

Information about the Value Adjustment Board Process

Helpful Tips: How to Prepare for Your Property Value Hearing



Walton County Clerk of Court

DeFuniak Springs Office
571 US HWY 90 E
DeFuniak Springs, FL 32433
Phone (850) 892-8115
Fax: (850) 892-8711
8:00 a.m. to 4:30 p.m.
Central Time

South Walton Office
25220 Highway 331 South
Santa Rosa Beach, FL 32459
Phone (850) 850-3066
Fax (850) 267-1335
8:00 a.m. to 4:30 p.m.
Central Time

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I. GENERAL INFORMATION

This brochure has been created to provide helpful tips and to provide answers to commonly asked questions, and may be relied upon only as general information. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

A. Overview of Value Adjustment Board

The Walton County Value Adjustment Board (VAB) and its staff serve as the decision-making authority when the taxpayer disagrees with the Walton County Property Appraiser concerning property exemptions, classifications, and value. The VAB Staff handles petition filing and scheduling of quasi-judicial hearings to settle disputes and late filings regarding such exemptions, classifications, and value.

If your petition concern is not settled by the Property Appraiser's office, you will be scheduled for a hearing.

The VAB Board is the independent appeals board that has initial jurisdiction over challenges to any property values, denials of exemptions, denials of classifications, and other similar matters. The Board consists of three County Commissioners and two School Board Members. Authority for the Board is vested through Florida Statutes, Chapter 194 and the Florida Administrative Code, Chapter 12D-10.

B. Definitions

The following procedures governing the VAB hearing process have been adopted by the Walton County VAB.

When used hereafter,

“VAB” means the Value Adjustment Board (staff or Board)

“Board” means the Value Adjustment Board, consisting of three County Commissioners and two School Board Members.

“Clerk” means a VAB clerk and staff. The role of the clerk is to process petitions, schedule hearings, oversee each hearing day's process and maintain VAB records.

“Property Appraiser” or “PAO” means the Walton County Property Appraiser and staff.

“County Attorney” means the Walton County Attorney or the Attorney designated to represent the VAB.

“Petitioner” means a property owner or owner’s authorized representative or agent contesting the assessment of market value or appealing for an exemption or classification.

“Truth in Millage” notices or “TRIM” notices mean proposed tax bills and are mailed by the PAO in mid-August of each year to home owners.

“Evidence” is the documentary or oral statements and the material objects admissible as testimony in a court of law.

“Comparable sale” is a property that is similar to the subject property in most respects, is located in a similar (nearby) location, and has sold recently at arms length. The selection of comparable sales is, in most residential appraisals, the single most important determining factor in establishing value.

“Save Our Homes” is an amendment to the Florida Constitution that the voters passed in 1992. This law limits the increase in assessed value for properties receiving the Homestead Exemption to be no more than three percent or the increase in the consumer price index (CPI), no matter what the increase in just value would otherwise be. The limit does not cover new construction or construction that was not taxed before the “Save Our Homes” limit applied to a particular property. It also does not apply when a property sells; the new owner starts the limitation all over again once he or she qualifies for Homestead Exemption. If your neighbor has a home just like yours, but their taxes are substantially lower, it may be because they have lived there under the protection of “Save Our Homes” for a long time.

“Homestead Exemption” is available to all legal Florida residents who meet eligibility requirements for maintaining their primary place of abode such as homes, condominiums, co-op apartments, and certain mobile home lots if they qualify. The Florida Constitution provides this tax-saving exemption on the first \$25,000 of the assessed value of an owner/occupied residence.

C. Petition Filing

The deadline to file for exemptions and classifications with the PAO is March 1 of each year. Although the major categories are Homestead, Seniors Homestead, Agriculture, Religious, Disability, and Non-Profit, there are many exemptions and classifications, each with specific requirements. Contact the PAO for more detailed information.

If you missed the March 1 filing deadline, a late petition for extenuating circumstances may be acquired at the PAO’s main office, 650 East Nelson Ave. The petition must be filed with the VAB clerk in the Walton County Court House any time from March 2

through the mid-September deadline for value petitions. You can find the exact deadline date directly below the Proposed Ad Valorem Taxes section on your TRIM notice.

Value petitions must be filed within 25 days of the mailing of the TRIM notices, which occurs in mid-August of each year and determines the filing deadline to be in mid-September. This becomes the filing deadline for all exemption, classification, and value petitions. Petition forms are available at any of the PAO offices, or by calling the PAO main office at 850-892-8123. You may also download the forms from the internet at www.myflorida.com/dor under “get forms”. Scroll down to DR486 for real property or DR486T for tangible personal property.

With the exception of timely petitions appealing homestead exemption denials, for which no petition filing fee is charged, all petitions must be accompanied by a NON-REFUNDABLE filing fee, which is \$15.00. No petition will be accepted unless accompanied by the proper filing fee. Cash, money orders, or checks made payable to the Walton County Clerk of Court are accepted. At the present time credit cards can not be accepted.

The VAB shall waive the filing fee with respect to a petitioner who demonstrates at the time of filing, by an appropriate certificate or other documentation issued by the Department of Children Family Services and submitted with the petition, that the petitioner is an eligible recipient of temporary assistance under Chapter 414 of the Florida Statutes.

D. Request for Extension to the Petition Filing Deadline (Good Cause)

The VAB’s “Rules and Procedures” allow the tax payer to request an extension to the petition filing deadline by demonstrating good cause and justifying the extension. The petition filing deadline is 25 days after the mailing of the TRIM notices. Unusual and extenuating circumstances must exist.

You must complete and submit the request form to extend the petition filing deadline along with the appropriate petition(s) and pay the appropriate filing fees. You need to fully explain your specific, unusual and extenuating circumstances and provide any pertinent documentation to support your request. Your request must only address your reasons for not filing your petition prior to the petition filing deadline. Requests will be reviewed by the VAB Board. If the VAB grants you the filing extension, you will then be given the opportunity to address your exemption, classification and/or valuation issues with the Property Appraiser. If the issue(s) cannot be resolved, a hearing will be scheduled. Refunds will not be granted once the Good Cause (extension) is filed.

Possible extenuating circumstances include:

- A death of a family member
- Prepaid travel plans
- Jury duty and / or court appearances

- Documented medical problems, all of which prevented you to file your petition timely

Thinking the TRIM notice was “junk mail” and not reading it, or not understanding your rights as a tax payer are not reasons to grant you the right to a petition filing extension.

E. Role of Parties to VAB Hearings

1. **ROLE OF THE VAB:** The VAB’s role is to render a fair and impartial recommendation as to whether a petitioner has overcome the PAO’s legal presumption of correctness, and, if applicable, to determine whether the petitioner’s estimate of market value has been supported. A further role of the VAB is to administer a fair and impartial hearing. The VAB must act professionally at all times and treat the Petitioner and the Property Appraiser professionally.
2. **ROLE OF THE PETITIONER:** The law states that the PAO is presumed to be correct. **At the hearing, the petitioner has the burden to overcome this presumption of correctness.** The petitioner must provide competent evidence to support the petitioner’s request for an exemption, a classification change or reduction in market value. If the petitioner does not provide sufficient and competent evidence, the VAB may deny the petition.
3. **ROLE OF THE PROPERTY APPRAISER:** The role of the PAO is to defend denials of exemptions and classifications, as well as; assessments of market value, or to recommend appropriate changes, as applicable.
4. **ROLE OF THE HEARING CLERK:** The role of the Hearing Clerk is to accept petitions and payments, prepare documents for VAB hearings, digitally record the hearing, maintain any documentation submitted at the hearing and assist the VAB as needed.

F. APPEAL PROCESS

If the Board denies the petition, a petitioner may bring an action in Circuit Court according to Florida Statute, 194.171. For more information regarding the appeal process, contact the VAB staff at (850) 892-8115.

II. HEARINGS

A. Scheduling

The Clerk will schedule a hearing on the petition before the VAB. The Notice of Hearing will be mailed to the petitioner by certified mail 30 calendar days prior to the scheduled hearing. **The Notice of Hearing shall be considered received by the petitioner unless returned to the Clerk as undeliverable.**

Some waiting should be expected, so you may wish to bring a book, magazine, or something else to occupy your time while you wait. For this reason, we discourage bringing children to the hearings.

Florida Statutes 194.032 provide for one rescheduling of a hearing date if the request is made in writing and received by the Clerk no less than five days prior to the originally scheduled hearing. Any rescheduling shall be made only upon proof of: (a) failure of the Property Appraiser to furnish evidence; (b) death in the petitioner's immediate family (c) medical problems which prevent the petitioner's appearance; (d) jury duty; (e) time-certain court appearance; (f) prepaid travel plans; (g) incarceration. Staff does not have the authority to change hearing dates for any reason other than those listed above. Documentation supporting the request for a change in hearing date is required. Reschedule requests should be made directly to the Deputy Clerk at 571 U.W. Highway 90 East, DeFuniak Springs, FL 32433.

The VAB recommends that the petitioner be present at the scheduled hearing or have another person represent them. Representation by another person requires a signed authorization letter from the petitioner (see attached). In the event a petitioner fails to attend a hearing, the VAB shall hold the hearing and make a decision based on any evidence in the file, and any and all evidence and testimony presented by the PAO.

An authorized representative for a petitioner, who is not an attorney, must provide the VAB with written authorization from the property owner no later than at the scheduled hearing time. This requirement includes members of the immediate family. Otherwise, the VAB will make a decision on any previously submitted evidence, no additional testimony will be allowed.

If you fail to appear for your hearing, the VAB will consider any evidence you may have submitted, pursuant to the submission of evidence as discussed on page 9, and make a recommendation accordingly. If no evidence has been submitted and you do not appear, your petition will be denied for lack of evidence due to your failure to appear.

In accordance with the Americans with Disabilities Act, a petitioner in need of special accommodations to participate in any VAB proceeding should notify the Clerk either when filing the petition or at least one week before the scheduled VAB hearing. Please call (850) 892-8115.

The VAB procedures are quasi-judicial in nature, and as such, the petitioner and/or agent are not permitted to directly contact members of the Value Adjustment Board regarding the petitioned case. Contact must be made through the VAB staff at (850) 892-8115.

B. Attending the Hearing

The hearings are conducted as quasi-judicial hearings before an attorney. All parties are under oath and formal records are maintained. This means you have the same obligation

to attend the hearing on the scheduled day and time as you would any other court proceeding. This is not an appointment or meeting which can be rescheduled at your discretion. If you fail to appear without having been granted a reschedule date, you may forfeit your right to be heard on this issue.

You will be mailed a “Notice of Hearing”. Your notice will provide all pertinent information: date, time, location, as well as information on how to submit evidence. Evidence is any documentation that will support, prove, or substantiate your case. You should consider this hearing as your day in court. If you come to your hearing unprepared, you will not be given the opportunity to have your case rescheduled. If you cannot attend your hearing, you have several options:

1. Authorize someone to represent you. Your representative must provide a signed and dated letter from you granting them permission to represent you, even if he/she is a member of your immediate family.
2. Submit a letter along with your evidence indicating that your evidence should be considered in your absence, and you are waiving your right to speak in person.

Although the VAB will certainly consider your testimony, you are strongly urged to also provide evidence. Knowing your rights as a homeowner is your responsibility.

III VALUE

A. PROCESS

Truth in Millage Notices, which are **proposed** tax bills, are also referred to as TRIM Notices. They are mailed to all Walton County taxpayers in mid-August. Upon receipt of this notice, any taxpayer wishing to appeal the assessed market value of his/her property as assigned by the PAO may do so by filing a petition with the VAB, and paying the appropriate fee within 25 days of the receipt of the TRIM notice.

A petition to the VAB must be completed, including the petitioner’s estimate of market value, and filing fee, which shall be filed in accordance with the statutory deadline. The petitioner must ensure that the petition is fully completed before filing it.

No petition shall be accepted unless it is completed and filed with the clerk during the required filing period. Any petition which is incomplete or submitted after the deadline shall be refused and returned to the petitioner by the Clerk with an explanation (Section 194.011 (3) (d), Florida Statutes). If a taxpayer believes that there are unusual and extenuating circumstances that delayed timely filing, the taxpayer may file an extension request form for late filing (form attached). (See Section I General Information, Section D).

The petitioner may then request an informal conference with the PAO and may request public records from the PAO at any time.

Petitioner will receive a Notice of Hearing stating the scheduled date and time of the hearing before the VAB. If the petitioner does not receive a notice of hearing from the VAB, the petitioner should contact the VAB (850) 892-8115.

If dissatisfied with the ruling, the petitioner may file an action in Circuit Court, Such action must be filed according to the requirements of Florida Statute 194.171. Filing in Circuit Court can be done in lieu of any VAB action.

B. EVIDENCE

1. PETITIONER'S BURDEN OF PROOF:

The petitioner has the burden to prove that the PAO's assessment is wrong. Florida law states that the PAO's assessment is presumed correct. This presumption of correctness is lost if the petitioner shows by a preponderance of evidence that either the PAO has failed to consider properly the criteria in Section 193.011, Florida Statutes, or if the PAO's assessment is arbitrarily based on appraisal practices, which are different from the appraisal practices generally applied by the PAO to comparable property within the same class and within Walton County. If the presumption of correctness is lost, the petitioner shall have the burden of proving by a preponderance of the evidence that the PAO's assessment is in excess of just value. If the presumption of correctness is retained, the petitioner shall have the burden of proving by clear and convincing evidence that the PAO's assessment is in excess of just value. The petitioner does not have the burden of proving that the PAO's assessment is not supported by any reasonable hypothesis of a legal assessment.

If the PAO's assessment is determined to be wrong, the VAB can recommend an assessment if there exists competent, substantial evidence in the record, which cumulatively meets the requirements of Section 193.011, Florida Statutes. If the record lacks competent, substantial evidence meeting the just value criteria of 193.011, Florida Statutes, the VAB shall remand (return) the matter to the PAO with appropriate directions. A VAB is not permitted to pick a compromised value or attempt to conduct an independent appraisal during the meeting. The VAB must rely upon and rule on the basis of evidence presented at the hearing.

Property is assessed as of January 1 of the taxable year. Sales that occur after January 1, and appraisals of valuation dated after January 1, can be used as evidence; however, such evidence is only relevant to the extent that it reflects market value as of January 1 of the taxable year.

Under Florida law, just value equals market value. In arriving at just or market value, the PAO is required to consider properly the eight criteria in Section 193.011, Florida Statutes:

193.011 **Factors to consider in deriving just valuation.** In arriving at the just valuation as required under s. 4, Article VII of the State Constitution, the property appraiser shall take into consideration the following factors:

1. The present cash value of the property, which is the amount a willing purchaser would pay a willing seller, exclusive of reasonable fees and costs of purchase, in cash or the immediate equivalent thereof in a transaction at arm's length;
2. The highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, taking into consideration any applicable judicial limitation, local or state land use regulation, or historic preservation ordinance, and considering any moratorium imposed by the executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium or judicial limitation prohibits or restricts the development or improvement of property as otherwise authorized by applicable law. The applicable governmental body or agency or the Governor shall notify the property appraiser in writing of any executive order, ordinance, regulation, resolution, or proclamation it adopts imposing any such limitation, regulation, or moratorium;
3. The location of said property;
4. The quantity of size of said property;
5. The cost of said property and the present replacement value of any improvements thereon;
6. The condition of said property;
7. The income from said property; and
8. The net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and costs of the sale, including the costs and expenses of financing, and allowance for conventional or atypical terms of financing arrangements. Then the net proceeds of the sale of any property are utilized, directly or indirectly, in the determination of just valuation of realty of the sold parcel or any other parcel under the provisions of this section, the property appraiser, for the purposes of such determination, shall exclude any portion of such net proceeds attributable to payments for household furnishings or other items of personal property.

While all eight factors must be considered properly, they may be variously weighed by the PAO or discarded entirely where not reflective of the just or market value. The market value, not the assessed value, is challenged when the petitioner files a petition and proceeds through the VAB process.

2. SUBMISSION OF EVIDENCE

The petitioner, after filing the petition and as soon as possible, needs to begin collecting all necessary supporting evidence. The petitioner is responsible for gathering all evidence necessary to overcome the PAO's presumption of correctness and to support the

petitioner's estimate of market value. Evidence may be submitted early. You do not need to wait until you receive a hearing notice. Evidence may **NOT** be presented at the hearing that has not been timely exchanged between the petitioner and VAB Clerk/PA.

- At least 15 calendar days before the scheduled hearing, the petitioner shall provide a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. Two copies of all documents are to be filed, with the Walton County Clerks Office. One set will be forwarded to the Property Appraisers Office.
- No later than 7 days before the hearing, if the petitioner has provided evidence, and if requested in writing by the petitioner, the property appraiser shall provide to the petitioner a list of evidence to be presented at the hearing, together with copies of all documentation to be considered by the value adjustment board and a summary of evidence to be presented by witnesses. The evidence list must contain the property record card if provided by the clerk. However, if the petitioner does not submit any evidence, the PAO is not required to give any evidence to the taxpayer.
- All evidence submitted will be retained as official records and will not be returned to the petitioner. It is strongly suggested that copies be submitted, rather than originals.
- Evidence may be faxed or submitted via CD or e-mail attachments; however, documents must be in either WORD or PDF format.

3. EXAMPLES OF PETITIONER'S EVIDENCE

a. Income Type Property: (Commercial, Commercial/Residential Personal Property)

1. Federal tax returns and financial statements for the most current years.
2. Supporting documents should include:
 - Operating statements showing income and expenses.
 - Rent roll(s) showing square footage of space leased and at what rate; names of tenants; breakdown of who pays expenses (i.e. common area maintenance, taxes, insurance, utilities, etc.).
 - Copy of current lease(s) to determine lease details (e.g., who pays what expenses).
 - Copy of closing statement(s) if there has been current sale(s).
 - Appraisals made on the property in connection with obtaining mortgage financing or the sale thereof.
3. Comparable sales data (i.e., prices at which similar, nearby properties have sold, on or about the taxing date).
4. Pictures portraying the property's condition (as of January 1).
5. Estimates and/or bills of repair (should be dated close to January 1).

b. Non-Income Type Property: (Residential)

1. Anything that will help show the market value, as stated on your TRIM notice, is incorrect as of January 1 (i.e., appraisals, area sales, surveys, etc.).
2. Copy of closing statement(s) if there has been a sale(s) in the previous three (3) years.
3. Appraisals made on the property in connection with obtaining mortgage financing or the sale thereof.
4. Comparable sales data (i.e., prices at which similar, nearby properties have sold, on or about the taxing date).
5. Pictures, newspaper articles, and/or other information portraying the property's condition as of January 1.
6. Estimates and/or bills of repair (should be dated close to or after January 1).

IV. PUBLIC INFORMATION

The Florida Statutes are available in any branch of the Walton County Public Library and also at www.flsenate.gov/statutes. Chapter 193, 194, and 196 might be helpful. Chapter 12D-10 of The Florida Administrative Code also pertains to the VAB process; the Web address is <http://fac.dos.state.fl.us>.

COMPLETE AND RETURN THIS PAGE TO THE VAB EITHER
IN PERSON, MAIL, FAX, OR EMAIL.

/

Petition Number(s) _____

/

PETITIONER ACKNOWLEDGMENT

As a petitioner filing a petition before the Value Adjustment Board, I acknowledge that I:

1. Have received a copy of *Helpful Tips: How to Prepare for Your Property Value Hearing*, governing the Value Adjustment Board (VAB) petition process;
2. Will call the VAB office at (850) 892-8115, if I have not received a Notice of Hearing;
3. Understand that I may utilize any or all of the following remedies to contest the assessment of my property:
 - a. Request an informal conference with the PAO.
 - b. File a petition with the VAB
 - c. File an action in Circuit Court;
4. Understand that **TWO (2) SETS, IN IDENTICAL ORDER, OF ALL DOCUMENTARY EVIDENCE AND/OR COLOR PHOTOGRAPHS** that I intend to present at the hearing **must be submitted to the VAB Clerk at the courthouse as soon as possible, but no later than 15 days prior to my scheduled hearing;** and
5. Am aware that as a petitioner, **my burden is to overcome the presumption of correctness as to the PAO's assessment of the market value of my property, and supporting my assessed market value** subject to the provisions set forth in this document, or supply required documentation and evidence to entitle me to my requested exemption or classification.

Name (Signature) _____

Name (Type or Print) _____

Date _____

GOOD CAUSE FORM

VALUE ADJUSTMENT BOARD

Name: _____

Address: _____

City: _____ **State** _____ **Zip** _____

Phone: (_____) _____ **Ext.** _____

Parcel ID Number(s): _____

*this form must be submitted with each VAB petition and filing fee for which an extension is requested

Petition for: () value reduction () exemption or classification

Reason (*good cause*) for extension request, be specific.

Petitioner's signature: _____

Please attach completed petition and filing fee if required. (\$15.00)

| | |
|--|-------------------|
| Chair's Initials: | Date Submitted: |
| Decision: (<input type="checkbox"/>) granted (<input type="checkbox"/>) denied | Date of Decision: |
| Petitioner Notified: | Clerk's Initials: |
| Comments: | |
| | |

AUTHORIZATION OF TAX AGENT

STATE OF FLORIDA
COUNTY OF WALTON

This serves as authorization for _____ of _____ to act in our behalf as Agent in regard to Property Taxes in Walton County, Florida, and has full permission to represent us in filing renditions/returns containing information for the purpose of assessing property owned or managed by this firm, examining records, and discussing with the appropriate governmental authority the assessment of the property designated below.

PROPERTY ID#: _____ ADDRESS _____

This authorization is in effect until _____ or until written notice of termination is issued by an officer of this company.

It is requested that all communications regarding any matter in which this Agent is authorized to act be addressed to:

Executed this ____ day of _____, 20____

OWNER OF RECORD

BY: _____

TITLE: _____

SUBSCRIBED AND SWORN to before me this ____ day of _____ 20____

Notary Public

Notary Stamp