

### **Draft 12D-9.110 Exchange of Evidence**

- (1) The petitioner has the option to participate in an evidence exchange with the property appraiser. The petitioner can still present evidence if the petitioner does not participate in the evidence exchange. However, if the property appraiser asks in writing for evidence before the hearing, and the petitioner has this evidence but refuses to give it to the property appraiser in the evidence exchange, the evidence cannot be used during the hearing. The procedures in this rule shall be used if the petitioner chooses the option of exchanging evidence and receiving evidence from the property appraiser.
- (2) Subsequent to the mailing or sending of the hearing notice, and at least 15 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.
- (3) No later than 7 days before the hearing if the property appraiser receives the petitioner's documentation and if requested in writing by the petitioner, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk.
- (4)
  - (a) If the petitioner does not provide the information to the property appraiser at least 15 days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the petitioner pursuant to subsection (3).
  - (b) If the property appraiser does not provide the information within the time required by subsection (3), the hearing shall be rescheduled.
- (5)
  - (a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. It shall be sufficient if at least three FAX or email attempts are made to such address. If more than one FAX number or email address is provided, three (3) attempts must be made for each number to satisfy this requirement. The petitioner and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.
  - (b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.
  - (c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. If the fifteenth day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

- (6) Level of detail on evidence summary: The summary pursuant to subsections (2) and (3) shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.
- (7) Hearing procedures: Neither the board nor the special magistrate shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section, and shall be taken at a scheduled hearing and based on evidence presented at such hearing. "General action" means a prearranged course of conduct not based on evidence received in a specific case at a scheduled hearing on a petition.
- (8) A property appraiser shall not appear at the hearing and use undisclosed evidence that was not supplied to the petitioner as required. The normal remedy for such noncompliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.
- (9) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with Section 194.032, F.S., subject to the provisions of Section 194.034(1)(d), F.S., and subsection 12D-9.1115(1)(d), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than fifteen (15) days prior to a scheduled hearing pursuant to subsections (2) and (5).

Specific Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS. History—New 4-4-04, Amended 12-30-04, Formerly 12D-10.0044.

**LEE COUNTY VALUE ADJUSTMENT BOARD  
UNIFORM EVIDENCE LIST AND SUMMARY  
FOR ALL PARTIES**

THIS FORM IS PROVIDED IN ACCORDANCE WITH THE PROVISIONS OF F.S. 194.011(4) TO  
ENCOURAGE UNIFORMITY IN THE EXCHANGE OF EVIDENCE BETWEEN THE PETITIONER AND THE PROPERTY APPRAISER.

THE PROPERTY APPRAISER'S ADDRESS IS:

2480 THOMPSON STREET, 4<sup>TH</sup> FLOOR, FORT MYERS. FL 33901 OR PO BOX 1546, FORT MYERS FL 33902

This Evidence List and Summary is submitted by: \_\_\_\_\_Petitioner/Agent \_\_\_\_\_ Property Appraiser

Petition No. 2009-\_\_\_\_\_ Scheduled Hearing Date/Time\_\_\_\_\_

Parcel ID No (found at the upper right corner of the Proposed Property Tax Notice)

Petitioner/Owner Name (as it appears on petition)\_\_\_\_\_

CONTACT INFORMATION FOR PERSON SUBMITTING THIS EVIDENCE LIST AND SUMMARY

Name of Person to receive notices/evidence:\_\_\_\_\_

Mailing Address\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ email: \_\_\_\_\_

NOTE: A separate written request to receive Property Appraiser evidence for this hearing, including the preferred method for delivery of such evidence, must be submitted to the Property Appraiser no later than 15 days prior to the hearing date.

- 1. *List of Documentary Evidence and Exhibits to be presented at hearing***  
*Must include copies of all documents to be presented at the Hearing as attachments.*

TO FACILITATE PROCESSING OF YOUR EVIDENCE, PLEASE:

Avoid the use of staples and tape.  
Include only pages no larger than 11" x 17".  
Caption photographs on the front sides.  
Do not insert pages in plastic sleeves.

Provide photographs on 8-1/2" x 11" pages  
Provide all documents in "unbound" format.  
(Do not use binders, notebooks, report covers,  
index dividers, etc..)

DATE	AUTHOR	TITLE/SUBJECT

- 2. *The following witnesses will testify to the information as listed below:***

**Witness:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Company/Title

**Summary of Testimony**\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets as necessary)

**Witness:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Company/Title

**Summary of Testimony** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Witness:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Company/Title

**Summary of Testimony** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Witness:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Company/Title

**Summary of Testimony** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Witness:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Company/Title

**Summary of Testimony** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_