

Supreme Court of Florida

No. 92,628

DADE COUNTY PROPERTY APPRAISER, DADE COUNTY TAX COLLECTOR, and FLORIDA DEPARTMENT OF REVENUE,
Petitioners,

vs.

JOSE LISBOA,
Respondent.

[July 8, 1999]

PER CURIAM.

We initially accepted jurisdiction to review the decision in Lisboa v. Dade County Property Appraiser, 705 So. 2d 704 (Fla. 3d DCA 1998), which certified to this Court a question declared to be of great public importance. See art. V, § 3(b)(4), Fla. Const. Upon further consideration of the certified question and the decision of the Third District Court of Appeal, we conclude that the legal question in this case does not present an issue of "great public importance." Rather, the question to be answered requires consideration of a narrow issue with very unique

facts. Accordingly, jurisdiction was improvidently granted and we hereby dismiss this petition.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD and PARIENTE, JJ., concur. OVERTON, Senior Justice, dissents with an opinion.

NO MOTION FOR REHEARING WILL BE ALLOWED.

OVERTON, Senior Justice, dissenting.

I dissent. The district court of appeal certified the following question:

Can an alien residing in the United States pending his application for political asylum, satisfy the residency requirements contained within article VII, section 6 of the Florida Constitution and section 196.031(1), Florida Statutes, in order to qualify for Florida's homestead tax exemption?

In this instance, the property appraiser, while recognizing that a lawfully admitted permanent resident alien is entitled to a homestead exemption, determined that this alien who was lawfully in the country was not entitled to a homestead exemption because he was an alien who had a pending application for political asylum.

I believe it is a significant statewide issue for this Court to decide whether an appraiser can unilaterally decide which aliens who are lawfully in this country are entitled to the homestead exemption and which ones are not. Accordingly, I

would accept jurisdiction.

Application for Review of the Decision of the District Court of Appeal - Certified
Great Public Importance

Third District - Case No. 97-874

(Dade County)

Robert A. Ginsburg, Miami-Dade County Attorney, and Melinda S. Thornton, Assistant County Attorney, Miami, Florida, on behalf of Dade County Property Appraiser & Tax Collector, and Robert A. Butterworth, Attorney General, Joseph C. Mellichamp, Senior Assistant Attorney General, and Charlie McCoy, Assistant Attorney General, Tallahassee, Florida, on behalf of the Florida Department of Revenue,

for Petitioners

Brion L. Blackwelder, Project Director, Nova Southeastern University, Civil Law Clinic, Fort Lauderdale, Florida,

for Respondent

Vincente A. Tome, Miami, Florida,

for The Project To Mobilize Immigrant Students For Education (**Promise**),
A Project Of The Florida Immigrant Advocacy Center, Inc., Amicus Curiae