

2010 TRIM Notices Are Out--Property Tax Appeal Deadlines Are Impending
By Michael S. Hagen
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Once again, the annual opportunity to challenge our property tax assessments is upon us and, in fact, is nearing expiration. As of now, the proposed petition deadline for Lee and Charlotte counties is September 14th and in Collier County, September 10th. This petitioning process is especially critical in tight economic times, as it has the potential to save taxpayers significant tax dollars.

TRIM Basics

Each year in August, county property appraisers throughout Florida mail out a TRIM Notice (Notice of Proposed Property Taxes) to the owner of each real estate parcel in that county. That notice states the market value for each parcel and the proposed millages for each taxing authority. The TRIM mailing date triggers a brief, 25-day window of opportunity for an owner to file a Value Adjustment Board (VAB) petition to contest the assessed value. By timely filing a petition, the owner preserves his administrative right to informally settle his assessment dispute with property appraiser personnel or to obtain a hearing on that valuation before an impartial hearing officer/appraiser.

Value Adjustment Board Procedural Changes

During 17 years of practicing property tax law, first as attorney to the local property appraiser and then in private practice representing owners, I have seen the tax assessment appeal process change dramatically. Basically, the following five changes have helped level the playing field for appealing owners and reduced the unfair advantage previously enjoyed by elected property appraisers.

1. The property appraisers' longstanding "presumption of correctness" has been eliminated, diminishing the appealing owner's burden of proof. Now owners need far less proof to support their appeal. Properly applied, this new standard greatly enhances an owner's chance of obtaining a reduced assessment.
2. Evidence exchange rules now mandate not only that an owner must provide the basis of his opinion of value in advance of a VAB hearing, but that the property appraiser must return the favor. As such, owners are less likely to be "blindsided" at the hearing because they'll have the basis of the property appraisers' assessment in advance and can analyze it prior to the hearing.
3. Historically, each county VAB consisted of three county commissioners and two school board members. This led to a perception, right or wrong, that the appeal process was government-controlled and dominated by the Property Appraiser. However, now that the board includes two citizen members and, additionally, the Board is obligated to utilize an outside attorney rather than the county attorney, there is a perception of greater fairness and less partiality. As a result, we have already observed more transparency in the process as to the Board's actions.
4. Another improvement involves the special magistrates who hear the cases and render recommendations to the full VAB board. Now, only impartial, experienced, credentialed appraisers may hear cases that involve challenges to

value, while attorneys hear the exemption cases. Magistrates must also now receive Department of Revenue training in order to serve.

5. Finally, Florida's clerks of court, who administer the VAB process, are implementing web-based filing and information retrieval systems. Lee County Clerk of Court Charlie Green has a particularly efficient and informative online system, which may be viewed at www.leeclerk.org by clicking on the Value Adjustment Board button there. These technologies make petition filing quicker and more efficient for all involved.

The only significant downside to these VAB procedural improvements is that the process, which was once somewhat informal, has become much more detailed and structured. These new procedures and forms are available on the Clerk's website. This greater regimentation means that many owners will have more difficulty navigating the system and are more likely to require the services of a property tax professional in order to successfully do so.

2010 Value Adjustment Board Petition Predictions

What can we expect during this year's property tax appeal cycle? First, I anticipate an overall reduction in the total number of 2010 VAB petitions filed. The number of petitions filed between 2006 and 2008 nearly doubled. Petitions dropped off slightly in 2009 when the local property appraisers significantly reduced assessed values. 2010 residential appeals will drop significantly, but this reduction will largely be offset by an anticipated increase in appeals from the battered commercial sector. While 2010 assessed values have dropped fairly consistently compared to those of 2009 (but less percentage-wise than last year), those assessment reductions may, unfortunately, be accompanied by increased millage rates as proposed by some tax authorities, including the School Board and the Board of County Commissioners.

Additionally, petitioning property owners will have to "race" this year to meet VAB procedural deadlines that will be tighter due to the earlier TRIM mailing date and a compressed hearing schedule that appears to be the rightful result of hearings that ran very late into the following calendar years each of the last two appeal seasons. Taxpayers who miss such key deadlines may lose the right they would otherwise have to a hearing.

Conclusion

The VAB property tax appeal process provides a high level of accountability for local property appraisers and a potential tax-savings tool for petitioning owners. Diligent property owners, particularly those with large tax bills, have wisely made timely, annual property tax check-ups part of their fiscal strategies.

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