

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE-24-017728

PFL VII LLC,

Plaintiff,

vs.

MARTY KIAR, as the Property Appraiser of
Broward County, Florida; BROWARD
COUNTY, a political subdivision of the State of
Florida; and JIM ZINGALE, as the Executive
Director of the Florida Department of Revenue,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, PFL VII LLC, and sues the Defendants, MARTY KIAR as the Property Appraiser of Broward County, Florida; BROWARD COUNTY, a political subdivision of the State of 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 Plaintiff, PFL VII LLC (hereinafter "Plaintiff"), owns real property located in Broward County, Florida, consisting of two commercial parcels collectively known as and operating as the Westin Fort Lauderdale, the valuation of which property for ad valorem tax purposes is the subject matter of this action.

2. The parcel is more fully described in the records of the Property Appraiser and Tax Collector under the following Parcel Identification Numbers ("the subject properties"): 4942-11-24-0010 and 4942-11-24-0070.

3. The Defendant, MARTY KIAR, is the Property Appraiser of Broward County, Florida (hereinafter the "Property Appraiser"), and is sued herein in his official capacity, and not individually.

4. The Defendant, BROWARD COUNTY, a political subdivision of the State of Florida (hereinafter the "Tax Collector"), and is sued herein in its 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 Broward County, Florida pursuant to Section 194.171(1) of the Florida Statutes.

8. Plaintiff is now, and was on January 1, 2023, responsible for the property taxes on the subject properties located in Broward County, the legal descriptions of which are contained in the Property Appraiser's records as listed in Paragraph 2 above.

9. The Broward County Value Adjustment Board certified its Final Decisions on the subject properties on October 16, 2024. These Final Decisions were mailed on or around October 31, 2024.

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

11. This is an action by Plaintiff contesting the legality and validity of the 2023 ad valorem assessments (market values and assessed values) on the aforesaid tax parcels.

12. At all times material to this cause of action, the Property Appraiser was responsible for properly assessing the value of Plaintiff's parcels in accordance with Florida law.

13. The Tax Collector has the statutory duty to collect the taxes resulting from the assessment of the subject properties. 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.

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

15. The real property for which Plaintiff is responsible for property taxes is subject to assessment by the Property Appraiser for ad valorem tax purposes. Section 192.001(12) of the Florida Statutes defines "real property" to mean "land, buildings, fixtures, and all other improvements to land."

16. As of the filing of this action, the market values and assessed values assigned to the subject properties for 2023 are as follows:

PARCEL	MARKET VALUE	ASSESSED VALUE
4942-11-24-0010	\$33,701,180	\$25,993,130
4942-11-24-0070	\$3,545,210	\$3,545,210

17. These assessments exceed the just and fair market values of the subject properties, and are unlawful and/or invalid because:

- (a) Section 193.011 of the Florida Statutes was not properly or lawfully considered by the Property Appraiser;
- (b) The Property Appraiser has unlawfully, systematically, and intentionally substituted his own assessment policy instead of

following the mandates of Section 193.011 of the Florida Statutes and the Florida Constitution with regard to valuing real property for ad valorem tax purposes;

- (c) The assessments are discriminatory in that the assessments are at higher valuations than other taxable property of like class, nature, character, use, and condition located in Broward County, Florida;
- (d) The assessments are arbitrarily based on valuation practices which are different from the valuation practices generally applied to comparable property within the same class and within Broward County, Florida;
- (e) The assessments include the value of certain intangible property, in violation of Article VII, Section 1(a) of the Florida Constitution; and/or
- (f) The method of assessment used by the Property Appraiser was unrealistic, unjust, excessive, arbitrary, and is in violation of the general laws of the State of Florida cited above and Article I, Section 4 and Article VII of the Florida Constitution, and violates the valuation methods and practices set forth in the Uniform Standards of Professional Appraisal Practice (USPAP).

18. As a result of the foregoing over-valuations, the 2023 market values and assessed values greatly exceed the just values of the parcels comprising the subject properties, and the ad valorem taxes resulting therefrom substantially exceed the taxes which would have been levied on the subject properties had the parcels been properly assessed.

19. Plaintiff has paid the taxes due on the subject parcels for 2023, less the 4% discount for early payment in November, but payment of these taxes is not an admission that the taxes were due and does not prejudice the right to bring this action. Verification of payment of the taxes to the Tax Collector on these parcels is attached hereto as Composite Exhibit "A" and incorporated herein by this reference.

20. Plaintiff has complied with all conditions precedent to the filing of this action.

WHEREFORE, the Plaintiff, PFL VII LLC, respectfully prays for the Court to render a judgment decreeing (a) that the assessed values and market values of the subject properties for 2023 exceed just value and/or the subject properties were unlawfully, unequally, and/or invalidly over-assessed for 2023; (b) that the Court establish and declare the lawful amounts of the 2023 assessed values and market values or, in the alternative, that the Court remand these assessments to the Property Appraiser with instructions to comply with the provisions of the Florida Statutes and the Florida Constitution; (c) that the 2023 assessments and the resulting taxes be set aside to the extent the same exceed the just or fair market values of the subject properties; and (d) that the judgment further decree that Plaintiff, PFL VII LLC, is 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, 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, Plaintiff, PFL VII LLC, 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.

By: /s/ S. Brendan Lynch

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