

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

HOST INTERNATIONAL, INC.,
A Delaware corporation,

CASE NO.:

Plaintiff,

v.

AMY MERCADO, as Property Appraiser for
Orange County, Florida; SCOTT RANDOLPH, as
Tax Collector for Orange County, Florida; and
FLORIDA DEPARTMENT OF REVENUE, a state
agency of the State of Florida.

Defendants.

COMPLAINT

The Plaintiff, HOST INTERNATIONAL, INC. ("the Taxpayer"), sues the Defendants, and alleges:

1. This is an action for declaratory relief, contesting the legality and validity of the 2022 assessments of leasehold property located in Orange County, Florida, and the taxes arising from those assessments.

2. This action is brought pursuant to Sections 26.012(2)(e), and 68.01, Chapter 86, and Parts II and III of Chapter 194, Florida Statutes (2022).¹ It involves taxes assessed against a nongovernmental lessee of government property under the provision of Section 196.199(2). This Plaintiff is in doubt about its legal obligations to pay taxes based upon the assessments imposed by the Defendant Property Appraiser and is in further doubt whether the legal protection afforded taxpayers under Florida law is being applied by this Defendant, and by Defendant Tax Collector.

¹ All references to the Florida Statutes are to the current (2022) Florida Statutes.

3. The Taxpayer is a Delaware corporation authorized to do business in Florida. It is the party responsible for paying the taxes on the subject property as the lessee of a nongovernmental leasehold. The property is identified in paragraph 7 of this Complaint. The Taxpayer/Plaintiff is a subsidiary of HMSHost Corporation, and continues to do business under the name "HMSHost." The Taxpayer is responsible for payment for the tax as set forth in Section 194.181(1)(a), Florida Statutes.

4. AMY MERCADO ("the Appraiser") is the duly constituted and elected Property Appraiser of Orange County, Florida, and this action is brought against her in that official capacity.

5. SCOTT RANDOLPH ("the Collector") is the duly constituted and elected Tax Collector of Orange County, Florida, and this action is brought against him in that official capacity.

6. FLORIDA DEPARTMENT OF REVENUE ("DOR") is a collegial agency of the State of Florida. Its head is the Governor and Cabinet. Service of process on DOR is effected by serving a copy of this Complaint on its Agency Clerk. DOR is included as a party only to the extent it is required to be under Section 194.181(5), and the Taxpayer is not asserting any violation of the State Constitution except to the extent the Defendant Property Appraiser has failed to assess the subject property at "just value" as she is required to do under that Constitution.

7. The Taxpayer leases space in the Orlando International Airport terminal where it provides food and beverage and retail service to visitors to the Greater Orlando area and to airport and airline employees. This leasehold includes food and beverage, as well as retail service facilities at a number of locations throughout the main and airside terminal structures. The Appraiser has assigned thirteen separate parcel identification numbers to this leasehold, reflecting the separate operations. In 2015, the Appraiser's predecessor quadrupled (x4) the assessment of these parcels from his 2014 assessments, and sextupled (x6) them from those of his predecessor in office (in

2012). The total assessment was adjusted downward, overall, by 3% to 4% for 2016 and then, inexplicably, increased slightly for each subsequent year, but inconsistently between parcels. Those tax levies subject to the assessment increase limitations (“caps”) imposed under Article VII, Section 4(h) of the Florida Constitution, and Section 193.1555, were increased at least the full 10% each year, and in some instances, more, thereby exceeding the constitution assessment limits.

03-24-30-0000-10-015		
	Market Value	Capped Value†
2022	\$11,488,486	\$5,226,318
2021	\$7,832,684	\$4,751,198
2020	\$11,442,659	\$4,319,271
2019	\$11,419,081	\$3,926,610
2018	\$11,397,518	\$3,569,645
2017	\$11,356,128	\$3,245,132
2016	\$11,307,154	\$2,950,120
2015	\$12,451,452	\$2,681,927
2014	\$3,119,987	\$2,438,115
2013	\$3,116,167	\$2,216,468
2012	\$2,014,971	\$2,014,971

03-24-30-0000-10-016		
	Market Value	Capped Value†
2022	\$222,135	\$219,604
2021	\$216,355	\$199,640
2020	\$442,498	\$181,491
2019	\$441,586	\$164,992
2018	\$440,752	\$149,993
2017	\$439,151	\$136,357
2016	\$437,257	\$123,961
2015	\$436,015	\$112,692
2014	\$109,253	\$102,447
2013	\$109,119	\$93,134
2012	\$84,667	\$84,667

03-24-30-0000-10-020

	Market Value	Capped Value†
2022	\$24,072	\$9,527
2021	\$23,446	\$8,661
2020	\$47,932	\$7,874
2019	\$47,833	\$7,158
2018	\$47,743	\$6,507
2017	\$45,570	\$5,915
2016	\$47,365	\$5,377
2015	\$47,230	\$4,888
2014	\$11,837	\$4,444
2013	\$11,823	\$4,040
2012	\$15,287	\$3,673

03-24-30-0000-10-022

	Market Value	Capped Value†
2022	\$1,002,075	\$412,784
2021	\$683,204	\$375,258
2020	\$998,078	\$341,144
2019	\$996,021	\$310,131
2018	\$994,140	\$281,937
2017	\$990,530	\$256,306
2016	\$986,258	\$233,005
2015	\$983,456	\$211,823
2014	\$246,428	\$192,566
2013	\$246,127	\$175,060
2012	\$159,145	\$159,145

03-24-30-0000-10-044

	Market Value	Capped Value†
2022	\$2,307,734	\$950,631
2021	\$1,573,375	\$864,210
2020	\$2,298,529	\$785,645
2019	\$2,293,793	\$714,223
2018	\$2,289,461	\$649,294
2017	\$2,281,147	\$590,267
2016	\$2,271,310	\$536,606
2015	\$2,264,855	\$487,824
2014	\$567,505	\$443,476
2013	\$566,810	\$403,160
2012	\$366,509	\$366,509

03-24-30-0000-10-045

	Market Value	Capped Value†
2022	\$17,418,248	\$7,669,374
2021	\$11,868,743	\$6,972,158
2020	\$17,348,768	\$6,338,325
2019	\$17,313,020	\$5,762,114
2018	\$17,280,327	\$5,238,285
2017	\$14,274,446	\$3,698,408
2016	\$14,212,887	\$3,362,189
2015	\$14,172,494	\$3,056,535
2014	\$3,551,232	\$2,778,668
2013	\$3,546,885	\$2,526,062
2012	\$2,296,420	\$2,296,420

03-24-30-0000-10-047

	Market Value	Capped Value†
2022	\$198,489	\$170,072
2021	\$193,324	\$154,611
2020	\$395,375	\$140,555

03-24-30-0000-10-101

	Market Value	Capped Value†
2022	\$1,993,038	\$1,993,038
2021	\$1,941,178	\$1,910,209
2020	\$3,970,187	\$1,736,554
2019	\$3,962,006	\$1,578,685
2018	\$3,954,524	\$1,435,168
2017	\$3,940,163	\$1,304,698
2016	\$3,923,171	\$1,186,089
2015	\$3,912,022	\$1,078,263
2014	\$980,239	\$980,239
2013	\$979,039	\$979,039
2012	\$759,680	\$759,680

03-24-30-0000-10-317

	Market Value	Capped Value†
2022	\$31,664,915	\$16,549,177
2021	\$22,594,238	\$15,044,706
2020	\$34,966,322	\$13,677,005
2019	\$34,894,273	\$12,433,641
2018	\$34,828,380	\$11,303,310
2017	\$32,746,051	\$9,631,071
2016	\$32,604,831	\$8,755,519
2015	\$32,512,169	\$7,959,563
2014	\$8,146,650	\$7,235,966
2013	\$8,136,676	\$6,578,151
2012	\$5,980,137	\$5,980,137

03-24-30-0000-10-343

	Market Value	Capped Value†
2022	\$956,825	\$394,153
2021	\$652,349	\$358,321
2020	\$953,009	\$325,746
2019	\$951,045	\$269,133
2018	\$949,249	\$269,212
2017	\$945,802	\$244,738
2016	\$941,723	\$222,489
2015	\$939,047	\$202,262
2014	\$235,296	\$183,875
2013	\$235,008	\$167,159
2012	\$151,963	\$151,963

03-24-30-0000-10-410

	Market Value	Capped Value†
2022	\$664,759	\$350,429
2021	\$453,227	\$318,572
2020	\$662,107	\$226,304
2019	\$660,743	\$205,731
2018	\$659,495	\$187,029
2017	\$660,743	\$170,026
2016	\$654,267	\$154,569
2015	\$652,407	\$140,517
2014	\$163,477	\$127,743
2013	\$163,277	\$116,130
2012	\$105,573	\$105,573

03-24-30-0000-10-416

	Market Value	Capped Value†
2022	\$413,006	\$217,710
2021	\$281,578	\$197,918
2020	\$411,359	\$140,613
2019	\$410,511	\$127,830
2018	\$409,736	\$116,209
2017	\$408,248	\$105,645
2016	\$406,487	\$96,041
2015	\$405,332	\$87,310
2014	\$101,563	\$79,372
2013	\$101,439	\$72,157
2012	\$65,597	\$65,597

03-24-30-0000-10-421		
	Market Value	Capped Value†
2022	\$1,127,952	\$464,638
2021	\$769,024	\$422,398
2020	\$1,123,452	\$383,998
2019	\$1,121,137	\$349,089
2018	\$1,119,020	\$317,354
2017	\$1,114,956	\$288,504
2016	\$1,110,148	\$262,276
2015	\$1,106,993	\$238,433
2014	\$277,381	\$216,757
2013	\$277,041	\$197,052
2012	\$179,138	\$179,138

8. In doing so, the Appraiser has assigned erroneous assessments to these parcels, beginning in 2015, indicating an enormous increase in value, for 2015, a small decrease from that value in 2016, and then fluctuating upwards for 2017, 2018, 2019, 2020, and 2021 absent any detectable change in the actual market during any of this period. There was a grudging acknowledgment of the Global Covid-19 pandemic, but patently inadequate for the actual economic devastation of the travel and aviation industries in 2020, as reflected in real values as of 1 January 2021. Her error is so egregious as to be arbitrary and capricious. Her actions reflect a value increase by a factor of 4 to 6 times previous determinations of market or just value. The Appraiser's assessments disregard the requirements of Section 193.011 and depart from professionally accepted appraisal practices. The Appraiser has assessed the property many multiples of its just value. Further, the Appraiser's assessment is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by this Appraiser to comparable property in Orange County, as well as by all other Florida appraisers in assessing food and beverage leaseholds at other Florida airports. Consequently, the assessment is unlawful, unjust, excessive, arbitrary, invalid, and illegal.

9. The Taxpayer has paid to the Collector the amount which it admits in good faith to be owing and due and the Collector has provided his receipts, which are attached as Composite Exhibit "A." Accordingly, the requirements of Section 194.171(3) have been met.

10. The Collector is made a party to this action because the Court must have jurisdiction over him to ensure compliance with the requirements of Section 194.171(3) and the Florida Administrative Code ("Rules") of DOR governing "good faith" payments in litigation to that statute, and to order issuance of a refund.

WHEREFORE, the Plaintiff prays that this Court grant the following relief:

- A. Set aside the assessments for the subject property made by the Appraiser for 2022.
- B. Establish the 2022 just value of the subject property, taking into consideration all criteria set out in Section 193.011, Florida Statutes, professionally accepted appraisal practices, and utilizing the appropriate appraisal methodology applicable to the subject property as of January 1, 2022.
- C. Tax against the Defendants the costs of this suit, as determined by the Court.
- D. Grant such other relief as shall be deemed appropriate to provide full relief for the Plaintiff.

Date: December 13, 2022.

Respectfully submitted,

s/ Geraldine P. Asher

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