

Florida Constitutional Amendment – Additional Senior Homestead Exemption

As a result of the overwhelming vote evidenced by the results of the November 7, 2006 elections, the current status of homestead exemptions that are provided for individuals who have attained the age of 65 years or more has been significantly impacted.

Article VII, Section 6 of the Florida Constitution provides the general homestead exemption for all homeowners up to an amount of \$25,000.00 (“standard exemption”). As a result of the referendum on November 7, 2006, Article VII, Section 6 (f) of the Florida Constitution now authorizes the Florida Legislature to provide by general law the authority for a county or a municipality to grant an additional homestead exemption not exceeding \$50,000.00 to any individual who has the legal or equitable title to real estate and maintains thereon a permanent residence and who has attained the age of 65 and whose household income does not exceed \$20,000.00 (“senior exemption”).

The approval of the constitutional amendment by a majority of Floridians who cast their ballot in the fall election will permit the legislature to increase the senior exemption from \$25,000.00 to \$50,000.00. As the legislative session does not begin until March, 2007, the legislation to authorize the increase in the senior exemption from \$25,000.00 to \$50,000.00 has not been adopted. Therefore, as of this date the maximum senior exemption that any individual qualifying homeowner may obtain is \$25,000.00. The senior exemption is codified in Section 196.075(2), Florida Statutes.

It is anticipated that the State Legislature, during the 2007 Legislative Session, will comply with the voter’s mandate, and increase the senior exemption to \$50,000.00. Once the Legislature enacts the homestead exemption increase, City and County Commissions must adopt ordinances or resolutions to provide for the increase to \$50,000.00. Accordingly, notwithstanding the approval of the constitutional amendment it still will be incumbent on counties and municipalities to enact local legislation to afford individuals 65 years or older to obtain an increase in the homestead exemption.

We will continue to keep you updated with respect to the consideration of legislation to amend Section 196.075, Florida Statutes to provide for the additional \$25,000.00 senior exemption.