Florida's Newly Approved Question 3: Why Domicile Planning Matters for New York and Connecticut Residents Planning to Move to Florida

Florida voters approved the constitutional amendment commonly referred to as "Question 3" on the November 2026 ballot. Put simply, this amendment will increase a Florida resident's homestead tax exemption on their Florida home from the current $50,000 to $150,000 in 2027 and $250,000 in 2028. The exemption works by deducting the exemption from a Florida residence's fair market value in determining the basis for a subset of county and municipal property tax liability. The school portion of real property taxes is specifically excluded from the increased exemption. For New York and Connecticut residents considering a move to Florida, as well as those from other states, the amendment may provide an additional reason to evaluate whether establishing Florida residency—and, where applicable, qualifying for Florida homestead treatment—fits their financial and estate-planning objectives.

Eligibility for benefits under the amendment will depend on its final certified text, implementing legislation, and the circumstances of each taxpayer. Merely owning a Florida residence or spending time in Florida is likely insufficient. As it stands currently, December 31, 2026, is the deadline for establishing Florida residency in order to be eligible for the full benefit in 2027. Those who establish Florida residency after December 31, 2026, will have the increased exemption implemented during the new Florida resident's fifth year of residency. Until that point, the current $50,000 exemption will apply for homestead property.

Florida Residence and Florida Domicile Are Not Necessarily the Same

A person may own homes or maintain contacts in several states but generally has only one legal domicile. Domicile is the place the person regards as their permanent home and intends to return to when absent. This is one necessary fact out of many that must be in place to successfully establish Florida residency.

Establishing Florida domicile requires more than filing a declaration or obtaining a Florida driver's license. New York and Connecticut tax authorities may examine the individual's overall conduct, including:

- the location and use of each residence;
- the amount of time spent in each state;
- the location of family, business and financial interests;
- voter and vehicle registrations;
- driver-license and mailing addresses;
- estate-planning documents;
- tax filings;
- professional, religious and community relationships; and
- the location of valuable and personally significant property.

Because New York and Connecticut may continue to treat a former resident of the respective state as domiciled there, inconsistent records or conduct can result in an audit, competing tax claims, or a domicile dispute. New York and, to some degree, Connecticut tax authorities can be aggressive in disputing the Florida residency of someone with ties to New York and Connecticut. This is particularly the case when someone maintains a home in each state. High income and high net worth individuals are a particular target of tax authorities in these cases.

Experienced Domicile and Estate Planning

Calabrese Law PLLC assists clients in developing and documenting a coordinated plan to establish Florida domicile. The firm works with clients to identify and act on the principal factors considered by courts and state tax authorities when determining domicile. This approach must go beyond the requirements by the State of Florida; carefully considering the approach of the tax authorities that someone's previous state of residence examine must be part of any plan to effectively change state of residence and domicile.

Attorney Calabrese brings distinctive and extensive experience to working with clients in establishing Florida residency. During his 22 years as a Connecticut Probate Judge, he presided over hundreds of cases requiring a judicial determination of a decedent's state of domicile. That judicial experience provides Calabrese Law clients valuable insight into how domicile evidence is evaluated, and, more importantly, how to establish Florida residency in a manner that is more likely to be effective.

Dom Calabrese is licensed to practice law in Florida, Connecticut and New York, enabling Calabrese Law PLLC to assist clients with the multistate issues that often accompany a move to Florida. We have successfully done this for our clients.

Plan Before Changing Residency

A successful change of domicile should be deliberate, consistent and well documented. New York and Connecticut residents who are considering Florida residency in light of Question 3 are encouraged to contact Calabrese Law PLLC for experienced counsel regarding domicile, Florida homestead, and estate-planning.

Summary of Florida Question 3 Ballot Initiative [1]

Increased Homestead Exemption; Lower Cap on Increases in Non-Homestead Property Assessments

This amendment increases the homestead exemption, for all non-school taxes, to $150,000 in 2027 and $250,000 in 2028, and adjusts for inflation thereafter. It requires

1. Source: Florida Department of State. https://constitutionalinitiatives.dos.fl.gov/Home/InitDetail?account=10&seqnum=110. Accessed 11/6/2026

the Legislature to prescribe a uniform procedure for counties and municipalities, for their respective levies, to increase the homestead exemption up to full assessed value, and allows special districts, subject to referendum approval, to do the same. Persons who are not Florida residents on December 31, 2026, will receive the existing homestead exemption upon qualifying for a homestead exemption, with the increased homestead exemption beginning with the fifth year of exemption, to the extent permitted by the U.S. Constitution. This amendment reduces the annual cap on assessment increases for non-homestead properties from 10% to 5%. This amendment requires counties and municipalities to use property taxes solely for public safety, education and schools, infrastructure, natural resources, bond debt service, retirement benefits for employees, and operations and administration. Other expenditures may be approved by county officers or county or municipal governing bodies unless prohibited by general law, notwithstanding Article VII, Section 9(a) of the Florida Constitution, which allows counties and municipalities to levy property taxes for their respective purposes. This amendment takes effect January 1, 2027.

THE APPLICATION OF QUESTION 3 WILL DEPEND ON ITS CERTIFIED TEXT, EFFECTIVE DATE, IMPLEMENTING LAW AND THE TAXPAYER'S INDIVIDUAL CIRCUMSTANCES.

About the Author

Dom Calabrese has extensive experience counseling high net worth clients in the areas of estate planning, probate, asset protection, and business formation and administration. He was a probate judge for 22 years until his retirement in 2024. He is admitted to the practice of law in Florida, New York, and Connecticut. Calabrese Law PLLC has offices in Palm Beach Gardens, Florida, and Stamford and Watertown, Connecticut.

Judge Calabrese earned Juris Doctor and Bachelor of Science degrees from the University of Connecticut, and a master's degree in business administration from the University of New Haven.

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