

OWNER



A Florida Homeowner's Guide: Property Tax Relief for Hurricanes Ian and Nicole

Signed into law December 16, 2022, section 197.3181, Florida Statutes (F.S.), provides for a prorated refund of ad valorem taxes for residential improvements rendered uninhabitable by Hurricanes Ian or Nicole. The Department of Revenue developed this guide to help homeowners understand the statute.

Who is eligible?

A homeowner may be eligible for a partial refund of 2022 property taxes if a residential improvement was rendered uninhabitable for at least 30 days due to Hurricane Ian or Hurricane Nicole.

To be eligible for a partial property tax refund, the property must be determined "uninhabitable." Under s. 197.3181 F.S., "'uninhabitable' means the loss of use and occupancy of a residential improvement for the purpose for which it was constructed resulting from damage to or destruction of, or from a condition that compromises the structural integrity of, the residential improvement which was caused by Hurricane Ian or Hurricane Nicole during the 2022 calendar year. "

If approved, how will I receive my refund?

Refunds are processed and calculated by the tax collector and are to be issued upon timely payment of 2022 property taxes by the homeowner, or immediately if such taxes have already been paid.



Details and an example of how the calculation is made are provided on the next page.

I may be eligible; how and when do I apply?



To begin the application process, homeowners should contact the county property appraiser for the county in which the property is located.

The property appraiser will provide a copy of the **Application for Hurricane Ian or Hurricane Nicole Tax Refund** form ([Department of Revenue Form DR-5001](#)). On the form, the homeowner must state the number of days the residence was uninhabitable and must sign a perjury statement attesting to it. For the purposes of determining uninhabitability, **the homeowner must provide supporting documentation**, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy. For Hurricane Ian, the maximum number of days in 2022 that can be claimed is 95 days, and for Hurricane Nicole, the maximum number of days is 52 days.

The homeowner must submit the application and documentation to the property appraiser by April 3, 2023. The law provides a due date of April 1, 2023; however, as this date is a Saturday, the date is extended to Monday April 3, 2023. A homeowner who fails to file an application by April 3, 2023, waives their claim for a tax refund under s. 197.3181 F.S.

Form DR-5001 may be submitted before or after 2022 property taxes are remitted. Homeowners are encouraged to submit the application as soon as possible

Who decides if I am eligible and how will I be informed?



The property appraiser is responsible for approving or denying a homeowner's eligibility for a refund based on [Form DR-5001](#).

No later than June 1, 2023, the property appraiser must either notify the applicant of ineligibility or notify both the applicant and tax collector if the applicant is eligible for a refund.

Applicants found ineligible may file a petition with the value adjustment board requesting that such a refund be granted. The petition must be filed with the value adjustment board on or before the 30th day following the issuance of the notice by the property appraiser.



If approved, how is the refund amount calculated?



If the property appraiser informs the tax collector of a homeowner's eligibility for a refund, the tax collector is responsible for calculating the refund amount and remitting it to the homeowner once the 2022 property taxes have been paid.

The refund amount is calculated by applying the percent change in value to the number of days the residential improvement was uninhabitable. The percent change in value is found by subtracting the January 1, 2022 just value of the residential improvement from the January 1, 2022 just value of the entire parcel to establish the post-disaster value and then calculating the percent change in value. The example below depicts these calculations.

Under s. 197.3181 F.S., a residential improvement that is uninhabitable has no value, although the land and other improvements, as defined in the statute, do have value. The statute specifies that "a residential improvement does not include a structure that is not essential to the use and occupancy of the residential dwelling or house, including, but not limited to, a detached utility building, detached carport, detached garage, bulkhead, fence, or swimming pool, and does not include land."

For all approved refund applications, the property appraiser is required to provide the tax collector with the January 1, 2022, just value of the residential improvement (as defined above), the number of days during 2022 that the residential improvement was uninhabitable, the post-disaster just value of the residential parcel, and the percent change in value applicable to the residential parcel.

The following example is for a residential property that was rendered uninhabitable by Hurricane Ian and remained uninhabitable through the end of 2022. The following information is used to calculate the refund:

- January 1, 2022, **Pre-disaster** just value of the parcel: **\$300,000**
- January 1, 2022, **Pre-disaster** just value of the residential improvement (the house, attached garage, and attached porches only): **\$225,000**
- **Post-disaster** just value of the parcel (January 1, 2022, parcel just value *less* residential improvement just value): **\$75,000**
- Number of days the property was uninhabitable: **95 days**
- Total 2022 property taxes paid **\$2,250**

The first step is to find the percent change in value by subtracting the parcel's post-disaster just value from the pre-disaster just value using the following calculations:

Change in value:	$\$300,000 \text{ less } \$75,000 =$	\$225,000
Percent change in value:	$\$225,000 \text{ divided by } \$300,000 =$.75 or 75%

The second step is to find the percent of days the residence was uninhabitable by dividing the number of days in 2022 the residential improvement was uninhabitable by the number of days in the year using the following calculation:

Percent of uninhabitable days:	$95 \text{ days divided by } 365 \text{ days} =$.26 or 26%
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The third step is to find the damage differential by applying the percent change in value to the percent of uninhabitable days using the following calculation:

Damage differential calculation:	$.75 \text{ multiplied by } .26 =$.195
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Finally, the refund amount is calculated by applying the damage differential to the total 2022 property taxes paid:

Refund calculation:	$\$2,250 \text{ multiplied by } .195 =$	\$438.75 refund due
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Application for Hurricane Ian or Hurricane Nicole Tax Refund

Section 197.3181, Florida Statutes

This completed application, including required documentation, must be filed with the county property appraiser on or before **April 3, 2023**.

COMPLETED BY APPLICANT			
Applicant name		County	
Mailing address		Property address (if different from mailing)	
Phone		Parcel identification number, if available	
Number of days property was uninhabitable in 2022 (must be uninhabitable for at least 30 days):			
<p>For the purposes of determining uninhabitability, this application must be accompanied by supporting documentation, including but not limited to, items such as utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy, and other documents establishing the property was uninhabitable at least 30 days in 2022.</p> <p>Florida law requires property appraisers to determine if you are entitled to a refund of taxes. Supporting documentation is required for purposes of determining the conditions of uninhabitability and subsequent habitability. I grant permission to allow the property appraiser to review the supporting documents.</p> <p>Under penalties of perjury, I declare that I have read this application and that the facts stated in it are true to the best of my knowledge and belief.</p> <p>_____</p> <p>Signature of property owner _____ Date _____</p> <p><i>Complete and provide to the county property appraiser .</i></p>			
COMPLETED BY PROPERTY APPRAISER			
1. Just value of residential parcel as of January 1, 2022:			
2. Number of days property was uninhabitable in 2022 (must be uninhabitable for at least 30 days):			
3. Postdisaster just value:			
4. Percent change in value:			
<input type="checkbox"/> Approved Amount _____ <input type="checkbox"/> Denied Amount _____			
<p>The property appraiser has determined that the applicant's entitlement to the refund is based on the above factors.</p> <p>_____</p> <p>Signature, property appraiser or designee _____ Date _____</p> <p><i>Provide a copy to the property owner.</i></p> <p><i>For approved applications, forward to the county tax collector on or before June 1.</i></p>			

Instructions

Section 197.3181, Florida Statutes (F.S.), provides a refund of property taxes originally levied and paid for residential improved property rendered uninhabitable for at least 30 days due to Hurricane Ian or Hurricane Nicole. To be eligible for refund, the property must be determined “uninhabitable,” that is the property could not be used or occupied for the purpose for which it was constructed for a period of at least 30 days as evidenced by documentation. The owner of the property must file this sworn application with the property appraiser’s office by **April 3, 2023**. [The law provides that this date is April 1, 2023; however, this date is a Saturday, and therefore the date is extended to Monday, April 3, 2023]

You should file this application even if you have not paid the tax due. If the property appraiser determines the applicant is eligible, refunds are to be processed upon timely payment of 2022 property taxes by the property owner, or immediately if the taxes have already been paid. Section 197.3181(4), F.S., provides a property owner who fails to file an application by the deadline waives a claim for a refund of taxes under this section.

Completed by Applicant:

- If available, provide the parcel identification number for the damaged or destroyed property.
- You are required to provide any documentation supporting the claim that the property was uninhabitable during the specified period.
- After completion of this application, sign, date, and forward it to the property appraiser’s office in the county where the property is located.
- If approved, the county tax collector will issue a refund to the applicant.

The property appraiser will notify the property owner no later than June 1, 2023, of the determination. If your application for tax refund under section 197.3181, F.S., is not determined satisfactorily, the Florida Property Taxpayer’s Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file a petition with the value adjustment board clerk, pursuant to section 194.011(3), F.S. Regardless of a scheduled informal conference with the property appraiser, petitions involving determinations on refund of paid taxes for Hurricane Ian or Hurricane Nicole must be submitted to the value adjustment board on or before the 30th day following the issuance of the notice by the property appraiser. Complete and file Form DR-486, *Petition to the Value Adjustment Board – Request for Hearing*, with the value adjustment board clerk (Form DR-486 is incorporated by reference in Rule 12D-16.002, F.A.C.).

Completed by Property Appraiser:

- The property appraiser must review the application and attached documentation from the applicant to determine if the applicant is entitled to a refund of taxes.
- If the applicant is eligible for the refund and the application was timely filed, review, sign, and date the application. Issue an official written statement to the tax collector and the applicant. The statement must provide:
 - The just value of the residential improved property as of January 1, 2022.
 - The total number of days during 2022 the residential improved property was uninhabitable.
 - The postdisaster just value as determined by the property appraiser.
 - The percent change in value applicable to the residential improved property.
 - Amount approved or denied.
- Provide a copy of this application, containing the property appraiser’s determination, to the applicant.