



## Frequently Asked Questions for the Catastrophic Event Refund Section 197.319, Florida Statutes

### **1. How does a property owner apply for a refund for property taxes if the property is uninhabitable?**

For refunds due to a catastrophic event, property owners must complete and submit the Application for Catastrophic Event Tax Refund, [Form DR-465](#), by March 1 of the year after the catastrophic event occurred. The application must be submitted to the county property appraiser's office where the property is located. Please see this [brochure](#) on Catastrophic Events for more information.

### **2. Can a property owner submit and accept electronic applications?**

Yes, the property appraiser may allow electronic filing. See section [197.319](#), Florida Statutes.. Subsection (2)(a) of the statute states:

(2) If a residential improvement is rendered uninhabitable for at least 30 days due to a catastrophic event, taxes originally levied and paid for the year in which the catastrophic event occurred may be refunded in the following manner:

(a) The property owner must file an application for refund with the property appraiser on a form prescribed by the department and furnished by the property appraiser no later than March 1 of the year immediately following the catastrophic event. The property appraiser may allow applications to be filed electronically. [emphasis added]

### **3. Can the property appraiser accept late filed applications after the March 1 deadline for form DR-465?**

Section [197.319](#) (4), F.S. provides for late filed applications:

(4) Any person who is qualified to have his or her property taxes refunded under this section but fails to file an application by March 1 of the year immediately following the year in which the catastrophic event occurred may file an application for refund under this section and may file a petition with the value adjustment board, pursuant to s. [194.011](#)(3), requesting that a refund under this section be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice of proposed property taxes and non-ad valorem assessments by

the property appraiser as provided in s. [194.011\(1\)](#). Upon reviewing the petition, if the person is qualified to receive the refund under this section and demonstrates particular extenuating circumstances determined by the property appraiser or the value adjustment board to warrant granting a late application for refund, the property appraiser or the value adjustment board may grant a refund.

Under this provision, it appears if the property appraiser's office determines that the person is qualified for the refund and particular extenuating circumstances exist, the property appraiser may accept the late filed application and grant the refund.

#### **4. If a property is abandoned due to a catastrophic event, can the Save Our Homes (SOH) benefit transfer to a new property?**

Yes, only in the event of a named tropical storm or hurricane, paragraph [193.155\(8\)\(m\)](#), F.S., allows an owner of homestead property damaged by a storm to transfer a SOH benefit calculated using the property's just value from January 1 of the year of the named tropical storm or hurricane (pre-damaged value). In order to exercise this option, the owner must make the election in the next calendar year following the year in which the named tropical storm or hurricane occurred and establish a new homestead on or before January 1 of the third year immediately following the year in which the named storm or hurricane occurred. The statute states:

(m) For purposes of receiving an assessment reduction pursuant to this subsection, an owner of a homestead property that was significantly damaged or destroyed as a result of a named tropical storm or hurricane **may elect, in the calendar year following the named tropical storm or hurricane**, to have the significantly damaged or destroyed homestead deemed to have been abandoned as of the date of the named tropical storm or hurricane even though the owner received a homestead exemption on the property as of January 1 of the year immediately following the named tropical storm or hurricane. The election provided for in this paragraph is available only if the owner establishes a new homestead as of January 1 of the third year immediately following the storm or hurricane. This paragraph shall apply to homestead property damaged or destroyed on or after January 1, 2017. [bold font added for clarification]

#### **5. If a property is damaged by a catastrophic event and is still uninhabitable the following year, can the property owner apply for another refund in the second year?**

No, even if the property owner did not receive a refund for a catastrophic event, they cannot apply for a refund of the same catastrophic event the following year even if the property is still uninhabitable. Section [197.319](#), Florida Statutes, addresses refund of taxes for residential

improvements rendered uninhabitable by a catastrophic event. Subsections (1)(b) and (2) of the statute state:

(1)(b) “Catastrophic event refund” means the product arrived at by multiplying the damage differential by the amount of timely paid taxes that were initially levied in the year in which the catastrophic event occurred. [underline added for clarity]

(2) If a residential improvement is rendered uninhabitable for at least 30 days due to a catastrophic event, taxes originally levied and paid for the year in which the catastrophic event occurred may be refunded in the following manner...

## **6. Does a property owner have to pay property taxes for a residential improvement rendered uninhabitable by a catastrophic event? What does “timely paid” taxes mean?**

Yes, the property tax is still due. However, the property owner may be eligible for a refund of a portion of the property taxes. Please see this [brochure](#) on Catastrophic Events for more information.

The term “timely paid” taxes refers to when taxes are due and payable under the statutory requirements provided in section [197.333](#), F.S. The statute states:

“All taxes shall be due and payable on November 1 of each year or as soon thereafter as the certified tax roll is received by the tax collector. Taxes shall become delinquent on April 1 following the year in which they are assessed or immediately after 60 days have expired from the mailing of the original tax notice, whichever is later. If the delinquency date for ad valorem taxes is later than April 1 of the year following the year in which taxes are assessed, all dates or time periods specified in this chapter relative to the collection of, or administrative procedures regarding, delinquent taxes shall be extended a like number of days.”

### **Key Points:**

- In order to be considered timely, the taxes must have been paid on or before March 31 or the next business day, if March 31 is a Saturday, Sunday, or legal holiday, of the year following the event.
- Payments after March 31 are not timely paid, considered delinquent, and would be ineligible for the catastrophic event refund.
- Even if you were on a payment plan or partial payments were made, if the full amount wasn’t paid by March 31, it is not considered timely.

## **7. What additional documents should a taxpayer include with Form DR-465?**

Section [197.319](#), Florida Statutes, along with [Form DR-465](#), provide official guidance to local officials and taxpayers regarding the property tax refund process associated with certain residential improvements rendered uninhabitable due to catastrophic events. Under the statute, the property appraiser must determine uninhabitability by the application and supporting documentation, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, building inspection certificates of occupancy, and photos. The property appraiser determines if documentation is sufficient, and if not, the applicant must provide additional or complete documentation of uninhabitability within an acceptable timeframe.

## **8. Can a property's new owner be eligible to apply for a catastrophic event tax refund for damage that occurred when a previous owner owned the property?**

Yes. Section [197.319\(2\)\(a\)](#), F.S. requires that the "*property owner* must file an application" (emphasis added). Section 197.319(2)(d), F.S. begins to refer to the "applicant" and provides that the property appraiser "shall [...] determine if the applicant is entitled to a refund of taxes." Similarly, subparagraph (2)(d)1 provides the property appraiser shall notify the "applicant" and subsection (3) of the statute, describing the tax collector's issuance of the refund, omits any reference to either the owner or applicant entirely. The statute also omits any reference to property owner/applicant residency.

If the new owner is the owner of record at the time of application, the property appraiser could find that the new owner could claim the refund as the "applicant" under the plain language of the statute. Note that the application must be sworn and that under section 197.319(2)(b), F.S., the application must identify the residential parcel upon which the residential improvement was rendered uninhabitable and the number of days that the residential improvement was uninhabitable during the year of the catastrophic event. For purposes of determining uninhabitability, the application must be accompanied by supporting documentation, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy. Any refund is only payable to the person or entity that paid the taxes.