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Ms. Behnken contacted the Property Appraisers office to discuss a situation regarding an error the PA made on the homestead exemption shown on Bethel and Rex Root's property. A HX lien was processed after it was determined the Root's were incorrectly receiving HX on their taxes. When the Root's satisfied the HX lien a miscalculation was made by our office resulting in additional funds being required from the Root's. A transcription of the original article is included. The story was completed as a video piece for the news and was later transcribed into a print article.

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Hillsborough errs on homestead exemption, wants couple to pay

By Shannon Behnken



Bethel and Rex Root have always paid their property taxes as soon as the bill arrived in their mailbox.

For nine years, there has been no problem.

But now, the Hillsborough County Property Appraiser's Office says it miscalculated how much they owed all those years. The mistake means the Roots received exemptions they weren't entitled to of more than \$367,000 in their home's value.

"I was quite flabbergasted," Bethel Root said.

Making matters worse, the county placed a lien on the home, and the only way to remove it was to pay \$5,000 in back taxes. So the Roots, retired and on a fixed income, sent in the money last month.

But then, a few weeks later, the county called with another mistake. Now they owe \$3,000 more.

"They change the totals all the time," Root said. "It depends on what day it is there, I think."

How could this happen?

Jim Glaros, assistant chief deputy for the Hillsborough County Property Appraiser's Office, said the Roots' case is the perfect storm of a clerical error mixed with the homeowners' misunderstanding of the homestead exemption.

"We've tried so many times to educate homeowners, but many people just pay their bill without paying attention to the exemptions, and I do get that," Glaros said.

The Roots' situation is an extreme example, he said. Mistakes typically don't go nine years before they are discovered. Still, Glaros said he hopes this case will spur renewed diligence on the part of his office and homeowners in checking assessments.

It turns out there were actually two mistakes that led to the shortfall in taxes collected from the Roots. First, the property appraiser's office didn't assess the property correctly. And then the tax collector didn't charge enough.

When the Roots bought their home in 2001, the property appraiser's office failed to remove the \$25,000 homestead exemption the previous owner had on the home. Florida law allows homeowners a break on their taxes for their primary home.

The Roots live here part of the year, but their primary residence is in Michigan, so they're not entitled to the exemption. But they didn't apply for it and say they didn't even know they had it.

The home at 5311 Sharon Trail is so close to the Polk County line it has a Lakeland postal address. What's more, garbage and other services are provided by Polk County under a commonly used intercounty arrangement.

Glaros said he doesn't know why it took so many years for his office to figure out the mistake. Now that's it's caught, though, the office can't just look the other way, he said. "We're only asking that they pay what they should have already paid. That's all we're asking."

The information was turned over to the Hillsborough County tax collector, where another mistake occurred.

Dana Dove, from the tax office, said an employee who no longer is with the county, "for obvious reasons," estimated the taxes incorrectly and forgot to tally \$3,100. That's why the couple were asked to pay just \$5,000 at first, she said.

The \$25,000 homestead exemption is only part of the problem. The exemption also caps the assessed value of a home at 3 percent a year no matter how much its market value increases.

The Roots paid \$35,000 for their home, but the value appreciated during the housing boom, and the taxes they already paid were based on the 3 percent homestead cap. When that cap is removed, the amount of taxes that should have been paid goes up.

Dove admits this was the government's mistake, but she's not budging on the amount owed.

"Taxes are due," Dove said. "I'm sorry. We made a mistake. There's no way I can absorb \$3,100."

So how far back the county can go when collecting back taxes due to its own error? Dove said the statute of limitations is 10 years. That means the Roots nearly got out of paying any of the shortfall.

The Roots say they're not trying to get out of paying their fair share, but the county has put them in a tough spot. They say they can't afford to pay nine years of taxes all at one time.

"I think they should compromise," Bethel Root said. "We would be willing to pay a portion, but I don't think we should have to pay for all of their clerical mistakes."

This week, Dove said she would bill the couple in writing for the total amount owed and promised that this time, it won't change. The county also agreed to let the Roots take as long as they need to pay the back taxes.

Even so, that agreement comes with two catches: They must pay at least one year's worth of taxes at a time. And until they're paid up, the lien on the home will remain.

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