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PROPERTY TAX OVERSIGHT PUBLIC MEETING

STATE OF FLORIDA  
DEPARTMENT OF REVENUE  
PROPERTY TAX OVERSIGHT PROGRAM

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PUBLIC MEETING/WORKSHOP HEARING

LOCATION

Florida Department of Revenue  
2450 Shumard Oak Boulevard, Building 2  
Capital Circle Office Complex, Room 1220  
Tallahassee, Florida 32311

(Page Nos. 1 - 56)

Tuesday, December 2, 2025

11:00 a.m. - 12:15 p.m.

Stenographically Reported By:  
I. Iris Cooper  
Stenographic Reporter

Job No.: 428658

1 APPEARANCES:

2

Janice Forrester, Revenue Program Administrator I

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Mark Hamilton, General Counsel Supervisor

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Jenna Harper, Compliance Assistance Process Manager

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Anthony Jackson, Jr., Senior Tax Specialist

6

Michael Paramore, Compliance Determination Process  
Manager

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8 Jennifer Rosenzweig, Senior Revenue Administrator

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Walter Sackett, Revenue Program Administrator I

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Mike Williams, Regional Manger

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1     Thereupon, the following proceeding began at 11:00 a.m.:

2             MS. FORRESTER: Good morning. My name is  
3     Janice Forrester. I'm the Revenue Program  
4     Administrator within Property Tax Oversight. I  
5     will be the moderator for today's meeting. My role  
6     as the moderator is to preside in a neutral  
7     fashion.

8             Today is December 2, 2025. Staff from the  
9     Department are here today to receive comments on  
10    draft updates to the Florida Real Property  
11    Appraisal Guidelines.

12            At this time, I would like staff to introduce  
13    themselves.

14            MR. HAMILTON: Mark Hamilton, general counsel,  
15    Florida Department of Revenue.

16            MR. PARAMORE: Michael Paramore, process  
17    manager, field services.

18            MR. WILLIAMS: Michael Williams, regional  
19    manager.

20            MS. ROSENZWEIG: Jennifer Rosenzweig, senior  
21    revenue administrator.

22            MR. SACKETT: Walter Sackett, revenue program  
23    administrator.

24            MS. HARPER: Jenna Harper, compliance  
25    assistance process manager.

1 MS. FORRESTER: This is a public meeting  
2 scheduled in general conformity with the  
3 requirements of Chapter 120 Florida Statutes in  
4 accordance with Sections 195.062 and 195.032  
5 Florida Statutes.

6 Although these guidelines do not have the  
7 force and effect of rules in furtherance of  
8 enhancing public trust in a collaborative effort  
9 with interested parties, the Department is holding  
10 this meeting to discuss the amendments to the  
11 Florida Real Property Appraisal Guidelines.

12 The Department published a notice of the  
13 public meeting in the November 10, 2025 edition of  
14 the Florida Administrative Register, volume 51,  
15 number 219. For those of you at the computer, the  
16 documents are available on the Department's web  
17 page at [FloridaRevenue.com](http://FloridaRevenue.com).

18 To find the documents on the DOR website,  
19 begin at the DOR home page. On the left side under  
20 quick links, select public meetings link and then  
21 PTO public meeting, 11:00 a.m., December 2, 2025.  
22 The agenda coded guidelines, clean guidelines, and  
23 summary of changes are linked.

24 For purposes of discussion during today's  
25 meeting, we will be referring to the coded version

1 of the December 2, 2025. Page No. 1 of the coded  
2 version states Draft 3 - Coded.

3 I'll now ask Mark Hamilton to provide a brief  
4 overview of the Department's vision of the process  
5 for updating the guidelines presented at today's  
6 meeting.

7 MR. HAMILTON: Good morning. The Florida Real  
8 Property Appraisal Guidelines before you today are  
9 part of the standard measures of value authorized  
10 by Section 195.032 and 195.064 Florida Statutes.

11 Pursuant to Section 195.062 Florida Statutes,  
12 it must be adopted in general conformity that the  
13 rulemaking procedures set forth in Section 120.54  
14 Florida Statutes.

15 However, by law, these guidelines do not  
16 establish the value of any property, do not have  
17 the force or effect of rules, and are not to be  
18 used and to be used only to aid and assist the  
19 county appraisers.

20 The Department has already received comments  
21 pertaining to the guidelines and whether they  
22 constitute a rule. The comments received have been  
23 posted to the Department's website previously and  
24 are available for review.

25 The Department has continued to be very clear

1 on this subject. The guidelines are not rules  
2 under the law. The Department issued PTO Bulletin  
3 10-23 dated August 19, 2010 addressing this very  
4 issue and advising that the applicable provisions  
5 of Florida law clearly provide that these  
6 guidelines are not rules and do not have the force  
7 or effect of law.

8 The Department's position on that issue has  
9 not changed. The Department will be posting PTO  
10 Bulletin 10-23 with comments received, so they are  
11 easily accessible to any interested parties.

12 Similar to the process that was followed for  
13 the Department's updates to the Florida  
14 Agricultural Classified Use Guidelines, the  
15 Department has continued to have a robust public  
16 process for updating these guidelines.

17 This includes extensive opportunities for  
18 public input, both in writing or in person, at  
19 public meetings like the one being held today. The  
20 Department has not preselected the number of public  
21 meetings we intend to hold for these guidelines in  
22 the future.

23 Throughout the process, the Department has  
24 envisioned having as many meetings as needed to  
25 determine that no additional ones will assist us in

1 further updating these guidelines.

2 The Department greatly appreciates the public  
3 participation in today's meeting and look forward  
4 to receiving any additional input to assist us with  
5 the draft of the guidelines that are before you  
6 today.

7 The Department has subject matter team members  
8 here to try to answer any questions you may have  
9 regarding the draft before you today, but we may  
10 not have all the answers today.

11 After today's meeting, we will endeavor to  
12 follow up as needed in order to address any  
13 outstanding questions or issues on the guidelines.  
14 We appreciate your participation in this process  
15 and want to make sure we consider all issues that  
16 may be raised today or as part of any written  
17 comments you may wish to submit.

18 MS. FORRESTER: I will now ask Anthony Jackson  
19 to explain the process that we will use for taking  
20 comments on the agenda items.

21 MR. JACKSON: Good morning. There are three  
22 options for us to take comments on the items listed  
23 on the agenda. If you are attending this meeting  
24 using a computer and Go-To webinar, raise your hand  
25 using the icon on the grab tab left of your control



1 panel, and we will address you when it's your turn  
2 to speak.

3 Please state your name and whom you represent,  
4 and the court reporter will enter it into the  
5 record along with your question or comment. If you  
6 experience difficulty, please use the quick chat  
7 option to send me a message.

8 If you are attending this meeting using the  
9 option telephone with audio pin and you have a  
10 question or comment, please send an email to  
11 DORPTO@FloridaRevenue.com to let me know you wish  
12 to speak.

13 We will address you by name, and unmute your  
14 phone when it is your turn to speak. If you are  
15 using the option telephone with no audio pin, you  
16 must email your question or comment directly to  
17 DORPTO@FloridaRevenue.com.

18 Please use the subject line, December 2nd  
19 meeting. For the comment, add your name and whom  
20 you represent in your email. We will read your  
21 comment out loud, and the court reporter will enter  
22 it into the record.

23 And as a reminder for those in the room,  
24 please mute or turn off any cell phone ringers or  
25 any other noisemaking devices. Thank you.

1 MS. FORRESTER: We will take comments on each  
2 agenda item from anyone present or from webinar and  
3 phone attendees. For anyone using a computer,  
4 raise your hand electronically. Again, please tell  
5 us your name and whom you represent.

6 We ask that you limit comments to each topical  
7 agenda item currently open for discussion in the  
8 drafts published and provided online for the  
9 meeting. Please hold all other general comments  
10 until after we've discussed the agenda items.

11 I'll summarize the proposed additional changes  
12 within each section of the draft guideline and then  
13 open that specific section up for members of the  
14 public to provide comments relevant to those  
15 proposed changes.

16 Note that underlined language is new language  
17 or was moved from another section. And stricken  
18 language is language intended to be removed or  
19 moved elsewhere in the draft document.

20 Throughout the Draft 3 - Coded version of the  
21 guidelines, changes are highlighted in yellow.  
22 Section 1 titled Introduction has two changes for  
23 clarity. In 1.1, the opening sentence from the  
24 2002 guidelines is proposed to be reinstated.

25 In 1.4, a statutory reference is proposed to

1 be added.

2 Are there any comments on the proposed  
3 additional changes to Section 1? Seeing no  
4 comments, Section 2 titled foundational principles  
5 has one change for clarity. In 2.1, edits to text  
6 and the addition of a statutory excerpt are  
7 proposed.

8 Are there any comments on the proposed  
9 additional changes to Section 2?

10 MR. JACKSON: You can go ahead, Mr. Wolfe.

11 MR. MANDLER: Thank you. Good morning,  
12 everyone. My name is Jeffrey Mandler. Can you  
13 hear me okay?

14 MS. HARPER: Yes, sir.

15 MR. MANDLER: Can you all hear me?

16 MS. FORRESTER: Yes, sir.

17 MR. MANDLER: Good. I didn't hear the yes,  
18 sir. I am an attorney who represents taxpayers in  
19 the state of Florida. We're here on our own today  
20 of course on behalf of our firm. But please  
21 understand that we only represent taxpayers, so our  
22 comments are going to generally be based upon our  
23 experience.

24 As many people already know, I have been an  
25 attorney practicing in the ad valorem area for

1 about 45 years. And so the comments that I am  
2 going to make and my partner, Julie Schwartz will  
3 talk about other sections, are going to give you  
4 the perspective of a taxpayer who is in value  
5 adjustment board hearings and always dealing with  
6 property appraisers and to some of the issues that  
7 we've had.

8 So my first comment is probably one of the two  
9 most important comments I think we have for the  
10 day, and it involves Section 2.1. We had provided  
11 written comments also, and we thank the staff of  
12 the Department of Revenue for incorporating a lot  
13 of those comments.

14 But there's one comment that was not accepted,  
15 and I would like to know why. And first before I  
16 ask that question, though, let me explain what it  
17 is and why I think it's important. So 2.1 is the  
18 legal and regulatory foundations.

19 And it starts with the Florida Statute  
20 193.011, which is technically our definition of  
21 just value as written by our legislature. This is  
22 our definition of just value.

23 It requires the property appraiser in reaching  
24 just value to consider and to comply with the  
25 appropriate methodology under every case that it

1 handles or every property that it examines. And it  
2 lists eight of the factors, the eight factors that  
3 we discussed.

4 And then at the end of that, it says  
5 specifically this. Section 193.011 -- let me get  
6 to that change page for one second. I have two  
7 documents open.

8 It says that although some changes were made,  
9 it left out a couple important provisions here. If  
10 you'll notice the end of this paragraph states,  
11 these guidelines present other relevant statutes  
12 applicable to each of the factors where  
13 appropriate.

14 But nowhere in here is there a discussion of  
15 the eighth criteria. You discuss in this manual  
16 the cost approach, the income approach, the  
17 comparable sales approach. You pretty much  
18 discussed the definition of present and cash value.

19 Highest and best use, there's a section.  
20 Again, location and quantity are kind of spoken for  
21 themselves and discussed in comparable sales  
22 approach. Cost approach is discussed. Income  
23 approach is discussed. But nowhere in these  
24 documents do you discuss Section 8.

25 And it is one of the most fundamentally

1 important provisions for taxpayers, and it is our  
2 legislature's attempt to set a uniform standard for  
3 property appraisers to follow.

4 And over the last 15 years, the Department of  
5 Revenue has come out with many property tax PTO  
6 bulletins, for example, PTO 11-01 written by  
7 Mr. Keller in 2021 and also the training manual  
8 where you've gone into great length to discuss how  
9 property appraisers should apply the eighth  
10 criteria.

11 We always apply it with the first criteria  
12 because it requires a willing buyer and a willing  
13 seller definition. But the eighth criteria is  
14 unique, and it is a disservice to property  
15 appraisers and especially to taxpayers in this  
16 state of Florida to not discuss.

17 When we originally wrote to the Department of  
18 Revenue with our comments, we took out a snippet.  
19 I believe it was from the training manual, and I  
20 would like to read it to you right now. It was not  
21 included in here.

22 But nowhere else -- we did a word search -- is  
23 there any discussion of how property appraisers  
24 should treat the eighth criteria? Now, I know that  
25 there are other areas where you issued opinions,

1 et cetera, on this.

2 But this is supposed to be a comprehensive  
3 guide for the young property appraiser or the  
4 inexperienced property appraiser or a property  
5 appraiser who needs a reference to determine how  
6 the Department of Revenue suggest they to look at  
7 the eighth criteria.

8 It's silent, and it's a big disservice to both  
9 taxpayers and property appraisers to not include.  
10 So what we have recommended -- before I get to  
11 that, I would like to ask why the Department of  
12 Revenue decided not to address the eighth criteria  
13 in this?

14 MR. HAMILTON: Well, speaking on behalf of the  
15 Department, first of all, thank you, Mr. Mandler  
16 for your comments. As you've recognized, both you  
17 and Ms. Schwartz have provided comments in the  
18 past.

19 And I think you also recognized that the  
20 Department has included a lot of those comments  
21 with the guidelines that we've structured here that  
22 are out there to date.

23 The purpose of these guidelines, they have  
24 limited application, and they're not to be viewed  
25 as a determinative legal standard. The Department

1 has been pretty clear on that position throughout.

2 And as noted, you referenced the prior  
3 bulletin issued by the Department. One of the  
4 bulletins that I referenced earlier today in our  
5 introduction is PTO Bulletin 10-23, also written by  
6 Mr. Keller.

7 And on Page No. 2 of that, he noted that as  
8 guidelines under Florida law, the Department's  
9 guidelines were not intended to address every  
10 professionally-accepted appraisal practice or every  
11 element of law that could apply to a just  
12 valuation.

13 So the guidelines here are just that. They  
14 are guidelines to try to provide some information,  
15 but they are not a determinative legal standard,  
16 nor are they intended to. They're not a rule, by  
17 law. And they're not able to address, nor should  
18 they, every professionally-accepted appraisal  
19 practice.

20 So in short, that's why we did not include all  
21 aspects that could be a part of just valuation, nor  
22 could we.

23 MR. MANDLER: May I ask who was  
24 speaker?

25 MR. HAMILTON: This is Mark Hamilton, general



1 counsel for the Department of Revenue.

2 MR. MANDLER: Thank you, Mr. Hamilton. May I  
3 respond to that, sir?

4 MR. HAMILTON: Sure.

5 MR. MANDLER: You're 100 percent correct. We  
6 acknowledge that these are guidelines intended for  
7 the use of property appraisers and, of course, also  
8 taxpayers who are trying to understand the process.

9 But let's understand, you talk about,  
10 Mr. Hamilton, literally every factor except the  
11 eighth criteria. So your absence is truly an  
12 intentional absence since you talk about almost  
13 every factor in here.

14 You say you're going to talk about every  
15 factor in here, but you omit this one. Why? I  
16 think it's because you're getting pressure from the  
17 property appraisers that they don't want a uniform  
18 standard.

19 We think it's your obligation to put this in  
20 here. It is, again, the -- what the Department of  
21 Revenue was supposed to do was to take a look at  
22 the statutes, get the information that they put  
23 together over the years, and recommend it as a  
24 guideline.

25 You made that recommendation in the training

1 manual for special magistrate. You made that  
2 recommendation to value adjustment board attorneys  
3 and the general counsel of that.

4 Now we're saying you need to do the same thing  
5 here with the property appraisers. It is  
6 certainly -- look; there are only eight criteria,  
7 and it completely -- there's no reason that I can  
8 understand why.

9 So let's take out the whole section on highest  
10 and best use because there's other case law out  
11 there, and why do we need training on that?  
12 Mr. Hamilton, it doesn't make sense because we can  
13 say that then about why even have this manual when  
14 we know there's case law on all of the eight  
15 criteria.

16 Yet you're now not -- you're intentionally  
17 choosing to omit one of the most important factors  
18 that property appraisers rely on.

19 Now, what's crazy is that you're saying you  
20 don't need to do it, yet every property appraiser  
21 certified to the Department of Revenue how they  
22 have complied in their sale to assessment ratio.  
23 You then are allowed property appraisers to use  
24 that at hearing to the value adjustment board.

25 You also use it as a reference for a

1 magistrate, yet there's no guidance for the  
2 property appraisers. Where is the guidance? This  
3 is guidance for them, and it's more or less also  
4 picking up on what your own Department head said.

5 So with all due respect, sir, I don't think  
6 that's anything but a copout of we don't want to  
7 touch a hot position. We don't want go -- we don't  
8 want to do something that might upset property  
9 appraisers. I think that's the wrong thing.

10 What you need to do is take a step back.  
11 You're addressing every criteria here but the  
12 eighth criteria, and there is plenty -- well, I  
13 don't -- I just took your own wording. And so,  
14 Mr. Hamilton, I know it wasn't you, but the  
15 Department's wording, when I came up with the  
16 language.

17 And the language was simply this, and I quote,  
18 in 1967, the Florida legislature added the eighth  
19 just valuation factor providing for property  
20 appraisers to deduct the costs of sale in arriving  
21 at just valuation.

22 Now, that's not an opinion, sir. That's a  
23 historical fact. And that is something that  
24 property appraisers need to know, that the  
25 legislature intentionally in '67 added the eighth

1 criteria, and it became law. So that's a factual  
2 statement.

3 And then I pick up with the next line. This  
4 is because property appraisers generally apply the  
5 other seven factors to their annual appraisal  
6 process when they analyze and apply  
7 property-specific appraisal data related to the  
8 other factors.

9 MS. FORRESTER: Mr. Mandler, the court  
10 reporter can't hear you, so we're going to have to  
11 move her closer to the speaker. I apologize.

12 (Moment off the record to move court reporter  
13 closer to speaker.)

14 MS. FORRESTER: So, Mr. Mandler, sir, again, I  
15 apologize.

16 MR. MANDLER: To the court reporter, let me  
17 summarize, in case we didn't pick it up. I was  
18 reading from a written comment. I was trying to  
19 summarize what we had been requesting.

20 Mr. Hamilton, please understand I'm not here  
21 to draft for the Department of Revenue. I'm here  
22 to provide ideas. But if I try to take something  
23 that had already been written and approved by the  
24 Department of Revenue, something that I thought  
25 would be non-controversial because it's already

1     been in the manual.

2             For about ten years, there was a PTO on it.

3     But again, those are not documents addressed to the  
4     property appraiser. This is a document that's  
5     addressed to the property appraiser.

6             So, Ms. Court Reporter, what I started with  
7     was a factual statement how this was added in 1967  
8     by the Florida legislature. And then I added  
9     another sentence, which stated that they do the  
10    eighth criteria through practice, but this is  
11    something that's handled differently.

12            And then here's where we pick up, Ms. Court  
13    Reporter. The general lack of market data impeads  
14    verification of specific cost of sale. Nothing has  
15    changed about that.

16            Ladies and gentlemen at the Department of  
17    Revenue, we still don't generally have closing  
18    statements. We still don't know. We have general  
19    terms. But it's impossible for a property  
20    appraiser to obtain market information on cost of  
21    sales, other than in general terms, because closing  
22    statements are generally not shared with the  
23    property appraiser.

24            And the parties generally keep the cost quiet,  
25    and some costs are borne by seller and some by

1 buyer. And it's always different on the different  
2 cases. So because of that, the Department of  
3 Revenue said that there's a general lack of market  
4 data.

5 Now, that's pretty much the opinion, and I  
6 think that's still the standard today. There's a  
7 lack of market data. And yet, we're trying to  
8 achieve uniformity.

9 The next line is, again, from the Department  
10 of Revenue. Therefore, given this general lack of  
11 market data, property appraisers apply a uniform  
12 percentage deduction across the board with the  
13 practice of uniform deduction of cost of sales  
14 required to receive just value.

15 Again, one of the rules of the Department in  
16 Section 195 is to create uniformity among the  
17 different counties so that we don't have one  
18 standard in Miami and a different one in Bay County  
19 or one standard in Orlando and a different one in  
20 Tallahassee.

21 And so the Department then has been  
22 encouraging, for at least as long as I've been  
23 practicing, to apply a uniform standard. Some of  
24 the property appraisers will apply uniform standard  
25 to certain classes of property, which I don't think

1 the Department has objected to.

2 But again, there's uniformity, and that is one  
3 of the goals of the Department of Revenue and our  
4 state legislature. So that is, again, a factual  
5 statement.

6 And the last line is again -- in fact, the  
7 Florida legislature requires property appraisers --  
8 again, this is a fact statement -- to annually  
9 report to the Department of Revenue.

10 The cost of sale does not change a property  
11 appraiser -- and this is another quote -- the  
12 recorded selling prices or fair market value in  
13 arriving at just value as prescribed by Department  
14 rule. And DOR implemented this reporting  
15 requirement by adopting Rule 12D-8.004.

16 Again, these are fact statements,  
17 Mr. Hamilton. None of them are opinions. They are  
18 facts. They are procedure of the Department of  
19 Revenue and is totally lacking in this uniform  
20 appraisal guidelines. This is a glaring omission.

21 So without killing this issue too much, we  
22 think it's imperative that the young practitioner  
23 in the property appraisers's office is able to  
24 understand both the background of the eighth  
25 criteria, how the Department of Revenue interprets

1 it, and how they are required to submit uniform  
2 standards to the Department in July.

3 These are very, very important concepts for  
4 the property appraiser, and that is the current  
5 state of the law. We're updating this to reflect  
6 the Department's position as of the current time  
7 period.

8 Again, this is not a new position, sir. This  
9 is dating back to almost really 1967 when it was  
10 added, and all of the comments I'm making are  
11 basically in the last 20 years.

12 And so we think that's an important thing that  
13 needs to be added. I have one other comment. I  
14 don't know if you all would like to respond further  
15 to that before I move on?

16 MR. HAMILTON: No, Mr. Mandler. I already  
17 commented on the Department's position. I think  
18 we've also noted in these guidelines with the  
19 change that the value of property has to be  
20 determined by an appraisal methodology that  
21 complies with applicable statutes and  
22 professionally-accepted appraisal practices.

23 These guidelines are not intended to supersede  
24 professionally-accepted appraisal practices, nor  
25 can these guidelines include everything that could



1 be accepted as a professionally-accepted appraisal  
2 practice. And so that's the only additional  
3 comment.

4 MR. MANDLER: I agree, Mr. Hamilton. We don't  
5 want to include everything. That's why this has  
6 been cut down to 54 pages from the old draft which  
7 was a few hundred pages, and we're being very  
8 selective.

9 But just value, Mr. Hamilton, there's no real  
10 definition of just value by the legislature. This  
11 is our definition of just value. And again, I'll  
12 read for you at the top of that paragraph, which is  
13 in our statutes.

14 In arriving at just valuation as required by  
15 our Constitution, the property appraisers shall --  
16 that's a mandatory from the legal profession,  
17 Mr. Hamilton -- take into consideration the  
18 following factors.

19 It's not a little thing. You discuss in these  
20 54 pages every other factor, either directly or  
21 indirectly, and leave this important factor out.  
22 Sir, that sounds like politics to me. It doesn't  
23 sound like good rationale. It's one of the most  
24 important factors.

25 With that, I'd like to make one other comment.

1 One of the changes made here -- and I laud the  
2 Department. Please understand we're very  
3 appreciative of the changes that are made.

4 But the goal here is to get something that is  
5 really acceptable to everyone, you did add to  
6 comply with accepted appraisal practices. But  
7 there's really nothing here about recording it or  
8 keeping records of it.

9 And so we had used the word properly applied,  
10 and properly applied is just -- it's a legal term.  
11 And we like the word properly applied because it  
12 means that you got to have a record of it.

13 And nowhere do you say in here that, you know,  
14 keep a record of your work. For example, if you're  
15 doing an income approach to keep the income  
16 approach. Or if you're doing a cost approach to  
17 keep your cost approach.

18 And we think to properly consider, there  
19 should be written records kept. And I think that  
20 that's something that should be added there. We  
21 think by adding the word properly to the word  
22 consider will address that.

23 Or you can add a second sentence which says  
24 they should keep records of their consideration of  
25 the different factors. And those are my comments

1 on Section 2.

2 MS. FORRESTER: Thank you, Mr. Mandler.

3 Do we have any other comments on Section 2?

4 Section 3 titled The Mass Appraisal Process in  
5 Florida has no proposed changes. Are there any  
6 comments on Section 3?

7 Seeing no comments, Section 4 titled Mass  
8 Appraisal Data has several changes for clarity at  
9 4.1, 4.4.7, and 4.5.1. replacement of quoted or  
10 cited material and updates to the respective  
11 footnotes are proposed.

12 And 4.4.8, edits and reorganization of text to  
13 clarify survey data mentioned is routine and  
14 voluntary, not confidential data. And  
15 reinstatement of guidance addressing commercial  
16 sources for income data are proposed.

17 And 4.7, quoted material and footnote are  
18 proposed to be removed. Are there any comments on  
19 the proposed additional changes to Section 4?

20 MR. JACKSON: You can go ahead, Ms. Schwartz.  
21 It says you're self-muted.

22 MS. SCHWARTZ: I'm sorry. Thank you. Can you  
23 hear me now?

24 MR. JACKSON: Yes, ma'am.

25 MS. SCHWARTZ: Thank you. This is Julie

1 Schwartz. I'm also with RVMR Law, and I'm an  
2 attorney representing taxpayers in the state of  
3 Florida. I also want to recognize that we provided  
4 comments to the earlier drafts, and I appreciate --  
5 we recognize that you've made a lot -- incorporated  
6 a lot of our suggestions and our changes, and I  
7 appreciate that.

8 My comment is on 4.4.8 which is titled Income  
9 Data. And there's really two concepts here. One  
10 is confidential taxpayer information and any  
11 requirement that the taxpayers provide that to the  
12 property appraisers.

13 And I think that those comments we made have  
14 been incorporated to recognize that providing  
15 confidential information by taxpayers to the  
16 property appraiser's office is voluntary. And  
17 that's consistent with our statutes and our law.

18 195.027 allows collection of taxpayer's  
19 financial data, only in limited circumstances, when  
20 a determination has been made that the documents  
21 are necessary and required to make a proper  
22 assessment as to a particular property.

23 So the law really only allows for taxpayers to  
24 be forced to provide information in very, very  
25 limited circumstances. And so I think that the

1 changes here recognize that by noting that  
2 responding to mass request for information is  
3 voluntary.

4 But there is one other concept that we also  
5 addressed in our comments that wasn't incorporated,  
6 and it really gets to the issue of assessments  
7 being based on fee simple valuation versus lease  
8 fee and actual income information versus market  
9 information.

10 And so at the very beginning of 4.4.8, the  
11 current draft and the previous draft says the  
12 current actual income data is necessary for the  
13 property appraiser to derive market-based  
14 indicators.

15 And that's what we suggested, and I continue  
16 to suggest fee adjusted. That really should say  
17 that market data is necessary for the property  
18 appraiser to derive marked-based indicators because  
19 current, actual income data, for example, would  
20 include a profit-and-loss statement or a rent roll,  
21 and those things can include older leases that are  
22 not representative of current market information,  
23 and so they really would not be relevant.

24 And so I think just in order to not confuse  
25 those two concepts of lease fee and fee simple,

1 that it would be a good clarification here in 4.4.8  
2 to strike current actual income data and replace it  
3 with market data, if necessary, for the property  
4 appraiser to derive market-based indicators.

5 And I think we gave a little bit more  
6 discussion of this at the last meeting. And some  
7 of that has been incorporated here, actually, that  
8 rents negotiated near the valuation date does  
9 reflect current market rents.

10 The older rents that might be in the actual  
11 income data just really aren't relevant to current  
12 assessment practices. And again, I appreciate the  
13 changes, in terms of noting that responses are  
14 voluntary and they're not required. But I think a  
15 little bit more clarification on the market versus  
16 actual would be helpful here.

17 Thank you. And then the only -- I have a  
18 comment on Section 6, but that's all that I have  
19 for Section 4.

20 MS. FORRESTER: Thank you. Are there any  
21 other comments on Section 4? Section 5 titled  
22 Quality Assurance for Mass Appraisal has no  
23 proposed changes. Are there any comments on  
24 Section 5? No comments.

25 Section 6 titled Mass Appraisal Valuation has

1 several changes for clarity at 6.3.2 through 6.3.5.  
2 For each subsection, quoted material with footnotes  
3 are proposed to be added for clarity and support.

4 In 6.4.1, quoted material is proposed to be  
5 truncated and additional quoted material and  
6 footnote are proposed to be added.

7 In 6.6.1, an edit to text in the addition of  
8 quoted material and footnote are proposed.

9 Are there any comments on the additional  
10 proposed changes to Section 6?

11 MR. JACKSON: You can go ahead, Mr. Mandler.  
12 And after that, Ms. Schwartz, you can go ahead.

13 MR. MANDLER: Sir, I'm sorry that my partner  
14 and I are dominating. But as you can see, we spend  
15 a lot of time looking at these documents and  
16 discussing it with the many attorneys in our office  
17 and getting a lot of feedback.

18 So on this one, we're both going to make  
19 comments. I'm going to talk first about 6.1, and  
20 then I'd like to talk a little bit about 6.4 after  
21 Julie speaks again. And then I do want to talk  
22 about the definitions at the end.

23 But let me first start with highest and best  
24 use, and I go back to my first point. And I just  
25 want to point out to you, Mr. Hamilton, highest and

1 best use is the second criteria. And here we have  
2 one, two, almost a page and a half on this  
3 criteria.

4 Yet I'm struck by the absence of certain  
5 information in here like the important case law  
6 that's out, and I have two comments on this. And  
7 one is going to be -- I think there is just an  
8 error in the way things are typed up that do not  
9 reflect the standard of law.

10 And two is the idea of the speculation. So  
11 since the earliest days of my introduction to law,  
12 in ad valorem law, the courts have held that  
13 property appraisers must look at January 1 in that  
14 we don't look to the future and anticipate a zoning  
15 change.

16 This came out in Lanier, the oldest street  
17 when Disney World was being started. And so it's  
18 case law that dates back to the early '60s, and yet  
19 it is case law that is still valid today.

20 When I read this and I walk away -- and again,  
21 remember, you're looking at the property appraiser  
22 reading this. There's nothing here that  
23 specifically talks about prohibiting speculation  
24 and speculating about the future.

25 And I had recommended that we add some of the



1 language from Lanier v. Overstreet, but at least  
2 something to say that property appraisers cannot  
3 speculate from when these changes are going to  
4 occur and when and how they're going to occur, and  
5 the law is pretty clear on that.

6 And so I think we need to add something to  
7 this to make it clear to the property appraisers  
8 that they can't speculate about this. And in  
9 particular, 6.1, paragraph 2, we think that's just  
10 not the right law.

11 It says, unless a change in highest and best  
12 use is reasonably probable in the immediate  
13 future -- and again, the statute talks about the  
14 immediate future, but you've included the words  
15 reasonably probable, which is again a probability  
16 and something that is again not likely to happen.

17 And again citing from the Florida Supreme  
18 Court, they say the opposite. I quote, property  
19 appraisers are prohibited from considering  
20 potential uses to which a property is reasonably  
21 susceptible and to which it might possibly be put  
22 in a future tax year.

23 So that is really important type of language.  
24 And if you listen to what I said and look at the  
25 wording of it -- and I know it's hard when we're

1 talking orally -- it says they're prohibited from  
2 considering potential uses which is reasonably  
3 susceptible.

4 And here you're using the words reasonably  
5 probable. Now, I know probable and susceptible are  
6 not the same word. But the intent seems to be that  
7 you're allowing property appraisers to consider,  
8 oh, that I can change the zoning on this.

9 So we can go from single family to duplex.  
10 No, that's not the way it is. It has to be  
11 occurring -- it had to have either occurred on  
12 January 1 or in the immediate future.

13 And when I think about the immediate future,  
14 I'm thinking about things like a city has approved  
15 a change in the zoning, but it doesn't take effect  
16 until January 10th. That is something that is the  
17 immediate future.

18 But if a city hasn't approved anything as of  
19 January 1, then that is not something that is  
20 reasonably probable. And that's because our  
21 legislature acts as an independent body, and they  
22 may change it, and they may not.

23 The discretion is solely in the hands of the  
24 legislature. And no one before that meeting can  
25 accurately tell what's going to happen at the

1 meeting. So it may be that they're going to pass  
2 it, but it may be that they don't pass it.

3 I talked about this at the first meeting we  
4 had on these rules. This is probably where  
5 taxpayers had the biggest issue with property  
6 appraisers on the definition of highest and best  
7 use.

8 So until the legislature changes it, what we  
9 have to do is look at the case law and then try to  
10 draft something that helps them understand that  
11 speculating about changes is what's prohibited.

12 And these need to be immediate, not reasonably  
13 probable. That's too vague of a standard, and it  
14 allows a property appraiser to almost in any case  
15 say, well, I thought it was reasonably probable  
16 that in March they were going to change the zoning  
17 to what we have here.

18 We have rapid transit, high-density zoning.  
19 And so everything that is near there, we change the  
20 value. No, we don't want to be in those battles.  
21 We don't want the property appraisers to even take  
22 that position.

23 And so the case law is clear, it cannot  
24 consider it unless it is -- you can't -- but the  
25 property is reasonably susceptible. That is, to be

1 reasonably probable, it confuses the context. So  
2 what we're asking for is that language to be  
3 deleted.

4 You insert something from the case law from  
5 the Florida Supreme Court. I had suggested a  
6 change, that if the change has already occurred or  
7 it is going to happen and is -- it's going to  
8 happen in the immediate future, not reasonably  
9 probable.

10 And so that's an important standard. I know  
11 it sounds like it's cutting hairs. But it's really  
12 focusing on that word and the concept and hopefully  
13 addressing that concept with a little bit more  
14 clarity in this part of the world.

15 I have another comment later on, but I think  
16 mine is on 6.4. And my partner, Julie Schwartz,  
17 was going to talk about some items before that. So  
18 would you like us to stay in order, Mr. Hamilton?

19 MR. HAMILTON: Yes, please do.

20 MR. MANDLER: Okay. Julie.

21 MS. SCHWARTZ: Thank you. This is Julie  
22 Schwartz again, and I was actually wanting to speak  
23 to 6.6.2, 6.6.3, and 6.6.4, so I'll just go ahead  
24 on those. So these are three different approaches  
25 for the income valuation.

1           6.6.2 is the direct capitalization approach,  
2     and we made comments on the previous version to  
3     each of these. And none of the comments were  
4     incorporated, so I just wanted to address these  
5     again.

6           So for the direct capitalization approach in  
7     6.6.2, there is a note. It's the last paragraph of  
8     that section, that direct capitalization is a  
9     common but somewhat complex income approach method.  
10    And I think that that really doesn't capture --  
11    this is really the preferred methodology under the  
12    income approach for ad valorem assessments.

13           It is the primary methodology that almost all  
14    property appraisers use when doing an income  
15    approach. Petitioners also -- it's a primary  
16    method that's used. And also in the marketplace,  
17    investors use this as a primary method.

18           And so I think that it would be worthwhile to  
19    make a note. It seems if you were just to be  
20    reading through this, the guidelines as they're  
21    written that this may be complex or not used often.  
22    But it's actually the primary way that income  
23    approaches are done within the ad valorem process,  
24    and so we would just ask that that be recognized.

25           And then the other thing is we included a note

1 in our written comments that when doing a direct  
2 capitalization approach, the very last sentence of  
3 the guidelines right now says that to produce  
4 credible just valuation using direct capitalization  
5 for income-producing properties, the property  
6 appraiser evaluation staff should have a good  
7 working knowledge of the method and understand how  
8 to apply it effectually.

9 And I think it would be worthwhile to include  
10 here a concept that is addressed earlier in 3.3  
11 about the identification of real property and that  
12 personal property needs to be excluded.

13 And when you're doing a direct cap approach,  
14 you would need -- that would capture all of the  
15 interest, including personal property interests.  
16 And so just a brief note at least to recognize that  
17 when doing an income approach under the direct cap  
18 method that other tangible and intangible property  
19 needs to be deducted.

20 So we had included in our written comments of  
21 note there just at the end that when valuing real  
22 property with related non-realty items, it's  
23 important to remove tangible and intangible  
24 property from the analysis.

25 And then there's a citation to the Disney case

1 and another case as well, and so we would ask again  
2 that you consider including that. Then on 6.6.3,  
3 which is the gross income multiplier method, we  
4 just wanted to note that -- and I think it would be  
5 useful to make it clear that this is really only --  
6 and we have a statement from The Appraisal of Real  
7 Estate.

8 This approach is most often used for small  
9 residential, income-producing properties, for  
10 example, maybe a single-family residence that's  
11 rented out or a duplex.

12 It is not commonly used by investors in the  
13 industry at all for anything other than maybe a  
14 duplex or a single-family residence, and I think  
15 that that should be made clear.

16 It's a very simplistic method. It doesn't  
17 capture expenses, and it's just not very common and  
18 not used for anything, other than those very small  
19 residential properties.

20 And then the last one is 6.6.4, yield  
21 capitalization. And there, I think it's important  
22 to note that Florida courts have rejected property  
23 valuations that are done with this direct -- I'm  
24 sorry -- those TCF analysis because it requires  
25 projecting values into the future and then

1 discounting future economic benefits.

2 And it requires a speculation about the  
3 future, and it's inconsistent with the property  
4 appraiser's role here in evaluating as of a certain  
5 date. And so it's not a favored methodology.

6 The courts have not looked on it favorably for  
7 appraisal purposes, for ad valorem purposes. And  
8 so I think that it would be useful to include a  
9 note just to give some guidance because these three  
10 sections, 6.6.2, .3 and .4, introduced the three  
11 methodologies.

12 But they don't really recognize that the  
13 direct cap is the method that's primarily used and  
14 to give some context for how much weight should be  
15 given to each one and when and if they should be  
16 used. Thank you.

17 MS. FORRESTER: Thank you, Ms. Schwartz.

18 Mr. Mandler, did you have another comment?

19 MR. MANDLER: Yes. Thank you. I'm on the  
20 cost data 6.4.1. Let me just get my notes here one  
21 second. And it has to do with this concept of  
22 thought. And so I'm dealing with really 6.4.1.  
23 And we had -- but first let me make sure we're all  
24 on the same page.

25 The second to the last paragraph before



1 depreciation which starts with a quote from the  
2 IAAO, we've requested that you not quote the IAAO.  
3 We had put in the Appraisal of Real Estate as an  
4 alternative approach.

5 But what the real issue here is that  
6 reasonable profit. And we think that the language  
7 and wording has become much clearer, that we're  
8 really talking about entrepreneurial incentive.  
9 And so the quote itself should be replaced with  
10 something a little bit more specific.

11 So the real objection is to the words  
12 reasonable profit in properly applying accounting  
13 for indirect cost in entrepreneurial profit  
14 requires research. It's not that we don't say it  
15 requires research.

16 We think that the right terminology is  
17 entrepreneurial incentive. So just to remind you,  
18 there's definitions in the back on Page No. 42, I  
19 believe. I'm not sure I have the right coded one  
20 in front of me, but there's a difference between  
21 entrepreneurial incentive and entrepreneurial  
22 profit.

23 One of the things our state does is we don't  
24 really tax profits, per se, but we do incorporate  
25 in a cost approach the concept of no one would

1 build it without getting a return on their  
2 investment.

3 And so that concept -- and the word profit, by  
4 the way, you can't make a profit until after a  
5 sale. So a profit could be many factors could go  
6 into profit, the need of a buyer, the uniqueness of  
7 a property, et cetera.

8 But incentive is really more accurate for what  
9 we're talking about. And the concept is is that,  
10 again, you wouldn't build it without making a  
11 return. A profit implies that pretty much the  
12 difference between cost and a sale price is profit  
13 or, quote, entrepreneurial profit and should be  
14 taxed.

15 I don't think that's an accurate analysis. If  
16 you read The Appraisal of Real Estate now, they've  
17 kind of gone -- although they don't eliminate the  
18 word profit, they do use the word entrepreneurial  
19 incentive to distinguish that.

20 And let's take another step back. We're  
21 writing again for a property appraiser who is doing  
22 a cost approach. Now, we're going to use the cost  
23 approach when the property is brand new. That's  
24 the most common time that property appraisers do.

25 They do it all the time, but they rely on it

1 most often when a property is brand-new or if it's  
2 a unique type of property. So if it's brand-new,  
3 no one is going to know what the profit is going to  
4 be. It's, again, a speculative idea, and it's  
5 based upon many different issues between the  
6 willing buyer and the willing seller.

7 Incentive, though, is something that is,  
8 again, derived from the market, but it's without a  
9 sale occurring. It's what would a reasonable  
10 investor who is building a property expect to make  
11 as a reasonable return, and that is the value we're  
12 trying to get.

13 So although you deal with it a little bit  
14 here, we don't think that this clarifies it. And  
15 we think that that should be modified to delete the  
16 reference to profit and focus instead on incentive  
17 because that's when we're going to use it the most.

18 And so that is our comment on 6.4.1 to  
19 eliminate profit and talk about incentive. I know  
20 that Todd Jones had written a paper on it, and  
21 there were some changes in the first draft.

22 But I think it's still misleading, and it all  
23 starts with the IAAO quote. Again, that's not law  
24 in the state of Florida. It's a property  
25 appraiser's organization. They are not

1 representing the interest of taxpayers.

2 So their viewpoint is to try to capture as  
3 much tax as possible. Whereas in Florida, our law  
4 is a little different. We're looking at it from a  
5 person who is like standing here trying to value a  
6 property that's online for the first time.

7 And what we're trying to do is try to figure  
8 out what would be an incentive for someone to build  
9 it. So we think a change in this area is  
10 warranted, and we request that you go back and look  
11 at that a little bit more careful.

12 Now, I do have a bunch of comments on the  
13 definitions, so I will put my hand down for now and  
14 wait till we get there. But last time I didn't  
15 have an opportunity to speak on the definition.

16 So, Madam Chair, or who is handling this,  
17 please make sure that you call on me when we get to  
18 the definitions again. Thank you.

19 MS. FORRESTER: Thank you, Mr. Mandler. Are  
20 there any other comments on Section 6?

21 MR. JACKSON: No other hands raised. No  
22 emails.

23 MS. FORRESTER: We'll move to the addendum.  
24 There's four addenda to these guidelines.  
25 Addendum A titled definitions has two changes for

1 clarity. The source and definition of fee  
2 simple/fee simple absolute is proposed to be  
3 replaced.

4 A statutory reference is proposed to be added  
5 to the comment on the definition of highest and  
6 best use. Are there any comments on Addendum A?

7 MR. JACKSON: You can go ahead, Mr. Mandler.

8 MR. MANDLER: Thank you very much, sir.

9 Let me first pick up where I left off. 6.4.1  
10 talks about -- but in this section is where we talk  
11 about entrepreneurial incentive. And again, I  
12 don't think you should be quoting from the IAAO on  
13 this.

14 I think that you should eliminate  
15 entrepreneurial profit. I think, again, it should  
16 not be discussed in the manual. We should focus on  
17 entrepreneurial incentive, which is the new way to  
18 go. But it's the whole definition here that seems  
19 to be off.

20 And I don't mean to be cutting hairs, but the  
21 changes that the IAAO makes from what the Appraisal  
22 Real of Real Estate -- or excuse me. I'm quoting  
23 here from the Dictionary of Real Estate which is  
24 the most current edition, the 7th edition.

25 Is that there's a pretty clean definition of

1     entrepreneurial incentive, and it's an amount an  
2     entrepreneur -- and I'm quoting from -- the amount  
3     an entrepreneur expects or wants to receive as  
4     compensation for providing coordination and  
5     expertise and assuming the risk associated with  
6     fulfillment of a profit.

7             Incentive is the expectation of future  
8     forward, as opposed to the profit actually earned  
9     on the project. So I think that that is a clear  
10    definition that really helps clarify 6.4.1. I  
11    don't think you need a definition of profit.

12            If you feel compelled, we would request that  
13    you use the Dictionary of Real Estate Appraisal  
14    rather than the IAAO. There are slight  
15    differences. And those are our main comments.

16            And if you look at the way the IAAO does it,  
17    it's almost the same, other than it talks about one  
18    is forecast and one is after the fact. But I think  
19    that if you use the Dictionary of Appraisal, that  
20    will help clarify it.

21            So that's it on my cost approach. I have two  
22    more comments on the definitions, if I might go  
23    ahead?

24            MS. FORRESTER: Yes.

25            MR. MANDLER: Thank you. I have two more, and

1 I'm going to save my most important point for last,  
2 which is the definition of just value. I want to  
3 go back to highest and best use. We talked about  
4 this at the beginning.

5 The definition here is not the definition of  
6 highest and best use in Florida. With all due  
7 respect, the IAAO definition is not the definition  
8 of highest and best use. Highest and best use in  
9 Florida is limited. Highest and best use by the  
10 IAAO is never limited.

11 And our legislature has made it abundantly  
12 clear in Section 2 that highest and best use is  
13 limited, and it's limited very specifically. It's  
14 limited if you need a legally-permissible use of  
15 the property, if there's a judicial limitation, if  
16 there's a land use regulation, if there's a  
17 historic preservation ordinance, if there's -- you  
18 can't comply -- you don't consider a zoning change,  
19 you don't take into account concurrency.

20 And if you need a permit -- this was changed  
21 in the early part of the 2000s. And if you need a  
22 permit, it's also not highest and best use. Now,  
23 this definition seems to take us back to let's  
24 forget about our statute, let's forget about our  
25 limitations.

1           It's a definition that is not applicable  
2       because in Florida, if there's a historic  
3       preservation ordinance, we don't care if it's  
4       legally -- financially feasible or not. It is  
5       limited, and those limitations are important  
6       limitations.

7           So we think that this definition is an  
8       improper definition to use. And if you're going to  
9       use it, then you need to say in Florida, highest  
10      and best use -- that this definition by the IAAO is  
11      limited in Section 2 if there is -- and you can  
12      either enumerate it wherever however you deem fit  
13      to do it, but that's not the law in the state of  
14      Florida.

15          We don't do it based on that. We do take into  
16      consideration the provisions that our legislature  
17      set forth in Section 2, and I think that's  
18      important to change that definition here. Property  
19      appraisers know that it's different than the  
20      appraisal role.

21          Here, we can't -- if there's a historical  
22      ordinance, we can't assume that the historic  
23      preservation board is going to approve it or not.  
24      Again, in the appraisal world, you can do that.  
25      You can do a hypothetical and say, okay, I'm going



1 to assume you're going to eliminate your historic  
2 preservation, but not in Florida.

3 You can't do it until it's been approved by  
4 that historic preservation board. And again, it  
5 goes back to my discussion on highest and best use.  
6 Highest and best use is limited in the state of  
7 Florida, and so this definition should also reflect  
8 those limitations. Any questions?

9 MS. FORRESTER: No, sir. Did you have  
10 additional comments?

11 MR. MANDLER: I have one more comment on the  
12 definitions. This definition of just value, I know  
13 you're citing the rule, but the rule needs to be  
14 updated, and this is the place to do it.

15 We had just started a whole conversation today  
16 talking about our definition in the state of  
17 Florida for just value. It's our opinion that the  
18 definition of just value is 193.011. That is the  
19 definition of just value.

20 It requires that you apply these eight factors  
21 in every circumstance. That is the definition of  
22 just value. Now, we know that subsection 1 talks  
23 about a willing buyer, willing seller. Number one,  
24 the first criteria is about a willing buyer, a  
25 willing seller, and that is a good concept to keep

1 in here.

2 We agree with that concept. We are a state  
3 that we call a value-and-exchange state. What is a  
4 person willing to pay for something is generally  
5 the most compelling evidence of the value of that  
6 property, so it's okay to talk about that.

7 But to not discuss the balance of the factors  
8 is a disservice and, again, ignoring our definition  
9 of just value which requires that the property  
10 appraiser shall -- it says shall apply.

11 And so what we had suggested originally was  
12 that you leave that in here, less any personal  
13 property and cost of sale because that is kind  
14 of -- or intangible value. Personal property, as  
15 everyone knows, is both tangible and intangible.

16 And so when we do just value in the state of  
17 Florida, the law is clear. We don't tax  
18 intangibles. Under the state Constitution, that is  
19 left to the state of Florida, and local governments  
20 do not have the authority.

21 Governor Bush, in fact, 30 or 40 years ago  
22 abolished most of the intangible tax. We still  
23 have an intangible tax on government-owned land.  
24 And so the state still had the exclusive right to  
25 tax intangibles.

1           The county does not have that right. It's in  
2   our Constitution. It's a constitutional basis. So  
3   nothing in here talks about removing the  
4   intangibles because a sale could be intangibles.  
5   But more importantly, nothing in here talks about  
6   deducting the cost of sales.

7           And so the concept is, is willing buyer,  
8   willing seller, less any intangible value, less any  
9   cost of sale. That's the concept that our courts  
10   and the Department has been working toward, and  
11   that's why this definition is outdated from 12D1.

12          And the definition should reflect at the  
13   minimum that they just value -- to reach just  
14   value, you must consider all the facts and then to  
15   talk about it's a willing buyer, willing seller  
16   scenario, less cost of sale and intangible values.

17          So I started my presentation today to the  
18   Department with the discussion of the eighth  
19   criteria and how its absence is shocking in a  
20   document that's written for property appraisers and  
21   how they're supposed to appraise.

22          And then here, again, is a backdoor way of  
23   eliminating the requirement that the legislature  
24   imposed on property appraisers that they remove the  
25   cost of sales.

1           And the rule that the Department has come up  
2   with is a uniform manner of applying that. And so  
3   that is the way the law has gone the last 30 years  
4   that I've been in practice. This definition is  
5   just a step backwards.

6           It is not reflective of the eighth criteria.  
7   And you have to at least include that just value is  
8   derived by considering the eighth criteria.  
9   Nowhere in here is that, which is the statement of  
10   the legislature.

11          And then again, there's no discussion in this  
12   about the eighth criteria. And we go back to all  
13   of the PTOs and training manuals, et cetera, that  
14   the Department has issued. So this is, again, a  
15   very important concept.

16          I was hoping to talk about it last time. I  
17   had an issue with my computer. I wasn't able to  
18   raise my hand. It bookends the beginning and the  
19   end. The Department of Revenue has done a really  
20   good job. They've called out a lot of the  
21   miscellaneous stuff. They brought it into the  
22   modern era.

23          But we're missing the definition of high --  
24   again, focusing on the factors, the definition of  
25   just value, the definition of highest and best use

1 have really created a unique law in Florida which  
2 is a little bit different than the IAAO but is  
3 reflective of what our legislature has been trying  
4 to achieve in both uniformity and in the changes  
5 that they've made over the last 20 years to the  
6 statutes.

7 And so the definition here needs to take that  
8 into consideration either by replacing it again  
9 with a good definition. I used the Dictionary of  
10 Real Estate. It doesn't make a difference.

11 It's the willing buyer, willing seller  
12 concept, less cost of sale and less intangibles  
13 which are left to the state to tax. So those are  
14 my comments on the definitions.

15 MS. FORRESTER: Thank you, Mr. Mandler.

16 Are there any other comments on the  
17 definitions in Addendum A?

18 Addendum B titled Relevant Valuation Concepts  
19 has no proposed changes. Are there any comments on  
20 Addendum B?

21 Seeing none, Addendum C titled Managing Sale  
22 Data for Parcels that Change has no proposed  
23 changes. Are there any comments on Addendum C?

24 Addendum D titled Topical Index for Sales  
25 Ratio Studies has one change for clarity. In

1 discussion of adjustment for market changes over  
2 time, replacement of quoted material and update to  
3 the footnote are proposed.

4 Are there any comments on the proposed changes  
5 to Addendum D? Hearing none, are there any  
6 additional comments from the public?

7 MR. JACKSON: You can go ahead, Mr. Mandler.

8 MR. MANDLER: Thank you. I just wanted to  
9 thank the Department of Revenue before we leave.  
10 I'm sorry there weren't other taxpayers here.  
11 Hopefully, I've carried the banner for the  
12 taxpayers.

13 We tried to focus on just the really last  
14 important changes that will really protect taxpayer  
15 rights in the state of Florida. But more  
16 importantly, to implement what we consider to be  
17 Florida law and Department of Revenue standards on  
18 assessing to create a uniform assessment.

19 And we thank you very much for giving us the  
20 time today to address the Department and raise our  
21 concerns with the final draft that you -- this  
22 coded draft. So thank you again for your time.

23 MS. FORRESTER: Thank you, Mr. Mandler.

24 Are there any other comments?

25 MR. JACKSON: No ma'am.

1 MS. FORRESTER: On behalf of the Department, I  
2 want to thank everyone for participating and  
3 sharing your comments with us. Your participation  
4 is very helpful during this process. You may  
5 provide written comments to us.

6 Please bear in mind that they do become part  
7 of the public record. We ask that any written  
8 comments be provided to us by close of business on  
9 January 9, 2026.

10 You may send those comments by email to  
11 DORPTO@FloridaRevenue.com. Or mail your comments  
12 to Property Tax Oversight, Florida Department of  
13 Revenue, P.O. Box 3000, Tallahassee, Florida  
14 32315-3000. This concludes the meeting. Thank  
15 you.

16 (Proceedings concluded at 12:15 p.m.)

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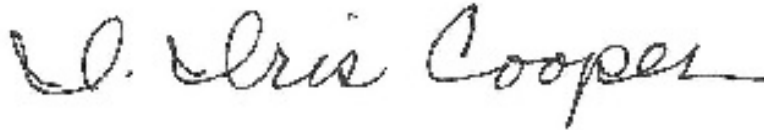
CERTIFICATE OF REPORTER

STATE OF FLORIDA

COUNTY OF LEON

I, I. IRIS COOPER, do hereby certify that I  
was authorized to and did stenographically report  
the foregoing proceeding, and that the transcript  
is a true and complete record of my stenographic  
notes.

Dated this 8th day of December, 2025.



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I. Iris Cooper  
Stenographic Reporter  
Notary Public, State of Florida  
My Commission No. 1366674  
Expires: February 7, 2028