



GORDON & THALWITZER
ATTORNEYS AT LAW

299 North Orlando Avenue • Cocoa Beach, Florida 32931
Phone 321.799.4777 • Fax 321.735.0711

JASON M GORDON
Admitted in FL, NY & CT
jgordon@brevardlegal.com

AARON THALWITZER
Admitted in FL, D.C.
aaron@brevardlegal.com

MEMORANDUM

To: Orange County Value Adjustment Board
From: Aaron B. Thalwitzer, Esq., VAB Counsel
Date: May 4, 2026
Re: Update on VAB legislation, rules, and court decisions

I. Introduction

Recent legislation, rulemaking, and case law have introduced several changes that affect how the Value Adjustment Board (“VAB”) conducts hearings and administers petitions. The most significant statutory amendments arise from Chapter 2025-208, Laws of Florida (HB 7031), which amended several provisions of Chapter 194, Florida Statutes governing VAB hearings, petition procedures, and judicial review.¹

Effective September 1, 2025, amendments to § 194.011(4)–(5), Fla. Stat., establish mandatory pre-hearing evidence exchange deadlines that affect how cases come before the Board. Petitioners must provide lists of evidence and copies of documentary evidence at least 15 days before the hearing, and property appraisers must provide specified evidence and witness summaries at least 15 days before the hearing, eliminating the prior written-request requirement.

Additional amendments affect several procedural aspects of VAB administration. Section 194.013(1), Fla. Stat., increases the maximum VAB petition filing fee from \$15 to \$50 per parcel, granting VABs discretion to set the filing fee. Section 194.014(2), Fla. Stat., revises the interest rate applicable to unpaid and overpaid amounts in partial-payment disputes, setting the rate at the bank prime loan rate on July 1, or the first business day thereafter if July 1 is a Saturday, Sunday, or legal holiday. Section 194.032(2), Fla. Stat., expands and clarifies procedures governing electronic participation in VAB hearings and requires hearing notices to advise petitioners of the option to appear remotely unless the county elects to opt out. Section 194.171(2), Fla. Stat., establishes a new 30-day period to file suit following recertification when the tax roll has been extended, clarifying the timing for judicial review after the Board’s work on the roll is complete.

In response to these statutory changes, the Florida Department of Revenue (“DOR”) has proposed amendments to multiple rules in Chapter 12D-9, Florida Administrative Code, to implement the statutory changes. The DOR’s 2025 Legislative Changes page now states that the hearing on the proposed rules was held on March 31, 2026, that DOR solicited public comments through April 10, 2026, and that further updates will be posted as they become available. DOR has also issued PTO bulletins and updated VAB forms to address implementation of the new statutory

¹ Note, the various amendments in HB 7031 took effect on staggered dates, including July 1, September 1, 2025, and January 1, 2026, depending on the provision. Each is identified specifically in this memorandum.

requirements. Recent case law has also clarified procedural issues affecting VAB proceedings and property tax litigation. The procedures, practices, and forms used by the Board during the 2025 tax cycle were developed and implemented by the VAB clerk and counsel to ensure the Board's hearings and administrative processes comply with these updated statutory and administrative requirements.

II. Florida Department of Revenue Rules and Bulletins

In response to the enactment of Ch. 2025-208, DOR proposed amendments to Rules 12D-9.001, 12D-9.013, 12D-9.014, 12D-9.015, 12D-9.019, 12D-9.020, 12D-9.025, 12D-9.026, and 12D-16.002, Florida Administrative Code, to implement the statutory changes.

Although Rules 12D-9.013 and 12D-9.015 were later removed from the formal workshop agenda and remain under development, the Department's rulemaking materials and summary pages continue to reference proposed amendments to those rules in connection with the 2025 legislative changes.

The key rule changes proposed in the Department's 2025–2026 rulemaking process include:

- **Rule 12D-9.001, Taxpayer Rights:** Proposed amendment to add to the list of taxpayer rights the availability of remote hearings using electronic equipment and the right to be notified of that right, and to update the exchange-of-evidence process consistent with the 2025 statutory changes.
- **Rule 12D-9.014, Prehearing Checklist:** Incorporated electronic hearing provisions (equipment sufficiency and opt-out).
- **Rule 12D-9.019, Scheduling and Notice of a Hearing:** Added requirement that hearing notices inform petitioners of electronic attendance option (with opt-out).
- **Rule 12D-9.020, Exchange of Evidence:** Proposed amendment to update the exchange-of-evidence process to reflect § 194.011, Fla. Stat., as amended, including the requirement that the petitioner provide evidence at least 15 days before the hearing and the property appraiser provide, at least 15 days before the hearing, a list of evidence to be presented, copies of all documentation to be considered by the VAB, and a summary of witness evidence, and the removal of the prior written-request requirement.
- **Rule 12D-9.025, Conduct of Hearing:** Proposed amendment to update the exchange-of-evidence process and to add changes governing action by the board or special magistrate when revising a petition to increase just value or decrease just value.
- **Rule 12D-9.026, Electronic Hearings:** Proposed amendment setting criteria for electronic hearings, including equipment standards, sworn testimony, and evidence formats.
- **Rule 12D-16.002, Index to Forms:** Proposed amendment to incorporate by reference revised VAB forms implementing the 2025 statutory changes, including revisions to Forms DR-481, DR-486, and DR-486PORT, and the creation of Form DR-481REM.

The DOR has issued several PTO Bulletins explaining new VAB requirements and affected forms (e.g., DR 481, DR 486). The DOR website also provides rulemaking dockets and form updates. To our knowledge, no new Attorney General opinions or administrative orders specifically on VABs have been issued during this period.

The DOR's current rulemaking page also shows draft rule language dated March 10, 2026, a Notice of Proposed Rule dated March 10, 2026, and a hearing set for March 31, 2026.

- PTO Bulletin 25-02 (July 2, 2025) – Evidence Exchange Requirements under § 194.011, Fla. Stat. (Effective Sept. 1, 2025).** The Department of Revenue issued PTO Bulletin 25-02 to explain statutory amendments to § 194.011, Fla. Stat., governing the exchange of evidence in VAB proceedings. The amendments replace the prior written-request system with a mandatory evidence-exchange process applicable to both parties. Under the revised statute, petitioners and property appraisers must exchange evidence before the hearing, including requiring the property appraiser, at least 15 days before the hearing, to provide a list of evidence to be presented, copies of documentation to be considered by the VAB, and a summary of witness evidence. The bulletin explains that the purpose of the amendment is to ensure earlier disclosure of materials that will be introduced during VAB hearings and to reduce the likelihood of surprise evidence. The guidance also explains that the exchanged materials must be substantially the same as those intended to be introduced at the hearing and notes that failure to comply with the statutory exchange requirements may limit a party’s ability to present undisclosed evidence absent good cause. The bulletin further identifies Department forms affected by the statutory changes—including the DR-481 petition form and the DR-486 special magistrate recommendation form—and notes that DOR would revise forms and related instructions to reflect the updated statutory procedures governing evidence exchange in VAB hearings.
- PTO Bulletin 25-07 (Aug. 13, 2025) – Electronic Appearances and Hearings under § 194.032, Fla. Stat. (Effective Jan. 1, 2026).** The DOR issued PTO Bulletin 25-07 to explain statutory amendments to § 194.032, Fla. Stat., governing participation in VAB hearings through electronic communication equipment. The amendments require VABs to permit a petitioner to appear remotely—by telephone, video conference, or similar technology—when the petitioner submits a timely written request for electronic appearance. The request must be submitted at least 10 calendar days before the scheduled hearing. The bulletin explains that the VAB hearing notice must inform petitioners that electronic participation is available and must include instructions for requesting such participation. Upon receiving a request, the clerk is responsible for arranging the electronic hearing and providing participants with the information necessary to join the proceeding. The bulletin also clarifies that electronic hearings must allow all participants—including the special magistrate, the parties, and any witnesses—to simultaneously hear and speak with one another and that the proceedings must remain open to the public. To preserve the evidentiary integrity of the hearing, witnesses appearing electronically must be sworn under oath in the same manner as in-person witnesses, and documentary evidence must be transmitted to the clerk and opposing parties in advance so that it can be reviewed during the hearing. The bulletin further explains that counties with populations under 75,000 may elect not to conduct electronic hearings but must provide notice of that election. Finally, the DOR notes that certain VAB forms and instructions may be updated to reflect the new electronic-hearing procedures and the related statutory requirements.
- PTO Bulletin 25-08 (Aug. 13, 2025) – Judicial Filing Deadlines under § 194.171, Fla. Stat.** The bulletin explains that when the tax roll is extended, a taxpayer may file suit within 30 days after recertification under § 193.122(3), Fla. Stat., clarifying the jurisdictional deadline for post-VAB litigation.
- PTO Bulletin 25-17 (Aug. 13, 2025) – New Evidence Exchange Procedures under § 194.011, Fla. Stat. (Effective Sept. 1, 2025).** DOR advised that, for hearings on or after September 1, 2025 (first applying to the 2025 tax roll), the amended statute requires a mandatory and uniform evidence exchange process. The bulletin highlights that the amended statute requires the property appraiser, at least 15 days before the hearing, to provide the petitioner with a list of evidence to be presented at the hearing, copies of documentation to be considered by the VAB, and a summary of witness evidence, replacing the prior 7-day written-request procedure. DOR also stated it would address conforming rule and form changes through rulemaking (including Rule 12D-9.020 and related provisions).
- PTO Bulletin 25-18 (Aug. 13, 2025) – Transmittal of New VAB Petition and Notice of Hearing Forms for Evidence Exchange (Effective Sept. 1, 2025).** DOR transmitted new/replacement VAB forms marked

“R. 08/25” to implement the revised evidence exchange procedures. DOR identified specific replacements (including DR-481, DR-486, and DR-486PORT) and also introduced a one-year remedial form for 2025 only (DR-486SP) to be sent to petitioners who filed using older petition forms but will be scheduled for hearings after September 1, 2025. DOR also provided usage instructions (e.g., when DR-481 R. 08/25 must be used for hearing notices and when DR-486SP must be sent).

- **VAB Oversight Informational Bulletin (Nov. 4, 2025).** DOR issued an informational bulletin to VAB attorneys regarding implementation of the new electronic-hearing requirements which became effective January 1, 2026. The bulletin recommends technology that allows participants to see, hear, and communicate with one another in real time, does not recommend telephone hearings, describes draft rule and form features under consideration, and states that the VAB should hold another organizational meeting to implement the new procedures.
- **PTO Bulletin 25-19 (Dec. 23, 2025) – Transmittal of New Provisional Value Adjustment Board Petition and Notice of Hearing Forms for New Required Hearings Using Electronic Communication Equipment (Effective Jan. 1, 2026).** DOR transmitted new provisional forms marked “R. 12/25” or “N. 12/25” to implement the new statutory requirements for electronic hearings effective January 1, 2026. The bulletin identifies Form DR-481 R. 12/25, Form DR-481REM N. 12/25, Form DR-486 R. 12/25, and Form DR-486PORT R. 12/25, and provides guidance on when those forms should be used.

III. Florida Statutes

Recent legislation enacted in 2025 amended several statutes governing value adjustment board procedures and related property tax litigation. The most significant changes affect the exchange of evidence in VAB hearings, petition filing fees, the calculation of interest on partial tax payments, procedures for electronic hearings, and the timing of judicial review of assessments.

- **Chapter 2025-208, Laws of Florida (HB 7031) – Amendments to § 194.011(4) and (5), Fla. Stat. (Exchange of Evidence).** Effective September 1, 2025, the Legislature revised the evidence-exchange procedures applicable to VAB hearings. Petitioners must provide a list of evidence to be presented at the hearing at least 15 days before the hearing. The property appraiser must provide the petitioner, at least 15 days before the hearing, with a list of evidence to be presented at the hearing, copies of all documentation to be considered by the VAB, and a summary of evidence to be presented by witnesses. The amendments eliminate the prior requirement that the petitioner submit a written request to obtain the property appraiser’s evidence and establish a uniform, mandatory pre-hearing disclosure process intended to ensure both parties have advance notice of the evidence that will be presented at the hearing.
- **Chapter 2025-208, Laws of Florida (HB 7031) – Amendment to § 194.013(1), Fla. Stat. (VAB Petition Filing Fees).** Effective July 1, 2025, the statute increases the maximum filing fee for a VAB petition from \$15 to \$50 per parcel or account. The change allows counties to recover a larger portion of the administrative costs associated with processing and hearing VAB petitions.
- **Chapter 2025-208, Laws of Florida (HB 7031) – Amendment to § 194.014(2), Fla. Stat. (Interest on Partial Payments).** Effective July 1, 2025, the statute revises the interest rate applicable to unpaid and overpaid amounts in partial-payment disputes. The amendment sets the rate at the bank prime loan rate on July 1, or the first business day thereafter if July 1 is a Saturday, Sunday, or legal holiday. This change affects the calculation of interest owed following the resolution of a property tax dispute.
- **Chapter 2025-208, Laws of Florida (HB 7031) – Amendments to § 194.032(2)(a)–(b), Fla. Stat. (Electronic VAB Hearings).** The legislation authorizes and regulates electronic participation in VAB hearings. Hearing notices must inform petitioners that they may appear by electronic communication

equipment, unless the county elects to opt out under the statutory exception. The VAB must ensure that adequate equipment is available and that electronic hearings allow participants to hear and be heard simultaneously. These provisions formally authorize remote participation in VAB proceedings and require corresponding updates to hearing procedures.

- **Chapter 2025-208, Laws of Florida (HB 7031) – Amendment to § 194.171(2), Fla. Stat. (Judicial Review of Assessments).** The legislation establishes a new 30-day window to file suit following recertification of the tax roll when the roll has been extended. This amendment clarifies the timing for filing judicial challenges in circumstances where the VAB process extends beyond the initial certification of the tax roll.
- **Chapter 2026-37, Laws of Florida – Non-Ad Valorem Assessments (Effective for 2026 tax roll).** The legislation revises provisions governing certain non-ad valorem special assessments, including those applicable to recreational vehicle parks. Although the act does not amend Chapter 194 or VAB procedures, it is relevant to property tax administration and may create threshold jurisdictional questions regarding whether disputes fall within VAB authority or must be addressed through other legal processes.

These amendments primarily affect the administration of VAB proceedings by establishing mandatory evidence-exchange deadlines, increasing the allowable petition filing fee, authorizing electronic participation in hearings, updating the interest rate applicable to disputed tax payments, and clarifying the timeframe for judicial review following VAB proceedings.

IV. Pending 2026 Property-Tax Bills

This section summarizes notable property tax legislation introduced during the 2026 Florida legislative session that did not ultimately pass. The failed bills reflect significant policy proposals under consideration, including changes to homestead exemptions and assessment limitations, restrictions on local taxing authority, elimination of certain tax bases, and enhanced transparency in property tax disclosures. These proposals reflect current legislative trends and potential future reforms in Florida's property tax framework.

- **HB 215 (2026)** proposed allowing married couples to combine Save-Our-Homes portability benefits (up to \$500,000) and requiring a two-thirds vote for local millage rate increases, but it died in the House Ways & Means Committee.
- **SB 276 / SJR 274 (2026)** proposed a constitutional amendment to freeze homestead assessed value after 20 years and grant a 50% additional exemption for 30-year residents, but it died in the Senate Finance and Tax Committee.
- **SB 286 (2026)** proposed revising how increases in assessed value are calculated for changes, additions, or improvements to homestead property (including post-damage rebuilding rules), but it died in the Senate Finance and Tax Committee.
- **SB 552 / SJR 550 (2026)** proposed eliminating ad valorem taxes on tangible personal property through a constitutional amendment (with conforming statutory changes), but both died in the Senate Finance and Tax Committee.
- **HJR 201 (2026)** proposed a constitutional amendment to eliminate all non-school ad valorem taxes on homestead property (while requiring maintenance of law enforcement funding), but it died in the House Ways & Means Committee.

- **CS/SB 856 (2026)** required online real estate listing platforms to display estimated property taxes for residential properties using standardized DOR methods, but it died in House Messages after passing the Senate.

V. Recent Court Decisions

- *Jordan v. Henriquez*, 2026 U.S. Dist. LEXIS 360 (M.D. Fla. 2026). In this federal case, the Middle District of Florida held that federal courts lack jurisdiction to hear challenges to the denial of property tax exemptions because (1) the Tax Injunction Act bars suits that would restrain state tax assessment, including exemption determinations, which are integral to the assessment process; (2) Florida provides a plain, speedy, and efficient state remedy through the VAB and courts; and (3) the comity doctrine independently requires abstention from federal interference with state tax administration. The court further held that denial of a property tax exemption is not a land use regulation under RLUIPA and dismissed the complaint.
- *Principe v. Okeechobee Cnty. Mun.*, 2025 U.S. Dist. LEXIS 64088 (S.D. Fla. 2025). In this federal case, the Southern District of Florida held that federal courts lack jurisdiction over challenges to ad valorem tax assessments, tax collection, and tax certificate sales because (1) the Tax Injunction Act bars claims—including § 1983 damages claims—that would restrain or interfere with state tax administration, and (2) Florida provides a plain, speedy, and efficient remedy through VAB proceedings and circuit court review; the court further held that conclusory allegations regarding improper assessment practices and lack of training fail to state a cognizable claim and dismissed the action with prejudice.
- *Garcia v. Piper Industrial Complex, LLC*, 419 So. 3d 700 (Fla. 3d DCA 2025). The Third District held that a transfer of a 50% interest in non-residential property by quitclaim deed constitutes a “change of ownership or control” under § 193.1555(5)(b), Fla. Stat., because any transfer of legal title to any person independently triggers a reset of the 10% assessment cap; the statute’s separate “more than 50%” requirement applies only to cumulative ownership changes of the entity owning the property. The court reversed summary judgment for the taxpayer and required reassessment at just value.
- *Monroe County v. Sunset Gardens Estate Land Trust*, 406 So. 3d 1000 (Fla. 3d DCA 2025). The Third District held that Monroe County had authority to prohibit Sunset’s 2017 unpermitted land clearing on Tier I environmentally sensitive property then classified as residential vacant, but the County could not collect a \$200-per-day fine after Sunset complied with the parties’ stipulated Restoration Plan because the stipulation did not require a permit before replanting. The Third District reversed the broader declaratory ruling that state law preempted local regulation of Sunset’s agricultural uses, holding that the preemption issue was not justiciable because the agricultural classification remained unresolved and the alleged future uses and potentially applicable regulations were too general and abstract.
- *Bar Satsuma, LLC v. Parker*, 2025 Fla. Cir. LEXIS 299 (Fla. 7th Cir. Ct. Feb. 20, 2025). The circuit court held that the property appraiser’s 2023 assessment of a mobile home park was initially entitled to a presumption of correctness because it complied with § 193.011, Fla. Stat., and accepted appraisal practices, but the taxpayer rebutted that presumption by showing the assessment exceeded just value. The court rejected the taxpayer’s leased-fee valuation and confirmed that ad valorem assessments must reflect the fee simple unencumbered value using market—not contract—rents, and adjusted the valuation using the property appraiser’s methodology, including application of a higher capitalization rate reflected in the VAB analysis, resulting in a reduced just value.
- *Williams v. Duval Cnty. Prop. Appraiser*, 2025 Fla. Cir. LEXIS 2459 (Fla. 4th Cir. Ct. 2025). The trial court held that (1) courts lack jurisdiction to challenge a prior tax year’s assessment or retroactively apply a homestead exemption when the taxpayer fails to file within the 60-day nonclaim period under § 194.171, Fla. Stat.; and (2) when property changes classification, it must be reassessed at just value in the first year of the new classification

(including first-time homestead), with assessment caps (10% for non-homestead, 3% for homestead) applying only in subsequent years.

- *Mercado v. Nataraja Mgmt., LLC*, 2024 Fla. Cir. LEXIS 1274 (Fla. 9th Cir. Ct. 2024). Trial court held that in a § 194.036 action challenging a VAB reduction, circuit court review is de novo and, where the taxpayer defaults, the property appraiser's original just value and assessed value are reinstated and the tax collector must issue revised tax bills based on the corrected assessment.