

**VALUE ADJUSTMENT BOARD OF HILLSBOROUGH COUNTY**  
**AGENDA**  
**February 22, 2017**  
**9:00 A.M.**

Welcome to the Hillsborough County Value Adjustment Board (VAB) meeting.

**ORDER OF BUSINESS**

1. Call to Order and Pledge of Allegiance
  - a. Purpose of Meeting: Approve Phase II Recommended Decisions, authorize advertising for Special Magistrates, approve VAB Legal Counsel Contract, approve Filing Fee Resolution, Approve Minutes, and Other VAB Matters.
2. Public Comments

Chairman's Statement: The VAB welcomes comments from petitioners about any issue or concern related to their petition or processes of the VAB. Anyone wishing to speak before the VAB during the public comment portion of the meeting should complete the sign-in sheet located at the sign-up table inside the Boardroom lobby. When addressing the VAB, please state your name and address and speak clearly into the microphone. Three (3) minutes are allowed for each speaker.
3. **Phase II Recommended Decisions**
4. **Authorize Advertising for Special Magistrate Applications for the 2017 Tax Year**
5. **Approve VAB Legal Counsel Contract**
6. **Approve Filing Fee Resolution**
7. **Approve the January 18, 2017, Meeting Minutes**
8. Other VAB Matters
  - a. Correspondence
  - b. Meeting Subscription Service Temporarily Unavailable
  - c. Meeting Notice
  - d. The next meeting is scheduled for Monday, March 27, 2017, at 9:00 a.m.
9. Adjournment

**Any person who might wish to appeal any decision made by the VAB regarding any matter considered at the forthcoming meeting will need a record of the proceedings, and for such purposes, may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.**

PETITIONS PULLED FROM PHASE I AT THE JANUARY 18, 2017, MEETING

**Special Magistrate Review**

2016-00752	1946840000	Herbert W. Fiss Jr.	Value	Magistrate Reaffirmed Denial
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**Deferrals to Property Appraiser's Office**

2016-00212	0035201072	Insideout CMI – Randy Fuchs	Value	No Change by PAO
2016-00213	0723109592	Insideout CMI – Randy Fuchs	Value	No Change by PAO
2016-00214	0761510324	Insideout CMI – Randy Fuchs	Value	No Change by PAO
2016-00222	2089050000	Rashid Abdullah	Value	No Change by PAO
2016-00318	1357320462	Alfred L. Dibella Jr.	Value	No Change by PAO



DECISION OF THE VALUE ADJUSTMENT BOARD
VALUE PETITION

DR-485V
R. 01/ 17
Rule 12D-16.0 02
F.A.C.
Eff. 01/17

Hillsborough

County

The actions below were taken on your petition.

[X] These actions are a recommendation only, not final [ ] These actions are a final decision of the VAB
If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit
in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425,
Florida Statutes.)

Petition # 2016-00752

Parcel ID 1946840000

Petitioner name FISS HERBERT W JR

Property address 341 S PLANT AV
TAMPA, FL 33606

The petitioner is: [X] taxpayer of record [ ] taxpayer's agent
[ ] other, explain:

Decision Summary [X] Denied your petition [ ] Granted your petition [ ] Granted your petition in part

Table with 4 columns: Value Lines 1 and 4 must be completed, Value from TRIM Notice, Before Board Action, After Board Action. Rows include Just value, Assessed or classified use value, Exempt value, and Taxable value.

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

Reasons for Decision

Fill-in fields will expand or add pages, as needed.

Findings of Fact
(See Attached)

Conclusions of Law
(See Attached)

[X] Recommended Decision of Special Magistrate Finding and conclusions above are recommendations.

McCrae Patrick Signature, special magistrate
McCrae Patrick Print name
01/25/2017 Date
Shevawn Spencer, Clerk Designee Signature, VAB clerk or special representative
Shevawn Spencer, Clerk Designee Print name
02/03/2017 Date

If this is a recommended decision, the board will consider the recommended decision on 02/22/2017 at 09:00 AM
Address County Center Boardroom, 2nd Floor

If the line above is blank, the board does not yet know the date, time, and place when the recommended decision will be
considered. To find the information, please call (813) 276-8100 or visit our web site at https://hcvab.hillsclerk.com/axiav

[ ] Final Decision of the Value Adjustment Board

Signature, chair, value adjustment board Print name Date of decision

Signature, VAB clerk or representative Print name Date mailed to parties

**Findings of Fact:**

The petitioners, Herbert and Ellen Fiss, were present for the hearing. The petitioners presented evidence and gave testimony. The Property Appraiser's Office (PAO) was represented by J. Kyle Frisco, CFE, Tim Wilmath, MAI, and Will Shepherd.

According to the property card and testimony from the PAO, the subject property is 6,514 square foot mixed use property used as a single-family residence and professional office. The property is located at 341 S. Plant Avenue in Tampa. Mr. Fiss indicated one room is used as his law office and the remainder of the property is the family's residence.

The PAO submitted various documents for evidence that will be described hereafter.

The property card submitted by the PAO describes the size, location, and construction type.

The PAO submitted a copy of the Hillsborough County Property Appraiser's 2016 Mass Appraisal Report. The "Mass Appraisal Report" document indicates that the PAO employs three approaches to value (cost, sales comparison, and income capitalization) in estimating market value for a particular property. Models are developed from market sources, which are then applied to groups of similar properties. The models are designed to reflect the value of a typical or average property in any given class. Adjustments are made when an individual property differs significantly from the typical property in the group. Reasons for adjustments include location, condition, quality and property-specific issues that enhance or reduce a property's value. The mass appraisal document indicates the PAO adjusts sales prices down to reflect "costs of sale" before calculating the appropriate base rate in any given model to recognize requirements of the 1st and 8th criteria of F.S. 193.011.

The Property Appraiser is required by Florida Statutes (F.S.) to assess real property at its just value as of January 1 of each year, F.S. 192.042 (1). The phrase "just value" has been determined to be synonymous with "fair market value." See *Valencia Center, Inc. v. Bystron* 543 So.2d 214, 216 (Fla. 1989).

The Department of Revenue (DOR) has developed specific evidence rules for presenting relevant and credible evidence. See Rule 12D-9.025 (1), Florida Administrative Code (F.A.C.). Generally, "relevant evidence" is evidence that is reasonably related, directly or indirectly, to the statutory criteria that apply to the issue under review. This description means the evidence meets or exceeds a minimum level of relevance necessary to be admitted for consideration, although it does not necessarily mean that the evidence has sufficient relevance to legally justify a particular conclusion. See Rule 12D-9.025(2)(b), F.A.C. The Special Magistrate reviewed all evidence presented by the parties. In accordance with DOR guidelines, the Special Magistrate determined the evidence and testimony was relevant and credible to the valuation issue at hand. Thus, the evidence as presented (see "Basic Findings of Fact") was admitted for consideration in determining the appropriateness of the subject's assessment.

The Legislature has enacted eight factors that a property appraiser must consider when determining just valuation, which are enumerated in F. S. 193.011. In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment is presumed correct if the appraiser proves by a preponderance of the evidence that the assessment was arrived at by complying with s. 193.011, any other applicable statutory requirements relating to classified use values or assessment caps, and professionally accepted appraisal practices, including mass appraisal standards, if appropriate. See Section 194.301, F.S., as amended by Chapter 2009-121, Laws of Florida (House Bill 521), and Section 193.011, F.S. A taxpayer who challenges an assessment is entitled to a determination by the value adjustment board or court of the appropriateness of the appraisal methodology used in making the assessment.

The eight criteria specified in Florida Statute 193.011 were considered by the PAO in the following manner:

- (1) Present cash value - the PAO applied the sales comparison approach to the subject utilizing arm's length transfers of competitive properties presumably under normal market conditions.
- (2) Highest and best use - land use and building codes representing highest and best used of the property were applied which were consistent with the current use;
- (3) Location - The PAO considers locational features of the subject through the use of neighborhood codes as identified on the PRC;
- (4) Quantity or size - the subject's size was considered based primarily on land and building areas as identified on the PRC;
- (5) Cost and present placement value - the PAO indicates replacement costs are incorporated into the Cost/Market hybrid approach utilized in the CAMA system;
- (6) Condition - The condition of the subject was factored into the estimated depreciated replacement cost new incorporated into the CAMA systems Cost/Market hybrid approach. Physical depreciation and functional and/or

external obsolescence (if any) are noted on the PRC;

(7) Income - an income analysis was applied based on a standard income model for property type. The PAO applied the income approach through a direct capitalization approach;

(8) Net proceeds of sale - the PAO considers costs of sale through their application of a 15% downward adjustment to comparable sales indications.

The weight given to each of the factors is within the discretion of the property appraiser; reliance on a particular approach is dependent upon the type of property being assessed. *Id.*: *Atlantic International Inv. Corp. v. Turner*, 383 So.2d 919,929 (Fla. 5th DCA 1980). Ultimately, the proof of the correctness of value is paramount over the emphasis placed on the applicability of one particular method of value over another.

The PAO also submitted five sales comparables from the subject's south Tampa neighborhood. The five comparables are all similar single-family residences located within the subject's neighborhood. The sales comparables indicated a range of value of \$288.38 to \$331.12 per square foot with an average of \$308.13 per square foot. Mr. Brophy noted the subject's assessed value of \$166.44 per square foot is well below the range of the sales comparables. All of the sales comparables are transactions that closed between February 2015 and January 2016. The Special Magistrate would like to emphasize to the petitioner and the VAB that the PAO's assessment of the subject property was not based solely on the five comparables provided but instead was developed using the mass appraisal system described with the Mass Appraisal Report document. The PAO provided the five comparables as supplemental support to the valuation developed via mass appraisal. The evidence provided by the property appraiser is considered relevant and credible.

The petitioners testified that they feel it is inappropriate to compare the subject property to single-family residences as the property card classifies the property as Mixed Use Residential due to the professional office use. Furthermore, the petitioners noted the subject property is closer to downtown and has an inferior location to the comparables presented by the PAO. However, it is noted that the subject's assessment is well below the range of the five comparable sales presented by the PAO which may indicate the inferior location was factored into the subject's assessment.

The petitioners presented one assessment comparable and two comparable sales of nearby professional offices. The petitioner noted that these properties are closer to the subject property than the PAO's sales comparables and also have professional office classifications similar to the subject.

The petitioner provided one assessment comparable, a neighboring property located at 304 S. Plant Ave which is assessed at \$91.49/SF. The lower assessment of one similar property does not demonstrate that the assessed value of the subject property is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by the property appraiser to comparable property within the same county.

The two comparables sales prices ranged from \$42.57 to \$129.07 per square foot with an average of \$85.82; both sales occurred in 2015. Based upon the average of the two sales presented, the petitioner felt the assessed value of their property should be "no higher than" \$86.00 per square foot. It is noted that the lower sale is listed as an "unqualified" transaction on the property card provided by the petitioner. Transactions marked as unqualified are typically not arm's length, market-based transactions and generally are not good indications of market value. Furthermore, one (or two) sale(s) does not make a market. It would be outside the realm of generally accepted appraisal practices to value a property based upon two sales comparables (particularly if one of the two sales is an unqualified transaction). The evidence presented by the petitioner was reviewed and considered by the Special Magistrate.

During rebuttal, the PAO noted the subject property is primarily used as a single-family residence and, therefore, residential sales are more applicable to the valuation of the subject property. The PAO also noted the petitioners have a homestead exemption on the property as it serves as their primary residence. The PAO testified that the subject property is located on a larger parcel than the comparables provided. The larger site contributes additional value to the subject due to the high land values in the subject's neighborhood.

The evidence submitted by the petitioner is considered relevant. However, two sales do not constitute a market. The burden of proof is on the party initiating the challenge. For the benefit of the petitioner and the VAB, the Special Magistrate notes that this petition is not denied based upon the five sales comparables presented by the PAO. The petition is denied due to the petitioner not providing a preponderance of evidence overcoming the presumption of correctness as stated in Chapter 12D-9.027 of the FAC. No evidence overcoming the presumption of correctness was presented.

Based on the evidence presented, the petitioner failed to demonstrate by a preponderance of the evidence that the assessment does not represent the just value of the property after taking into account any applicable limits on annual increases in the value of the property; or is arbitrarily based on appraisal practices that are different from the appraisal

practices generally applied by the property appraiser to comparable property within the same county. Therefore, the Special Magistrate recommends that the determination of the PAO be upheld.

**Conclusions of Law:**

Pursuant to Section 194.301, the Property Appraiser's assessment shall be entitled to a Presumption of Correctness if the Property Appraiser shows, by a preponderance of the evidence, that the Property Appraiser considered each of the eight criteria set forth in Section 193.011, the Property Appraiser applied the correct appraisal methodology based upon the characteristics of the property, and the Property Appraiser did not use appraisal practices which are different than the appraisal practices generally applied by the Property Appraiser to comparable property in the same county.

In order to overcome the Property Appraiser's presumption of correctness, the Petitioner must show by a preponderance of the evidence that: (1) the property appraiser's just valuation does not represent just value; or (2) the property appraiser's just valuation is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by the property appraiser to comparable property within the same county. See Subsection 194.301(2)(a), F.S., as amended by Chapter 2009-121, Laws of Florida (House Bill 521).

On the basis of the record of the hearing, the Petitioner did not prove by a preponderance of the evidence that the property appraiser's just valuation exceeds just value or is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by the property appraiser to comparable property within the same county. Thus, it is recommended that the determination of the Property Appraiser be upheld.



**DECISION OF THE VALUE ADJUSTMENT BOARD**  
**EXEMPTION, CLASSIFICATION, OR**  
**ASSESSMENT DIFFERENCE TRANSFER PETITION**

DR-485XC  
 R. 11/12  
 Rule 12D-16.002  
 Florida Administrative Code  
 Effective 11/12

The actions below were taken on your petition in the County of Hillsborough  
 These actions are a recommendation only, not final     These actions are a final decision of the VAB  
 If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425, Florida Statutes.)

Petition # 2016-00212	Parcel ID 0035201072
Petitioner name INSIDEOUT CMI The petitioner is: <input checked="" type="checkbox"/> taxpayer of record <input type="checkbox"/> taxpayer's agent <input type="checkbox"/> other, explain:	Property address 12564 LEATHERLEAF DR TAMPA, FL 33626

**Decision Summary**     Denied your petition     Granted your petition     Granted your petition in part

Lines 1 and 4 must be completed	Value from TRIM Notice	Value before Board Action <small>Value presented by property appraiser Rule 12D-9.025(10), F.A.C.</small>	Value after Board Action
1. Just value, required	369,402.00	369,402.00	369,402.00
2. Assessed or classified use value,* if applicable	369,402.00	369,402.00	369,402.00
3. Exempt value,* enter "0" if none	0.00	0.00	0.00
4. Taxable value,* required	369,402.00	369,402.00	369,402.00

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

**Exemption, Classification, or Assessment Difference Transfer**

<input type="checkbox"/> Homestead	<input type="checkbox"/> Widow/er	<input type="checkbox"/> Blind	<input type="checkbox"/> Totally and permanently disabled veteran
<input type="checkbox"/> Low-income senior	<input type="checkbox"/> Disabled	<input type="checkbox"/> Disabled veteran	<input type="checkbox"/> Use classification, specify
<input type="checkbox"/> Parent/grandparent assessment reduction	<input type="checkbox"/> Deployed military	<input checked="" type="checkbox"/> Use exemption, specify Charitable	<input type="checkbox"/> Other, specify
<input type="checkbox"/> Transfer of homestead assessment difference			

**Reasons for Decision** Fill-in fields will expand or add pages, as needed.

Findings of Fact  
 (See Attached)

Conclusions of Law  
 (See Attached)

**Recommended Decision of Special Magistrate** The finding and conclusions above are recommendations.

Schwarz AI	Schwarz AI	11/21/2016
Signature, special magistrate	Print name	Date
Shevawn Spencer, Clerk Designee	Shevawn Spencer, Clerk Designee	12/09/2016
Signature, VAB clerk or special representative	Print name	Date

If this is a recommended decision, the board will consider the recommended decision on 01/18/2017 at 09:00  AM  PM.  
 Address County Center Boardroom, 2nd Floor  
 If the line above is blank, please call (813) 276-8100, 4354 or visit our web site at <https://hcvab.hillsclerk.com/axiaweb2016>

**Final Decision of the Value Adjustment Board**

Signature, chair, value adjustment board	Print name	Date of decision
Signature, VAB clerk or representative	Print name	Date mailed to parties

## **Findings of Fact:**

### Findings of Fact:

The Petitioner, INSIDEOUT COMMUNITY MINISTRIES, INC., (Petitioner or Owner) appeared before the Special Magistrate through its President Randal L. Fuchs. The Property Appraiser's Office (PAO) was represented by Marilyn Martinez. Counsel for the PAO Will Shepherd was also present. Evidence was submitted both by the PAO and the Petitioner in this matter. By agreement of the parties, it was agreed that all three parcels at issue could be recorded at the same time due to the similarity of the issues. Moreover, at the end of the hearing, by agreement of the parties, the record was left open and the completion of the hearing was postponed per F.A.C. Rule 12D-9.025(6)(a). The parties agree to allow the Petitioner to submit additional evidence related to the VA agreement with the Petitioner without a new hearing. The Petitioner provided the additional evidence on October 27, 2016.

The property that is the subject of the requested charitable exempt status is a single family residence with a legal description of WESTWOOD LAKES PHASE 1A, LOT 24 BLOCK 2, with the address listed as 12564 Leatherleaf Drive (Subject Property) with a folio of 003520-1072. The subject property has a 2016 market value of \$369,402, assessed value of \$369,402, exempt value of \$0, and taxable value of \$369,402. The Petitioner had filed an Original Ad Valorem Tax Exemption Application and Return requesting a charitable exempt status. The Property Appraiser's office denied the application for the requested charitable exempt status.

The PAO submitted various documents (labeled as PAO Exhibit #A), including: the subject property's 2016 property record card and the Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016. Information from the Petitioner including correspondence, excerpt of the McKinney-Vento Homeless Assistance Act, Petitioner's Profit and Loss for year end 2015 (with grants and with no grants), the subject properties' Veteran's Transitional Emergency Housing Program Applications and related documentation and correspondence, the subject properties' Veteran's Transitional Support Housing and Occupancy Agreement, correspondence from the Department of Veteran's Affairs, the letter from the IRS stating that the Petitioner is recognized as exempt under 501(c)(3), the Petitioner's consumer's certificate of exemption, and the Articles of Incorporation related to the Petitioner, were labeled as Petitioner's Exhibit #1. Moreover, as a result of the postponement, the Petitioner provided correspondence outlining what is being provided, the subject properties' special warranty deeds, correspondence by the Department of Veteran's Affairs that the Petitioner is an eligible homeless provider with a website for properties that are available for sale, as well as a VA Handbook outlining the Homeless Shelter Program.

The PAO's Notice of Disapproval of Application for Property Tax Exemption of Classification By the County Property Appraiser dated June 24, 2016 provided that the charitable exempt status requested by the Petitioner was denied due to the fact that the "Applicant did not demonstrate charitable use of the property as of January 1st. Must show evidence of a government program which funds uses similar to use of property. (FS 196.196, FS 196.012(7))." The PAO described the evidence it was presenting and explained that the charitable exemption was denied due to a lack of evidence provided as to how the subject property was used for charitable purposes and how it is helping the veterans. Counsel for the PAO further added that there were some additional questions and concerns.

The Petitioner, through its President Randal Fuchs, presented its evidence and explained that it was a 501(c)(3) organization started in 1985 that has partnered with the Department of Veterans Affairs. The Petitioner provided that in 2009 Congress passed the McKinney-Vento Homeless Assistance Act due to the foreclosure crisis to help disadvantaged veterans get back into homes. The Petitioner explained that the act gave qualified non-profits the ability to purchase homes at a discount from a list of eligible homes the Department of Veterans Affairs in furtherance of the program. The Petitioner further explained that although it purchased the homes at a discount, the Petitioner had a difficult time securing a loan for the subject property and has had to take loans from a Texas company at around 13% interest.

The Petitioner noted that it uses funds from loans on the subject property to get the subject property in shape and any additional funds not used on the home are used to subsidize and help keep the veteran in the home. The Petitioner provided that the houses must keep a veteran in the house for at least three years and the veteran can't be active, the veteran can't own other property and needs to be in danger of losing their dwelling. The Petitioner maintains that during the period they are involved with the veteran, the veteran is helped to get their credit reestablished to requalify to purchase the home. The Petitioner explained that the maintenance fee that the Petitioner collects is less than their own cost. The Petitioner added that in 2001 a similar law was passed that stated that governments from all levels, including local governments, should work cooperatively to assist in the program. The Petitioner is asking for the exemption for the three years, or the time period the veterans are being helped to get them qualified prior to the property being sold to the veteran or someone else. The Petitioner then mentioned that it has provided its profit/loss statement, the Petitioner qualification letter to be a part of the program, the Petitioner's articles of incorporation, and additional information regarding the applications and agreements with the veterans regarding each property.

Counsel for the PAO asked if the Petitioner could provide a contract, agreement or any additional information outlining the criteria with Department of Veterans Affairs. The Petitioner mentioned that they can provide a copy of the contract with the Department of Veterans Affairs, but that it was not at the hearing and would provide it if allowed. The Petitioner provided that they file quarterly reports with the Department of Veterans Affairs according to a rigorous set of criteria. The Petitioner added that they basically purchase their homes at a discount at 50 cents on the dollar from a list of properties from the Department of Veterans affairs. The Petitioner takes a loan on the home at approximately 75% of the value of a home to work on it and any added money is used to keep the veteran in the home. The PAO inquired of the Petitioner as to what happens if the veterans in the home cannot, or do not, qualify to purchase the house. The Petitioner explained that the veteran has to be in the house for three years and can be in longer. The Petitioner further provided that at the end of three years, the veteran can either purchase the house, but sometimes they move or do not qualify, and the Petitioner can sell the house to someone else. The Petitioner added that he thought he had about forty such properties in Florida, with some in Pinellas County.

A discussion ensued about the character of the agreements entered into in relation to the Petitioner's properties in Hillsborough County, including the subject property. The PAO noted some real concern about the agreement with each veteran at these properties owned by the Petitioner especially for the amount charged in rent and how that was discounted or compared to market rent. For instance, the PAO noted that the subject property at Leatherleaf, the rent was about \$2,200. The Petitioner added that they charge less than market rent and that they try to be 15% to 20% less than market rent. The PAO looked at the market rent and if the Petitioner wasn't paying the exorbitant loan amount it would likely be market and that there didn't seem like there was much of a discount. The Petitioner mentioned that there are additional instances where a veteran may be eligible to be placed in the house such as a fear for their life and overcrowding which is allowed under the McKinney-Vento Act. The Petitioner mentioned some of these properties have 4, 5, or 6 kids and some have handicapped people living in them. The Petitioner added that they do not get to pick which homes are on the Department of Veterans Affairs' list to choose from. The PAO also inquired about what happens from the sale of the home to someone other than the veteran residing at it, and the Petitioner explained that any profit from the sale of the home would be put back into the program and the purchase of other homes.

The PAO mentioned that this property would likely not qualify for the Florida's low income housing and the Petitioner agreed. The Petitioner further provided that they try to write their agreements with the veterans who go into these homes to make sure the veterans had some skin in the game in the form of security deposits and the maintenance fee. The Petitioner added that a majority of the veterans do not stay on track with their rent but the contracts with these veterans are written so the veterans go in with good intentions. The PAO again reiterated that they thought the contract with the Department of Veterans Affairs would be helpful and the Petitioner said they could provide it. The parties agreed to postpone the completion of the hearing without a further need for another hearing so that the Petitioner can provide the contract with the Department of Veterans Affairs. The PAO lastly inquired as to another concern that since it is a one year lease with each veteran, what would happen after the year is over. The Petitioner reiterated that they get veterans that move and don't ultimately purchase the property, however, about 45% of the veterans that have gotten do ultimately purchase the property. The parties again thought a copy of the contract with the Department of Veterans Affairs would be helpful and the Petitioner agreed to provide it.

## ULTIMATE FINDING OF FACTS

The Department of Revenue (DOR) has developed specific evidence rules for presenting relevant and credible evidence. See Rule 12D-9.025 (1), Florida Administrative Code (F.A.C.). Generally, "relevant evidence" is evidence that is reasonably related, directly or indirectly, to the statutory criteria that apply to the issue under review. This description means the evidence meets or exceeds a minimum level of relevance necessary to be admitted for consideration, although it does not necessarily mean that the evidence has sufficient relevance to legally justify a particular conclusion. See Rule 12D-9.025(2)(b), F.A.C. The Special Magistrate reviewed all the evidence submitted in this matter. In this matter, the PAO and the Petitioner submitted evidence during the hearing. In accordance with the DOR guidelines, the Special Magistrate determined the evidence and testimony was relevant and credible to the exemption issue. Thus, the evidence as presented (see "Basic Findings of Fact") was admitted for consideration in determining the appropriateness of the exemption denial.

The DOR has provided further guidelines for the process for the administrative review of exemptions. See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.). The procedural steps for reviewing an exemption provides that in "the case of an exemption, the board or special magistrate shall consider whether the denial was valid or invalid and shall:

1. Review the exemption denial, and compare it to the applicable statutory criteria in Section 196.193(5), F.S.;
2. Determine whether the denial was valid under Section 196.193, F.S.; and
3. If the denial is found to be invalid, not give weight to the exemption denial or to any evidence supporting the basis for such denial, but shall instead proceed to dispose of the matter without further consideration in compliance with Section 194.301, F.S.

4. If the denial is found to be valid, proceed with steps in paragraphs (b) through (g) below.
- (b) Consider the admitted evidence presented by the parties.
- (c) Identify the particular exemption, property classification, or portability assessment transfer issue that is the subject of the petition.
- (d) Identify the statutory criteria that apply to the particular exemption, property classification, or portability assessment difference transfer that was identified as the issue under administrative review.
- (e) Identify and consider the essential characteristics of the petitioned property or the property owner, as applicable, based on the statutory criteria that apply to the issue under administrative review.
- (f) Identify and consider the basis used by the property appraiser in issuing the denial for the petitioned property.
- (g) Determine whether the admitted evidence proves by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption, classification, or portability assessment transfer should be granted because all of the applicable statutory criteria are satisfied. Where necessary and where the context will permit in these rules, the term "statutory criteria" includes any constitutional criteria that do not require implementation by legislation." See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.).

In order to first determine whether the denial was invalid, Florida Statute 196.193(5) provides that if the property appraiser determines whether any property claimed as wholly or partially exempt is not entitled to an exemption, the property appraiser must notify the person(s) filing the application "on such property of that determination in writing on or before July 1 of the year for which the application was filed." Moreover, the property appraiser must state in clear and unambiguous language the specific requirements of the state statutes which the property appraiser relied upon to deny the applicant the exemption with respect to the subject property and must be drafted so that a "reasonable person can understand specific attributes of the applicant or the applicant's use of the subject property which formed the basis for the denial. The notice must also include the specific facts the property appraiser used to determine that the applicant failed to meet the statutory requirements. If a property appraiser fails to provide a notice that complies with this subsection, any denial of an exemption or an attempted denial of an exemption is invalid." See Florida Statute 196.193 (5)(b). Lastly, Florida Statute 196.193(5)(c) provides that "All notifications must specify the right to appeal to the value adjustment board and the procedures to follow in obtaining such an appeal. Thereafter, the person or organization filing such application, or a duly designated representative, may appeal that determination by the property appraiser to the board at the time of its regular hearing. In the event of an appeal, the property appraiser or the property appraiser's representative shall appear at the board hearing and present his or her findings of fact. If the applicant is not present or represented at the hearing, the board may make a determination on the basis of information supplied by the property appraiser or such other information on file with the board."

In this appeal, the evidence and testimony shows that the PAO sent the applicant a Notice of Disapproval of Application For Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016 ("Notice"). The Notice provided that the Petitioner's request for a charitable exemption status was denied and the reason for the denial was that the "Applicant did not demonstrate charitable use of the property as of January 1st. Must show evidence of a government program which funds uses similar to use of property. (FS 196.196, FS 196.012(7))." The Notice also informed the Applicant of their right to file, and the procedures to file, an appeal to the value adjustment board as required per Florida Statute 196.193. Based upon the evidence and testimony, including the Notice, the PAO's denial was determined to be valid.

Pursuant to the steps set forth in Rule 12D-9.027(4), the evidence submitted by the PAO and the Petitioner was considered. The exemption sought by the Petitioner in this case was for the charitable exempt status for the subject property.

In the State of Florida, Florida Statute 196.011(1)(a) provides for an annual application required for exemption in which "Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8)."

Florida Statute 196.012 (7) defines "Charitable purpose" which "means a function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service but only that any such allocation would be legal."

Florida Statute 196.192 further explains the exemptions from ad valorem taxation – that are subject to the provisions of this "chapter:

- (1) All property owned by an exempt entity, including educational institutions, and used exclusively for exempt

purposes shall be totally exempt from ad valorem taxation.

(2) All property owned by an exempt entity, including educational institutions, and used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use.

(3) All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.

For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. For purposes of this section, property owned by a limited liability company, the sole member of which is an exempt entity, shall be treated as if the property were owned directly by the exempt entity. This section does not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.”

Florida Statute 196.195 provides the guidelines for determining the “profit or nonprofit status of applicant.—

(1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the value adjustment board.

(2) In determining whether an applicant for a religious, literary, scientific, or charitable exemption under this chapter is a nonprofit or profitmaking venture or whether the property is used for a profitmaking purpose, the following criteria shall be applied:

(a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by the applicant or any officer, director, trustee, member, or stockholder of the applicant;

(b) The reasonableness of any guaranty of a loan to, or an obligation of, any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly controlled by such person, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the applicant;

(c) The reasonableness of any contractual arrangement by the applicant or any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;

(d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant, reserves for repair, replacement, and depreciation of the property of the applicant, payment of mortgages, liens, and encumbrances upon the property of the applicant, or other purposes; and

(e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services, and, if such charges exceed the value of the services rendered, whether the excess is used to pay maintenance and operational expenses in furthering its exempt purpose or to provide services to persons unable to pay for the services.

(3) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.

(4) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the value adjustment board to be nonprofit as defined in this section.”

Lastly, Florida Statutes 196.196 provides further guidelines for “determining whether property is entitled to charitable, religious, scientific, or literary exemption. -

(1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:

(a) The nature and extent of the charitable, religious, scientific, or literary activity of the applicant, a comparison of such activities with all other activities of the organization, and the utilization of the property for charitable, religious, scientific, or literary activities as compared with other uses.

(b) The extent to which the property has been made available to groups who perform exempt purposes at a charge that is equal to or less than the cost of providing the facilities for their use. Such rental or service shall be considered as part of the exempt purposes of the applicant.

(2) Only those portions of property used predominantly for charitable, religious, scientific, or literary purposes shall be exempt. In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.

(3) Property owned by an exempt organization is used for a religious purpose if the institution has taken affirmative steps to prepare the property for use as a house of public worship. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site

preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to a religious use as a house of public worship. For purposes of this subsection, the term “public worship” means religious worship services and those other activities that are incidental to religious worship services, such as educational activities, parking, recreation, partaking of meals, and fellowship.

(4) Except as otherwise provided herein, property claimed as exempt for literary, scientific, religious, or charitable purposes which is used for profitmaking purposes shall be subject to ad valorem taxation. Use of property for functions not requiring a business or occupational license conducted by the organization at its primary residence, the revenue of which is used wholly for exempt purposes, shall not be considered profit making. In this connection the playing of bingo on such property shall not be considered as using such property in such a manner as would impair its exempt status.

(5)(a) Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

(b)1. If property owned by an organization granted an exemption under this subsection is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not in actual use to provide such affordable housing within 5 years after the date the organization is granted the exemption, the property appraiser making such determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed.

2. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If such organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each such other county a notice of tax lien identifying the property owned by such organization in such county which shall become a lien against the identified property. Before any such lien may be filed, the organization so notified must be given 30 days to pay the taxes, penalties, and interest.

3. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption shall not be assessed a penalty or interest.

4. The 5-year limitation specified in this subsection may be extended if the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in this subsection.”

The evidence in this case shows that the property was a single family residence and that the Petitioner was the owner of the property. Specific to the denial of the charitable exemption at issue in this case, Florida has given effect to Florida’s constitutional recognition of a tax exemption for educational, literary, scientific, religious, or charitable purposes through Chapter 196, Florida Statutes.

Florida Statute 196.012(7) a “[c]haritable purpose” is defined as: “A function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service but only that any such allocation would be legal. ” Section 196.196, Florida Statutes, further provides the criteria for determining whether an applicant is using all or a portion of its property predominately for a charitable purpose and Section 196.195 provides a guideline at the applicant of the profit or nonprofit status of an applicant for an exemption.

The Petitioner provided evidence and testimony that it is purchasing houses from the Department of Veterans Affairs as provided by the McKinney-Vento program and was renting them to Veterans. This evidence included such documents as information on the McKinney-Vento Act, profit loss statements, articles of incorporation, and hardship letters/agreements with the veterans which was described in further detail by a letter provided at the hearing including a letter from the Petitioner that says there is “attached a copy of our Emergency Agreement, our Occupancy Agreement, and our veterans Letters of Hardship for your review. The emergency agreement is for 1-5 months, at a nominal fee to help the veterans get established. The second agreement is when the regular occupancy agreement begins. The first is literally a 1-5 month agreement, with the second agreement being a yearly agreement. For clarification, we do not charge rent, we do collect a maintenance fee, that in fact does not cover the hard cost of the home, i.e. our mortgage, HOA fees, insurance, etc.”

Although the Petitioner did not provide a direct contract, or any on-going compliance that might have been required by the Department of Veterans Affairs, the Petitioner explained that a contract with the Department of Veterans Affairs could be provided. The parties agreed to postpone the hearing so that the contract with the Department of Veterans

Affairs could be provided.

The evidence and information provided by the Petitioner as a result of the postponement included an email that stated in part that “We do not have a direct contract with the VA. We are regulated by them, are approved by them, and even report to them quarterly. What I have is the Approval letter from the VA, saying we fit the requirements to offer this program. We have a handbook from the VA, that I have attached...” Moreover, the letter states the deed for the subject property “This conveyance is being made for the purpose of assisting homeless veterans and their families pursuant to Section 3735 of Title 38, United States Code. This conveyance is subject to, and by accepting this deed the grantee or transferee agrees to comply with, certain conditions, limitations, and restrictions contained in the Declaration OF Covenants and Restrictions recorded in land records of the County of ...” The handbook referenced in the letter and the deed for the subject property containing the restriction as outlined in the email was provided.

In reviewing the evidence in the form of the handbook provided, although the Petitioner mentioned another version exists, it states that the reason for issue of the program is “to provide comprehensive procedures for selling properties to nonprofit organizations that provide shelter housing to homeless Veterans and their families.” The handbook also references “Affordable Housing” which is “defined as a rental/mortgage payment, which is at or below 30 of the qualified Veteran’s gross monthly household income.” The handbook then goes into a calculation for gross monthly household income. An excerpt Section 103 (42 U.S.C. 11302) (a) (1) and (2) of the McKinney-Vento Homeless Assistance Act provided by the Petitioner references the definition of “homeless individual” that would qualify under this act are individuals “such as those who lack a fixed, regular, and adequate nighttime residence” or their primary nighttime residence is place not designed for use as a “regular sleeping accommodation for human beings” including a “car, park, abandoned building, bus or train station, airport, or camping ground.” Section 103 (a)(5)(A) also provides for individuals who “will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing): ...” Moreover, the Act in Section 104 also provides for “Domestic violence and other dangerous or life-threatening conditions. – Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, date violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”

The evidence that was provided by the Petitioner was reviewed, including the information provided as a result of the postponement. The Petitioner demonstrated and testified that it was purchasing homes from the Department of Veterans Affairs at a discount to place veterans in them. The subject property had a Transitional-Emergency Housing Program which provided a “contribution” based on the “income of the veteran(s) and their family’s current and future income.” Specific to the subject property on Leatherleaf Drive, the initial contribution of \$497.00 was substantially less than the maintenance fee of \$2,245.00 later charged to the veteran pursuant to the lease agreement. No evidence was provided by the Petitioner as to the reasonableness of why there would be such a large disparity between a contribution and the long-term maintenance fee, even if one assumes the contribution is only for a month and for emergency purposes; whether the long-term maintenance fee was determined in advance or a result of a review of the veteran’s ability to pay during the short-term emergency; the determination as to how the maintenance fee was 15 to 20% less than market rent as explained by Petitioner; the detail behind how the maintenance fee is calculated with supporting documents (document detail such as the mortgage, HOA fee cost documentation, and maintenance costs) and whether it is based on the income of the veteran or the costs incurred by the Petitioner (such as detailed income information from the veteran) or a detailed formula looking at both; and whether the limitations on rent as referred to in the McKinney-Vento Homeless Assistance Act are applicable in this particular instance or whether a maintenance fee does not carry a similar limitation.

The deed restriction did provide evidence that the subject property was purchased pursuant to the sale program but no information was provided such as on-going compliance regarding the subject property with the Department of Veterans Affairs (such as a contract or on-going detailed reports to the Department of Veterans Affairs) or an explanation or detailed information as to the limitations on maintenance fees, rental fees, or contributions fees under the McKinney-Vento Act and how they were calculated in accordance with the Act to assist in demonstrating the “function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service” giving rise to the charitable purpose, and that the subject property is being used for that charitable purpose, pursuant to Chapter 196 of the Florida Statutes while it is held by the Petitioner for the three years prior to their ability to petition the Department of Veterans Affairs for the property to be sold.

Based on the foregoing, the admitted evidence and testimony in this case failed to demonstrate by a preponderance of the evidence that the charitable exemption for the subject property should be granted because all of the applicable statutory criteria are satisfied. Therefore, the Special Magistrate recommends that the determination of the PAO to

deny the charitable exemption status be upheld.

**Conclusions of Law:**

Conclusions of Law:

On the basis of the record of the hearing, the admitted evidence showed that the exemption denial was valid per Florida Statute 196.193(5) and failed to demonstrate by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption should be granted because all of the applicable statutory criteria are satisfied. Thus, it is recommended that the determination of the Property Appraiser to deny the Petitioner's claim for a charitable exemption is upheld.



**DECISION OF THE VALUE ADJUSTMENT BOARD**  
**EXEMPTION, CLASSIFICATION, OR**  
**ASSESSMENT DIFFERENCE TRANSFER PETITION**

DR-485XC  
 R. 11/12  
 Rule 12D-16.002  
 Florida Administrative Code  
 Effective 11/12

The actions below were taken on your petition in the County of Hillsborough

These actions are a recommendation only, not final     These actions are a final decision of the VAB  
 If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425, Florida Statutes.)

Petition # 2016-00213	Parcel ID 0723109592
Petitioner name INSIDEOUT CMI The petitioner is: <input checked="" type="checkbox"/> taxpayer of record <input type="checkbox"/> taxpayer's agent <input type="checkbox"/> other, explain:	Property address 1402 SCOTCH PINE DR BRANDON, FL 33511

**Decision Summary**     Denied your petition     Granted your petition     Granted your petition in part

Lines 1 and 4 must be completed	Value from TRIM Notice	Value before Board Action <small>Value presented by property appraiser Rule 12D-9.025(10), F.A.C.</small>	Value after Board Action
1. Just value, required	164,921.00	164,921.00	164,921.00
2. Assessed or classified use value,* if applicable	164,921.00	164,921.00	164,921.00
3. Exempt value,* enter "0" if none	0.00	0.00	0.00
4. Taxable value,* required	164,921.00	164,921.00	164,921.00

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

**Exemption, Classification, or Assessment Difference Transfer**

<input type="checkbox"/> Homestead	<input type="checkbox"/> Widow/er	<input type="checkbox"/> Blind	<input type="checkbox"/> Totally and permanently disabled veteran
<input type="checkbox"/> Low-income senior	<input type="checkbox"/> Disabled	<input type="checkbox"/> Disabled veteran	<input type="checkbox"/> Use classification, specify
<input type="checkbox"/> Parent/grandparent assessment reduction	<input type="checkbox"/> Deployed military	<input checked="" type="checkbox"/> Use exemption, specify Charitable	<input type="checkbox"/> Other, specify
<input type="checkbox"/> Transfer of homestead assessment difference			

**Reasons for Decision** Fill-in fields will expand or add pages, as needed.

**Findings of Fact**  
 (See Attached)

**Conclusions of Law**  
 (See Attached)

**Recommended Decision of Special Magistrate** The finding and conclusions above are recommendations.

Schwarz AI	Schwarz AI	11/21/2016
Signature, special magistrate	Print name	Date
Shevawn Spencer, Clerk Designee	Shevawn Spencer, Clerk Designee	12/09/2016
Signature, VAB clerk or special representative	Print name	Date

If this is a recommended decision, the board will consider the recommended decision on 01/18/2017 at 09:00  AM  PM.  
 Address County Center Boardroom, 2nd Floor  
 If the line above is blank, please call (813) 276-8100, 4354 or visit our web site at <https://hcvab.hillsclerk.com/axiaweb2016>

**Final Decision of the Value Adjustment Board**

Signature, chair, value adjustment board	Print name	Date of decision
Signature, VAB clerk or representative	Print name	Date mailed to parties

## **Findings of Fact:**

### Findings of Fact:

The Petitioner, INSIDEOUT COMMUNITY MINISTRIES, INC., (Petitioner or Owner) appeared before the Special Magistrate through its President Randal L. Fuchs. The Property Appraiser's Office (PAO) was represented by Marilyn Martinez. Counsel for the PAO Will Shepherd was also present. Evidence was submitted both by the PAO and the Petitioner in this matter. By agreement of the parties, it was agreed that all three parcels at issue could be recorded at the same time due to the similarity of the issues. Moreover, at the end of the hearing, by agreement of the parties, the record was left open and the completion of the hearing was postponed per F.A.C. Rule 12D-9.025(6)(a). The parties agree to allow the Petitioner to submit additional evidence related to the VA agreement with the Petitioner without a new hearing. The Petitioner provided the additional evidence on October 27, 2016.

The property that is the subject of the requested charitable exempt status is a single family residence with a legal description of PROVIDENCE LAKES PARCEL MF PHASE II, LOT 21 BLOCK C, with the address listed as 1402 Scotch Pine Drive (Subject Property) with a folio number of 072310-9592. The subject property has a 2016 market value of \$164,921, assessed value of \$164,921, exempt value of \$0, and taxable value of \$164,921. The Petitioner had filed an Original Ad Valorem Tax Exemption Application and Return requesting a charitable exempt status. The Property Appraiser's office denied the application for the requested charitable exempt status.

The PAO submitted various documents (labeled as PAO Exhibit #A), including: the subject property's 2016 property record card and the Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016. Information from the Petitioner including correspondence, excerpt of the McKinney-Vento Homeless Assistance Act, Petitioner's Profit and Loss for year end 2015 (with grants and with no grants), the subject properties' Veteran's Transitional Emergency Housing Program Applications and related documentation and correspondence, the subject properties' Veteran's Transitional Support Housing and Occupancy Agreement, correspondence from the Department of Veteran's Affairs, the letter from the IRS stating that the Petitioner is recognized as exempt under 501(c)(3), the Petitioner's consumer's certificate of exemption, and the Articles of Incorporation related to the Petitioner, were labeled as Petitioner's Exhibit #1. Moreover, as a result of the postponement, the Petitioner provided correspondence outlining what is being provided, the subject properties' special warranty deeds, correspondence by the Department of Veteran's Affairs that the Petitioner is an eligible homeless provider with a website for properties that are available for sale, as well as a VA Handbook outlining the Homeless Shelter Program.

The PAO's Notice of Disapproval of Application for Property Tax Exemption of Classification By the County Property Appraiser dated June 24, 2016 provided that the charitable exempt status requested by the Petitioner was denied due to the fact that the "Applicant did not demonstrate charitable use of the property as of January 1st. Must show evidence of a government program which funds uses similar to use of property. (FS 196.196, FS 196.012(7))." The PAO described the evidence it was presenting and explained that the charitable exemption was denied due to a lack of evidence provided as to how the subject property was used for charitable purposes and how it is helping the veterans. Counsel for the PAO further added that there were some additional questions and concerns.

The Petitioner, through its President Randal Fuchs, presented its evidence and explained that it was a 501(c)(3) organization started in 1985 that has partnered with the Department of Veterans Affairs. The Petitioner provided that in 2009 Congress passed the McKinney-Vento Homeless Assistance Act due to the foreclosure crisis to help disadvantaged veterans get back into homes. The Petitioner explained that the act gave qualified non-profits the ability to purchase homes at a discount from a list of eligible homes the Department of Veterans Affairs in furtherance of the program. The Petitioner further explained that although it purchased the homes at a discount, the Petitioner had a difficult time securing a loan for the subject property and has had to take loans from a Texas company at around 13% interest.

The Petitioner noted that it uses funds from loans on the subject property to get the subject property in shape and any additional funds not used on the home are used to subsidize and help keep the veteran in the home. The Petitioner provided that the houses must keep a veteran in the house for at least three years and the veteran can't be active, the veteran can't own other property and needs to be in danger of losing their dwelling. The Petitioner maintains that during the period they are involved with the veteran, the veteran is helped to get their credit reestablished to requalify to purchase the home. The Petitioner explained that the maintenance fee that the Petitioner collects is less than their own cost. The Petitioner added that in 2001 a similar law was passed that stated that governments from all levels, including local governments, should work cooperatively to assist in the program. The Petitioner is asking for the exemption for the three years, or the time period the veterans are being helped to get them qualified prior to the property being sold to the veteran or someone else. The Petitioner then mentioned that it has provided its profit/loss statement, the Petitioner qualification letter to be a part of the program, the Petitioner's articles of incorporation, and additional information regarding the applications and agreements with the veterans regarding each property.

Counsel for the PAO asked if the Petitioner could provide a contract, agreement or any additional information outlining the criteria with Department of Veterans Affairs. The Petitioner mentioned that they can provide a copy of the contract with the Department of Veterans Affairs, but that it was not at the hearing and would provide it if allowed. The Petitioner provided that they file quarterly reports with the Department of Veterans Affairs according to a rigorous set of criteria. The Petitioner added that they basically purchase their homes at a discount at 50 cents on the dollar from a list of properties from the Department of Veterans affairs. The Petitioner takes a loan on the home at approximately 75% of the value of a home to work on it and any added money is used to keep the veteran in the home. The PAO inquired of the Petitioner as to what happens if the veterans in the home cannot, or do not, qualify to purchase the house. The Petitioner explained that the veteran has to be in the house for three years and can be in longer. The Petitioner further provided that at the end of three years, the veteran can either purchase the house, but sometimes they move or do not qualify, and the Petitioner can sell the house to someone else. The Petitioner added that he thought he had about forty such properties in Florida, with some in Pinellas County.

A discussion ensued about the character of the agreements entered into in relation to the Petitioner's properties in Hillsborough County, including the subject property. The PAO noted some real concern about the agreement with each veteran at these properties owned by the Petitioner especially for the amount charged in rent and how that was discounted or compared to market rent. The Petitioner added that they charge less than market rent and that they try to be 15% to 20% less than market rent. The PAO looked at the market rent and if the Petitioner wasn't paying the exorbitant loan amount it would likely be market and that there didn't seem like there was much of a discount. The Petitioner mentioned that there are additional instances where a veteran may be eligible to be placed in the house such as a fear for their life and overcrowding which is allowed under the McKinney-Vento Act. The Petitioner mentioned some of these properties have 4, 5, or 6 kids and some have handicapped people living in them. The Petitioner added that they do not get to pick which homes are on the Department of Veterans Affairs' list to choose from. The PAO also inquired about what happens from the sale of the home to someone other than the veteran residing at it, and the Petitioner explained that any profit from the sale of the home would be put back into the program and the purchase of other homes.

The PAO mentioned that this property would likely not qualify for the Florida's low income housing and the Petitioner agreed. The Petitioner further provided that they try to write their agreements with the veterans who go into these homes to make sure the veterans had some skin in the game in the form of security deposits and the maintenance fee. The Petitioner added that a majority of the veterans do not stay on track with their rent but the contracts with these veterans are written so the veterans go in with good intentions. The PAO again reiterated that they thought the contract with the Department of Veterans Affairs would be helpful and the Petitioner said they could provide it. The parties agreed to postpone the completion of the hearing without a further need for another hearing so that the Petitioner can provide the contract with the Department of Veterans Affairs. The PAO lastly inquired as to another concern that since it is a one year lease with each veteran, what would happen after the year is over. The Petitioner reiterated that they get veterans that move and don't ultimately purchase the property, however, about 45% of the veterans that have gotten do ultimately purchase the property. The parties again thought a copy of the contract with the Department of Veterans Affairs would be helpful and the Petitioner agreed to provide it.

## ULTIMATE FINDING OF FACTS

The Department of Revenue (DOR) has developed specific evidence rules for presenting relevant and credible evidence. See Rule 12D-9.025 (1), Florida Administrative Code (F.A.C.). Generally, "relevant evidence" is evidence that is reasonably related, directly or indirectly, to the statutory criteria that apply to the issue under review. This description means the evidence meets or exceeds a minimum level of relevance necessary to be admitted for consideration, although it does not necessarily mean that the evidence has sufficient relevance to legally justify a particular conclusion. See Rule 12D-9.025(2)(b), F.A.C. The Special Magistrate reviewed all the evidence submitted in this matter. In this matter, the PAO and the Petitioner submitted evidence during the hearing. In accordance with the DOR guidelines, the Special Magistrate determined the evidence and testimony was relevant and credible to the exemption issue. Thus, the evidence as presented (see "Basic Findings of Fact") was admitted for consideration in determining the appropriateness of the exemption denial.

The DOR has provided further guidelines for the process for the administrative review of exemptions. See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.). The procedural steps for reviewing an exemption provides that in "the case of an exemption, the board or special magistrate shall consider whether the denial was valid or invalid and shall:

1. Review the exemption denial, and compare it to the applicable statutory criteria in Section 196.193(5), F.S.;
2. Determine whether the denial was valid under Section 196.193, F.S.; and
3. If the denial is found to be invalid, not give weight to the exemption denial or to any evidence supporting the basis for such denial, but shall instead proceed to dispose of the matter without further consideration in compliance with Section 194.301, F.S.

4. If the denial is found to be valid, proceed with steps in paragraphs (b) through (g) below.
- (b) Consider the admitted evidence presented by the parties.
- (c) Identify the particular exemption, property classification, or portability assessment transfer issue that is the subject of the petition.
- (d) Identify the statutory criteria that apply to the particular exemption, property classification, or portability assessment difference transfer that was identified as the issue under administrative review.
- (e) Identify and consider the essential characteristics of the petitioned property or the property owner, as applicable, based on the statutory criteria that apply to the issue under administrative review.
- (f) Identify and consider the basis used by the property appraiser in issuing the denial for the petitioned property.
- (g) Determine whether the admitted evidence proves by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption, classification, or portability assessment transfer should be granted because all of the applicable statutory criteria are satisfied. Where necessary and where the context will permit in these rules, the term "statutory criteria" includes any constitutional criteria that do not require implementation by legislation." See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.).

In order to first determine whether the denial was invalid, Florida Statute 196.193(5) provides that if the property appraiser determines whether any property claimed as wholly or partially exempt is not entitled to an exemption, the property appraiser must notify the person(s) filing the application "on such property of that determination in writing on or before July 1 of the year for which the application was filed." Moreover, the property appraiser must state in clear and unambiguous language the specific requirements of the state statutes which the property appraiser relied upon to deny the applicant the exemption with respect to the subject property and must be drafted so that a "reasonable person can understand specific attributes of the applicant or the applicant's use of the subject property which formed the basis for the denial. The notice must also include the specific facts the property appraiser used to determine that the applicant failed to meet the statutory requirements. If a property appraiser fails to provide a notice that complies with this subsection, any denial of an exemption or an attempted denial of an exemption is invalid." See Florida Statute 196.193 (5)(b). Lastly, Florida Statute 196.193(5)(c) provides that "All notifications must specify the right to appeal to the value adjustment board and the procedures to follow in obtaining such an appeal. Thereafter, the person or organization filing such application, or a duly designated representative, may appeal that determination by the property appraiser to the board at the time of its regular hearing. In the event of an appeal, the property appraiser or the property appraiser's representative shall appear at the board hearing and present his or her findings of fact. If the applicant is not present or represented at the hearing, the board may make a determination on the basis of information supplied by the property appraiser or such other information on file with the board."

In this appeal, the evidence and testimony shows that the PAO sent the applicant a Notice of Disapproval of Application For Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016 ("Notice"). The Notice provided that the Petitioner's request for a charitable exemption status was denied and the reason for the denial was that the "Applicant did not demonstrate charitable use of the property as of January 1st. Must show evidence of a government program which funds uses similar to use of property. (FS 196.196, FS 196.012(7))." The Notice also informed the Applicant of their right to file, and the procedures to file, an appeal to the value adjustment board as required per Florida Statute 196.193. Based upon the evidence and testimony, including the Notice, the PAO's denial was determined to be valid.

Pursuant to the steps set forth in Rule 12D-9.027(4), the evidence submitted by the PAO and the Petitioner was considered. The exemption sought by the Petitioner in this case was for the charitable exempt status for the subject property.

In the State of Florida, Florida Statute 196.011(1)(a) provides for an annual application required for exemption in which "Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8)."

Florida Statute 196.012 (7) defines "Charitable purpose" which "means a function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service but only that any such allocation would be legal."

Florida Statute 196.192 further explains the exemptions from ad valorem taxation – that are subject to the provisions of this "chapter:

- (1) All property owned by an exempt entity, including educational institutions, and used exclusively for exempt

purposes shall be totally exempt from ad valorem taxation.

(2) All property owned by an exempt entity, including educational institutions, and used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use.

(3) All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.

For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. For purposes of this section, property owned by a limited liability company, the sole member of which is an exempt entity, shall be treated as if the property were owned directly by the exempt entity. This section does not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.”

Florida Statute 196.195 provides the guidelines for determining the “profit or nonprofit status of applicant.—

(1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the value adjustment board.

(2) In determining whether an applicant for a religious, literary, scientific, or charitable exemption under this chapter is a nonprofit or profitmaking venture or whether the property is used for a profitmaking purpose, the following criteria shall be applied:

(a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by the applicant or any officer, director, trustee, member, or stockholder of the applicant;

(b) The reasonableness of any guaranty of a loan to, or an obligation of, any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly controlled by such person, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the applicant;

(c) The reasonableness of any contractual arrangement by the applicant or any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;

(d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant, reserves for repair, replacement, and depreciation of the property of the applicant, payment of mortgages, liens, and encumbrances upon the property of the applicant, or other purposes; and

(e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services, and, if such charges exceed the value of the services rendered, whether the excess is used to pay maintenance and operational expenses in furthering its exempt purpose or to provide services to persons unable to pay for the services.

(3) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.

(4) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the value adjustment board to be nonprofit as defined in this section.”

Lastly, Florida Statutes 196.196 provides further guidelines for “determining whether property is entitled to charitable, religious, scientific, or literary exemption. -

(1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:

(a) The nature and extent of the charitable, religious, scientific, or literary activity of the applicant, a comparison of such activities with all other activities of the organization, and the utilization of the property for charitable, religious, scientific, or literary activities as compared with other uses.

(b) The extent to which the property has been made available to groups who perform exempt purposes at a charge that is equal to or less than the cost of providing the facilities for their use. Such rental or service shall be considered as part of the exempt purposes of the applicant.

(2) Only those portions of property used predominantly for charitable, religious, scientific, or literary purposes shall be exempt. In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.

(3) Property owned by an exempt organization is used for a religious purpose if the institution has taken affirmative steps to prepare the property for use as a house of public worship. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site

preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to a religious use as a house of public worship. For purposes of this subsection, the term “public worship” means religious worship services and those other activities that are incidental to religious worship services, such as educational activities, parking, recreation, partaking of meals, and fellowship.

(4) Except as otherwise provided herein, property claimed as exempt for literary, scientific, religious, or charitable purposes which is used for profitmaking purposes shall be subject to ad valorem taxation. Use of property for functions not requiring a business or occupational license conducted by the organization at its primary residence, the revenue of which is used wholly for exempt purposes, shall not be considered profit making. In this connection the playing of bingo on such property shall not be considered as using such property in such a manner as would impair its exempt status.

(5)(a) Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

(b)1. If property owned by an organization granted an exemption under this subsection is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not in actual use to provide such affordable housing within 5 years after the date the organization is granted the exemption, the property appraiser making such determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed.

2. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If such organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each such other county a notice of tax lien identifying the property owned by such organization in such county which shall become a lien against the identified property. Before any such lien may be filed, the organization so notified must be given 30 days to pay the taxes, penalties, and interest.

3. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption shall not be assessed a penalty or interest.

4. The 5-year limitation specified in this subsection may be extended if the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in this subsection.”

The evidence in this case shows that the property was a single family residence and that the Petitioner was the owner of the property. Specific to the denial of the charitable exemption at issue in this case, Florida has given effect to Florida’s constitutional recognition of a tax exemption for educational, literary, scientific, religious, or charitable purposes through Chapter 196, Florida Statutes.

In Florida Statute 196.012(7) a “[c]haritable purpose” is defined as: “A function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service but only that any such allocation would be legal. ” Section 196.196, Florida Statutes, further provides the criteria for determining whether an applicant is using all or a portion of its property predominately for a charitable purpose and Section 196.195 provides a guideline at the applicant of the profit or nonprofit status of an applicant for an exemption.

The Petitioner provided evidence and testimony that it is purchasing houses from the Department of Veterans Affairs as provided by the McKinney-Vento program and was renting them to Veterans. This evidence included such documents as information on the McKinney-Vento Act, profit loss statements, articles of incorporation, and hardship letters/agreements with the veterans which was described in further detail by a letter provided at the hearing including a letter from the Petitioner that says there is “attached a copy of our Emergency Agreement, our Occupancy Agreement, and our veterans Letters of Hardship for your review. The emergency agreement is for 1-5 months, at a nominal fee to help the veterans get established. The second agreement is when the regular occupancy agreement begins. The first is literally a 1-5 month agreement, with the second agreement being a yearly agreement. For clarification, we do not charge rent, we do collect a maintenance fee, that in fact does not cover the hard cost of the home, i.e. our mortgage, HOA fees, insurance, etc.”

Although the Petitioner did not provide a direct contract, or any on-going compliance that might have been required by the Department of Veterans Affairs, the Petitioner explained that a contract with the Department of Veterans Affairs could be provided. The parties agreed to postpone the hearing so that the contract with the Department of Veterans

Affairs could be provided.

The evidence and information provided by the Petitioner as a result of the postponement included an email that stated in part that “We do not have a direct contract with the VA. We are regulated by them, are approved by them, and even report to them quarterly. What I have is the Approval letter from the VA, saying we fit the requirements to offer this program. We have a handbook from the VA, that I have attached...” Moreover, the letter states the deed for the subject property “This conveyance is being made for the purpose of assisting homeless veterans and their families pursuant to Section 3735 of Title 38, United States Code. This conveyance is subject to, and by accepting this deed the grantee or transferee agrees to comply with, certain conditions, limitations, and restrictions contained in the Declaration OF Covenants and Restrictions recorded in land records of the County of ...” The handbook referenced in the letter and the deed for the subject property containing the restriction as outlined in the email was provided.

In reviewing the evidence in the form of the handbook provided, although the Petitioner mentioned another version exists, it states that the reason for issue of the program is “to provide comprehensive procedures for selling properties to nonprofit organizations that provide shelter housing to homeless Veterans and their families.” The handbook also references “Affordable Housing” which is “defined as a rental/mortgage payment, which is at or below 30 of the qualified Veteran’s gross monthly household income.” The handbook then goes into a calculation for gross monthly household income. An excerpt Section 103 (42 U.S.C. 11302) (a) (1) and (2) of the McKinney-Vento Homeless Assistance Act provided by the Petitioner references the definition of “homeless individual” that would qualify under this act are individuals “such as those who lack a fixed, regular, and adequate nighttime residence” or their primary nighttime residence is place not designed for use as a “regular sleeping accommodation for human beings” including a “car, park, abandoned building, bus or train station, airport, or camping ground.” Section 103 (a)(5)(A) also provides for individuals who “will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing): ...” Moreover, the Act in Section 104 also provides for “Domestic violence and other dangerous or life-threatening conditions. – Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, date violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”

The evidence that was provided by the Petitioner was reviewed, including the information provided as a result of the postponement. The Petitioner demonstrated and testified that it was purchasing homes from the Department of Veterans Affairs at a discount to place veterans in them. The subject property had a Transitional-Emergency Housing Program which provided a “contribution” based on the “income of the veteran(s) and their family’s current and future income.” Specific to the subject property on Scotch Pine, the initial contribution of \$397 was substantially less than the maintenance fee of \$997.00 later charged to the veteran pursuant to the lease agreement. No evidence was provided by the Petitioner as to the reasonableness of why there would be such a large disparity between a contribution and the long-term maintenance fee, even if one assumes the contribution is only for a month and for emergency purposes; whether the long-term maintenance fee was determined in advance or a result of a review of the veteran’s ability to pay during the short-term emergency; the determination as to how the maintenance fee was 15 to 20% less than market rent as explained by Petitioner; the detail behind how the maintenance fee is calculated with supporting documents (document detail such as the mortgage, HOA fee cost documentation, and maintenance costs) and whether it is based on the income of the veteran or the costs incurred by the Petitioner (such as detailed income information from the veteran) or a detailed formula looking at both; and whether the limitations on rent as referred to in the McKinney-Vento Homeless Assistance Act are applicable in this particular instance or whether a maintenance fee does not carry a similar limitation.

The deed restriction did provide evidence that the subject property was purchased pursuant to the sale program but no information was provided such as on-going compliance regarding the subject property with the Department of Veterans Affairs (such as a contract or on-going detailed reports to the Department of Veterans Affairs) or an explanation or detailed information as to the limitations on maintenance fees, rental fees, or contributions fees under the McKinney-Vento Act and how they were calculated in accordance with the Act to assist in demonstrating the “function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service” giving rise to the charitable purpose, and that the subject property is being used for that charitable purpose, pursuant to Chapter 196 of the Florida Statutes while it is held by the Petitioner for the three years prior to their ability to petition the Department of Veterans Affairs for the property to be sold.

Based on the foregoing, the admitted evidence and testimony in this case failed to demonstrate by a preponderance of the evidence that the charitable exemption for the subject property should be granted because all of the applicable

statutory criteria are satisfied. Therefore, the Special Magistrate recommends that the determination of the PAO to deny the charitable exemption status be upheld.

**Conclusions of Law:**

Conclusions of Law:

On the basis of the record of the hearing, the admitted evidence showed that the exemption denial was valid per Florida Statute 196.193(5) and failed to demonstrate by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption should be granted because all of the applicable statutory criteria are satisfied. Thus, it is recommended that the determination of the Property Appraiser to deny the Petitioner's claim for a charitable exemption is upheld.



**DECISION OF THE VALUE ADJUSTMENT BOARD**  
**EXEMPTION, CLASSIFICATION, OR**  
**ASSESSMENT DIFFERENCE TRANSFER PETITION**

DR-485XC  
 R. 11/12  
 Rule 12D-16.002  
 Florida Administrative Code  
 Effective 11/12

The actions below were taken on your petition in the County of Hillsborough

These actions are a recommendation only, not final     These actions are a final decision of the VAB

If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425, Florida Statutes.)

Petition # 2016-00214	Parcel ID 0761510324
Petitioner name INSIDEOUT CMI The petitioner is: <input checked="" type="checkbox"/> taxpayer of record <input type="checkbox"/> taxpayer's agent <input type="checkbox"/> other, explain:	Property address 8515 FANTASIA PARK WY RIVERVIEW, FL 33578

**Decision Summary**     Denied your petition     Granted your petition     Granted your petition in part

Lines 1 and 4 must be completed	Value from TRIM Notice	Value before Board Action <small>Value presented by property appraiser Rule 12D-9.025(10), F.A.C.</small>	Value after Board Action
1. Just value, required	52,764.00	52,764.00	52,764.00
2. Assessed or classified use value,* if applicable	52,764.00	52,764.00	52,764.00
3. Exempt value,* enter "0" if none	0.00	0.00	0.00
4. Taxable value,* required	52,764.00	52,764.00	52,764.00

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

**Exemption, Classification, or Assessment Difference Transfer**

<input type="checkbox"/> Homestead	<input type="checkbox"/> Widow/er	<input type="checkbox"/> Blind	<input type="checkbox"/> Totally and permanently disabled veteran
<input type="checkbox"/> Low-income senior	<input type="checkbox"/> Disabled	<input type="checkbox"/> Disabled veteran	<input type="checkbox"/> Use classification, specify
<input type="checkbox"/> Parent/grandparent assessment reduction	<input type="checkbox"/> Deployed military	<input checked="" type="checkbox"/> Use exemption, specify Charitable	<input type="checkbox"/> Other, specify
<input type="checkbox"/> Transfer of homestead assessment difference			

**Reasons for Decision** Fill-in fields will expand or add pages, as needed.

Findings of Fact  
 (See Attached)

Conclusions of Law  
 (See Attached)

**Recommended Decision of Special Magistrate** The finding and conclusions above are recommendations.

Schwarz AI	Schwarz AI	11/21/2016
Signature, special magistrate	Print name	Date
Shevawn Spencer, Clerk Designee	Shevawn Spencer, Clerk Designee	12/09/2016
Signature, VAB clerk or special representative	Print name	Date

If this is a recommended decision, the board will consider the recommended decision on 01/18/2017 at 09:00  AM  PM.  
 Address County Center Boardroom, 2nd Floor  
 If the line above is blank, please call (813) 276-8100, 4354 or visit our web site at <https://hcvab.hillsclerk.com/axiaweb2016>

**Final Decision of the Value Adjustment Board**

Signature, chair, value adjustment board	Print name	Date of decision
Signature, VAB clerk or representative	Print name	Date mailed to parties

## **Findings of Fact:**

### Findings of Fact:

The Petitioner, INSIDEOUT COMMUNITY MINISTRIES, INC., (Petitioner or Owner) appeared before the Special Magistrate through its President Randal L. Fuchs. The Property Appraiser's Office (PAO) was represented by Marilyn Martinez. Counsel for the PAO Will Shepherd was also present. Evidence was submitted both by the PAO and the Petitioner in this matter. By agreement of the parties, it was agreed that all three parcels at issue could be recorded at the same time due to the similarity of the issues. Moreover, at the end of the hearing, by agreement of the parties, the record was left open and the completion of the hearing was postponed per F.A.C. Rule 12D-9.025(6)(a). The parties agree to allow the Petitioner to submit additional evidence related to the VA agreement with the Petitioner without a new hearing. The Petitioner provided the additional evidence on October 27, 2016.

The property that is the subject of the requested charitable exempt status is a manufactured home with a legal description of LAKE FANTASIA PLATTED SUBDIVISION, Lot 113, with the address listed as 8515 Fantasia Park Wy (Subject Property) with a folio number of 076151-0324. The subject property has a 2016 market value of \$52,764, assessed value of \$52,764, exempt value of \$0, and taxable value of \$52,764. The Petitioner had filed an Original Ad Valorem Tax Exemption Application and Return requesting a charitable exempt status. The Property Appraiser's office denied the application for the requested charitable exempt status.

The PAO submitted various documents (labeled as PAO Exhibit #A), including: the subject property's 2016 property record card and the Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016. Information from the Petitioner including correspondence, excerpt of the McKinney-Vento Homeless Assistance Act, Petitioner's Profit and Loss for year end 2015 (with grants and with no grants), the subject properties' Veteran's Transitional Emergency Housing Program Applications and related documentation and correspondence, the subject properties' Veteran's Transitional Support Housing and Occupancy Agreement, correspondence from the Department of Veteran's Affairs, the letter from the IRS stating that the Petitioner is recognized as exempt under 501(c)(3), the Petitioner's consumer's certificate of exemption, and the Articles of Incorporation related to the Petitioner, were labeled as Petitioner's Exhibit #1. Moreover, as a result of the postponement, the Petitioner provided correspondence outlining what is being provided, the subject properties' special warranty deeds, correspondence by the Department of Veteran's Affairs that the Petitioner is an eligible homeless provider with a website for properties that are available for sale, as well as a VA Handbook outlining the Homeless Shelter Program.

The PAO's Notice of Disapproval of Application for Property Tax Exemption of Classification By the County Property Appraiser dated June 24, 2016 provided that the charitable exempt status requested by the Petitioner was denied due to the fact that the "Applicant did not demonstrate charitable use of the property as of January 1st. Must show evidence of a government program which funds uses similar to use of property. (FS 196.196, FS 196.012(7))." The PAO described the evidence it was presenting and explained that the charitable exemption was denied due to a lack of evidence provided as to how the subject property was used for charitable purposes and how it is helping the veterans. Counsel for the PAO further added that there were some additional questions and concerns.

The Petitioner, through its President Randal Fuchs, presented its evidence and explained that it was a 501(c)(3) organization started in 1985 that has partnered with the Department of Veterans Affairs. The Petitioner provided that in 2009 Congress passed the McKinney-Vento Homeless Assistance Act due to the foreclosure crisis to help disadvantaged veterans get back into homes. The Petitioner explained that the act gave qualified non-profits the ability to purchase homes at a discount from a list of eligible homes the Department of Veterans Affairs in furtherance of the program. The Petitioner further explained that although it purchased the homes at a discount, the Petitioner had a difficult time securing a loan for the subject property and has had to take loans from a Texas company at around 13% interest.

The Petitioner noted that it uses funds from loans on the subject property to get the subject property in shape and any additional funds not used on the home are used to subsidize and help keep the veteran in the home. The Petitioner provided that the houses must keep a veteran in the house for at least three years and the veteran can't be active, the veteran can't own other property and needs to be in danger of losing their dwelling. The Petitioner maintains that during the period they are involved with the veteran, the veteran is helped to get their credit reestablished to requalify to purchase the home. The Petitioner explained that the maintenance fee that the Petitioner collects is less than their own cost. The Petitioner added that in 2001 a similar law was passed that stated that governments from all levels, including local governments, should work cooperatively to assist in the program. The Petitioner is asking for the exemption for the three years, or the time period the veterans are being helped to get them qualified prior to the property being sold to the veteran or someone else. The Petitioner then mentioned that it has provided its profit/loss statement, the Petitioner qualification letter to be a part of the program, the Petitioner's articles of incorporation, and additional information regarding the applications and agreements with the veterans regarding each property.

Counsel for the PAO asked if the Petitioner could provide a contract, agreement or any additional information outlining the criteria with Department of Veterans Affairs. The Petitioner mentioned that they can provide a copy of the contract with the Department of Veterans Affairs, but that it was not at the hearing and would provide it if allowed. The Petitioner provided that they file quarterly reports with the Department of Veterans Affairs according to a rigorous set of criteria. The Petitioner added that they basically purchase their homes at a discount at 50 cents on the dollar from a list of properties from the Department of Veterans affairs. The Petitioner takes a loan on the home at approximately 75% of the value of a home to work on it and any added money is used to keep the veteran in the home. The PAO inquired of the Petitioner as to what happens if the veterans in the home cannot, or do not, qualify to purchase the house. The Petitioner explained that the veteran has to be in the house for three years and can be in longer. The Petitioner further provided that at the end of three years, the veteran can either purchase the house, but sometimes they move or do not qualify, and the Petitioner can sell the house to someone else. The Petitioner added that he thought he had about forty such properties in Florida, with some in Pinellas County.

A discussion ensued about the character of the agreements entered into in relation to the Petitioner's properties in Hillsborough County, including the subject property. The PAO noted some real concern about the agreement with each veteran at these properties owned by the Petitioner especially for the amount charged in rent and how that was discounted or compared to market rent. For instance, the PAO noted that the property at Fantasia the veteran had been paying \$1,006 in the end it only showed around a \$60 discount from what they were paying and it didn't seem like much of a discount. The Petitioner added that they charge less than market rent and that they try to be 15% to 20% less than market rent. The PAO looked at the market rent and if the Petitioner wasn't paying the exorbitant loan amount it would likely be market and that there didn't seem like there was much of a discount. The Petitioner mentioned that there are additional instances where a veteran may be eligible to be placed in the house such as a fear for their life and overcrowding which is allowed under the McKinney-Vento Act. The Petitioner mentioned some of these properties have 4, 5, or 6 kids and some have handicapped people living in them. The Petitioner added that they do not get to pick which homes are on the Department of Veterans Affairs' list to choose from. The PAO also inquired about what happens from the sale of the home to someone other than the veteran residing at it, and the Petitioner explained that any profit from the sale of the home would be put back into the program and the purchase of other homes.

The PAO mentioned that this property would likely not qualify for the Florida's low income housing and the Petitioner agreed. The Petitioner further provided that they try to write their agreements with the veterans who go into these homes to make sure the veterans had some skin in the game in the form of security deposits and the maintenance fee. The Petitioner added that a majority of the veterans do not stay on track with their rent but the contracts with these veterans are written so the veterans go in with good intentions. The PAO again reiterated that they thought the contract with the Department of Veterans Affairs would be helpful and the Petitioner said they could provide it. The parties agreed to postpone the completion of the hearing without a further need for another hearing so that the Petitioner can provide the contract with the Department of Veterans Affairs. The PAO lastly inquired as to another concern that since it is a one year lease with each veteran, what would happen after the year is over. The Petitioner reiterated that they get veterans that move and don't ultimately purchase the property, however, about 45% of the veterans that have gotten do ultimately purchase the property. The parties again thought a copy of the contract with the Department of Veterans Affairs would be helpful and the Petitioner agreed to provide it.

## ULTIMATE FINDING OF FACTS

The Department of Revenue (DOR) has developed specific evidence rules for presenting relevant and credible evidence. See Rule 12D-9.025 (1), Florida Administrative Code (F.A.C.). Generally, "relevant evidence" is evidence that is reasonably related, directly or indirectly, to the statutory criteria that apply to the issue under review. This description means the evidence meets or exceeds a minimum level of relevance necessary to be admitted for consideration, although it does not necessarily mean that the evidence has sufficient relevance to legally justify a particular conclusion. See Rule 12D-9.025(2)(b), F.A.C. The Special Magistrate reviewed all the evidence submitted in this matter. In this matter, the PAO and the Petitioner submitted evidence during the hearing. In accordance with the DOR guidelines, the Special Magistrate determined the evidence and testimony was relevant and credible to the exemption issue. Thus, the evidence as presented (see "Basic Findings of Fact") was admitted for consideration in determining the appropriateness of the exemption denial.

The DOR has provided further guidelines for the process for the administrative review of exemptions. See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.). The procedural steps for reviewing an exemption provides that in "the case of an exemption, the board or special magistrate shall consider whether the denial was valid or invalid and shall:

1. Review the exemption denial, and compare it to the applicable statutory criteria in Section 196.193(5), F.S.;
2. Determine whether the denial was valid under Section 196.193, F.S.; and
3. If the denial is found to be invalid, not give weight to the exemption denial or to any evidence supporting the basis for such denial, but shall instead proceed to dispose of the matter without further consideration in compliance with

Section 194.301, F.S.

4. If the denial is found to be valid, proceed with steps in paragraphs (b) through (g) below.

(b) Consider the admitted evidence presented by the parties.

(c) Identify the particular exemption, property classification, or portability assessment transfer issue that is the subject of the petition.

(d) Identify the statutory criteria that apply to the particular exemption, property classification, or portability assessment difference transfer that was identified as the issue under administrative review.

(e) Identify and consider the essential characteristics of the petitioned property or the property owner, as applicable, based on the statutory criteria that apply to the issue under administrative review.

(f) Identify and consider the basis used by the property appraiser in issuing the denial for the petitioned property.

(g) Determine whether the admitted evidence proves by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption, classification, or portability assessment transfer should be granted because all of the applicable statutory criteria are satisfied. Where necessary and where the context will permit in these rules, the term "statutory criteria" includes any constitutional criteria that do not require implementation by legislation." See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.).

In order to first determine whether the denial was invalid, Florida Statute 196.193(5) provides that if the property appraiser determines whether any property claimed as wholly or partially exempt is not entitled to an exemption, the property appraiser must notify the person(s) filing the application "on such property of that determination in writing on or before July 1 of the year for which the application was filed." Moreover, the property appraiser must state in clear and unambiguous language the specific requirements of the state statutes which the property appraiser relied upon to deny the applicant the exemption with respect to the subject property and must be drafted so that a "reasonable person can understand specific attributes of the applicant or the applicant's use of the subject property which formed the basis for the denial. The notice must also include the specific facts the property appraiser used to determine that the applicant failed to meet the statutory requirements. If a property appraiser fails to provide a notice that complies with this subsection, any denial of an exemption or an attempted denial of an exemption is invalid." See Florida Statute 196.193 (5)(b). Lastly, Florida Statute 196.193(5)(c) provides that "All notifications must specify the right to appeal to the value adjustment board and the procedures to follow in obtaining such an appeal. Thereafter, the person or organization filing such application, or a duly designated representative, may appeal that determination by the property appraiser to the board at the time of its regular hearing. In the event of an appeal, the property appraiser or the property appraiser's representative shall appear at the board hearing and present his or her findings of fact. If the applicant is not present or represented at the hearing, the board may make a determination on the basis of information supplied by the property appraiser or such other information on file with the board."

In this appeal, the evidence and testimony shows that the PAO sent the applicant a Notice of Disapproval of Application For Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016 ("Notice"). The Notice provided that the Petitioner's request for a charitable exemption status was denied and the reason for the denial was that the "Applicant did not demonstrate charitable use of the property as of January 1st. Must show evidence of a government program which funds uses similar to use of property. (FS 196.196, FS 196.012(7))." The Notice also informed the Applicant of their right to file, and the procedures to file, an appeal to the value adjustment board as required per Florida Statute 196.193. Based upon the evidence and testimony, including the Notice, the PAO's denial was determined to be valid.

Pursuant to the steps set forth in Rule 12D-9.027(4), the evidence submitted by the PAO and the Petitioner was considered. The exemption sought by the Petitioner in this case was for the charitable exempt status for the subject property.

In the State of Florida, Florida Statute 196.011(1)(a) provides for an annual application required for exemption in which "Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8)."

Florida Statute 196.012 (7) defines "Charitable purpose" which "means a function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service but only that any such allocation would be legal."

Florida Statute 196.192 further explains the exemptions from ad valorem taxation – that are subject to the provisions of this "chapter:

- (1) All property owned by an exempt entity, including educational institutions, and used exclusively for exempt purposes shall be totally exempt from ad valorem taxation.
- (2) All property owned by an exempt entity, including educational institutions, and used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use.
- (3) All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration. For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. For purposes of this section, property owned by a limited liability company, the sole member of which is an exempt entity, shall be treated as if the property were owned directly by the exempt entity. This section does not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.”

Florida Statute 196.195 provides the guidelines for determining the “profit or nonprofit status of applicant.—

- (1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the value adjustment board.
- (2) In determining whether an applicant for a religious, literary, scientific, or charitable exemption under this chapter is a nonprofit or profitmaking venture or whether the property is used for a profitmaking purpose, the following criteria shall be applied:
  - (a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by the applicant or any officer, director, trustee, member, or stockholder of the applicant;
  - (b) The reasonableness of any guaranty of a loan to, or an obligation of, any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly controlled by such person, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the applicant;
  - (c) The reasonableness of any contractual arrangement by the applicant or any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;
  - (d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant, reserves for repair, replacement, and depreciation of the property of the applicant, payment of mortgages, liens, and encumbrances upon the property of the applicant, or other purposes; and
  - (e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services, and, if such charges exceed the value of the services rendered, whether the excess is used to pay maintenance and operational expenses in furthering its exempt purpose or to provide services to persons unable to pay for the services.
- (3) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.
- (4) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the value adjustment board to be nonprofit as defined in this section.”

Lastly, Florida Statutes 196.196 provides further guidelines for “determining whether property is entitled to charitable, religious, scientific, or literary exemption. -

- (1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:
  - (a) The nature and extent of the charitable, religious, scientific, or literary activity of the applicant, a comparison of such activities with all other activities of the organization, and the utilization of the property for charitable, religious, scientific, or literary activities as compared with other uses.
  - (b) The extent to which the property has been made available to groups who perform exempt purposes at a charge that is equal to or less than the cost of providing the facilities for their use. Such rental or service shall be considered as part of the exempt purposes of the applicant.
- (2) Only those portions of property used predominantly for charitable, religious, scientific, or literary purposes shall be exempt. In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.
- (3) Property owned by an exempt organization is used for a religious purpose if the institution has taken affirmative steps to prepare the property for use as a house of public worship. The term “affirmative steps” means environmental

or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to a religious use as a house of public worship. For purposes of this subsection, the term “public worship” means religious worship services and those other activities that are incidental to religious worship services, such as educational activities, parking, recreation, partaking of meals, and fellowship.

(4) Except as otherwise provided herein, property claimed as exempt for literary, scientific, religious, or charitable purposes which is used for profitmaking purposes shall be subject to ad valorem taxation. Use of property for functions not requiring a business or occupational license conducted by the organization at its primary residence, the revenue of which is used wholly for exempt purposes, shall not be considered profit making. In this connection the playing of bingo on such property shall not be considered as using such property in such a manner as would impair its exempt status.

(5)(a) Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

(b)1. If property owned by an organization granted an exemption under this subsection is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not in actual use to provide such affordable housing within 5 years after the date the organization is granted the exemption, the property appraiser making such determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed.

2. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If such organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each such other county a notice of tax lien identifying the property owned by such organization in such county which shall become a lien against the identified property. Before any such lien may be filed, the organization so notified must be given 30 days to pay the taxes, penalties, and interest.

3. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption shall not be assessed a penalty or interest.

4. The 5-year limitation specified in this subsection may be extended if the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in this subsection.”

The evidence in this case shows that the property was a manufactured home and that the Petitioner was the owner of the property. Specific to the denial of the charitable exemption at issue in this case, Florida has given effect to Florida’s constitutional recognition of a tax exemption for educational, literary, scientific, religious, or charitable purposes through Chapter 196, Florida Statutes. In Florida Statute 196.012(7) a “[c]haritable purpose” is defined as: “A function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service. It is not necessary that public funds be allocated for such function or service but only that any such allocation would be legal. ” Section 196.196, Florida Statutes, further provides the criteria for determining whether an applicant is using all or a portion of its property predominately for a charitable purpose and Section 196.195 provides a guideline at the applicant of the profit or nonprofit status of an applicant for an exemption.

The Petitioner provided evidence and testimony that it is purchasing houses from the Department of Veterans Affairs as provided by the McKinney-Vento program and was renting them to Veterans. This evidence included such documents as information on the McKinney-Vento Act, profit loss statements, articles of incorporation, and hardship letters/agreements with the veterans which was described in further detail by a letter provided at the hearing including a letter from the Petitioner that says there is “attached a copy of our Emergency Agreement, our Occupancy Agreement, and our veterans Letters of Hardship for your review. The emergency agreement is for 1-5 months, at a nominal fee to help the veterans get established. The second agreement is when the regular occupancy agreement begins. The first is literally a 1-5 month agreement, with the second agreement being a yearly agreement. For clarification, we do not charge rent, we do collect a maintenance fee, that in fact does not cover the hard cost of the home, i.e. our mortgage, HOA fees, insurance, etc.”

Although the Petitioner did not provide a direct contract, or any on-going compliance that might have been required by the Department of Veterans Affairs, the Petitioner explained that a contract with the Department of Veterans Affairs

could be provided. The parties agreed to postpone the hearing so that the contract with the Department of Veterans Affairs could be provided.

The evidence and information provided by the Petitioner as a result of the postponement included an email that stated in part that “We do not have a direct contract with the VA. We are regulated by them, are approved by them, and even report to them quarterly. What I have is the Approval letter from the VA, saying we fit the requirements to offer this program. We have a handbook from the VA, that I have attached...” Moreover, the letter states the deed for the subject property “This conveyance is being made for the purpose of assisting homeless veterans and their families pursuant to Section 3735 of Title 38, United States Code. This conveyance is subject to, and by accepting this deed the grantee or transferee agrees to comply with, certain conditions, limitations, and restrictions contained in the Declaration OF Covenants and Restrictions recorded in land records of the County of ...” The handbook referenced in the letter and the deed for the subject property containing the restriction as outlined in the email was provided.

In reviewing the evidence in the form of the handbook provided, although the Petitioner mentioned another version exists, it states that the reason for issue of the program is “to provide comprehensive procedures for selling properties to nonprofit organizations that provide shelter housing to homeless Veterans and their families.” The handbook also references “Affordable Housing” which is “defined as a rental/mortgage payment, which is at or below 30 of the qualified Veteran’s gross monthly household income.” The handbook then goes into a calculation for gross monthly household income. An excerpt Section 103 (42 U.S.C. 11302) (a) (1) and (2) of the McKinney-Vento Homeless Assistance Act provided by the Petitioner references the definition of “homeless individual” that would qualify under this act are individuals “such as those who lack a fixed, regular, and adequate nighttime residence” or their primary nighttime residence is place not designed for use as a “regular sleeping accommodation for human beings” including a “car, park, abandoned building, bus or train station, airport, or camping ground.” Section 103 (a)(5)(A) also provides for individuals who “will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing): ...” Moreover, the Act in Section 104 also provides for “Domestic violence and other dangerous or life-threatening conditions. – Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, date violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.”

The evidence that was provided by the Petitioner was reviewed, including the information provided as a result of the postponement. The Petitioner demonstrated and testified that it was purchasing homes from the Department of Veterans Affairs at a discount to place veterans in them. The subject property had a Transitional-Emergency Housing Program which provided a “contribution” based on the “income of the veteran(s) and their family’s current and future income.” Specific to the subject property on Fantasia Parkway, the initial contribution of \$395.00 was substantially less than the maintenance fee of \$939.00 later charged to the veteran pursuant to the lease agreement. No evidence was provided by the Petitioner as to the reasonableness of why there would be such a large disparity between a contribution and the long-term maintenance fee, even if one assumes the contribution is only for a month and for emergency purposes; whether the long-term maintenance fee was determined in advance or a result of a review of the veteran’s ability to pay during the short-term emergency; the determination as to how the maintenance fee was 15 to 20% less than market rent as explained by Petitioner; the detail behind how the maintenance fee is calculated with supporting documents (document detail such as the mortgage, HOA fee cost documentation, and maintenance costs) and whether it is based on the income of the veteran or the costs incurred by the Petitioner (such as detailed income information from the veteran) or a detailed formula looking at both; and whether the limitations on rent as referred to in the McKinney-Vento Homeless Assistance Act are applicable in this particular instance or whether a maintenance fee does not carry a similar limitation.

The deed restriction did provide evidence that the subject property was purchased pursuant to the sale program but no information was provided such as on-going compliance regarding the subject property with the Department of Veterans Affairs (such as a contract or on-going detailed reports to the Department of Veterans Affairs) or an explanation or detailed information as to the limitations on maintenance fees, rental fees, or contributions fees under the McKinney-Vento Act and how they were calculated in accordance with the Act to assist in demonstrating the “function or service which is of such a community service that its discontinuance could legally result in the allocation of public funds for the continuance of the function or service” giving rise to the charitable purpose, and that the subject property is being used for that charitable purpose, pursuant to Chapter 196 of the Florida Statutes while it is held by the Petitioner for the three years prior to their ability to petition the Department of Veterans Affairs for the property to be sold.

Based on the foregoing, the admitted evidence and testimony in this case failed to demonstrate by a preponderance of

the evidence that the charitable exemption for the subject property should be granted because all of the applicable statutory criteria are satisfied. Therefore, the Special Magistrate recommends that the determination of the PAO to deny the charitable exemption status be upheld.

**Conclusions of Law:**

Conclusions of Law:

On the basis of the record of the hearing, the admitted evidence showed that the exemption denial was valid per Florida Statute 196.193(5) and failed to demonstrate by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption should be granted because all of the applicable statutory criteria are satisfied. Thus, it is recommended that the determination of the Property Appraiser to deny the Petitioner's claim for a charitable exemption is upheld.



**DECISION OF THE VALUE ADJUSTMENT BOARD**  
**EXEMPTION, CLASSIFICATION, OR**  
**ASSESSMENT DIFFERENCE TRANSFER PETITION**

DR-485XC  
 R. 11/12  
 Rule 12D-16.002  
 Florida Administrative Code  
 Effective 11/12

The actions below were taken on your petition in the County of Hillsborough  
 These actions are a recommendation only, not final     These actions are a final decision of the VAB  
 If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425, Florida Statutes.)

Petition # 2016-00222	Parcel ID 2089050000
Petitioner name ABDULLAH RASHID The petitioner is: <input checked="" type="checkbox"/> taxpayer of record <input type="checkbox"/> taxpayer's agent <input type="checkbox"/> other, explain:	Property address 808 W MADISON ST PLANT CITY, FL 33563

**Decision Summary**     Denied your petition     Granted your petition     Granted your petition in part

Lines 1 and 4 must be completed	Value from TRIM Notice	Value before Board Action <small>Value presented by property appraiser Rule 12D-9.025(10), F.A.C.</small>	Value after Board Action
1. Just value, required	57,598.00	47,050.00	47,050.00
2. Assessed or classified use value,* if applicable	57,598.00	47,050.00	47,050.00
3. Exempt value,* enter "0" if none	32,598.00	25,000.00	25,000.00
4. Taxable value,* required	25,000.00	22,050.00	22,050.00

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

**Exemption, Classification, or Assessment Difference Transfer**

<input type="checkbox"/> Homestead	<input type="checkbox"/> Widow/er	<input type="checkbox"/> Blind	<input type="checkbox"/> Totally and permanently disabled veteran
<input type="checkbox"/> Low-income senior	<input type="checkbox"/> Disabled	<input type="checkbox"/> Disabled veteran	<input type="checkbox"/> Use classification, specify
<input type="checkbox"/> Parent/grandparent assessment reduction	<input type="checkbox"/> Deployed military	<input checked="" type="checkbox"/> Use exemption, specify Religious, literary, charita	
<input type="checkbox"/> Transfer of homestead assessment difference		<input type="checkbox"/> Other, specify	

**Reasons for Decision** Fill-in fields will expand or add pages, as needed.

Findings of Fact  
 (See Attached)

Conclusions of Law  
 (See Attached)

**Recommended Decision of Special Magistrate** The finding and conclusions above are recommendations.

Schwarz AI	Schwarz AI	11/17/2016
Signature, special magistrate	Print name	Date
Shevawn Spencer, Clerk Designee	Shevawn Spencer, Clerk Designee	12/09/2016
Signature, VAB clerk or special representative	Print name	Date

If this is a recommended decision, the board will consider the recommended decision on 01/18/2017 at 09:00  AM  PM.  
 Address County Center Boardroom, 2nd Floor  
 If the line above is blank, please call (813) 276-8100, 4354 or visit our web site at <https://hcvab.hillsclerk.com/axiaweb2016>

**Final Decision of the Value Adjustment Board**

Signature, chair, value adjustment board	Print name	Date of decision
Signature, VAB clerk or representative	Print name	Date mailed to parties

## **Findings of Fact:**

### Findings of Fact:

The Petitioner, Rashid Abdullah, (Petitioner or Owner) appeared before the Special Magistrate regarding the property at issue in this case, along with Delbon Anderson-El and Omar Anderson-El, who served as witnesses. The Property Appraiser's Office (PAO) was represented by Marilyn Martinez. Counsel for the PAO Will Shepherd was also present. Evidence was submitted both by the PAO and the Petitioner in this matter.

The property that is the subject of the requested exempt status under Chapter 196, Florida Statutes for that which is organized and operated for religious, literary, charitable, education, and scientific purposes is a single family residence with a legal description of MADISON PARK Lot 11 Block 1, and the address listed as 808 W. Madison Street in Plant City, Florida (Subject Property). The subject property has a 2016 market value of \$47,050, assessed value of \$47,050, exempt value of \$25,000, and taxable value of \$22,050. An Ad Valorem Tax Exemption Application and Return was filed for the organization, Se-maran Nationhood Ummah, requesting exempt status under Chapter 196, Florida Statutes which is organized and operated for religious, literary, charitable, education, and scientific purposes. The Property Appraiser's office denied the application for the requested exempt status as filed in their Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016.

The PAO submitted various documents (labeled as PAO Exhibit #A), including: the subject's 2016 property record card, the Ad Valorem Exemption Application and Return filed on behalf of the organization Se-maran Nationhood Ummah, the Notice of Disapproval of Application for Property Tax Exemption or Classification by the County Property Appraiser, and the quitclaim deed showing ownership interest in the property with the Grantee listed as Rashid Abdullah dated November 3, 2012. In addition, the PAO submitted documents received from the Petitioner including an Affidavit of Truth, a Verified Notice of Presentment, a Statutory Declaration: of Domicile and Living Will, and an Affidavit of Ownership – Notice of Claim which was labeled as PAO Exhibit #B. The Petitioner submitted documents including an Affidavit of Truth, a Verified Notice of Presentment, a Statutory Declaration: of Domicile and Living Will, an Affidavit of Ownership – Notice of Claim, a Declaration of Domicile, an Ecclesiastical Deed Poll, an Affidavit of Identity Distinction and Domicile, and a Notice to Explain Presented Evidence which was all labeled as Petitioner's Exhibit #1.

In this case, an Ad Valorem Tax Exemption Application and Return was submitted for the Organization Se-maran Nationhood Ummah that requested exempt status under Chapter 196, Florida Statutes for an organization which is organized and operated for religious, literary, charitable, education, and scientific purposes. The Notice of Disapproval of Application for Property Tax Exemption of Classification By the County Property Appraiser dated June 24, 2016 provided that the exemption requested by the Petitioner was denied due to the fact that the "Applicant did not own property as of January 1st. (Art VII Sec 3 FL Constitution, FS 196.011(1)(a)". The PAO described the evidence it was presenting and explained that the exempt status request was denied because the subject property was owned by an individual, Rashid Abdullah, instead of being owned by an exempt entity. The PAO further provided that a homestead exemption was granted to Petitioner, Rashid Abdullah, for the subject property. The PAO did not find that the applicant for the exemption was a registered entity as a not-for-profit. The evidence as submitted by the PAO included the Ad Valorem Exemption Application and Return filed on behalf of the organization Se-maran Nationhood Ummah. The PAO also provided a quit claim deed showing that the owner of the subject property was the Petitioner, Rashid Abdullah, not the applicant organization Se-Maran Nationhood Ummah.

The Petitioner provided evidence and explained that in seeking the exempt status, he states that his house, the subject property, was also used as his divine temple as well as a public and private place of worship. Two witnesses also testified as to the use of the property for religious purposes. The first was Delbon Anderson-El, who explained that the subject property is used as a place of public worship where he obtains spiritual readjustment and that the abode is also a place of worship. The second was Omar Anderson-El who explained that the subject property was a recognized temple of worship and place of Islamic practices. The Petitioner explained that this petition was the result of an on-going issue, including a potential forced sale, and that he had provided documentation dating back to 2012 until now, including oaths and affidavits, to various entities such as the Tax Collector, the Property Appraiser, and the Clerk of the Court demonstrating the use of the subject property and requesting relief for that usage as a homestead and a place of worship. The Petitioner further provided that the law does not state that an individual cannot be an exempt entity and that the exemption application does not specifically bar an individual from seeking the exemption. The Petitioner referenced Black's Law Dictionary to explain that a natural person is defined as a non-judicial person which can be an exempt entity as well as Florida Statutes in Chapters 196 and 197 which the Petitioner claimed do not specifically define what is an exempt entity and therefore, an individual can be an exempt entity. The Petitioner also provided that the application does not restrict the exemption status to only 501(c)(3) organizations. Lastly, the Petitioner sought retroactive relief as a result of the on-going issues with the various government agencies dating back to 2012.

Counsel for the PAO explained that the issue in this instance is ownership and that the PAO is not questioning the use

of the subject property. Counsel then explained that exemptions such as exemptions for charitable, religious and similar uses are for entities that generally meet requirements that are, or are similar to, 501(c)(3) organizations. Counsel further explained that Florida Statute 196.195 provides criteria for determining profit or nonprofit status of an entity seeking exemption even if they were not a 501(c)(3) which would not translate to an individual as opposed to an organizational entity, with a requirement such as salaries for the operation of the applicant seeking the exemption. Counsel for the PAO also cited 196.192 and referred to sections (1) and (2) which reference an exempt entity but for (3) when it comes to personal property, making a distinction between a “natural person” and an “exempt entity” which would show a difference between the two terms. Counsel also mentioned that nowhere in Florida Statute, Florida Administrative Code, or in case law does it show an exempt entity can be an individual.

## ULTIMATE FINDING OF FACTS

The Department of Revenue (DOR) has developed specific evidence rules for presenting relevant and credible evidence. See Rule 12D-9.025 (1), Florida Administrative Code (F.A.C.). Generally, “relevant evidence” is evidence that is reasonably related, directly or indirectly, to the statutory criteria that apply to the issue under review. This description means the evidence meets or exceeds a minimum level of relevance necessary to be admitted for consideration, although it does not necessarily mean that the evidence has sufficient relevance to legally justify a particular conclusion. See Rule 12D-9.025(2)(b), F.A.C. The Special Magistrate reviewed all the evidence submitted in this matter. In this case, the PAO and the Petitioner submitted evidence during the hearing. In accordance with the DOR guidelines, the Special Magistrate determined the evidence and testimony was relevant and credible to the exemption issue. Thus, the evidence as presented (see “Basic Findings of Fact”) was admitted for consideration in determining the appropriateness of the exemption denial.

The DOR has provided further guidelines for the process for the administrative review of exemptions. See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.). The procedural steps for reviewing an exemption provides that in “the case of an exemption, the board or special magistrate shall consider whether the denial was valid or invalid and shall:

1. Review the exemption denial, and compare it to the applicable statutory criteria in Section 196.193(5), F.S.;
2. Determine whether the denial was valid under Section 196.193, F.S.; and
3. If the denial is found to be invalid, not give weight to the exemption denial or to any evidence supporting the basis for such denial, but shall instead proceed to dispose of the matter without further consideration in compliance with Section 194.301, F.S.
4. If the denial is found to be valid, proceed with steps in paragraphs (b) through (g) below.
  - (b) Consider the admitted evidence presented by the parties.
  - (c) Identify the particular exemption, property classification, or portability assessment transfer issue that is the subject of the petition.
  - (d) Identify the statutory criteria that apply to the particular exemption, property classification, or portability assessment difference transfer that was identified as the issue under administrative review.
  - (e) Identify and consider the essential characteristics of the petitioned property or the property owner, as applicable, based on the statutory criteria that apply to the issue under administrative review.
  - (f) Identify and consider the basis used by the property appraiser in issuing the denial for the petitioned property.
  - (g) Determine whether the admitted evidence proves by a preponderance of the evidence that the property appraiser’s denial is incorrect and the exemption, classification, or portability assessment transfer should be granted because all of the applicable statutory criteria are satisfied. Where necessary and where the context will permit in these rules, the term “statutory criteria” includes any constitutional criteria that do not require implementation by legislation.” See Rule 12D-9.027(4), Florida Administrative Code (F.A.C.).”

In order to first determine whether the denial was invalid, Florida Statute 196.193(5) provides that if the property appraiser determines whether any property claimed as wholly or partially exempt is not entitled to an exemption, the property appraiser must notify the person(s) filing the application “on such property of that determination in writing on or before July 1 of the year for which the application was filed.” Moreover, the property appraiser must state in clear and unambiguous language the specific requirements of the state statutes which the property appraiser relied upon to deny the applicant the exemption with respect to the subject property and must be drafted so that a “reasonable person can understand specific attributes of the applicant or the applicant’s use of the subject property which formed the basis for the denial. The notice must also include the specific facts the property appraiser used to determine that the applicant failed to meet the statutory requirements. If a property appraiser fails to provide a notice that complies with this subsection, any denial of an exemption or an attempted denial of an exemption is invalid.” See Florida Statute 196.193 (5)(b). Lastly, Florida Statute 196.193(5)(c) provides that “All notifications must specify the right to appeal to the value adjustment board and the procedures to follow in obtaining such an appeal. Thereafter, the person or organization filing such application, or a duly designated representative, may appeal that determination by the property appraiser to the board at the time of its regular hearing. In the event of an appeal, the property appraiser or the property appraiser’s representative shall appear at the board hearing and present his or her findings of fact. If the applicant is

not present or represented at the hearing, the board may make a determination on the basis of information supplied by the property appraiser or such other information on file with the board.”

In this petition, the evidence and testimony shows that the PAO sent the applicant a Notice of Disapproval of Application For Property Tax Exemption or Classification by the County Property Appraiser dated June 24, 2016 (“Notice”). The Notice provided that the Petitioner’s request for exemption was denied and the reason for the denial was that the “Applicant did not own property as of January 1st. (Art VII Sec 3 FL Constitution, FS 196.011(1)(a)”. The Notice also informed the Applicant of his right to file, and the procedures to file, an appeal to the value adjustment board as required per Florida Statute 196.193. Based upon the evidence and testimony, including the Notice, the PAO’s denial was determined to be valid.

Pursuant to the steps set forth in Rule 12D-9.027(4), the evidence submitted by the PAO and the Petitioner was considered. This case involved a Petitioner that was seeking exempt status under Chapter 196, Florida Statutes for an organization which is organized and operated for religious, literary, charitable, education, and scientific purposes for his home. And thus, a review of the applicable law and statutes was performed.

Per the Florida Constitution Art VII, Section 3, it provides that “(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

1(e) By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

2(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.”

Moreover, Florida Statute 196.011(1)(a) provides for an annual application required for exemption in which “Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or

subsection (8).”

Florida Statute 196.192 further explains the exemptions from ad valorem taxation – that are subject to the provisions of this “chapter:

- (1) All property owned by an exempt entity, including educational institutions, and used exclusively for exempt purposes shall be totally exempt from ad valorem taxation.
  - (2) All property owned by an exempt entity, including educational institutions, and used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the nonexempt use.
  - (3) All tangible personal property loaned or leased by a natural person, by a trust holding property for a natural person, or by an exempt entity to an exempt entity for public display or exhibition on a recurrent schedule is exempt from ad valorem taxation if the property is loaned or leased for no consideration or for nominal consideration.
- For purposes of this section, each use to which the property is being put must be considered in granting an exemption from ad valorem taxation, including any economic use in addition to any physical use. For purposes of this section, property owned by a limited liability company, the sole member of which is an exempt entity, shall be treated as if the property were owned directly by the exempt entity. This section does not apply in determining the exemption for property owned by governmental units pursuant to s. 196.199.”

F

Florida Statute 196.195 provides the guidelines for determining the “profit or nonprofit status of applicant.—

- (1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property, where appropriate, for the immediately preceding fiscal year as are requested by the property appraiser or the value adjustment board.
- (2) In determining whether an applicant for a religious, literary, scientific, or charitable exemption under this chapter is a nonprofit or profitmaking venture or whether the property is used for a profitmaking purpose, the following criteria shall be applied:
  - (a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company, or other entity directly or indirectly controlled by the applicant or any officer, director, trustee, member, or stockholder of the applicant;
  - (b) The reasonableness of any guaranty of a loan to, or an obligation of, any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly controlled by such person, or which pays any compensation to its officers, directors, trustees, members, or stockholders for services rendered to or on behalf of the applicant;
  - (c) The reasonableness of any contractual arrangement by the applicant or any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;
  - (d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant, reserves for repair, replacement, and depreciation of the property of the applicant, payment of mortgages, liens, and encumbrances upon the property of the applicant, or other purposes; and
  - (e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services, and, if such charges exceed the value of the services rendered, whether the excess is used to pay maintenance and operational expenses in furthering its exempt purpose or to provide services to persons unable to pay for the services.
- (3) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of its members, directors, or officers or any person or firm operating for profit or for a nonexempt purpose.
- (4) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the property appraiser or, upon appeal, by the value adjustment board to be nonprofit as defined in this section.”

Florida Statutes 196.196 provides further guidelines for “determining whether property is entitled to charitable, religious, scientific, or literary exemption. -

- (1) In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific, or literary purpose, the following criteria shall be applied:
  - (a) The nature and extent of the charitable, religious, scientific, or literary activity of the applicant, a comparison of such activities with all other activities of the organization, and the utilization of the property for charitable, religious, scientific, or literary activities as compared with other uses.
  - (b) The extent to which the property has been made available to groups who perform exempt purposes at a charge that is equal to or less than the cost of providing the facilities for their use. Such rental or service shall be considered as part of the exempt purposes of the applicant.
- (2) Only those portions of property used predominantly for charitable, religious, scientific, or literary purposes shall be

exempt. In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.

(3) Property owned by an exempt organization is used for a religious purpose if the institution has taken affirmative steps to prepare the property for use as a house of public worship. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to a religious use as a house of public worship. For purposes of this subsection, the term “public worship” means religious worship services and those other activities that are incidental to religious worship services, such as educational activities, parking, recreation, partaking of meals, and fellowship.

(4) Except as otherwise provided herein, property claimed as exempt for literary, scientific, religious, or charitable purposes which is used for profitmaking purposes shall be subject to ad valorem taxation. Use of property for functions not requiring a business or occupational license conducted by the organization at its primary residence, the revenue of which is used wholly for exempt purposes, shall not be considered profit making. In this connection the playing of bingo on such property shall not be considered as using such property in such a manner as would impair its exempt status.

(5)(a) Property owned by an exempt organization qualified as charitable under s. 501(c)(3) of the Internal Revenue Code is used for a charitable purpose if the organization has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate a commitment of the property to providing affordable housing.

(b)1. If property owned by an organization granted an exemption under this subsection is transferred for a purpose other than directly providing affordable homeownership or rental housing to persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits, as specified in s. 420.0004, or is not in actual use to provide such affordable housing within 5 years after the date the organization is granted the exemption, the property appraiser making such determination shall serve upon the organization that illegally or improperly received the exemption a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that organization in the county, and such property shall be identified in the notice of tax lien. The organization owning such property is subject to the taxes otherwise due and owing as a result of the failure to use the property to provide affordable housing plus 15 percent interest per annum and a penalty of 50 percent of the taxes owed.

2. Such lien, when filed, attaches to any property identified in the notice of tax lien owned by the organization that illegally or improperly received the exemption. If such organization no longer owns property in the county but owns property in any other county in the state, the property appraiser shall record in each such other county a notice of tax lien identifying the property owned by such organization in such county which shall become a lien against the identified property. Before any such lien may be filed, the organization so notified must be given 30 days to pay the taxes, penalties, and interest.

3. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the organization improperly receiving the exemption shall not be assessed a penalty or interest.

4. The 5-year limitation specified in this subsection may be extended if the holder of the exemption continues to take affirmative steps to develop the property for the purposes specified in this subsection.”

Lastly, Florida Statute 196.198, provides information on the “Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes are exempt from taxation. Sheltered workshops providing rehabilitation and retraining of individuals who have disabilities and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and are exempt from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process are exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and is exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property, or if the entity owning 100 percent of the educational institution and the entity owning the property are owned by the identical natural persons. Land, buildings, and other improvements to real property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the land is a nonprofit entity and the land is used, under a ground lease or other contractual arrangement, by an educational institution that owns the buildings and other improvements to the real property, is a nonprofit entity under s. 501(c)(3) of the Internal Revenue Code, and provides education limited to students in prekindergarten through grade 8. If legal title to property is held by a governmental agency that leases the property to a lessee, the property shall be deemed to be owned by the governmental agency and used exclusively for educational purposes if the

governmental agency continues to use such property exclusively for educational purposes pursuant to a sublease or other contractual agreement with that lessee. If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor owns 100 percent of the entity that owns an educational institution that is using the land exclusively for educational purposes, the land is deemed to be property owned by the educational institution for purposes of this exemption. Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. The term “affirmative steps” means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.”

The evidence in this case shows that the property was a single family residence and that the Petitioner, Rashid Abdullah, was the owner of the property and filed this 2016 petition. Evidence shows that an Ad Valorem Tax Exemption Application and Return was submitted for the Organization Se-maran Nationhood Ummah which requested exempt status under Chapter 196, Florida Statutes, for an organization which is organized and operated for religious, literary, charitable, education, and scientific purposes. The evidence and testimony provided by the PAO's office demonstrated through a quitclaim deed that Rashid Abdullah was the owner of the property and the application was filed on behalf of the Se-maran Nationhood Ummah as the organization seeking the exemption status. The PAO's office was not disputing the use of the subject property but that the applicant for the exempt status, the Se-maran Nationhood Ummah, did not own the property on January 1st, instead it was the Petitioner, Rashid Abdullah, that owned it individually.

In addition, the PAO provided support for the notion that an individual cannot be an exempt entity based upon the distinction between “natural person” and “exempt entity” found in Florida Statute 196.192 as well as Florida Statute 196.195 which requires an examination determining whether the applicant was a profit or nonprofit which would not translate to an individual natural person. The Petitioner did provide information and witnesses explaining the use of the subject property for religious purposes, but no explanation was provided as to how the subject property qualified for charitable, literary, scientific, or educational purposes under the statute nor was any information provided regarding the entities profit or nonprofit status or the extent to which his home, or portions of his home, were used for worship.

Per Florida Statute 196.011(1)(a), “Every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (8).” As provided under Florida Statute 196.011(1)(a), the organization who has the legal title to the real property on January 1st shall file the application for exemption. However, in this instance, the organization, Se-maran Nationhood Ummah, filed the application but the documentation showed that Rashid Abdullah owned it individually instead of Se-maran Nationhood Ummah. Further, the application for the organization Se-maran Nationhood Ummah was signed by Rashid Abdullah with his title as envoy for the organization. Based upon the evidence and the testimony provided, especially as it relates to the Petitioner's status as envoy, it was unclear as to why Rashid Abdullah who appeared to sign the application for exemption status for the applicant organization, Se-maran Nationhood Ummah, as its envoy, would also be requesting the exempt status for himself individually, or the exact relationship of an envoy to the organization. Considering the information presented at the hearing, the applicant organization, Se-maran Nationhood Ummah, seeking the exemption status and submitted by Rashid Abdullah as its envoy was not the owner of the subject property as of January 1st as required by Florida Statute 196.011(1)(a) as evidenced by the quitclaim deed. Further, additional information on profit or nonprofit status for the organization applicant seeking the exemption status was not provided as outlined under Florida Statute 196.195, nor was the extent to which the home or portions thereof, used for worship.

In turning to the discussion regarding whether an exempt entity can be an individual, although the PAO and the Petitioner did not reference a specific definition for exempt entity, the requirement of Florida Statute 196.195 in determining whether the applicant for exemption status was profit or nonprofit and well as Florida Statute 196.192 itself making a distinction between “natural person” and “exempt entity” tended to demonstrate that a natural person and an individual cannot be an exempt entity. It is also important to note that generally any ambiguity in tax exemptions is resolved against the taxpayer. See *Dan Sowell, et al. v. Panama Commons, L.P.*, Florida Supreme Court No. SC15-774, June 2, 2016, which cites that “all [real] property is subject to taxation unless expressly exempt and such exemptions are strictly construed against the party claiming them.” *Sebring Airport Auth. v. McIntyre*, 642 So. 2d 1072, 1073 (Fla. 1994); *Parrish v. Pier Club Apartments, LLC*, 900 So. 2d 683, 688 (Fla. 4th DCA 2005) (“[A]ll real property in the state is subject to [ad valorem] taxation ‘unless expressly exempted,’ see section 196.001(1), Florida Statutes, and statutes providing for an exemption are to be strictly construed with any ambiguity resolved

against the taxpayer and against exemption.”); see also *Hous. by Vogue, Inc. v. Dep’t of Revenue*, 403 So. 2d 478, 480 (Fla. 1st DCA 1981) (“Exemptions to taxing statutes are special favors granted by the Legislature and are to be strictly construed against the taxpayer.”)

Based on the foregoing, the admitted evidence and testimony in this case failed to demonstrate by a preponderance of the evidence that the property appraiser’s denial is incorrect and that the exemption status should be granted because all of the applicable statutory criteria are satisfied. Therefore, the Special Magistrate recommends that the determination of the PAO to deny the exemption status of religious, literary, charitable, education, and scientific purposes claimed by the Petitioner be upheld.

**Conclusions of Law:**

Conclusions of Law:

On the basis of the record of the hearing, the admitted evidence showed that the exemption denial was valid per Florida Statute 196.193(5) and failed to demonstrate by a preponderance of the evidence that the property appraiser’s denial is incorrect and the exemption should be granted because all of the applicable statutory criteria are satisfied. Thus, it is recommended that the determination of the Property Appraiser to deny the Petitioner’s claim for a religious, literary, charitable, education, and scientific exemption is upheld.



**DECISION OF THE VALUE ADJUSTMENT BOARD  
VALUE PETITION**

DR-485V  
R. 11/12  
Rule 12D-16.002, F.A.C.  
Effective 11/12

County: Hillsborough

The actions below were taken on your petition.

These actions are a recommendation only, not final     These actions are a final decision of the VAB  
If you are not satisfied after you are notified of the final decision of the VAB, you have the right to file a lawsuit in circuit court to further contest your assessment. (See sections 193.155(8)(l), 194.036, 194.171(2), 196.151, and 197.2425, Florida Statutes.)

Petition # 2016-00318	Parcel ID 1357320462
Petitioner name DIBELLA ALFRED L JR The petitioner is: <input checked="" type="checkbox"/> taxpayer of record <input type="checkbox"/> taxpayer's agent <input type="checkbox"/> other, explain:	Property address 5210 INTERBAY BV 6 TAMPA, FL 33611

**Decision Summary**     Denied your petition     Granted your petition     Granted your petition in part

Value Lines 1 and 4 must be completed	Value from TRIM Notice	Before Board Action Value presented by property appraiser Rule 12D-9.025(10), F.A.C.	After Board Action
1. Just value, required	567,641.00	680,536.00	680,536.00
2. Assessed or classified use value,* if applicable	304,594.00	304,594.00	304,594.00
3. Exempt value,* enter "0" if none	55,000.00	55,000.00	55,000.00
4. Taxable value,* required	249,594.00	249,594.00	249,594.00

\*All values entered should be county taxable values. School and other taxing authority values may differ. (Section 196.031(7), F.S.)

**Reasons for Decision** Fill-in fields will expand or add pages, as needed.

Findings of Fact  
(See Attached)

Conclusions of Law  
(See Attached)

**Recommended Decision of Special Magistrate**    Finding and conclusions above are recommendations.

Dube Lorraine	Dube Lorraine	12/28/2016
Signature, special magistrate	Print name	Date
Shevawn Spencer, Clerk Designee	Shevawn Spencer, Clerk Designee	12/29/2016
Signature, VAB clerk or special representative	Print name	Date

If this is a recommended decision, the board will consider the recommended decision on 01/18/2017 at 9:00AM  
Address County Center Boardroom, 2nd Floor  
If the line above is blank, the board does not yet know the date, time, and place when the recommended decision will be considered. To find the information, please call (813) 276-8100 or visit our web site at <https://hcvab.hillsclerk.com/axiav>

**Final Decision of the Value Adjustment Board**

Signature, chair, value adjustment board	Print name	Date of decision
Signature, VAB clerk or representative	Print name	Date mailed to parties

## **Findings of Fact:**

### **FINDINGS OF FACT:**

The Petitioner (PET) Mr. Alfred L. Dibella Jr. appeared before Special Magistrate and gave testimony. The Property Appraiser's Office (PAO) was represented by Mr. Kyle Frisco.

PAO and PET were sworn in and affirmed that the testimony given is the truth, the whole truth and nothing but the truth.

PET is the current owner of the property and is requesting an increase in just value for portability purposes.

SM read the petitioner number and the parcel number. The PAO confirmed the parcel number. PAO revised the 2015 market value assessment to \$680,536 from a TRIM notice of \$567,641. PAO indicated the property had been remodeled and PAO applied the remodeled code for the increase in value.

PAO described the property as a three story townhouse containing 2,263-sf. of heated area and 3 bedrooms - two and on half baths. The property was built in 1984. The unit has an attached one car garage on the first level of the unit. The property is located at 5210 Interbay Blvd, Unit # 6 Tampa, FL

PAO submitted various documents as evidence at the hearing and are described as follows:

PAO presented the 2016 Mass Appraisal Report, the "Mass Appraisal" document indicates that the PAO employs all three approaches to value (cost, sales comparison and income capitalization) in the estimate of value for a subject property. Assessment models are developed from market sources, which are then applied to groups of similar properties. The models are designed to reflect the value of a typical property in any given class. Adjustments are made when an individual property differs significantly from the typical property in the group. Reasons for adjustments include location, condition, quality, and property-specific issues that enhance or reduce a property's value. The Mass Appraisal document details that the PAO applies a 15% "costs of sale" adjustment to comparable property sale prices before calculating the appropriate base rate in any given model to recognize requirements of the 1st and 8th criteria of F. S. 193.011.

PAO presented a paper on the "sale of the subject property as determinative of value"; this explains that the sale price of the subject property does not necessarily reflect the market value of the property as determined by the county property appraiser. PAO explains that identical properties, located adjacent to one another sell at different prices, each seller and buyer having different information and motivation. Also, changes in market conditions from the date of sale to January 1st, date of valuation could be either up or down. Further is cited the United States Supreme Court case of *Allegheny Pittsburg Coal Co. v Cnty. Comm. Of Webster Cnty*, 109 S. Ct. 633 (1989), where the court held that changing only the value of a property that sold, without changing the value of similar properties which had not sold violated the equal protection clause of the U.S. Constitution. The court held that all property owners must be treated similarly and valued using similar techniques. Thus, to value the subject property using the sales price, but valuing the neighboring similar properties using mass appraisal data factoring in all similar sales violates equal protection laws. The Florida Supreme court has applied the same concept. *DeltavBaily*, 336 So. 2d 1163 (FLA 1976)

PAO presented the property record card which provides the land and building sizes. A Sales summary of five sales and a location map. In the valuation of the property, PAO utilizes a cost/market hybrid approach and sales comparison approach. The five comparable sales range in size from 2,719-sf to 3,749-sf. The price range is \$760,000 to \$920,000; the price per square foot ranges from \$217.39 to \$297.90. PAO indicated the subject property has been remodeled. PAO valued the property at \$300.72/sf or \$680,536 which reflects the remodeling estimated at +20% of value and a downward adjustment of -15% for cost of sales.

The Property Appraiser is required by Florida Statutes (F.S.) to assess real property at its just value as of January 1 of each year, F.S. 192.042 (1). The phrase "just value" has been determined to be synonymous with "fair market value". See *Valencia Center, Inc. v. Bystrom*, 543 So.2d 214, 216 (Fla. 1989). Further, an assessment challenge must stand or fall on its own validity, unconnected with the assessment of any prior or subsequent year. See *Keith Investments, Inc. v. James*, 220 So.2d 695 (Fla. 4th DCA 1969).

The Department of Revenue (DOR) has developed specific evidence rules for presenting relevant and credible evidence. See Rule 12D-9.025 (1), Florida Administrative Code (F.A.C.). Generally, "relevant evidence" is evidence that is reasonably related, directly or indirectly, to the statutory criteria that apply to the issue under review. This description means the evidence meets or exceeds a minimum level of relevance necessary to be admitted for consideration, although it does not necessarily mean that the evidence has sufficient relevance to legally justify a particular conclusion. See Rule 12D-9.025(2)(b), F.A.C.

The Legislature has enacted eight factors which a property appraiser must consider when determining just valuation, which are enumerated in F. S. 193.011. In any administrative or judicial action in which a taxpayer challenges an ad valorem tax assessment of value, the property appraiser's assessment is presumed correct if the appraiser proves by a preponderance of the evidence that the assessment was arrived at by complying with s. 193.011, any other applicable statutory requirements relating to classified use values or assessment caps, and professionally accepted appraisal practices, including mass appraisal standards, if appropriate. See Section 194.301, F.S., as amended by Chapter 2009-121, Laws of Florida (House Bill 521), and Section 193.011, F.S. A taxpayer who challenges an assessment is entitled to a determination by the value adjustment board or court of the appropriateness of the appraisal methodology

used in making the assessment. F.S. 193.011 outlines eight factors that must be considered to make a just value determination for each property. Refer to F.S.194.301, as amended by Chapter 2009-121, Laws of Florida(house Bill 521) and F.S. 193.011.

The eight criteria specified in Florida Statute 193.011 were considered by the PAO in the following manner:

- (1) Present cash value - the PAO applied the sales comparison approach to the subject utilizing arm's length transfers of competitive properties presumably under normal market conditions.
- (2) Highest and best use - land use and building codes representing highest and best use of the property were applied which were consistent with the current use;
- (3) Location - The PAO considers locational features of the subject through the use of neighborhood codes as identified on the Property Record Card PRC;
- (4) Quantity or size - the subject's size was considered based primarily on land and building areas as identified on the PRC;
- (5) Cost and present placement value - the PAO indicates replacement costs are incorporated into the Cost/Market hybrid approach utilized in the CAMA system;
- (6) Condition - The condition of the subject was factored into the estimated depreciated replacement cost new incorporated into the CAMA systems Cost/Market hybrid approach. Physical depreciation and functional and/or external obsolescence (if any) are noted on the PRC. PAO considered the remodeled condition of the property;
- (7) Income – N/A;
- (8) Net proceeds of sale - the PAO considers costs of sale through their application of a 15% downward adjustment to comparable sales indications. If PAO's comparable sales are adjusted downward 15% as reported on DR-493, the sales reflect an adjusted sale price ranging from \$184.78 to \$253.22/sf. PAO applied a remodeled code of 20% to the value and estimated a just value for the subject at \$300.72 or \$680,536.

The weight given to each of the factors is within the discretion of the property appraiser; reliance on a particular approach is dependent upon the type of property being assessed. *Id.*: *Atlantic International Inv. Corp. v. Turner*, 383 So.2d 919,929 (Fla. 5th DCA 1980). Ultimately, the proof of the correctness of value is paramount over the emphasis placed on the applicability of one particular method of value over another.

Special Magistrate determined the appraisal methodology used in making the assessment was appropriate and in compliance with criteria of F.S. 193.011, as well as consistent with professionally accepted appraisal practices. PAO has established the Presumption of Correctness.

PET presented evidence which consisted of a letter from the property appraiser's office indicating the revised TRIM value to \$680,536. PET indicated that PAO's value is too low by approximately \$100,000.

PET presented a listing of the subject property at \$785,000. PET's unit is an interior unit. PET also presented the sale of an identical unit (end unit) in the same building block as the subject for \$810,000 on December 30, 2015. The floor plans for these units were also submitted.

PET presented letters of value from Corson Realty Group Inc indicating the value of the unit in the range of \$775,000 to \$800,000. Lombardo Team Real Estate indicated a value of \$789,000 as market value.

PET presented a letter of intent to purchase the subject unit at \$783,000. PET indicated that three full price offers were made on the unit but all had contingencies that PET has not accepted.

PET's value at \$785,000, which is the asking price of the property does not include a downward adjustment of 15% for cost of sales. Applying the 15% COS to the asking price of \$785,000 indicates a just value of \$667,250, which is below PAO's just value of \$680,536.

PET did not demonstrate that PET's evidence was more credible, more relevant and or more sufficient than PAO's evidence. PET did not overcome the presumption of correctness.

### **Conclusions of Law:**

#### **CONCLUSIONS OF LAW:**

Pursuant to Section 194.301 and Rule 12D-9.027(2)(a), the Property Appraiser's assessment shall be entitled to a Presumption of Correctness if the PAO shows, by a preponderance of the evidence, that the PAO considered each of the eight criteria set forth in Section 193.011 and that the appraisal methodology utilized by the PAO in making the assessment is appropriate and that PAO did not use appraisal practices which are different than the appraisal practices generally applied by the PAO to comparable properties in the same county. The Presumption of Correctness is not established unless the admitted evidence proves by a preponderance of the evidence that the PAO's valuation methodology complies with Section 193.011, FS. and professionally accepted appraisal practices, including mass appraisal standards, if appropriate.

In this case, the PAO used proper methodology and properly considered the 8 criteria in establishing value. The PAO is entitled to the presumption of correctness.

In administrative reviews of just valuation, the Petitioner can overcome the Presumption of Correctness by showing that the PAO's assessed value:

- A. Is arbitrarily based upon appraisal practices that are different than the appraisal practices generally applied by the PAO to comparable properties within the same county: or
- B. Does not represent the just value of the property after taking into account any applicable limits on annual increases in the value of the property. (See subsection 194.301(2), F.S., as amended by Chapter 2009-121, Laws of Florida (House Bill 521))

Special Magistrate has determined that there is competent and substantial evidence on the record in compliance with the criteria of 193.011 and professionally acceptable appraisal practices to support the just value by the Property Appraiser's Office (PAO). The preponderance of the evidence demonstrates that the Property Appraiser has met the burden to maintain the presumption of correctness by complying with FS 193,011, and the Petitioner has not demonstrated that the just valuation by the Property Appraiser exceeds the just value of the subject property or that the just value is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by the Property Appraiser to comparable property within the same county. In view of the foregoing, the Special Magistrate recommends that the just value by the Property Appraiser be upheld and further relief be denied for this Petition.

# Value Adjustment Board

## Special Magistrate's Recommendations

Value Adjustment Board meeting held on 1/18/2017 9:00:00 AM

Petition #	Folio #	Petitioner Name	Decision
2016-02888	1662180100	NICHOLAS J SCHEY & ANNA B SCHEY	HDVAB
2016-02890	1185720000	KATHLEEN THAXTON	HDVAB

Total Petitions

**2**

Total Folios

**2**

# Value Adjustment Board

## Special Magistrate's Recommendations

Value Adjustment Board meeting held on 2/22/2017 9:00:00 AM

Petition #	Folio #	Petitioner Name	Class	Taxable Value		Decision
				BEFORE	AFTER	
2016-00014	0774267908	MAHINDRA DANESH K AND MADHU	DOR_1	\$340,004	\$340,004	DENIED
2016-00130	1324273802	DANIELIK JAMES A	DOR_4	\$326,678	\$65,336	GRANTED
2016-00211	0808290000	LAYTON JAMES	DOR_3	\$132,833	\$132,833	DENIED
2016-00212	0035201072	INSIDEOUT CMI	DOR_4	\$369,402	\$369,402	DENIED
2016-00213	0723109592	INSIDEOUT CMI	DOR_4	\$164,921	\$164,921	DENIED
2016-00214	0761510324	INSIDEOUT CMI	DOR_4	\$52,764	\$52,764	DENIED
2016-00222	2089050000	ABDULLAH RASHID	DOR_4	\$22,050	\$22,050	DENIED
2016-00239	0162530730	REDDY R YUGENDER	DOR_1	\$507,267	\$507,267	DENIED
2016-00288	1308590000	ROSALES TANIA	DOR_1	\$121,180	\$121,180	DENIED
2016-00318	1357320462	DIBELLA ALFRED L JR	DOR_1	\$249,594	\$249,594	DENIED
2016-00321	0489360200	ARNSTEIN & LEHR	DOR_1	\$25,206,102	\$25,206,102	DENIED
2016-00502	0040375732	SHEHU ERMAL	DOR_30	\$385,305	\$385,305	DENIED
2016-00546	1953780100	WILLS WILLIAM R III	DOR_1	\$681,490	\$681,490	DENIED
2016-00600	2051602400	HAR III REALESTATE CONSULTANTS LLC	DOR_1	\$4,140,852	\$4,140,852	DENIED
2016-00601	2051602900	HAR III REALESTATE CONSULTANTS LLC	DOR_1	\$740,588	\$740,588	DENIED
2016-00603	0122490200	AFGHANI HOSSEIN	DOR_1	\$119,333	\$119,333	DENIED
2016-00605	0236950600	AFGHANI HOSSEIN	DOR_1	\$390,779	\$390,779	DENIED
2016-00606	0343250000	AFGHANI HOSSEIN	DOR_1	\$110,609	\$110,609	DENIED
2016-00607	0738450100	AFGHANI HOSSEIN	DOR_1	\$49,944	\$49,944	DENIED
2016-00608	0869620000	AFGHANI HOSSEIN	DOR_1	\$87,408	\$87,408	DENIED
2016-00610	0891470000	AFGHANI HOSSEIN	DOR_1	\$77,915	\$77,915	DENIED
2016-00611	0927190050	AFGHANI HOSSEIN	DOR_1	\$94,600	\$94,600	DENIED
2016-00612	1183970100	AFGHANI HOSSEIN	DOR_1	\$79,288	\$79,288	DENIED
2016-00613	1183980000	AFGHANI HOSSEIN	DOR_1	\$634,783	\$634,783	DENIED
2016-00646	0022690490	MCCONKEY STEVEN S	DOR_1	\$488,197	\$339,729	GRANTED
2016-00664	1220880000	CIANFROCCA TODD & PATRICIA	DOR_1	\$1,603,376	\$1,603,376	DENIED
2016-00665	T0419990466	ULTRA PURE BOTTLED WATER INC	DOR_2	\$1,108,190	\$1,108,190	DENIED
2016-00752	1946840000	FISS HERBERT W JR	DOR_1	\$859,942	\$859,942	DENIED
2016-00890	0159380000	CASTELLANO BRIAN A	DOR_1	\$619,319	\$619,319	DENIED
2016-00901	1229800000	ROBERT E V KELLEY JR	DOR_1	\$2,022,369	\$2,022,369	DENIED
2016-00903	1324272064	ROBERT E V KELLEY JR	DOR_1	\$1,555,358	\$1,555,358	DENIED
2016-01058	1112290000	COLLOVA CHARLES J	DOR_1	\$166,726	\$166,726	DENIED
2016-01108	1186632146	SCHRAMM EDGAR PATRICIA B	DOR_1	\$400,049	\$385,000	GRANTED
2016-01294	0719248256	HAR III REAL ESTATE CONSULTANTS LLC	DOR_1	\$816,607	\$816,607	DENIED
2016-01297	1646380000	HAR III REAL ESTATE CONSULTANTS LLC	DOR_1	\$120,227	\$120,227	DENIED
2016-01298	0201600000	HAR III REAL ESTATE CONSULTANTS LLC	DOR_1	\$132,416	\$132,416	DENIED
2016-01410	0347581458	HAR III REAL ESTATE CONSULTANTS LLC	DOR_1	\$810,075	\$810,075	DENIED

2016-01746	0132910525	CHARTER SCHOOL PROPERTIES	DOR_4	\$708,194	\$0	GRANTED
2016-01747	0132910575	CHARTER SCHOOL PROPERTIES	DOR_4	\$711,361	\$0	GRANTED
2016-01748	0132980000	CHARTER SCHOOL PROPERTIES	DOR_4	\$23,375	\$0	GRANTED
2016-01765	1128950000	CPTC LLC	DOR_1	\$438,383	\$438,383	DENIED
2016-01766	1028070000	CPTC LLC	DOR_1	\$400,355	\$400,355	DENIED
2016-02715	2048900500	TURBOAPPEAL INC	DOR_1	\$163,882	\$163,882	DENIED
2016-02716	0335820658	TURBOAPPEAL INC	DOR_1	\$180,400	\$171,156	GRANTED
2016-02717	0746727452	TURBOAPPEAL INC	DOR_1	\$140,557	\$140,557	DENIED
2016-02718	0553910492	TURBOAPPEAL INC	DOR_1	\$135,689	\$135,689	DENIED
2016-02719	0677390666	TURBOAPPEAL INC	DOR_1	\$131,787	\$131,787	DENIED
2016-02720	0576320156	TURBOAPPEAL INC	DOR_1	\$128,390	\$119,125	GRANTED
2016-02723	0329031174	TURBOAPPEAL INC	DOR_1	\$240,408	\$229,140	GRANTED
2016-02724	0592270462	TURBOAPPEAL INC	DOR_1	\$164,431	\$162,249	GRANTED
2016-02725	0723085128	TURBOAPPEAL INC	DOR_1	\$139,212	\$139,212	DENIED
2016-02729	0867542466	TURBOAPPEAL INC	DOR_1	\$193,446	\$193,446	DENIED
2016-02730	2032446164	TURBOAPPEAL INC	DOR_1	\$119,453	\$119,453	DENIED
2016-02732	0237393946	TURBOAPPEAL INC	DOR_1	\$131,760	\$128,040	GRANTED
2016-02733	0389470000	TURBOAPPEAL INC	DOR_1	\$137,768	\$132,756	GRANTED
2016-02734	0776522910	TURBOAPPEAL INC	DOR_1	\$157,205	\$157,205	DENIED
2016-02737	0701450056	TURBOAPPEAL INC	DOR_1	\$151,354	\$151,354	DENIED
2016-02738	0723105708	TURBOAPPEAL INC	DOR_1	\$157,960	\$139,776	GRANTED
2016-02739	2032743136	TURBOAPPEAL INC	DOR_1	\$151,037	\$151,037	DENIED
2016-02740	2032743130	TURBOAPPEAL INC	DOR_1	\$184,460	\$175,305	GRANTED
2016-02741	1351040000	TURBOAPPEAL INC	DOR_1	\$98,861	\$96,208	GRANTED
2016-02742	0921581214	TURBOAPPEAL INC	DOR_1	\$207,170	\$207,170	DENIED
2016-02744	0776877784	TURBOAPPEAL INC	DOR_1	\$153,979	\$153,979	DENIED
2016-02745	0592280390	TURBOAPPEAL INC	DOR_1	\$236,614	\$236,614	DENIED
2016-02874	1648480000	HOLT PHILIP	DOR_4	\$74,412	\$32,149	GRANTED
2016-02879	1313530000	FUENTES RITA	DOR_4	\$82,769	\$82,769	DENIED

Total Petitions

**66**

**12D-9.010 Appointment of Special Magistrates to the Value Adjustment Board.**

(1) In counties with populations of more than 75,000, the value adjustment board shall appoint special magistrates to take testimony and make recommendations on petitions filed with the value adjustment board. Special magistrates shall be selected from a list maintained by the board clerk of qualified individuals who are willing to serve.

(2) In counties with populations of 75,000 or less, the value adjustment board shall have the option of using special magistrates. The department shall make available to such counties a list of qualified special magistrates.

(3) A person does not have to be a resident of the county in which he or she serves as a special magistrate.

(4) The special magistrate must meet the following qualifications:

(a) A special magistrate must not be an elected or appointed official or employee of the county.

(b) A special magistrate must not be an elected or appointed official or employee of a taxing jurisdiction or of the State.

(c) During a tax year in which a special magistrate serves, he or she must not represent any party before the board in any administrative review of property taxes.

(d) All special magistrates must meet the qualifications specified in Section 194.035, F.S.

1. A special magistrate appointed to hear issues of exemptions, classifications, and portability assessment difference transfers shall be a member of The Florida Bar with no less than five years experience in the area of ad valorem taxation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department.

2. A special magistrate appointed to hear issues regarding the valuation of real estate shall be a state certified real estate appraiser with not less than five years experience in real property valuation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department. A real property valuation special magistrate must be certified under Chapter 475, Part II, F.S.

a. A Florida certified residential appraiser appointed by the value adjustment board shall only hear petitions on the just valuation of residential real property of one to four residential units and shall not hear petitions on other types of real property.

b. A Florida certified general appraiser appointed by the value adjustment board may hear petitions on the just valuation of any type of real property.

3. A special magistrate appointed to hear issues regarding the valuation of tangible personal property shall be a designated member of a nationally recognized appraiser's organization with not less than five years experience in tangible personal property valuation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department.

4. All special magistrates shall attend or receive an annual training program provided by the department. Special magistrates substituting two years of experience must show that they have completed the training by taking a written examination provided by the department. A special magistrate must receive or complete any required training prior to holding hearings.

(5)(a) The value adjustment board or board legal counsel must verify a special magistrate's qualifications before appointing the special magistrate.

(b) The selection of a special magistrate must be based solely on the experience and qualification of such magistrate, and must not be influenced by any party, or prospective party, to a board proceeding or by any such party with an interest in the outcome of such proceeding. Special magistrates must adhere to Rule 12D-9.022, F.A.C., relating to disqualification or recusal.

*Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 194.035, 195.022, 213.05, 475, Part II FS. History--New 3-30-10.*

**AGREEMENT BETWEEN THE  
HILLSBOROUGH COUNTY  
VALUE ADJUSTMENT BOARD AND  
RINKY S. PARWANI, ESQ. FOR  
THE PROVISION OF LEGAL SERVICES**

This AGREEMENT, effective as of the date executed is entered into between the Hillsborough County Value Adjustment Board (VAB), created pursuant to Chapter 194, Florida Statutes, and Rinky S. Parwani, a Florida licensed attorney (**ATTORNEY**) for the provision of legal services.

**WITNESSETH**

WHEREAS, the 2008 Florida Legislature amended Section 194.015, Florida Statutes to require the **VAB** to employ private legal counsel; and

WHEREAS, **VAB** issued a request for proposals for Private Counsel Services; and

WHEREAS, **VAB**, upon recommendation of its selection committee, has determined that Rinky S. Parwani, Esq. is qualified to provide such services.

NOW, THEREFORE, in consideration of the mutual covenants and provision contained herein, the parties agree as follows:

**ARTICLE 1  
Scope of Services**

**ATTORNEY** shall provide legal services as directed by **VAB** and as mandated by Chapter 194, Florida Statutes.

**ARTICLE II  
Term**

The term of this contract will be for a one-year period commencing September 1, 2017, and terminating August 31, 2018. At the discretion of **VAB**, the contract may be extended upon the same terms and conditions for two (2) consecutive, one-year terms.

**ARTICLE III  
Fees**

**ATTORNEY** shall be compensated at the following hourly rates in ¼ increments:

Legal Services	\$175
Litigation	\$275

**ATTORNEY** shall not be paid at the Litigation rate if **VAB** has employed outside counsel to represent it in any litigation.

**ATTORNEY** shall submit to the VAB Clerk monthly invoices that include a description of the services performed, the amount of time associated with the service and the hourly rate associated with the service. Approved costs will be disclosed separately and receipts documenting payment to third parties must be attached to the monthly invoice where appropriate.

**ARTICLE IV**  
**Expenses and Limitation of Costs**

Services involved in the creation and distribution of documents, including, but not limited to, copying, research and postage may be provided by the VAB through the Clerk to VAB. **ATTORNEY** shall not be reimbursed for services provided through the Clerk to the **VAB**. **ATTORNEY** travel outside of Hillsborough County must be preapproved by VAB and will be reimbursed according to law.

**ARTICLE V**  
**Additional Legal Counsel**

If for any reason **ATTORNEY** becomes unavailable for a meeting of the **VAB**, Clerk to the **VAB** may retain outside counsel on a temporary basis to substitute for **ATTORNEY**.

**ARTICLE VI**  
**Training**

**ATTORNEY** shall attend, at **VAB** expense, the Department of Revenue training mandated by Section 194.035, Florida Statutes. **VAB** may authorize additional training at its discretion.

**ARTICLE VII**  
**Maintenance of Records**

**ATTORNEY** shall maintain all documents, including work papers created or received in the performance of this contract, as required by Chapter 119, Florida Statutes, or for five (5) years, whichever is longer. **ATTORNEY** shall make such records available to VAB and **CLERK** upon request and as required by Chapter 119.

**IF THE CONTRACTOR/LEGAL COUNSEL HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S/LEGAL COUNSEL'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT, CLERK OF**

THE CIRCUIT COURT, VAB CLERK DESIGNEE, (813) 276-8100 Ext. 4354, [vab@hillsclerk.com](mailto:vab@hillsclerk.com), 419 Pierce St., Room 140, Tampa, FL, 33602. The Legal Counsel shall keep and maintain public records required by the VAB to perform the service. Upon request from the VAB's custodian of public records, provide the VAB with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Legal Counsel does not transfer the records to the VAB. Upon completion of the contract, transfer, at no cost, to the VAB all public records in possession of the Legal Counsel or keep and maintain public records required by the VAB to perform the service. If the Legal Counsel transfers all public records to the VAB upon completion of the contract, the Legal Counsel shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Legal Counsel keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the VAB, upon request from the VAB's custodian of public records, in a format that is compatible with the information technology systems of the VAB.

**ARTICLE VIII**  
**Conflict of Interest**

**ATTORNEY** represents that she presently has no interest and shall acquire no such interest, financial or otherwise, direct or indirect; nor engage in any business or professional activity; nor incur any obligation of any nature that would conflict in any manner with the performance or services required under this AGREEMENT. Specifically, **ATTORNEY** shall not represent the Property Appraiser, Tax Collector, any taxing authority, or any property owner in any administrative or judicial review of property taxes.

**ARTICLE IX**  
**Assignment**

It is agreed that this AGREEMENT is for the performance of personal services and **ATTORNEY** may not assign this AGREEMENT without prior written consent of VAB.

**ARTICLE X**  
**Termination**

This AGREEMENT may be terminated by either party giving a minimum of 30 days written notice of the intent to terminate and specifying the date of termination. The termination notice shall be in writing and sent either by certified or registered mail (return receipt requested) or delivered in person to the office of the other party with proof of delivery.

IN WITNESS WHEREOF the parties have executed this document:

ATTESTED:  
Pat Frank  
Clerk of the Circuit Court  
Hillsborough County, Florida

HILLSBOROUGH COUNTY  
VALUE ADJUSTMENT BOARD

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Sandra Murman, Chairman      \_\_\_\_\_  
Date

WITNESS:  
  
\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
Rinky S. Parwani      \_\_\_\_\_  
Date

**Res. 17-001**

**A RESOLUTION OF THE HILLSBOROUGH COUNTY  
VALUE ADJUSTMENT BOARD  
ESTABLISHING FILING FEES**

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_,  
the following Resolution was adopted by a vote of \_\_\_\_\_ to \_\_\_\_\_, Board member(s)  
\_\_\_\_\_, voting "no"; Board member(s) \_\_\_\_\_  
\_\_\_\_\_ being absent.

**WHEREAS**, Pursuant to Section 194.013, Florida Statutes (F.S.), and Chapter 12D-9 (1)(k) the Value Adjustment Board is authorized by resolution to establish a filing fee for petitions filed with the Board;

*194.013 Filing fees for petitions; disposition; waiver.—*

*(1) If required by resolution of the value adjustment board, a petition filed pursuant to s. 194.011 shall be accompanied by a filing fee to be paid to the clerk of the value adjustment board in an amount determined by the board not to exceed \$15 for each separate parcel of property, real or personal, covered by the petition and subject to appeal. However, such filing fee may not be required with respect to an appeal from the disapproval of homestead exemption under s. 196.151 or from the denial of tax deferral under s. 197.2425. Only a single filing fee shall be charged under this section as to any particular parcel of real property or tangible personal property account despite the existence of multiple issues and hearings pertaining to such parcel or account. For joint petitions filed pursuant to s. 194.011(3)(e), (f), or (g), a single filing fee shall be charged. Such fee shall be calculated as the cost of the special magistrate for the time involved in hearing the joint petition and shall not exceed \$5 per parcel of real property or tangible property account. Such fee is to be proportionately paid by affected parcel owners.*

*(2) The value adjustment board shall waive the filing fee with respect to a petition filed by a taxpayer who demonstrates at the time of filing, by an appropriate certificate or other documentation issued by the Department of Children and Families and submitted with the petition, that the petitioner is then an eligible recipient of temporary assistance under chapter 414.*

*(3) All filing fees imposed under this section shall be paid to the clerk of the value adjustment board at the time of filing. If such fees are not paid at that time, the petition shall be deemed invalid and shall be rejected.*

*(4) All filing fees collected by the clerk shall be allocated and utilized to defray, to the extent possible, the costs incurred in connection with the administration and operation of the value adjustment board.*

*12D-9.013(1)(k) At one organizational meeting the board shall ---*

*Adopt or ratify by resolution any filing fee for petitions that year, in an amount not to exceed \$15.00.*

**WHEREAS**, the Board has determined that such filing fees are necessary to help defray the cost of the Value Adjustment Board process;

**NOW THEREFORE**, be it resolved by the Hillsborough County Value Adjustment Board:

**Section 1.** There is hereby imposed a non-refundable \$15 filing fee for each separate petition filed with the Hillsborough County Value Adjustment Board.

**Section 2.** The following petitions shall be exempt from the filing fee.

- (A.) Petitions regarding the denial of a timely filed application for a homestead exemption under Section 196.151, F.S.
- (B.) Petitions regarding denial of tax deferrals under Section 197.253, F. S.
- (C.) Petitions from taxpayers who demonstrate at the time of filing, by appropriate certificate or other documentation issued by the Department of Children and Families and submitted with the petition, that the petitioner is then an eligible recipient of temporary assistance under Chapter 414, F.S.

**Section 3.** For joint petitions filed pursuant to Section 194.011(3) (e) or (f), F.S., a single fee shall be charged. The fee will be \$15 for the first parcel covered by the petition and \$5 each for each additional parcel.

**DONE AND RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017

ATTESTED:  
Pat Frank, Clerk of the  
Circuit Court

\_\_\_\_\_  
Sandra Murman, Chairman      Date

By: \_\_\_\_\_  
Deputy Clerk

**Res. 17-001**

**A RESOLUTION OF THE HILLSBOROUGH COUNTY  
VALUE ADJUSTMENT BOARD  
ESTABLISHING FILING FEES**

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_,  
the following Resolution was adopted by a vote of \_\_\_\_\_ to \_\_\_\_\_, Board member(s)  
\_\_\_\_\_, voting "no"; Board member(s) \_\_\_\_\_  
\_\_\_\_\_ being absent.

**WHEREAS**, Pursuant to Section 194.013, Florida Statutes (F.S.), and Chapter 12D-9 (1)(k) the Value Adjustment Board is authorized by resolution to establish a filing fee for petitions filed with the Board;

*194.013 Filing fees for petitions; disposition; waiver.—*

*(1) If required by resolution of the value adjustment board, a petition filed pursuant to s. 194.011 shall be accompanied by a filing fee to be paid to the clerk of the value adjustment board in an amount determined by the board not to exceed \$15 for each separate parcel of property, real or personal, covered by the petition and subject to appeal. However, such filing fee may not be required with respect to an appeal from the disapproval of homestead exemption under s. 196.151 or from the denial of tax deferral under s. 197.2425. Only a single filing fee shall be charged under this section as to any particular parcel of real property or tangible personal property account despite the existence of multiple issues and hearings pertaining to such parcel or account. For joint petitions filed pursuant to s. 194.011(3)(e), (f), or (g), a single filing fee shall be charged. Such fee shall be calculated as the cost of the special magistrate for the time involved in hearing the joint petition and shall not exceed \$5 per parcel of real property or tangible property account. Such fee is to be proportionately paid by affected parcel owners.*

*(2) The value adjustment board shall waive the filing fee with respect to a petition filed by a taxpayer who demonstrates at the time of filing, by an appropriate certificate or other documentation issued by the Department of Children and Families and submitted with the petition, that the petitioner is then an eligible recipient of temporary assistance under chapter 414.*

*(3) All filing fees imposed under this section shall be paid to the clerk of the value adjustment board at the time of filing. If such fees are not paid at that time, the petition shall be deemed invalid and shall be rejected.*

*(4) All filing fees collected by the clerk shall be allocated and utilized to defray, to the extent possible, the costs incurred in connection with the administration and operation of the value adjustment board.*

*12D-9.013(1)(k) At one organizational meeting the board shall ---*

*Adopt or ratify by resolution any filing fee for petitions that year, in an amount not to exceed \$15.00.*

**WHEREAS**, the Board has determined that such filing fees will be waived for the 2016 Value Adjustment Board process;

**NOW THEREFORE**, be it resolved by the Hillsborough County Value Adjustment Board:

There will be no filing fee imposed for 2017 petitions filed with the Hillsborough County Value Adjustment Board.

**DONE AND RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTESTED:

Pat Frank, Clerk of the  
Circuit Court

\_\_\_\_\_,  
Sandra Murman, Chairman

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Deputy Clerk

JANUARY 18, 2017 - VALUE ADJUSTMENT BOARD - DRAFT MINUTES

The Value Adjustment Board (VAB), Hillsborough County, Florida, met in Regular Meeting, scheduled for Wednesday, January 18, 2017, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Sandra Murman and Commissioner Ken Hagan, Hillsborough County School Board member Susan Valdes, and citizen appointees Ron Dyser and Eric Seidel.

ORDER OF BUSINESS

1. Call to Order and Pledge of Allegiance

▶ Chairman Murman called the meeting to order at 9:01 a.m. Ms. Valdes led in the pledge of allegiance to the flag.

- a. ▶ Purpose of Meeting: Approve Phase I Recommended Decisions, VAB Legal Counsel Discussion, Approve Minutes, and Other VAB Matters

2. Public Comments

▶ Ms. Shari Chandra, Petition 2016-00463, thanked the VAB for considering/granting the petition and elaborated on past efforts in defining the property value. ▶ VAB Counsel Rinky Parwani remarked on the lack of VAB control in setting property values. Responding to Ms. Valdes, Chairman Murman recommended Ms. Chandra speak with the Property Appraiser's Office (PAO) to address any future concerns.

▶ Mr. Alfred Dibella, Petition 2016-00318, wanted a market value increase for his property, distributed information, and requested sales price closing costs/buyer's agent fee deductions for the property, minus the closing costs. Referencing the approval criteria, Attorney Parwani believed the PAO could evaluate a value increase, which Mr. Dibella was amenable to. Following talks, ▶ the petition was deferred to the next VAB meeting.

▶ Mr. Hans Von Ancken, Petition 2016-00503, supplied information and opined the property tax assessment was too high. Attorney Parwani confirmed the petition number.

▶ Mr. Randy Fuchs, president, Insideout Community Ministries Incorporated, clarified the organization's involvement with the U.S. Department of Veterans Affairs and observed difficulties in acquiring tax exemptions for properties in the County. Upon verification, Petitions 2016-00212, 2016-00213, and 2016-

00214 were deferred to the next VAB meeting for review by the Property Appraiser.

▶ Attorney Herbert Fiss, Petition 2016-00752, supplied information and argued in favor of a lower property value. Based on the evidence, Chairman Murman believed the petition should be reheard. Subsequent to remarks, Attorney Parwani stated the special magistrate would be advised of the VAB's request to reevaluate the petition.

▶ Mr. Rashid Abdullah, Petition 2016-00222, distributed information, asserted the religious/nonprofit property uses, contended a corrective quitclaim deed filed in December 2016 should have been considered in the property finding, and opined on PAO communication difficulties. Following dialogue on the additional information/VAB options, the petition was deferred to the next VAB meeting for an exchange with the Property Appraiser.

### 3. Phase I Recommended Decisions

▶ Chairman Murman called for a motion to approve the recommendations, with the exceptions of Petitions 2016-00318, 2016-00212, 2016-00213, 2016-00214, 2016-00752, and 2016-00222 to have the Property Appraiser rereview the information and possibly revise the recommendations. ▶ **Mr. Dyser so moved.** Upon reminder from Attorney Parwani, Chairman Murman corrected the motion to exempt Petition 2016-00752 from the motion. ▶ **Ms. Valdes seconded the motion, which carried five to zero.**

▶ Chairman Murman sought a motion to send Petition 2016-00752 back to the special magistrate for a rereview. **Ms. Valdes so moved, seconded by Mr. Seidel, and carried five to zero.**

### 4. VAB Legal Counsel Discussion

- a. Extend the Contract with Ms. Parwani, or
- b. Proceed with a Request for Legal Services to Obtain Responses from Qualified Applicants Interested in Serving as the Hillsborough County VAB Legal Counsel

▶ Hearing no comments, Chairman Murman assessed the legal counsel contract options. Subsequent to remarks, ▶ **Ms. Valdes moved to extend Attorney Parwani's contract, seconded by Mr. Dyser, and carried five to zero.** Following talks ensued on the contract extension timeline/VAB options,

Chairman Murman confirmed the motion was to modify Attorney Parwani's contract to reflect the changes and have the contract brought back to the VAB.

5. Approve the September 28, 2016, Meeting Minutes

▶ Chairman Murman called for a motion to approve the minutes from the September 28, 2016, VAB meeting. **Mr. Seidel so moved, seconded by Ms. Valdes, and carried five to zero.**

6. Other VAB Matters

a. Correspondence

▶ Ms. Sharon Sweet-Grant, Manager, Board Records/VAB, referenced background material.

b. Magistrate Contract Comparison with Other Counties

▶ Ms. Sweet-Grant stated the item was under review.

c. Meeting Notice

▶ Ms. Sweet-Grant commented on background material showing the meeting was properly advertised.

d. The next meeting was scheduled for Thursday, February 22, 2017, at 9:00 a.m.

▶ Ms. Sweet-Grant confirmed the meeting date. Responding to Chairman Murman, Attorney Parawani remarked on possible State Legislature activity that could affect the VAB.

7. Adjournment

▶ There being no further business, the meeting was adjourned at 9:39 a.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

jh

DRAFT

## Caban, William

---

**From:** Herb Fiss [hwf@att.net]  
**Sent:** Monday, January 23, 2017 11:33 AM  
**To:** rinky@parwanilaw.com; Shepherd, William  
**Cc:** Caban, William; Sweet, Sharon; Spencer, Shevawn  
**Subject:** RE: 2016-00752; Fiss, 341 S. Plant Ave.  
**Attachments:** fiss153.PDF

Dear Ms. Parwani,

Please see attached. Thank you.

**Herbert W. Fiss, P.A.**

341 South Plant Ave.  
Tampa, FL 33606  
(813) 258-1133 Office

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**From:** [rinky@parwanilaw.com](mailto:rinky@parwanilaw.com) [<mailto:rinky@parwanilaw.com>]  
**Sent:** Friday, January 20, 2017 4:56 PM  
**To:** [hwf@att.net](mailto:hwf@att.net)  
**Cc:** Caban, William; Sweet, Sharon; Spencer, Shevawn  
**Subject:** RE: 2016-00752; Fiss, 341 S. Plant Ave.

Please see attached. Thank you.

Rinky S. Parwani  
Managing Attorney  
Parwani Law, P.A.  
9905 Alambra Avenue  
Tampa, Florida 33619  
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Rinky S. Parwani is licensed to practice law in Florida, California, Texas and Iowa and is selected as a Florida Super Lawyer Rising Star for 2013.

Parwani Law, P.A. is the winner of the Brandon Chamber of Commerce 2010 Small Business of the Year Award in the Minority and Women Business category.

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advice is not intended or created to be used, and cannot be used, for the purpose of 1) either avoiding penalties under the Internal Revenue Code or promoting, marketing or 2) recommending to another party any transaction or matter that is contained in this communication.

---

**From:** Herb Fiss [<mailto:hwf@att.net>]  
**Sent:** Thursday, January 19, 2017 11:23 AM  
**To:** [rinky@parwanilaw.com](mailto:rinky@parwanilaw.com)  
**Subject:** 2016-00752; Fiss, 341 S. Plant Ave.

Ms. Parwani,

As a follow-up to the VAB's ruling yesterday, I would like to know how and when its decision to overrule the magistrate's findings will be implemented by requiring him to use the three (3) comparable properties in our immediate neighborhood ; to wit: 304 South Plant Avenue; 315 South Plant Avenue; and 337 South Plant Avenue. These three properties were used as our evidence and reference in the geographical handout used yesterday wherein the Honorable Sandy Murman referred as "very telling".

I am assuming there will be written order memorializing the VAB's decision yesterday as part of the record. I would appreciate that copy. I would also like to know when we can expect the magistrate's amended decision. Thank you.

**Herbert W. Fiss, P.A.**  
341 South Plant Ave.  
Tampa, FL 33606  
(813) 258-1133 Office

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**PARWANI LAW, P.A.**

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FAX: 813-514-8281

9905 Alambra Avenue  
Tampa, Florida 33619  
website: [www.parwanilaw.com](http://www.parwanilaw.com)

---

Rinky S. Parwani, Managing Attorney, licensed in FL, CA, TX, IA

---

January 20, 2017

**Via US Mail and Electronic Mail (hwf@att.net)**

Herbert W. Fiss, P.A.  
341 South Plant Ave.  
Tampa, FL 33606

Re: 2016-00752; Fiss, 341 S. Plant Ave.

Dear Mr. Fiss:

Thank you for your email dated January 19, 2017. The minutes of the VAB Board Meeting reflect that the Petition will be sent to the magistrate for a re-review pursuant to the Board vote at the VAB meeting. Once we receive the written response after re-review from the magistrate the recommendation will be sent to Value Adjustment Board for review and consideration of approval.

I do not have a timeline as to when I will receive the recommendation from the magistrate, but you will be provided a copy in compliance with the rules and statutes.

Thank you for your understanding.

Very truly yours,



Rinky S. Parwani  
Legal Counsel  
Hillsborough County Value Adjustment Board

January 23, 2017

VIA EMAIL AND U.S. MAIL

Rinky S. Parwani, Esq.  
9905 Alambra Avenue  
Tampa, Florida 33619

RE:           Petition No.:       2016-00752  
                  Property:           341 South Plant Avenue  
                  Taxpayers:         Ellen and Herbert Fiss

Dear Ms. Parwani:

I am in receipt of your correspondence dated January 20, 2017. We demand compliance of our following rights and privileges:

1. Pursuant to Rule 12D-9.031(4)(b), Florida Administrative Code, the VAB at hearing on January 18, 2017 directed the magistrate to produce a recommendation that complies with Section 194.301, Florida Statutes; to wit: That our property be valued "based on its character or use" of comparable commercial property. *Section 194.301, Florida Statutes*. This was not an open-ended decision by the VAB without specific direction to the magistrate, but rather is dictated by the cited Code and Statute. The evidence on record presented to the magistrate for commercial properties is as follows:

- a. 304 South Plant Avenue valued at \$91.00/sq.ft.;
- b. 315 South Plant Avenue valued at \$43.00/sq.ft.; and
- c. 337 South Plant Avenue valued at \$129.00/sq.ft.

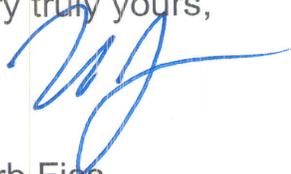
It is expected that the magistrate shall "re-review" his decision based on the direction from the VAB using the above-stated evidence in the record.

2. Pursuant to Rule 12D-9.032(4), Florida Administrative Code, a decision is required within twenty (20) days.

3. Pursuant to Rule 12D-9.032 and/or 12D-9.029, Florida Administrative Code, all further communications, notices and directions to (and from) the magistrate are required to be in writing all of which we are entitled to be copied with.

Please govern yourself accordingly. Thank you.

Very truly yours,



Herb Fiss

cc: Patrick McCrae, Magistrate (via hand-delivery)  
William Shepherd, Esq. (via email)  
Clerk, Value Adjustment Board (via hand-delivery)

## Caban, William

---

**From:** Rinky Parwani [Rinky@parwanilaw.com]  
**Sent:** Thursday, February 09, 2017 5:01 PM  
**To:** hwf@att.net  
**Cc:** Caban, William; Spencer, Shevawn; Sweet, Sharon  
**Subject:** FW: #2016-00752; Fiss, Herbert/Ellen  
**Attachments:** Item 7 1-18-2017 VAB Meeting Minutes.pdf; 2017\_02\_09\_12\_18\_43.pdf

Please see attached.

Rinky S. Parwani  
Managing Attorney  
Parwani Law, P.A.  
9905 Alambra Avenue  
Tampa, Florida 33619  
Phone: 813-514-8280  
Fax: 813-514-8281  
[rinky@parwanilaw.com](mailto:rinky@parwanilaw.com)  
[www.parwanilaw.com](http://www.parwanilaw.com)

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**From:** Herb Fiss [<mailto:hwf@att.net>]  
**Sent:** Wednesday, February 08, 2017 12:42 PM  
**To:** Rinky Parwani <[Rinky@parwanilaw.com](mailto:Rinky@parwanilaw.com)>  
**Cc:** [hwf@att.net](mailto:hwf@att.net)  
**Subject:** #2016-00752; Fiss, Herbert/Ellen

Ms. Parwani,

In listening to the minutes of the VAB meeting on January 18, 2017, you are on the record as stating that you would advise the magistrate of the VAB's decision made on that date.

Please provide me with a copy of such communication made to the magistrate within five (5) days. I can only assume that such government business is done in writing.

Also, why do the minutes say “Attorney Herbert Fiss, Petition 2016-00752, supplied information and argued *in favor of a higher property value*”? Nothing could be further from the truth as evidenced in the audio of the meeting where I actually argued for lower property value.

Thank you.

**Herbert W. Fiss, P.A.**

341 South Plant Ave.

Tampa, FL 33606

(813) 258-1133 Office

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---

Rinky S. Parwani, Managing Attorney, licensed in FL, CA, TX, IA

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February 9, 2017

**Via US Mail and Electronic Mail (hwf@att.net)**

Herbert W. Fiss, P.A.  
341 South Plant Ave.  
Tampa, FL 33606

Re: 2016-00752; Fiss, 341 S. Plant Ave.

Dear Mr. Fiss:

Thank you for your email dated February 8, 2017. The minutes of the corrected VAB Board Meeting are attached.

I verbally spoke to Mr. McCrae. Any required documentation by statute is contained in the Value Adjustment Board petition file, which you can access online.

Thank you for your understanding.

Very truly yours,



Rinky S. Parwani  
Legal Counsel  
Hillsborough County Value Adjustment Board



Patrick M. McCrae  
State Certified General Real Estate Appraiser RZ3273  
Director  
Integra Realty Resources-Tampa Bay  
550 N. Reo Street, Suite 220  
Tampa, FL 33609  
Direct: (813)287-1000, ext. 162  
Fax: (813)281-0681  
Email: [pmccrae@irr.com](mailto:pmccrae@irr.com)  
Website: [www.irr.com/tampabay](http://www.irr.com/tampabay)

## Caban, William

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**From:** Rinky Parwani [Rinky@parwanilaw.com]  
**Sent:** Monday, February 13, 2017 5:00 PM  
**To:** hwf@att.net  
**Cc:** Caban, William; Spencer, Shevawn; Sweet, Sharon  
**Subject:** RE: #2016-00752  
**Attachments:** Fiss Letter February 13th.pdf

Please see attached.

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Managing Attorney  
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---

**From:** Herb Fiss [<mailto:hwf@att.net>]  
**Sent:** Saturday, February 11, 2017 9:36 AM  
**To:** Rinky Parwani <[Rinky@parwanilaw.com](mailto:Rinky@parwanilaw.com)>  
**Subject:** #2016-00752

Please see attached.

**Herbert W. Fiss, P.A.**  
341 South Plant Ave.  
Tampa, FL 33606  
(813) 258-1133 Office

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February 11, 2017

VIA ELECTRONIC MAIL

Rinky S. Parwani, Esq.  
Legal Counsel  
Hillsborough County V.A.B.  
9905 Alambra Avenue  
Tampa, Florida 33619

RE: #2016-00752; Fiss, Herb/Ellen; 341 South Plant Avenue

Dear Ms. Parwani:

I am in receipt of your correspondence dated February 9, 2017.  
Thank you.

Although communication may be initiated from the special magistrate to yourself as the VAB's counsel pursuant to Rule 12D-9.017, Florida Administrative Code, you were not authorized to communicate the VAB's decision made on January 18, 2017 to the special magistrate without our being provided written notification of such communication. It was our right to know what exactly you communicated to the special magistrate regarding the VAB's decision/instructions made on January 18, 2017. Otherwise, we had no knowledge that the VAB decision, through you as agent, was properly and effectively made to the special magistrate.

Second, I would like to know under what authority a taxpayer is limited to three (3) minutes of argument at VAB's meetings? I will of course be present at the VAB meeting on February 22, 2017 and do hereby request more than three (3) minutes to address the VAB.

Third, pursuant to Rule 12D-9.022(4)(a), Florida Administrative Code, we hereby notify you, as agent for the VAB, of our reasonable belief that the special magistrate, Patrick McCrae, has a bias, prejudice or conflict of interest. As grounds therefor, we would show:

1. He was specifically instructed by the VAB on January 18, 2017 to value our property in conformity with the three (3) commercial properties from our immediate neighborhood as submitted into evidence. Period---No further debate required. Per his recommendation dated January 25, 2017, Mr. McCrae blatantly violated our taxpayer rights by completely failing to abide with the specific instructions of the VAB. He attempts to explain why he is right and the VAB is wrong! This attitude makes a complete mockery of our right that the VAB decision made on January 18, 2017 be enforced.
2. Mr. McCrae once again says: "Furthermore, one (or two) sales does not make a market". The market is not what he believes is the market, but what is determined *by buyers and sellers* at any given time in our immediate neighborhood. He is clearly making a personal opinion and subjectively excluding/weighing our evidence.

We hereby demand that you make a review of recusal pursuant to Rule 12D-9.022(4)(d), Florida Administrative Code, prior to the VAB meeting on February 22, 2017.

Very truly yours,



Herb Fiss

cc: Clerk of the VAB

**PARWANI LAW, P.A.**

PHONE: 813-514-8280  
FAX: 813-514-8281

9905 Alambra Avenue  
Tampa, Florida 33619  
website: [www.parwanilaw.com](http://www.parwanilaw.com)

---

Rinky S. Parwani, Managing Attorney, licensed in FL, CA, TX, IA

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February 13, 2017

**Via US Mail and Electronic Mail (hwf@att.net)**

Herbert W. Fiss  
Herbert W. Fiss, P.A.  
341 South Plant Ave.  
Tampa, FL 33606

Re: 2016-00752; Fiss, 341 S. Plant Ave.

Dear Mr. Fiss:

Thank you for your letter dated Saturday, February 11, 2017. As you point out, 12D-9.017 does not prohibit the special magistrate from communicating with me. I verbally spoke to Mr. McCrae after he contacted me. Any required documentation by statute is contained in the Value Adjustment Board petition file, which you can access online.

The Board of County Commissioners has developed the 3 minute requirement for our County and the Value Adjustment Board adheres to that rule. You may provide any additional documentation at the meeting for the Board Members to review that may exceed the time frame. You were provided ample time at your hearing for presenting evidence and the Board cannot consider any new evidence at that time.

Pursuant to 12D-9.022(4)(a): If either the petitioner or the property appraiser communicates a reasonable belief that a board member or special magistrate has a bias, prejudice or conflict of interest, the basis for that belief shall be **stated in the record of the proceeding or submitted prior to the hearing** in writing to the board legal counsel. The recusal is unnecessary, because, your request comes too late pursuant to the rule.

Your recourse at this point is filing your case de novo in Circuit Court.

Thank you for your understanding.

Very truly yours,



Rinky S. Parwani  
Legal Counsel  
Hillsborough County Value Adjustment Board

## Caban, William

---

**From:** VAB  
**Sent:** Friday, January 27, 2017 10:58 AM  
**To:** Ryan McHugh  
**Cc:** Tom Flanagan  
**Subject:** RE: Public Records Request: Tax Impact of Value Adjustment Board for 2014 and 2015

Good morning Mr. Ryan McHugh:

We have received your Public Record Request and would like to show you how to obtain this information online. Please follow the instructions listed below and if you have any questions or concerns, please do not hesitate to contact me.

Please click on the following link: [http://pubrec6.hillsclerk.com/PAV/welcome\\_pavBRDOCUMENTS.htm](http://pubrec6.hillsclerk.com/PAV/welcome_pavBRDOCUMENTS.htm)

Select the "AGREE" button

Enter "6/3/2015" in the Meeting Date field

Select "Value Adjustment Board" from the Meeting Type field

Press the "Search" button

The result will be listed underneath the magnifying glass in the "Search Results" window

To view the item simply hover over the result and it will be highlighted, then left mouse click one time to select it. A new browser will open with the information.

The 6/3/2015 meeting date is for the 2014 Tax year, please enter 5/9/2016 for the 2015 Tax year and follow the exact same steps listed above.

Sincerely,

### Will Caban

Supervisor | Value Adjustment Board/BOCC Records

P: (813) 307-7081 | F: (813) 272-5044

E: [william.caban@hillsclerk.com](mailto:william.caban@hillsclerk.com) | W: [www.hillsclerk.com](http://www.hillsclerk.com)



Old County Courthouse, Room 140  
419 Pierce Street, Tampa, FL 33602

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**From:** Ryan McHugh [<mailto:Ryan.McHugh@flanagانبilton.com>]  
**Sent:** Friday, January 27, 2017 10:29 AM  
**To:** VAB  
**Cc:** Tom Flanagan  
**Subject:** Public Records Request: Tax Impact of Value Adjustment Board for 2014 and 2015  
**Importance:** High

Good morning Hillsborough County Clerk of the Value Adjustment Board,

Pursuant to Title XIX Chapter 286 Code .011 – FL Code 236.011 – I am requesting a copy of the findings and results of the Value Adjustment Board (“VAB”) hearings from tax year 2014 and 2015 that you published pursuant to Title XIV Chapter 194 Code .037 – FL Code 194.037. Specifically, could you please provide a breakdown showing the total number of board hearings that took place, as well as the percentage of hearings that resulted in a reduced taxable property value, and the percentage of hearings that resulted in no change to the taxable property value?

If you have any questions, please do not hesitate to reach out to me directly at (312) 540-5630.

All the best,  
Ryan McHugh – On behalf of Thomas Flanagan, Jr.



**Ryan McHugh** | [ryan.mchugh@fbtax.com](mailto:ryan.mchugh@fbtax.com)  
Direct (312) 540-5630 | Fax (312) 565-6330

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**Flanagan | Bilton LLC**

A Nationwide Practice Limited to Property Taxation

500 N Dearborn St, Suite 400 | Chicago, Illinois 60654  
[fbtax.com](http://fbtax.com) | Main (312) 782-5000 | Fax (312) 565-0821

## Caban, William

---

**From:** DORPTO [DORPTO@floridarevenue.com]  
**Sent:** Monday, January 30, 2017 2:11 PM  
**To:** DORPTO  
**Subject:** PTO Rule Package - Scheduled for Governor and Cabinet February 7, 2017

**TO:** Property Appraisers, Tax Collectors, Clerks of Court, Value Adjustment Board Clerks, and Interested Parties  
**FROM:** Property Tax Oversight  
**SUBJECT:** PTO Rule Package - Scheduled for Governor and Cabinet February 7, 2017

The Department of Revenue announces that the Governor and Cabinet will discuss adoption of and approval to file and certify with the Secretary of State under Chapter 120, Florida Statutes, the following rules at its public meeting on February 7, 2017. The department is requesting adoption and certification of the amended rules. The meeting notice is in Volume 43, Number 18, page 445 of the Florida Administrative Register at the following link: <https://www.flrules.org/Faw/FAWDocuments/FAWVOLUMEFOLDERS2017/4318/4318doc.pdf>

The proposed amended rules are:

RULE NUMBER:	RULE TITLE:
12D-9.007	Role of the Clerk of the Value Adjustment Board
12D-9.015	Petition; Form and Filing Fee
12D-9.019	Scheduling and Notice of a Hearing

Additional information is available on the PTO webpage at <http://floridarevenue.com/dor/property/legislation/>, under “Chapter 12D-9, VAB.”

Please send comments or questions to [DORPTO@floridarevenue.com](mailto:DORPTO@floridarevenue.com).

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**NOTIFICATION TO RECIPIENTS:** The subject line of this email may indicate that this email has been sent unsecure. This is a default setting which in no way indicates that this communication is unsafe, but rather that the email has been sent unencrypted in clear text form. Revenue does provide secure email exchange. Please contact us if you need to exchange confidential information electronically.

If you have received this email in error, please notify us immediately by return email. If you receive a Florida Department of Revenue communication that contains personal or confidential information, and you are not the intended recipient, you are prohibited from using the information in any way. All record of any such communication (electronic or otherwise) should be destroyed in its entirety.

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Internet email is not secure and may be viewed by someone other than the person you send it to. Please do not include your social security number, federal employer identification number, or other sensitive information in an email to us.

Value Adjustment Board

► **Clerks in the Sunshine**

► **HELP and Domestic Partnership Registry**



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taxing authority at the public hearing scheduled for that purpose. If you believe the Property Appraiser has assessed your property at a value greater than just value, you may schedule a meeting with Property Appraiser staff at (813) 272-6100. Visit the [Property Appraiser's website](#) for additional information regarding the taxing authorities, appraisal process, exemptions, appealing the Property Appraiser's decisions, et cetera.

Visit the [Department of Revenue "Information for Taxpayers"](#) website for specific information regarding exemptions, Florida's property tax system, save our homes and portability, calculating your property tax, agricultural classifications, et cetera.

▼ **Call (813) 276-8100, x4354, for information regarding VAB meetings.**

**Additional meeting information and a current agenda will be posted below as they become available. Please note that meetings may be canceled, continued, or rescheduled without notice.**

▼ ▼ **To subscribe to receive notices of VAB meetings by e-mail and/or SMS text message [click here](#).**

▼ **Mid-October 2016, through February 28, 2017** - VAB hearings will be conducted from 8:30 a.m. to 4:30 p.m., Monday through Friday, at 419 Pierce Street, Room 140.

▼ **January 18, 2017, 9:00 a.m.** - The VAB will meet to consider Phase I Recommended Decisions, discuss VAB Legal Counsel, approve minutes and handle other VAB matters.

▼ **February 22, 2017, 9:00 a.m.** - The VAB will meet to consider Phase II Recommended Decisions, approve minutes, and handle other VAB matters.

▼ **[Click here for the most current meeting agenda available. \(January 18, 2017\)](#)**

Note: Any person who might wish to appeal any decision made by the Value Adjustment Board regarding any matter considered at the forthcoming meeting is hereby advised that he or she will need a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made that will include the testimony and evidence upon which such appeal is to be based.

## 404 - Page Not Found

Some of the pages on the County's old site now have a new address.

There are some options to assist you.

- Head to the [home page](#) and browse the new site
- Try using the [new search feature](#)
- If you just can't find what you are looking for please [let us know](#) and a member of the web team will assist you
- If you are looking for a page that existed on the previous version of the County's website, you can search for it on the [archive site](#) for a limited time

Google, Bing and other search engines take some time to learn how new websites are structured. Your patience is appreciated.

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[Online Filing, VAB Forms/Informationals, and VAB Member/Staff Contact Information](#)

[VAB Contact Information](#)

Need to visit, email, call, or mail the VAB Department? You can find that information here.

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# Value Adjustment Board

## Hillsborough County, Florida

January 31, 2017

Legal Advertising  
Tampa Bay Times  
490 1<sup>st</sup>. Ave. S.  
St. Petersburg, FL 33705

Re: Notice of Meeting Advertisement

Good Morning,

We would like the attached "Notice of Meeting" published as a legal line in the classified section of your newspaper, to run on Wednesday, February 8, 2017. **Please, do not run this ad on TBO.com.**

Please provide this office with an affidavit of the Proof of Publication. Bill this to the Hillsborough County Value Adjustment Board, Account Number 130043.

If you need further information, please contact me at (813) 307-7115, or Will Caban, at (813) 307-7081.

Sincerely,



Shevawn Spencer

Director

Official Records/Tax Deeds/BOCC Records/VAB

Attachment

**TAXPAYER NOTICE**  
**MEETING OF THE HILLSBOROUGH COUNTY**  
**VALUE ADJUSTMENT BOARD**

The Value Adjustment Board will meet on Wednesday, February 22, 2017, at 9:00 a.m., in the County Center, 2<sup>nd</sup> Floor Boardroom, 601 E. Kennedy Blvd., Tampa, FL, 33602. The purpose of this meeting is for the VAB to take public comment, approve Phase II Recommended Decisions, authorize advertising for Special Magistrates, approve VAB Legal Counsel Contract, approve Filing Fees Resolution, approve minutes and other VAB matters.

Any person who might wish to appeal any decision made by the Value Adjustment Board regarding any matter considered at the forthcoming meeting is hereby advised that he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made that will include the testimony and evidence upon which such appeal is to be based.

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**EVENT**

● Public Meetings

**DATE** February 22, 2017 | 9:00 AM

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## Value Adjustment Board

The purpose of this meeting is for the Value Adjustment Board (VAB) to take public comment, approve Phase II Recommended Decisions, authorize advertising for Special Magistrates, approve VAB Legal Counsel Contract, approve Filing Fees Resolution, approve minutes and other VAB matters.

Any person who might wish to appeal any decision made by the Value Adjustment Board regarding any matter considered at the forthcoming meeting is hereby advised that he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made that will include the testimony and evidence upon which such appeal is to be based.

### Event Details

- LOCATION** County Center  
601 E. Kennedy Blvd.  
2nd Floor, Boardroom  
Tampa FL, 33602
- DATE** February 22, 2017 | 9:00 AM
- CONTACT** Shevawn Spencer  
Value Adjustment Board  
P (813) 307-7115



**AGENDA**