grant full homestead property tax relief to low-income seniors who lived in a home valued at up to \$250,000 for at least 25 years. However, shortly after its overwhelming approval, an unexpected glitch hampered its applicability.

If the value of the home edged above \$250,000, eligibility would be lost, and the taxes would have to be paid as assessed – a catastrophic impact for a senior on a fixed income. On October 1, 2015, Statehouse Representative Bryan Avila filed House Joint Resolution 275, which allowed a senior who qualified for the exemption in 2013, but lost it to improving market conditions, to regain the exemption. Following its unanimous approval in the House and Senate, the measure was reconfigured as Proposed Constitutional Amendment 5, placed on the November 8, 2016 Ballot, and approved by 78.3% of the electorate. It mandates that if the low-income senior qualifies for the exemption when he or she first applies, it becomes permanent.

On November 8, 2016, voters also approved Proposed Constitutional Amendment 3, which provides a property tax exemption to first responders who are totally and permanently disabled as a result of injuries sustained in the line of duty. Florida's Constitution already grants a property-tax exemption to the spouses of first responders who die in the line of duty. Originally introduced in House Joint Resolution 1009 filed by Statehouse Representative Larry Metz during the 2016 legislative session, the measure was approved unanimously in the House and Senate prior to its placement on the 2016 Ballot and approval by 83.78% of the electorate.

Placed on the August 30, 2016 Primary Ballot by Florida lawmakers, Constitutional Amendment 4 was approved by 72% of Florida voters. Prior to its approval, the Florida Constitution exempted renewable energy source installations on residential properties from ad valorem taxation. Beginning in 2018 and continuing for 20 years, Amendment 4 will not only exempt solar energy devices from property tax valuation for homes, but for commercial and industrial properties that fall under the tangible personal property tax bracket. For years, Florida's energy companies paid key lawmakers to block the proliferation of solar power in the Sunshine State. Amendment 4 will help kick start this clean, inexpensive energy source. Not to be confused with Amendment 1, a scam crafted and disingenuously marketed by the energy industry as pro-solar, which in fact would have pointlessly driven up the cost of solar power. Fortunately, the scam failed, as the fraudulent measure was stomped by Florida voters.

On November 6, 2018, Florida voters failed to pass Amendment 1, a proposed additional \$25,000 homestead exemption on that portion of a home's value between \$100,000 and \$125,000. Its failure is largely attributed its cost to local jurisdictions of more than \$687 million in lost revenues, while benefitting only 2.4 million homesteaded Floridians.

The 10 percent cap on annual non-homestead parcel assessment increases approved by voters in 2008 was scheduled to sunset on January 1, 2019. In approving Amendment 2 in November 6, 2018, the Florida electorate made the 10% cap permanent for snowbirds, landlords and businesses, which would have otherwise added \$700 million to their collective tax bills. This will save Galt Mile snowbirds a boatload of money.

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Political Payola Throttles Rental Rights

"Can I still receive a Homestead Exemption if I rent my property?" It depends on the local Property Appraiser. Florida Statute § 196.061 historically provided "The rental of an entire dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of said dwelling as a homestead, and said abandonment shall continue until such dwelling is physically occupied by the owner thereof. However, such abandonment of such homestead after January 1 of any year shall not affect the homestead exemption for tax purposes for that particular year so long as this provision is not used for 2 consecutive years."

Since Florida's Constitution determines if a property is a "Permanent Residence" by its status on January 1st, what happens before or after that bellwether date is technically irrelevant. For decades, if a lease began after January 1st and terminated by December 31st in the same year, nothing in Florida law required surrender of the Homestead Exemption. This implied safe harbor disappeared if the property was leased again during the following (second consecutive) year. As a result, tens of thousands of snowbirds added their units to the rental market every other year, moderating rental costs and bolstering the availability of affordable housing.

Because Florida law (Florida Statute § 196.015) empowers the local Property Appraiser with broad discretion in juggling eligibility, relevant policies vary by jurisdiction. At the onset of her tenure, former Broward County Property Appraiser Lori Parrish had adopted a "once in a lifetime" policy for rentals with lease terms that wholly fall within a calendar year, allowing each homeowner a single opportunity to rent their Homesteaded property without sacrificing the exemption. While far less generous than property appraisers who allowed unlimited alternate year leasing, it was certainly preferable to getting hit in the eye with a sharp stick. Unfortunately, this statewide safe harbor rental policy (AKA "Two Year Rule") was spittoonied by a patronage bill for Golf Groupies during the 2013 legislative session.

St. Johns County Tax Collector Dennis W. Hollingsworth told former Senator John Thrasher (R-St. Augustine) that constituent homeowners who live near the Ponte Vedra Beach headquarters of the PGA Tour wanted to rent their homes to golf enthusiasts, links groupies and media personnel who haunt The Players Championship and other PGA events for a few weeks each year – without endangering their Homestead Exemptions. A former Chairman of the Republican Party of Florida and a close ally of then Senate President Don Gaetz, Thrasher肘ed Senate Bill 342 into law over the objections of Property Appraisers and residents across the State. The new law changed Florida Statute § 196.061(1), asserting that a Homesteaded property will not be considered abandoned "unless the property is rented for more than 30 days per calendar year for 2 consecutive years."

While virtually useless for the purposes that most owners (or tenants) lease a property, the 30-day lease terms are perfect for siphoning a few bucks from the golf tournament. Although it will facilitate lucrative month-long rentals for two dozen St. Johns homeowners, by delimiting an annual statutory maximum lease term of 30 days, thousands of longer leases that were regularly granted safe harbor by local property appraisers are now at risk. Enacting this local patronage porker threatens tens of thousands of leases between unit owners and their annual or seasonal tenants in Florida community associations.

Property Appraisers, the natural beneficiaries of exemption restrictions, opposed the bill as geocentric and unenforceable. Testifying before vetting committees, they warned that the bill would "wipe out entire tracts of affordable housing" while undermining survival income for cash-strapped homeowners all over the State – except in St. Johns County. Pat Poston, director of exemption services for former Palm Beach County Property Appraiser Gary Nikolits, said the bill would adversely affect seasonal rentals in Wellington for polo season and disrupt winter rentals throughout the County.

Like scores of property appraisers across Florida, Poston objects to specifically tailoring a statewide exemption to facilitate tip money for a handful of St. Johns homeowners at the expense of homeowners in every other jurisdiction. Leery of the potential confusion, former Broward Property Appraiser Lori Parrish had long admonished that her office be consulted prior to executing any leases – spin for do it or else – a policy also supported by successor Marty Kiar.

The TRIM Notice – Read it and Weep

In 1980, lawmakers passed legislation requiring taxing authorities to provide local taxpayers with a "Truth in Millage" statement (TRIM notice). By the end of the second week in August, the Property Appraiser mails "Notices of Proposed Taxes" (AKA "TRIM" notices) to all Broward County property owners. Once you receive the TRIM notice, you must act expeditiously if you intend to challenge the assessment or proposed tax rates. Unfortunately, many property owners ignore the TRIM Notice and wait until they receive their tax bills in November – long after the September appeal deadline.

The TRIM Notice contains proposed tax rates as set by local taxing authorities (i.e., Broward School Board, Broward County Commission, City of Fort Lauderdale, South Florida Water Management District, North Broward Hospital Board, Children's Services Council of Broward County and the Florida Inland Navigation District). During the past two years, Broward properties realized average countywide jumps in June 1st taxable values of 9.30% in 2017 and 7.74% in 2018 (when the taxable value of Broward property increased to \$189.5 billion).

Taxable values for the Galt Mile's "Big Three" taxing authorities in 2018 (as indicated in the final July 1st Taxable Value Report) realized increases of 7.26 % (the School Board), 7.72 % (the County Commission) and 8.79 % (the City of Fort Lauderdale). Each taxing authority holds two public hearings from August through September, where taxpayers may question proposed millage rates, non-ad valorem fees and special assessments, or comment on services being cut from local budgets. Your TRIM Notice lists the hearing dates, locations and contact phone numbers for each taxing authority. While these hearings provide flustered taxpayers with an opportunity to vent, prospects for successfully engineering a lower millage rate are statistically comparable to spontaneously growing wings.

Tax calculations are based upon a simple mathematical formula: TAXABLE VALUE x TAX MILLAGE RATES + SPECIAL ASSESSMENTS = TAX BILL. The TRIM notice reminds property owners that they can save money by paying early. Paying in November earns a 4% discount. The discount drops to 3% in December, 2% in January, 1% in February and full price in March.

V.A.B. – The Last Chance Saloon

While the Property Appraiser's Office exerts no influence over tax rates, if the market value as shown in the box "Your Property Value This Year" is higher than the market value of your property as of this past January 1, a Deputy Property Appraiser will discuss your market value and how it was calculated on request. Similarly, the Property Appraiser's office will review any exemptions that were denied. If still dissatisfied, you can file a petition with the Value Adjustment Board (VAB) to reconsider the assessment and/or any denied exemptions.

The Broward County Value Adjustment Board (VAB) is the independent appeals board that has initial jurisdiction over challenges to any property valuations (the "assessed value"), denials of exemptions, denials of classifications, and other similar matters. When House Bill 909 amended Florida Statute 194.015 in June of 2008, the 5-member VAB's composition was changed to include two Broward County Commissioners, one School Board member and two layperson taxpayers (a homesteaded property owner selected by the County Commission and a commercial property owner selected by the School Board).

The Board is completely independent of the Property Appraiser's office. As per Florida Statute 194.035, the Value Adjustment Board appoints Special Magistrates - who are all qualified, professionally designated real estate appraisers (for valuation cases) and/or attorneys (for exemption cases) – to conduct the hearings. The only question the Special Magistrates can determine is whether the market value of a property as shown on the TRIM Notice was higher than the property's market value as of last January 1st.

The process is triggered by filing an appeal application form (DR 486) and a nonrefundable \$15 statutory filing fee with the VAB by the September 18, 2017 deadline. The fully completed petition must be filed with the Value Adjustment Board at Broward Government Center, 115 South Andrews Avenue, Room 120, Fort Lauderdale, Florida 33301 (or filed online using a credit card) – BEFORE THE DEADLINE. While the Property Appraiser is immutably prohibited from processing an appeal after September 18th, a taxpayer who misses the deadline due to extraordinary circumstances can still petition the VAB to consider a valuation appeal. Since "good cause" late-filings are vetted on a case by case basis by the VAB attorney, the applicant must contact the VAB directly to assess an appeal's merit.

In accord with the provisions of Florida Statute 194.034 (d), petitioners are required to furnish the VAB Appeals office with all the information or documentation that will be used to support their conclusions of value. Failure to provide information previously requested by the Property Appraiser at least 15 days before the hearing precludes its use before the VAB.

To best prepare a case, documentary evidence supportive of a claim should be compiled with the assistance of the Property Appraiser staff, VAB staff and/or an attorney. To request the VAB's help, a petitioner can visit the VAB office in Room 120 at Government Center (115 South Andrews Avenue), call 954-357-7205 or 954-357-5367 or send an email to VAB@broward.org. To elicit assistance from the Property Appraiser's Office, visit their headquarters at 115 South Andrews Avenue, Room 111 in Governmental Center (954-357-6830) or email Manager Kelly Brown at kbrown@bcpa.net. Any person representing you at the hearing must have a letter of authorization or power of attorney attesting to that fact. This applies to anyone whose name is not on the deed. If a late-filing petitioner is denied "Good Cause" by the VAB or if the Board finds against the applicant after a hearing, the petitioner is entitled by law to file an action in Circuit Court within 60 days of the date on the final decision letter, pursuant to Sec. 194.171, Florida Statutes.

CAVEAT EMPTOR! This appeal is actually a lawsuit, and is considered de novo, or an original action, rather than an appeal of the VAB decision. Lawsuits cost thousands of dollars in legal fees (retainers can run \$250 to \$500 per hour) and court costs. If unsuccessful, these costs would be incremental to the possible doubling or trebling of property taxes implicit in losing the homestead exemption. Therefore, it behooves appellants to realistically estimate the cost/benefit prior to "rolling the dice" in court.

Additional Low-Income Senior Exemption

Pursuant to Section 196.075, F.S., residents 65 years or older as of January 1, 2019, may qualify for the additional \$25,000 "Low-Income Senior Exemption". While the exemption applies to the county portion of every Broward resident's taxes, only those residents living in cities that approved the exemption (such as Fort Lauderdale) may also apply it to their municipal tax bite (the enabling legislation requires municipalities to adopt a "local option" before the incremental exemption can be applied against City taxes).

The Broward County Commission passed an ordinance increasing the Low-Income Senior's Additional Homestead Exemption from \$25,000 to \$50,000 for the County portion of the property tax bill effective beginning in the 2017 tax year. The larger exemption can only be applied to city taxes in municipalities that enacted the "local option" ordinance increasing the Senior Exemption to \$50,000 (like Fort Lauderdale).

To be eligible for the Low-Income Senior's Additional Homestead Exemption in 2019, qualified seniors had to demonstrate a total 2018 household adjusted gross income of not more than \$29,454 (based on 2017 income limitation). Since income eligibility is recalculated by the Department of Revenue every January to reflect the percentage change in the average cost-of-living index, this exemption must be applied for annually.

Continued on page 14

INJURED?

- AUTO ACCIDENTS
- WRONGFUL DEATH
- SLIP & FALL
- WORKERS COMP.
- MEDICAL MALPRACTICE
- NURSING HOME NEGLECT



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FEBRUARY/MARCH

SUN	MON	TUE	WED
3 Farmers Market El Prado Park 9 a.m. to 2 p.m. info.: www.btsevents.com/events SunTrust Sunday Jazz Brunch Riverwalk 11 a.m. to 2 p.m. Info.: 954-396-3622	4 Commissioner Heather Moraitis: Beach Community Center, 6 p.m. Info.: 954-828-5033	5 BINGO (Jan - March) Galt Towers Social Room Info.: 954-563-7268 Fort Lauderdale Major 2019 (Through 2/10) Fort Lauderdale Beach (1140 Seabreeze Blvd.) Info.: 954-249-6979	6 BINGO Regency South Party Room 7 p.m. Info.: 954-547-4063 Holy Cross Hospital Golf Classic Coral Ridge Country Club (3801 Bayview Dr.) 10 a.m. to 3 p.m. Info.: 954-229-8562
10 Dancing By The Sea The Beach Pavilion, LBTS 5 to 7 p.m. Info.: 954-776-1000 Andy's 17th Annual Family Pasta Dinner Signature Grand, Davie 4 to 7 p.m. Info.: 754-224-3132	11 	12 BINGO (Jan - March) Galt Towers Social Room Info.: 954-563-7268	13 BINGO Regency South Party Room 7 p.m. Info.: 954-547-4063 Palm Beach Jewelry, Art & Antique Show (Through 2/19) Palm Beach County Convention Center Info.: 561-822-5440
17 Farmers Market El Prado Park 9 a.m. to 2 p.m. info.: www.lbtsevents.com/events A1A Marathon & Half-Marathon 401 SW 2nd St. at NW 5th Ave. Ft. Lauderdale Wheelchair-5:45 a.m.; Marathon & Half Marathon-6 a.m.; Kids Fun Run-11:45 a.m. Info.: 561-241-3801	18 President's Day Commissioner Heather Moraitis: Broward Health Imperial Point, 6 p.m. Info.: 954-828-5033	19 BINGO (Jan - March) Galt Towers Social Room Info.: 954-563-7268 Fort Lauderdale City Commission Meeting City Hall, 6 p.m.	20 BINGO Regency South Party Room 7 p.m. Info.: 954-547-4063 2019 Business and Green Expo Broward County Convention Center 4 to 8 p.m. Info.: 954-838-9644
24 Dancing By The Sea The Beach Pavilion, LBTS 5 to 7 p.m. Info.: 954-776-1000 Farmers Market El Prado Park 9 a.m. to 2 p.m. info.: www.btsevents.com/events	25 The Best of Times Senior Expo Dania Beach Casino 9:30 a.m. to 2 p.m. Info.: 754-246-2874	26 BINGO (Jan - March) Galt Towers Social Room Info.: 954-563-7268	27 BINGO Regency South Party Room 7 p.m. Info.: 954-547-4063

FEB 3: Temple Bat Yam "I Tackled the 2019 5K" Walk/Run, Hugh Taylor Birch State Park, 7:30 a.m., Info.: 954-928-0410

FEB 8-10: Seminole Tribal Fair & Pow Wow, Seminole Hard Rock Hotel and Casino, Info.: 866-625-5374

FEB 8-10: Everglades Seafood Festival, City Hall on the Circle (102 Copeland Ave. Everglades City), Info.: 239-695-2277

FEB 9: Beach BonFire, Lake Worth Casino & Beach Complex, 6 to 9 p.m., Info.: www.lakeworthcra.org

FEB 9-10: 20th Annual South Florida Garlic Fest, John Prince Park, Lake Worth, Info.: 561-274-4663

FEB 9-10: Dig The Beach Volleyball, Fort Lauderdale Beach, 7 a.m. to 6 p.m., Info.: 561-241-3801

FEB 10: Jazz Picnic in the Park, Performer: Heather Pierson, Ilene Lieberman Botanical Gardens, 11 a.m. to 2 p.m., Info.: 954-777-2042

FEB 15-17: Fort Lauderdale Beach Collector Car Auction, War Memorial Auditorium, Info.: 561-533-7945

FEB 20: South Beach Wine & Food Festival, South Beach, Miami, 10 a.m. to 10 p.m., Info.: 877-762-3933

FEB 21-24: Pride Fort Lauderdale, Fort Lauderdale Beach Park, Info.: 954-848-1894

FEB 23: Riverwalk Chili Cook-Off, Esplanade Park, Noon to 4 p.m., Info.: 954-468-1541, Ext. 204

FEB 23: Yogafest, Huizenga Plaza, Info.: 704-756-9245

FEB 23: MASS District Art Walk, MASS District (844 NE 4th Ave. in Ft. Lauderdale), 6 p.m. to Midnight, Info.: 954-866-3890

ONE SOURCE FOR COMMUNITY HAPPENINGS

THU

FRI

SAT

	<p>1 First Friday Food Trucks Flamingo Gardens 5 to 9 p.m. Info.: www.flamingogardens.org</p> <p>Shakespeare in the Park (Through 2/2) Romeo & Juliet ArtPark Amphitheater, Hollywood Info.: www.shakespearemiami.com</p>	<p>2 Community Health Fair ArtServe 11 a.m. to 4 p.m. Info.: 561-779-1759</p> <p>Groundhog Day</p> <p>South Florida Depression Glass Show (Through 2/3) Emma Lou Olsen Civic Center, Pompano Info.: 305-884-0335</p>
<p>7 Ft Lauderdale Greek Festival (Through 2/10) St. Demetrios Greek Orthodox Church Info.: 954-761-3378</p> <p>"The Veranda Sessions" Performer(s): SOSOS Bonnet House 6:30 to 8:30 p.m. Info.: 954-703-2614</p>	<p>8 CanadaFest (Through 2/10) ArtsPark (1 North Young Circle) Hollywood Info.: 954-922-1800</p> <p>LitLUNCH! Mary N. Porter Riverview Ballroom 11:15 a.m. to 1:15 p.m. Info.: 954-357-7382</p>	<p>9 Florida Renaissance Festival (Through 2/10) Quiet Waters Park 10 a.m. Sundown Info.: 954-771-7045</p> <p>Run for Beer Hollywood Brewing Company 11 a.m. to 2 p.m. Info.: nate@breweryrunningseries.com</p>
<p>14</p> <p>Valentine's Day</p> <p>Miami Yacht Show (Through 2/18) Biscayne Bay between the Venetian and MacArthur causeways, Miami Info.: 954-463-6762</p>	<p>15 Taste of Oakland Park Jaco Pastorius Park 6 to 9 p.m. Info.: 954-630-4507</p> <p>The Publix Health & Fitness Expo (Through 2/16) Broward County Convention Center Info.: 561-241-3801</p>	<p>16 Florida Renaissance Festival (Through 2/10) Quiet Waters Park 10 a.m. Sundown Info.: 954-771-7045</p> <p>Fort Lauderdale A1A 5K Merrill Lynch building (450 E. Las Olas Blvd.) Reg: 6 a.m.; Start: 7:30 a.m. Info.: 561-241-3801</p>
<p>21 Concerts Under the Stars Performer(s): Michael Masci Trio Bonnet House 6:30 to 8 p.m. Info.: 954-703-2614</p> <p>G.M.C.A. Advisory Board Meeting Nick's Italian Restaurant, 11 a.m.</p>	<p>22 Learn To Paint Like an Impressionist NSU Art Museum 2 to 4 p.m. Info.: 954-262-0258</p> <p>Ruggerfest (Through 2/24) Mills Pond Park Info.: 954-444-6086</p>	<p>23 Beach BonFire Lake Worth Casino & Beach Complex 6 to 9 p.m., Info.: www.lakeworthcra.org</p> <p>Street Painting Festival (Through 2/24) Downtown Lake Worth, 10 a.m. Info.: www.streetpaintingfestivalinc.org</p>
<p>28</p> <p>Boca Festival of the Arts (Through 3/10) Mizner Park Amphitheater 7 to 11 p.m. Info.: 561-368-8445</p>	<p>1 P!nk: Beautiful Trauma World Tour BB&T Center, 8 p.m. Tix.: www.ticketmaster.com</p> <p>West Palm Beach Antiques Festival (Through 3/3) South Florida Fairgrounds, WPB Info.: 941-697-7475</p>	<p>2 Household Hazardous Waste & Electronics Drop-off Events 4800 West Copans Road (Coconut Creek) 9 a.m. to 2 p.m. Info.: 954-828-8000</p> <p>MIASF Waterway Cleanup 30 sites around Broward 9 a.m. to 1 p.m. Info.: 954-524-2733</p>

THE FUN CONTINUES !

MARCH 2

Southeast Florida Scottish Festival & Highland Games
Plantation Heritage Park
9 a.m. to 6 p.m.
Info.: 954-460-5000

MARCH 2

HSBC 29th Annual Walk for the Animals 2019
Huizenga Plaza
Registration: 8 a.m.; Start: 10 a.m.
Info.: 954-266-6817

MARCH 2

31st Night of Literary Feasts
Bahia Mar Fort Lauderdale Beach
5:30 to 8 p.m.
Info.: 954-357-7382

MARCH 2-3

31st Annual Las Olas Art Fair Part II
600 East Las Olas Blvd
10 a.m. to 5 p.m.
Info.: 561-746-6615

MARCH 2-3

Carnaval on the Mile
Carnaval on the Mile, Coral Gables
10 a.m. to 7 p.m.
Info.: 305-644-8888

MARCH 8-10

Fairchild Tropical Botanic Garden Orchid Festival
Fairchild Tropical Botanic Garden
9:30 a.m. to 4:30 p.m.
Info.: 305-667-1651

MARCH 8-10

The 13th Street Craft Beer and Wine Festival
NE 13th St. from NE 6th Ave. to NE 9th Ave., Fort Lauderdale
4 to 8 p.m.
Info.: 954-822-4727

FOR A COMPLETE LISTING OF EVENTS, GO TO THE CALENDAR AT WWW.GALTMILE.COM

First Saturday of Every Month: Beach Cleanup, Commercial Blvd. & the Beach LBTS (Meet at Pavilion), 9 to 9:30 a.m., Info.: 954-776-1000

First Saturday of Every Month: North Beach Art Walk, 3280 NE 32nd St, 7 to 11 p.m., Info.: 954-537-3370

Second Saturday of Every Month: Beach Sweep, Fort Lauderdale Beach Hub, 300 S. Fort Lauderdale Beach Blvd., 7 to 11 a.m., Info.: 954-709-3197

Second Saturday of Every Month: Burlock Coast Farmer's Market, Burlock Coast at the The Ritz-Carlton, 9 a.m. to 3 p.m., Info.: myfortlauderdalebeach.com

Second Tuesday of Every Month: Orchid Greenhouse Tours, Bonnet House, 11 a.m. to Noon, Info.: 954-703-2606

Mondays: Food Trucks at ArtsPark, 5:30 to 10 p.m., Youngs Circle in Hollywood

Fridays (through May): Friday Night Music, El Mar Drive between Village Grille/Pump and 101 Ocean, 6:30 to 10:30 p.m., Info.: www.lbtsevents.com

Sundays: Tour-the River Ghost Tour, Stranahan House & Water Taxi, 7:30 p.m., Tix.: 954-524-4736

Sundays: Las Olas Sunday Market, 333 East Las Olas Blvd. & SE 4th Ave., 9 a.m. to 2 p.m., Info.: 954-426-8436

Sundays (through May): Farmer's Market at El Prado Park, 9 a.m. to 2 p.m., Info.: 561-714-2745

Saturdays: Saturday Night Under the South Florida Stars, Fox Astronomical Observatory at Markham Park, Sunset to Midnight, Info.: 954-384-0442

Tuesday & Thursdays (Through April): Seaside Yoga and Meditation, El Prado Park, 7 to 8 a.m., Info.: 954-850-7361 (weather permitting)

To qualify for the huge Long-Term Residency Senior Exemption passed in 2012 (and clarified in 2016), an applicant must maintain permanent residence on the property for 25 years, meet the age and income requirements for the regular Low-Income Senior Exemption (see above) and the property's Just Value must be less than \$250,000 when the application is submitted. Once approved, the Long-Term Residency Senior Exemption is immune to a subsequent valuation increase. The Long-term Senior Residency Exemption exempts the ad valorem city taxes for qualified residents of the cities which adopted the relevant local option ordinance (for 2019 - adopted in Lauderdale-by-the-Sea – but not in Fort Lauderdale). To file for a Senior exemption, follow the steps below:

If You File a Federal Income Tax Return:

1. Complete Part (1) of the Sworn Statement of Adjusted Gross Income of Household
2. Complete the Certification section of the Sworn Statement of Adjusted Gross Income of Household (located at the bottom of page 1).
3. Submit the Sworn Statement of Adjusted Gross Income of Household to the Property Appraiser on or before March 1, 2019.
4. Submit a copy of your 2018 Income Tax Return Form 1040 for all persons residing in your home (excluding renters and boarders) to the Property Appraiser no later than June 3, 2019.

If You Do Not File a Federal Income Tax Return:

1. Complete Parts (1) and (3) including the statement of income located on page 2 of the Sworn Statement of Adjusted Gross Income of Household
2. Complete the Certification section of the Sworn Statement of Adjusted Gross Income of Household (located at the bottom of page 1).
3. Complete Lines 1 through 4 of the IRS Form 4506-T and sign the form. There is no fee for requesting this information from the IRS.
4. Submit the Sworn Statement of Adjusted Gross Income of Household and the IRS Form 4506-T to the Property Appraiser on or before March 1, 2019.
5. Submit a copy of your 2018 Social Security Statement (SSA 1099) to the Property Appraiser no later than June 3, 2019. The Social Security Administration will send you your SSA-1099 by February 1, 2019

If you miss the March 1st "soft" filing deadline for the 2019 Senior Exemption, and believe that you have "Good Cause" for not having timely filed the application, you can still call the Property Appraiser's office at 954-357-6830 before September 18, 2019 (the hard deadline) or email Customer Service & Exemptions Division Manager Kelly Brown at kbrown@bcpa.net and ask if and how you can still file for the 2019 Senior Exemption. As per State law (Section 196.011(8), Florida Statutes), applicant material submitted after the September 18th "hard deadline" will not be considered.

Other Exemptions: Catastrophe Dividends

With the exception of the \$5,000 Veteran's Disability Exemption and the Historic Property Exemption, a Homestead Exemption is a legal eligibility prerequisite for a buffet of other tax-saving vehicles. While helping property owners with Homestead Exemptions and Low-Income Senior Additional Exemptions, Property Appraiser personnel also facilitate applications for the following exemptions:

- **WIDOW/WIDOWER EXEMPTION:** Any widow or widower who is a Florida resident may claim a \$500 exemption. If you remarry, you are no longer eligible for the exemption. If you were divorced before the death of your ex-spouse, you do not qualify as a widow or widower. To qualify, provide a copy of spouse's death certificate, newspaper obituary, or memorial card. See section 196.202, Florida Statutes.
- **DISABILITY/BLINDNESS:** Florida residents who are totally and permanently disabled or blind may qualify for a \$500 exemption. Additionally, properties homesteaded by a quadriplegic are exempt from all ad valorem taxation. If homesteaded by a paraplegic, hemiplegic, or other totally and permanently disabled person, who must use a wheelchair for mobility or who is legally blind, the property is exempt from taxation if the gross household income (total income of all persons residing in the homestead, including veterans' and social

security benefits) is below the current gross income limit (based on CPI index from BLS – \$28,713 in 2018). Ask about the filing requirements for the various partial and full versions of these exemptions. The initial filing requires a certificate of total and permanent disability (Form DR-416) from two (2) licensed Florida doctors or from the United States Department of Veterans Affairs. For the legally blind, one of the two may be a certificate from a Florida-licensed optometrist (Form DR-416B). See section 196.202, Florida Statutes.

• **VETERANS DISABILITY EXEMPTIONS:**

o **\$5,000 VETERAN'S DISABILITY EXEMPTION:** An ex-service member Florida permanent resident disabled at least 10% in war or by service-connected events (or surviving spouse) may be entitled to a \$5,000 property tax exemption. Requires copy of Certificate of Disability from the U.S. Government or the U.S. Department of Veterans Affairs (or its predecessor agency). See section 196.24, Florida Statutes.

o **FULL EXEMPTION FOR VETERAN'S SERVICE-CONNECTED TOTAL AND PERMANENT DISABILITY:** An honorably discharged veteran who is totally and permanently disabled or requires a wheelchair for mobility resulting from their military service may qualify for total exemption of their homestead. The surviving spouses of qualifying veterans and spouses of Florida residents who were US Armed Forces veterans and died from service-connected causes while on active are also entitled to the exemption. An evidentiary certificate is required from the US Government or US Department of Veterans Affairs. See sections 196.081 and 196.091, Florida Statutes.

o **DEPLOYED MILITARY EXEMPTION:** Homesteaded current or former members of any branch of the United States military, Coast Guard, military reserves or the Florida National Guard deployed during the last calendar year outside the United States in support of specific military operations designated annually by the Florida legislature (i.e. Operation Enduring Freedom, Operation Noble Eagle, Operation Joint Task Force Bravo, Operation Joint Guardian, Operations in the Balkans, Operation Nomad Shadow, Operation U.S. Airstrikes Al Qaeda in Somalia, Operation Copper Dune, Operation Georgia Deployment Program, Operation Spartan Shield, Operation Observant Compass, Operation Inherent Resolve, Operation Atlantic Resolve, Operation Freedom's Sentinel, Operation Resolute Support - or in support of any related subordinate operation). Requires submitting completed Form DR-501M and US military documentation delimiting the applicant's dates of active duty military service and deployment in an eligible military operation. The percentage of the assessed value exempted is based upon the percent of the prior year deployed overseas in support of one of the specified military operations. See section 196.173, Florida Statutes, for the names and commencement dates of eligible military operations.

o **ADDITIONAL EXEMPTION FOR COMBAT-WOUNDED FLORIDA DISABLED VETERANS:** A disabled homesteaded veteran who is 65 or older as of January 1st may qualify for an additional property tax discount based on their percentage of disability. Needs documented proof that disability was combat related (i.e., copy of Purple Heart Medal award paperwork), and a 1 certificate from the US Government or US Department of Veterans Affairs attesting to the percentage of permanent disability (surviving spouses are ineligible). See section 196.082, Florida Statutes.

• **FULL EXEMPTION FOR TOTALLY AND PERMANENTLY DISABLED PERSONS:** Certificates from two licensed doctors of this state or a certificate from the US Department of Veterans Affairs. To qualify for this exemption, one must be a (1) quadriplegic or (2) paraplegic, hemiplegic or other totally and permanently disabled person who must use a wheelchair for mobility or who is legally blind. For persons entitled to this exemption under number two (2) above, the prior year (2018) gross income of all persons residing in or upon the homestead shall not exceed \$28,713 (based on 2017 income limitation). This amount is adjusted annually and a statement of gross income must accompany the application. See section 196.101, Florida Statutes.

- **FULL EXEMPTION FOR TOTALLY AND PERMANENTLY DISABLED FIRST RESPONDERS:** Any homesteaded first responder with a Florida agency who is totally and permanently disabled from injuries sustained in the line of duty, or their un-remarried surviving spouse, is eligible for a full exemption on the ad valorem portion of their property taxes. Qualifying requires submitting a letter from Social Security Administration stating the applicant is totally and permanently disabled; and one physician certification attesting to the applicant's total and permanent disability and a lifelong inability to engage in any substantial gainful occupation. If an applicant is not eligible for such Social Security Administration status, the applicant may provide a letter stating they are ineligible for such status; and two physician certifications, from unrelated physicians, attesting to the applicant's total and permanent disability and a lifelong inability to engage in any substantial gainful occupation. A certificate from the organization that employed the first responder at the time the injury or injuries occurred, supplemented with documentation of the incident or event which caused the injury, such as an accident or incident report. See section 196.102, Florida Statutes
- **"GRANNY FLAT" EXEMPTION:** Taxpayers who build additions or perform extensive renovations on an existing Homestead to provide living quarters for a parent or grandparent who is at least 62-year old may be entitled to a special exemption equal to the amount of the new construction (up to 20% of the homestead value). Bring permits, Certificate of Occupancy and construction plans used to house 62-year old "Granny Flat" occupant (by January 1st of the year for which the exemption is requested). See section 193.703(1), Florida Statutes
- **SURVIVING SPOUSE OF MILITARY VETERAN OR FIRST RESPONDER:** Grants full homestead property tax relief to the surviving spouses of military veterans who die from service-connected causes while on active duty, and to the surviving spouses of first responders (i.e. law enforcement officers, correctional officers, firefighters, emergency medical technicians and paramedics) who die in the line of duty and were permanent Florida residents as of January 1st in the year of their death. Applicants must provide a copy of the first responder's death certificate as well as an obituary, news article, statement from employing agency or other verification of line of duty death. See section 196.081, Florida Statutes.
- **HISTORIC PROPERTY EXEMPTION:** Properties on the National or Florida Registers of Historic Properties may be entitled to some special exemptions related to their assessed value and whether or not the historic property is open to the public. Submit a fully completed application, evidence of its designation status and documentation demonstrating the percentage of the property eligible for its historic designation. See sections 196.1997 (for historic properties in general) and 196.1998, Florida Statutes (for historic properties open to the public).
- **NON-PROFIT, RELIGIOUS, EDUCATIONAL & GOVERNMENTAL EXEMPTIONS:** In addition to proof of ownership by an eligible organization, eliciting Institutional & Non-Profit Exemptions also requires documentation demonstrating that it is currently "predominantly used" for an eligible purpose.

The Office: Broward County Property Appraiser

The Broward County Property Appraiser's Office is located in Broward County Governmental Center at 115 South Andrews Avenue, Room 111, in downtown Fort Lauderdale (just south of Broward Boulevard). The Office is ordinarily open weekdays from 7 am until 6 pm. and - with exceptions - closed on weekends and Holidays. In 2018, the office was open on "Special" Saturdays (i.e. February 24, May 19, and September 15) from 7:00 a.m. to 2:30 p.m. and hours are extended during "TRIM season" to address the heavier traffic. The telephone number is 954-357-6830. The Broward County Property Appraiser maintains a web site at "http://www.bcpa.net". Kevin McGowen is the Broward County Property Appraiser's condo and co-op supervisor in the Residential Property Department. Kevin can be reached at (954) 357-6832 or by email at kmcgowen@bcpa.net.

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Homestead....Continued

The Broward County Property Appraiser's Office conducts taxpayer outreach sessions at City Halls, Condos, Co-ops, Community Centers, Homeowners, Civic and Community Associations and a variety of other venues where Deputy Property Appraisers provide local residents with property tax information and help with filing exemptions. On the second Monday of most months, BCPA staffers assist Galt Mile residents at the Beach Community Center (3351 NE 33rd Street) from 10 a.m. to 11:30 a.m. For more information about these events, contact Customer Service & Exemptions Division Manager Kelly Brown - who oversees Community & Homebound Outreach - at 954-357-6830 (or 954-357-6035) or by email at kbrown@bcpa.net. The following are a list of 2019 dates for planned second Monday outreach events at the Beach Community Center: January 14, February 11, March 11, April 8, May 13, June 10, July 8, August 12, September 9 and October 14. No events are planned for November and December.

The Property Appraiser's office has instituted an Online Homestead Filing Program. While the Property Appraiser's Outreach Program is remarkably convenient for new filers, the internet-based program is even easier. You can save time, gas-money and avoid lines and crowds that assemble at the Broward office or the outreach venues. Two web-based vehicles are available to facilitate applications for 2019 exemptions. An interactive Homestead Exemption application form can be completed and filed online. To apply for other exemptions, after printing the appropriate form from the Download Forms page, submit the completed application by mail or in person. Interactive versions available for certain exemptions enable applicants to print and file fully completed online forms.

Note: Homebound persons and other qualified individuals with disabilities who cannot readily leave their home may also file for a Homestead Exemption by calling (954) 357-5579 to arrange for a visit from the Property Appraiser's Homebound Outreach Program.

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Lori Parrish Era

Upon reviewing the resources inherited from her predecessor following her 2005 installation as Property Appraiser, Lori Parrish learned that the fraud unit was comprised of a file cabinet attended by two secretaries on a part-time basis. During her first 17 days, Parrish developed 131 cases. Her first 60 days yielded \$12 million in fraud related recoveries. She tossed the antique computer system – mothballing archaic software originally developed by Atari as a precursor to their “Pong” platform. Today’s smart watches offer exponentially greater computing power. Having replaced the window dressing fraud program with a fully functional unit, by 2010 Parrish recaptured \$3 billion in assessed valuations from properties fraudulently exempted from the tax rolls, raking in \$20 million annually in “found” revenues.

Broward residents who scam the County by fraudulently claiming exemptions for which they are clearly ineligible outraged Parrish. In 2010, she pleaded with Galt Mile Advisory Board members to rat out snowbirds claiming Homestead Exemptions. Despite having informed Ms. Parrish that Advisory Board members wouldn’t violate the confidentiality of their residents’ information, they were understandably conflicted about passively enabling these thieves. We agreed with Ms. Parrish that scammers increase the burden on every other taxpayer in the County and applaud her efforts to smoke them out and hold them accountable.

After 2010, Ms. Parrish substantially enhanced her fraud-busting operations. When BCPA fraud watchdog Ron Gunzburger left the Property Appraiser’s office in 2012 to

serve as General Counsel for Broward Sheriff Scott Israel, the unit was seamlessly managed by Director Ron Cacciatore of Professional Standards and Compliance, a former BSO Detective with a nose for fraud.

While the Galt Mile Community Association has steadfastly refused to support the disclosure of resident information, the property appraiser’s fraud-busters are tricky doggies, and have successfully implemented a variety of techniques to scam the info from individual associations. Among them is an official letter requesting information about where they can reach out-of-residence owners. If the request is unwittingly processed by association office personnel, the jig is up.

Changing of the Guard

Parrish retired at the end of 2016. On January 3, 2017, former Broward Commissioner Marty Kiar took the reins as Broward’s Property Appraiser. A well-reputed attorney who served in the Florida House of Representatives and the Broward County Commission, Kiar spent the transition months being tutored by Parrish, who he views as “a mentor”. Considered a gentleman, Kiar opened his tenure with an invitation to straighten out past “misunderstandings”. After a brief “Honeymoon period” Kiar leveraged his familiarity with IT to kick the fraud unit into overdrive.

From 2004 to 2017, BCPA back-taxed scamming property owners \$77,458,906.54 while Broward County Revenue Division collected \$53,336,099.24 – money that might have otherwise drained our family budgets. Since Kiar was elected Property Appraiser, BCPA investigated 10,400 properties for possible fraud which resulted in the removal of 4,111 fraudulent Homestead Exemptions and back taxes assessed on 197 of those properties. As a result, \$523,595,330.00 of taxable value was placed back on the tax roll.

We suggest that scofflaws forgo any solace taken from their association’s refusal to cooperate with an ever-intensifying BCPA crusade. Information Systems honcho Brian Allen has since provided the fraud unit with statewide search capabilities and a nationwide reach. If you are sitting on a residency exemption in another jurisdiction, it’s posted on the local property appraiser’s website, where any online device can out your secret. In short, it’s only a matter of time before Kiar’s IT bloodhounds ruin your day.

If you turn yourself in, you may forgo the 50% penalty on the money you ripped off from the County. Alternatively, if they nail you, your goose is cooked. With interest and penalties, scofflaws who are caught red-handed are often forced to cough up more than ten times the amount they saved. Moving won’t help. Since 2012, BCPA has cultivated the capability to file liens in any Florida county with the push of a button.

For linked access to this article’s source material, visit the center column of the Galt Mile Community Association web site (www.galt-mile.com) home page, click the Headline entitled “Homestead Express – 2019”. To apply online for a Homestead Exemption, scroll down to the links near the bottom of the article to access the “Online Homestead Filing Program” or click on any of the “File Online” graphics. Also, Broward County Property Appraiser Marty Kiar’s monthly BCPA Newsletters can be downloaded from the web site’s Broward County Property Appraiser Page. If you have a question about your property taxes, ask the Galt Mile’s unofficial “liaison” with the Property Appraiser’s Office – contact Community Outreach Specialist Bob Wolfe at (954) 445-5732 or by email at rwolfe@bcpa.net. Unit owners can also contact the BCPA condo and co-op honcho Kevin McGowen at (954) 357-6832 or by email at kmcgowen@bcpa.net. Since Marty Kiar is a hands-on Property Appraiser, you can call the big dog at (954) 357-6904 or send him an email at martykiar@bcpa.net.



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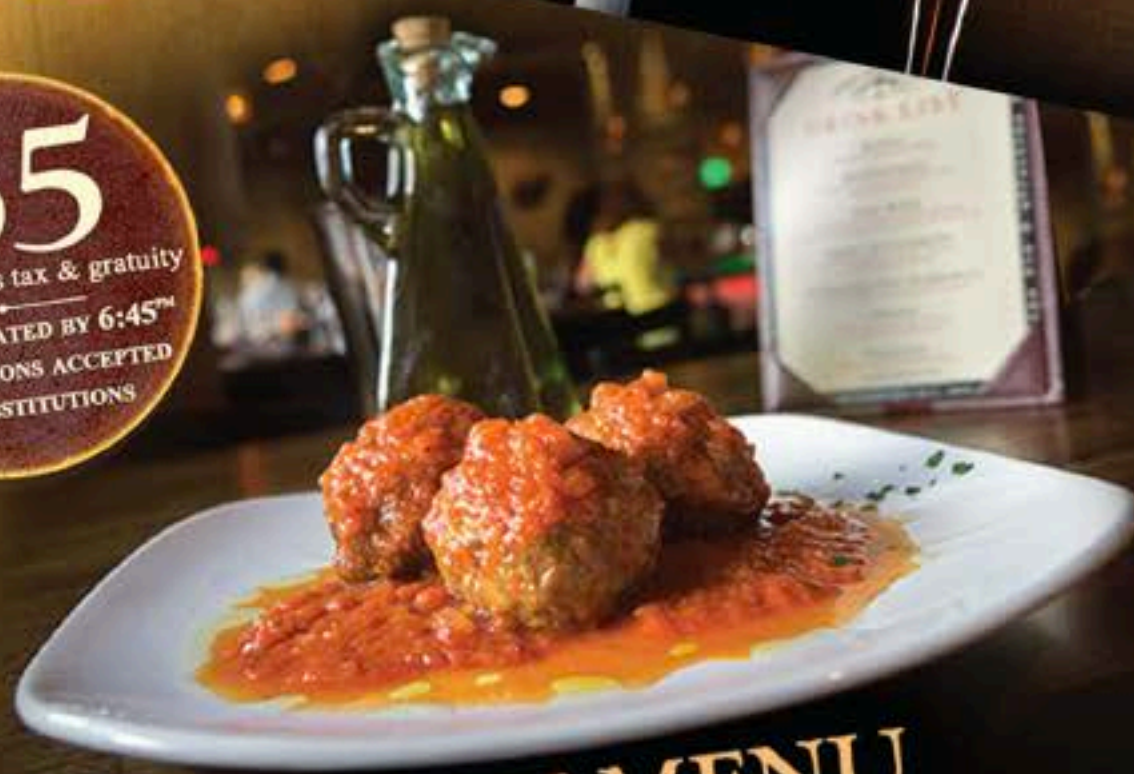


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