

RESOLUTION NO. 16-1213-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FLORIDA PACE FUNDING AGENCY, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS DESCRIBED IN SECTION 197.3632, FLORIDA STATUTES, FOR MORE THAN ONE YEAR LEVIED IN COUNTIES AND MUNICIPALITIES SUBSCRIBING TO OR SERVED BY THE FLORIDA PACE FUNDING AGENCY IN THE STATE OF FLORIDA; STATING A NEED FOR SUCH LEVY; PROVIDING FOR NOTICE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE FLORIDA PACE FUNDING AGENCY, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the Florida PACE Funding Agency (the "Agency") is adopted pursuant to final and binding judicial decree in favor of the Agency, Section 163.08(4), Florida Statutes, Chapter 197, Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS.

(A) The Board of Directors of the Florida PACE Funding Agency (the "Board") intends to use the uniform method for collecting non-ad valorem assessments for more than one year within the area encompassed by the counties and municipalities now or hereafter subscribing to or served by the Florida PACE Funding Agency throughout the State of Florida (the legal description of which is attached hereto as Exhibit A and incorporated herein), as authorized by Section 197.3632, Florida Statutes, which will allow such assessments to be collected annually, commencing in November 2017, in the same manner as provided for ad valorem taxes.

(B) The Board held a duly advertised public hearing for the purpose of considering the adoption of this Resolution, proof of publication of notice of such hearing being attached hereto as Exhibit B.

SECTION 3. UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS.

(A) Commencing with the ad valorem tax bills issued in November, 2017, the Agency hereby announces its intention and the statutory requirement under Section 163.08 Florida Statutes, that it use the uniform method of collecting non-ad valorem assessments for more than one year as provided for in Section 197.3632, Florida Statutes, as amended, for collecting non-ad valorem assessments for the cost of providing capital infrastructure necessary to advance the purposes of the Agency, including but not limited to, the provision of funding to construct Qualifying Improvements under section 163.08, Florida Statutes. The Legislature has determined that such non-ad valorem assessments serve a compelling state interest. By law the Agency has the statutory authority to levy its non-ad valorem assessments within all or a portion of the boundaries of the counties or municipalities throughout the State of Florida now or hereafter subscribing to or served by the Florida PACE Funding Agency.

(B) The Agency hereby determines that the levy of such assessments is needed to fund the cost of addressing such compelling state interest by providing such funding and financing for Qualifying Improvements to property located within the boundaries of the counties and municipalities subscribing to or served by the Agency.

(C) Adoption of this Resolution is solely for the purpose of complying with the statutory requirements that the Agency publicly announce to property owners, the Florida Department of Revenue, and the property appraisers and the tax collectors of the various counties throughout the State of Florida before January 1 that it may levy non-ad valorem assessments and use the uniform method of collection. Adoption of this Resolution shall not be deemed to commit or require the Agency to impose any assessments.

(D) By this Resolution the Board hereby agrees to and accepts the terms authorized by sections 197.3632(2) and 192.091(2)(b)2., Florida Statutes, or their successors in function, for compensation of tax collectors and property appraisers, and the Agency accordingly agrees to pay such amounts by deduction as the non-ad valorem assessments are collected. This Resolution and the specific restatement of the foregoing agreement to each affected property appraiser and tax collector by written notice on or before January 10, 2017 does and shall constitute an enforceable written contract and satisfies the requirements of the statute of frauds under sections 725.01 and 197.3632(2), Florida Statutes, which is consistent with controlling case law and informal guidelines provided by the Florida Department of Revenue. Such documentation shall serve to constitute the Agency's separate written agreement required by section 197.3632(2), Florida Statutes, unless an alternative mutually agreeable written agreement governing the reimbursement of necessary administrative costs in this circumstance is otherwise mutually agreed upon by the Agency and any applicable tax collector and/or property appraiser.

(E) The Agency intends to comply with the statutory terms required and which have been provided by the Legislature for the Agency's use of the uniform method for collecting non-ad valorem assessments, including the certification of the non-ad valorem assessment roll to the tax collector on a compatible electronic medium without error or omission by September 15.

(F) Upon adoption, the Executive Director, or his designee, is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue and each of the various county property appraisers and county tax collectors (or their functional equivalent by charter) by January 10, 2017.

(G) For convenience or ease of dissemination, the Executive Director, or his or her designee, may certify and distribute a copy of this Resolution with only that portion of Exhibit B appended hereto which is associated with one or less than all of the proof of publication evidence contained in exhibit B hereto; and, same shall then also serve as and be deemed for all purposes as a duly conformed copy of the original as to those counties in which publication occurred and proof of publication is appended to any such conformed copy.

SECTION 4. CONSTRUCTION; EFFECTIVE DATE. This Resolution shall be liberally construed to effect the purposes hereof and shall become effective immediately upon adoption.

DULY ADOPTED this 13th day of December 2016.

**BOARD OF DIRECTORS OF THE FLORIDA
PACE FUNDING AGENCY**

By: *Barbara S. Revels*
Barbara S. Revels, Chair

(SEAL)

ATTEST:

D. J. Smellwood
Secretary

EXHIBIT A

LEGAL DESCRIPTION OF THE STATE OF FLORIDA

The entirety of lands within the State of Florida, including with particularity the following:

Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude $30^{\circ}16'53''$ north and longitude $87^{\circ}31'06''$ west intersect; thence to the point where latitude $30^{\circ}17'02''$ north and longitude $87^{\circ}31'06''$ west intersect; thence to the point where latitude $30^{\circ}18'00''$ north and longitude $87^{\circ}27'08''$ west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude $87^{\circ}27'00''$ west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude $31^{\circ}00'00''$ north; thence east, along the south boundary line of the State of Alabama, the same being latitude $31^{\circ}00'00''$ north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing south $0^{\circ}01'00''$ west from the point of beginning; thence northerly along said line to the point of beginning;

Together with any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

EXHIBIT B

PROOF OF PUBLICATION

NOT A CERTIFIED COPY