



**Summary:** New “opt-out” for the 80-120% AMI missing middle property tax exemption

Contact: Kody Glazer, Chief Legal & Policy Officer, [glazer@flhousing.org](mailto:glazer@flhousing.org)

Ryan McKinless, Policy Analyst, [mckinless@flhousing.org](mailto:mckinless@flhousing.org)

The Live Local Act created a new affordable housing property tax exemption (called the “missing middle” property tax exemption or “Multifamily Middle Market” exemption) that provides two different tiers of exemptions for developments that have 71 or more affordable units to households that earn up to 120% of the Area Median Income (AMI). Units within an eligible development that serve households between 80-120% AMI can receive a 75% property tax exemption and units that serve households below 80% AMI can receive a 100% property tax exemption.

The 2024 Legislative Session’s tax package (HB 7073) newly grants taxing authorities the ability to opt out from providing the 80-120% AMI “missing middle” property tax exemption to developments within their jurisdiction that would otherwise qualify. To be eligible for this opt out, taxing authorities would be required to meet certain statistical and administrative requirements. Conditions that must be met for a taxing authority to opt out from providing the 80-120% AMI missing middle property tax exemption include the following:

- The taxing authority must be in a county in which the number of affordable and available units for households at or below 120% AMI is greater than the number of households at that income level, as determined by the most recent Shimberg Center for Housing Studies Annual Report.
- An ordinance or resolution to opt out from providing the property tax exemption must be approved by a two-thirds vote of the local governing body.
- The ordinance or resolution must be renewed annually by January 1.
- Any properties within an opting out jurisdiction that were previously approved for the property tax exemption would be allowed to continue to benefit from the exemption.

To help forecast the possible use of this new opt-out policy throughout the state, the following charts provide a breakdown of counties in which taxing authorities would or would not be eligible to pursue the opt out. This was determined by referencing the most recently published Shimberg Center for Housing Studies Annual Report. The counties are grouped according to size designations that are determined by the Shimberg Center to gauge need and are also used by the Florida Housing Finance Corporation to determine how to statewide affordable housing funding resources are allocated. Large counties have



populations of 850,000 or more, medium-sized counties have a population between 100,001-824,999, and small counties populations of 100,000 or less.

<b>Small Counties</b>	
<b><u>CAN</u> opt out</b>	<b><u>CANNOT</u> opt out</b>
<b>Baker</b>	<b>DeSoto</b>
<b>Bradford</b>	<b>Glades</b>
<b>Calhoun</b>	<b>Hardee</b>
<b>Columbia</b>	<b>Hendry</b>
<b>Dixie</b>	<b>Monroe</b>
<b>Franklin</b>	
<b>Gadsden</b>	
<b>Gilchrist</b>	
<b>Gulf</b>	
<b>Hamilton</b>	
<b>Holmes</b>	
<b>Jackson</b>	
<b>Jefferson</b>	
<b>Lafayette</b>	
<b>Levy</b>	
<b>Liberty</b>	
<b>Madison</b>	
<b>Nassau</b>	
<b>Okeechobee</b>	
<b>Putnam</b>	
<b>Suwannee</b>	
<b>Taylor</b>	
<b>Union</b>	
<b>Wakulla</b>	
<b>Washington</b>	



## Medium Counties

<b>CAN</b> opt out	<b>CANNOT</b> opt out
<b>Alachua</b>	<b>Charlotte</b>
<b>Bay</b>	<b>Citrus</b>
<b>Brevard</b>	<b>Collier</b>
<b>Clay</b>	<b>Escambia</b>
<b>Hernando</b>	<b>Flagler</b>
<b>Indian River</b>	<b>Highlands</b>
<b>Lake</b>	<b>Santa Rosa</b>
<b>Leon</b>	<b>Volusia</b>
<b>Manatee</b>	
<b>Marion</b>	
<b>Martin</b>	
<b>Okaloosa</b>	
<b>Osceola</b>	
<b>Pasco</b>	
<b>Polk</b>	
<b>St. Johns</b>	
<b>St. Lucie</b>	
<b>Sarasota</b>	
<b>Seminole</b>	
<b>Sumter</b>	



## Large Counties

<u>CAN</u> opt out	<u>CANNOT</u> opt out
Duval	Broward
Hillsborough	Miami-Dade
Orange	Palm Beach
Pinellas	