

IN THE CIRCUIT COURT OF THE NINTH  
JUDICIAL CIRCUIT IN AND FOR ORANGE  
COUNTY, FLORIDA

CASE NO. 2025-CA-005548-O

CONCORD COURT AT CREATIVE  
VILLAGE PARTNERS, LTD., ACCESSORY  
INVESTORS, LLC, and AMELIA COURT AT  
CREATIVE VILLAGE – PHASE II  
PARTNERS, LTD.,

Plaintiffs,

vs.

AMY MERCADO, as the Property Appraiser of  
Orange County, Florida; SCOTT RANDOLPH,  
as the Tax Collector of Orange County, Florida;  
and JIM ZINGALE, as the Executive Director  
of the Florida Department of Revenue,

Defendants.

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**COMPLAINT**

COME NOW Plaintiffs, CONCORD COURT AT CREATIVE VILLAGE PARTNERS, LTD., ACCESSORY INVESTORS, LLC, and AMELIA COURT AT CREATIVE VILLAGE – PHASE II PARTNERS, LTD., and sue the Defendants, AMY MERCADO, as the Property Appraiser of Orange County, Florida, SCOTT RANDOLPH, as the Tax Collector of Orange County, Florida, and JIM ZINGALE, as the Executive Director of the Florida Department of Revenue, and, as its cause of action, would state as follows:

1. The Plaintiffs, CONCORD COURT AT CREATIVE VILLAGE PARTNERS, LTD., ACCESSORY INVESTORS, LLC, and AMELIA COURT AT CREATIVE VILLAGE – PHASE II PARTNERS, LTD., (hereinafter "Plaintiffs"), own real property located in Orange

County, Florida, consisting of a single low income housing complex commonly known as Amelia Court at Creative Village, the denial of the "Live Local" property tax exemption under section 196.1978(3), Florida Statutes, on which property and its subsequent effect on ad valorem taxes is the subject matter of this action. This exemption is also commonly known as the "Multifamily Middle Market" exemption.

2. The parcel is run as a single complex and is more fully described in the records of the Property Appraiser and Tax Collector under the following Parcel Identification Numbers ("the Subject Properties"):

PARCEL ID	PROPERTY ADDRESS
26-22-29-0170-01-000	537 W. Paramore Avenue
26-22-29-0170-01-001	521 N. Parramore Avenue
26-22-29-0170-01-102	680 W. Concord Street
26-22-29-0170-01-103	680 W. Concord Street
26-22-29-0170-01-104	680 W. Concord Street
26-22-29-0170-01-105	680 W. Concord Street
26-22-29-0170-02-000	505 N. Parramore Avenue
26-22-29-0170-02-205	680 W. Concord Street
26-22-29-0170-02-213	680 W. Concord Street
26-22-29-0170-02-214	680 W. Concord Street
26-22-29-0170-02-313	680 W. Concord Street
26-22-29-0170-02-314	680 W. Concord Street
26-22-29-0170-02-413	680 W. Concord Street
26-22-29-0170-02-414	680 W. Concord Street
26-22-29-0170-03-000	667 W. Amelia Street
26-22-29-0170-16-001	550 Putnam Avenue

3. The Defendant, AMY MERCADO is the Property Appraiser of Orange County, Florida (hereinafter the "Property Appraiser"), and is sued herein in her official capacity, and not individually.

4. The Defendant, SCOTT RANDOLPH, is the Tax Collector of Orange County, Florida (hereinafter the "Tax Collector"), and is sued herein in his official capacity, and not individually.

5. The Defendant, JIM ZINGALE, is the Executive Director of the Florida Department of Revenue (hereinafter the "DOR"), and is sued herein in his official capacity, and not individually.

6. This Court has jurisdiction of this matter pursuant to Section 194.171(1) of the Florida Statutes.

7. Venue for this action lies in Orange County, Florida pursuant to Section 194.171(1) of the Florida Statutes.

8. Plaintiffs are now, and were on January 1, 2024, responsible for the property taxes on the Subject Properties located in Orange County, the legal descriptions of which are contained in the Property Appraiser's records as listed in Paragraph 2, above.

9. The Orange County Value Adjustment Board issued its Final Decisions on the denial of the "Live Local" property tax exemption under section 196.1978, Florida Statutes, on the Subject Properties on April 17, 2025. These final decisions were also mailed on April 17, 2025.

10. This is an action by Plaintiffs contesting the legality and validity of the Property Appraiser's failure to grant the appropriate ad valorem tax exemption under Chapter 196.1978 of the Florida Statutes for tax year 2024 for all sixteen parcels identified in this suit.

11. At all times material to this cause of action, the Property Appraiser was responsible for properly determining the right to an ad valorem tax exemption, whether partial or in whole, on Plaintiffs' properties in accordance with Florida law.

12. The Tax Collector has the statutory duty to collect the taxes resulting from the assessment of the Subject Property. The Tax Collector is joined as a nominal party defendant for the purpose of providing timely notice of this action and to provide this Court with jurisdiction

over the Tax Collector to direct a refund of taxes paid upon granting of the relief requested herein.

13. The DOR is joined as a party defendant pursuant to Section 194.181 of the Florida Statutes.

14. This is an action by Plaintiffs contesting the legality and validity of the 2024 ad valorem taxation exemption denials on the aforesaid tax parcels.

15. As of January 1, 2024, the Subject Properties were providing affordable housing as defined in section 196.1978(3), Florida Statutes, and are therefore considered property used for a charitable purpose and eligible to receive an ad valorem property tax exemption under 196.1978(3), Florida Statutes.

16. The Property Appraiser failed to properly or lawfully consider Section 196.1978, Florida Statutes, in making her determination as to the ad valorem property tax exemption on the Subject Properties based on the affordable housing/charitable purpose.

17. The Subject Properties have and continue to serve an important function of the affordable housing system in Florida and that portion of the Subject Properties are entitled to exemption from ad valorem taxation.

18. The “Live Local” or “Multifamily Middle Market” exemption was provided for by the Florida Legislature via revisions to section 196.1978, Florida Statutes, and makes housing properties that meet certain criteria eligible for an ad valorem property tax exemption beginning in tax year 2024.

19. Plaintiffs and the Subject Properties met all the criteria identified in section 196.1978(3), Florida Statutes, and therefore should have received a partial ad valorem property tax exemption on the Subject Properties for tax year 2024. Those criteria include:

- a. The Subject Properties are “newly constructed,” as they have been substantially completed within 5 years before the date of Plaintiffs’ first submission of a request for a certification notice from Florida Housing Finance Corporation (“FHFC”);
- b. The Subject Properties provide more than 70 units of affordable housing based on income and rent rate limitations as provided for by section 196.1978, Florida Statutes;
- c. Plaintiffs applied for a certification notice from FHFC for the 2024 tax year for the Subject Properties, which application process for the certification notice included a completion and transmittal of a rental market study meeting the requirements of the statute;
- d. Plaintiffs received the Certification Notice dated February 15, 2024, from FHFC for the Subject Properties; and
- e. Plaintiffs submitted an exemption application package on all sixteen parcels to the Property Appraiser in a timely fashion (i.e., ahead of the March 1, 2024 exemption application deadline), which exemption application package included the Ad Valorem Tax Exemption Application and Return for Multifamily Project and Affordable Housing Property application form, also known as DR-504AFH.

20. The low income housing complex comprised of the Subject Properties include 227 affordable units out of 268 total units as of January 1, 2024. Included in these 227 affordable units are 177 units that are subject to an agreement with FHFC which restricts occupancy to residents meeting the low-income limits specified in section 420.004, Florida Statutes. The remaining 50 affordable units were certified by FHFC through its Multifamily Middle Market Certification Notice dated February 15, 2024.

21. The Subject Properties also include parcels that are identified as common areas that should be deemed exempt from ad valorem taxation pursuant to section 196.1978(3)(d)(2), Florida Statutes, that states “[w]hen determining the value of a unit for purposes of applying an exemption pursuant to this paragraph, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.” Parcel 26-22-29-0170-01-001 is the Fitness Center/Resident Lounge. Parcel 26-22-29-0170-16-001 is the parking garage.

22. Plaintiffs met all the requirements for a partial ad valorem property tax exemption under section 196.1978(3), Florida Statutes, of January 1, 2024, the date on which all valuations and exemptions are to be determined in Florida, and filed their combined exemption application ahead of March 1, 2024, and are therefore entitled to a partial ad valorem property tax exemption under Florida Statutes.

23. Plaintiffs should have appropriately received a partial exemption on the Subject Properties for 2024.

24. As a result of the foregoing failure to apply the appropriate partial exemption to the Subject Properties, the ad valorem taxes resulting from the Subject Properties substantially exceed the taxes which would have been levied on the Subject Properties had they been properly identified as receiving the ad valorem tax exemption identified above.

25. In an exemption denial challenge, Plaintiffs are obligated to only pay a good faith amount of taxes due on the subject property. Plaintiffs have shown in good faith that the partial exemption should be granted as to the affordable housing units, as well as to the common areas, and therefore lower ad valorem taxes on these spaces are owed. Notwithstanding the good faith requirement, Plaintiffs have paid the entire tax bill on the Subject Properties for 2024, less the

4% discount for early payment in November, but payment of these taxes is not an admission that the tax was due and does not prejudice the right to bring this action. Verification of payment of the payment of taxes to the Tax Collector on the Subject Properties is attached hereto as Composite Exhibit "A" and incorporated herein by this reference.

26. This action has been timely filed, and all conditions precedent to the filing of this action have been satisfied.

WHEREFORE, the Plaintiffs, CONCORD COURT AT CREATIVE VILLAGE PARTNERS, LTD., ACCESSORY INVESTORS, LLC and AMELIA COURT AT CREATIVE VILLAGE – PHASE II PARTNERS, LTD., respectfully pray for the Court to render a judgment decreeing (a) that the application for partial exemption under Section 196.1978, Florida Statutes, was inappropriately denied by the Property Appraiser; (b) that the Court establish and declare that the Subject Properties be granted a partial ad valorem exemption for 2024 or, in the alternative, that the Court remand this determination to the Property Appraiser with instructions to comply with the provisions of the Florida Statutes and the Florida Constitution in determining the exempt status; (c) that the 2024 assessments and the resulting taxes be set aside to the extent the same exceed the taxable values of the Subject Properties; and (d) that the judgment further decree that Plaintiffs, CONCORD COURT AT CREATIVE VILLAGE PARTNERS, LTD., ACCESSORY INVESTORS, LLC and AMELIA COURT AT CREATIVE VILLAGE – PHASE II PARTNERS, LTD., are entitled to a refund of taxes paid to the extent that the amounts previously paid exceed the amount of taxes which would be owed on corrected assessments with the partial exemptions in place, and such tax refunds shall be promptly paid by the Tax Collector within thirty (30) days of entry of a Final Judgment by this Court, along with any statutory interest. Further, Plaintiffs, CONCORD COURT AT CREATIVE VILLAGE

PARTNERS, LTD., ACCESSORY INVESTORS, LLC and AMELIA COURT AT CREATIVE VILLAGE – PHASE II PARTNERS, LTD., would request that it be granted such other and further relief as the Court may deem just and proper, as well as the costs of this action.

LOWNDES, DROSDICK, DOSTER, KANTOR &  
REED, P.A.

/s/ S. Brendan Lynch

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