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Real Estate Taxes & Value Adjustment Board 2016 Update

By: [Thomas E. Sliney, Esq.](#)

The “Sun-Sentinel” recently headlined: “Taxable property values approach '07 historic high”. The article stated tax bills are likely to climb with another year of increases. As prices rise taxpayers should review carefully their tax assessments. Property owners who disagree with their assessments can appeal to what’s known as the Value Adjustment Board.

What is VAB? Until recent years, the VAB was virtually unknown, as real estate taxes were generally moderate and appeals of real estate valuations were uncommon. However, in the last few years, petitions to the VAB have soared. Starting July 1, 2009, taxpayers have a better chance of prevailing as the law modifies the assumption that the property appraiser’s assessment was correct. Each August, property owners are notified by property appraisers of their current year’s assessed and market values in “truth in millage” (TRIM) notices that also show the prior and current years’ taxes, with and without budget changes. The VAB offers property owners the opportunity to contest assessed valuations of real or tangible property or appeal classifications, and, in case of disputes, the VAB serves as the decision-maker.

The VAB's procedural rules are strict. For, example, petitions must be filed by property owners within 25 days of the August mailing of the TRIM notice, which means that petitions usually must be filed by mid-September. As it happens, that is a time when many Florida residents are on vacations or otherwise not in the state. In the past, many property owners who wanted to file a petition were not able to do so because they were outside Florida and unaware of the filing deadline.

Once a petition has been filed, the VAB clerk schedules a hearing before a special magistrate appointed by the VAB. The Property owner is responsible for gathering all evidence necessary to support the property owner's asserted assessed market value, tax exemption classification, or deferral. The evidence, which can be quite extensive depending on the situation, must also be submitted within a certain timeframe. The process provides for a pre-hearing exchange of evidence between the property owner and the property appraiser's office. If the matter is not settled at that point, a hearing will be held before a special magistrate. If property owners are not successful at the hearing, they may bring an action in Circuit Court to contest the adverse decision; this action must be filed within 60 days of the final VAB decision.

It is important to note that properties are assessed as of January 1 of each taxable year. Changes that occur after January 1 and appraisals and valuation dates after January 1 may be admissible into evidence at special magistrate hearings. Such evidence, however, is only relevant to the extent it is probative of the market value as of January 1 of the taxable year.

It is also important to note that under Florida law, "just value" equals market value and that, under Florida statutes, there are multiple factors that must be considered in the determination of just or market value. While VABs have been relatively unknown aspects of county government, their roles and visibility are likely to continue to react to higher assessments and higher real estate taxes.

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If you have any questions regarding the Value Adjustment Board, you can contact Mr. Sliney at (561) 939-2214 or e-mail him at tom.sliney@gmlaw.com or contact your personal Greenspoon Marder attorney.



[Thomas E. Sliney](#) is a Shareholder in the Wills, Trust and Estate Group of the Firm's Boca Raton office. Mr. Sliney has extensive experience in the representation of a wide variety of individuals and corporations, focusing his practice on wills, trust and estates. Mr. Sliney has extensive experience with governmental, municipal and zoning matters. He also represents clients in real estate assessment disputes. Mr. Sliney previously served as the attorney for the City of Boca Raton Civil Service Board. He served as the Town Attorney for the Town of Highland Beach for many years.

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