



RESOLUTION NO. 2025-0729 (02)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FLORIDA PACE FUNDING AGENCY, SUPPLEMENTING FLORIDA PACE FUNDING AGENCY RESOLUTION 2016-0809 (3); RELEASING UNPAID ASSESSMENTS INSTALLMENTS FOR PRIOR TAX YEARS IN CERTAIN DEFINED SITUATIONS AND IMPOSING SUBSSTITUTE ASSESSMENTS; PROVIDING FOR NULLIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY AND PURPOSE.

(A) This Resolution of the Florida PACE Funding Agency ("Agency") is adopted pursuant to the Amended and Restated Interlocal Agreement Relating to the Establishment of the Florida PACE Funding Agency, the provisions of sections 163.01 and 163.08, et seq., Florida Statutes, and other applicable provisions of general law.

(B) The purpose of this Resolution is to provide for orderly, fair, and transparent collection of unpaid assessment amounts associated with Qualifying Improvements made on properties in certain counties in Florida associated with the failure of certain Tax Collectors to collect the Agency's assessments in accordance with Florida Law.

SECTION 2. FINDINGS.

(A) The Agency, pursuant to Resolution 2016-0809 (3), imposes and has imposed certain non-ad valorem assessments on real property to support the costs of installation of Qualifying Improvements (as that term is defined in section 163.08(4), Florida Statutes) on the associated parcels of real property.

(B) Florida law specifically requires tax collectors in the various counties to collect the Agency's non-ad valorem assessments and does not grant tax collectors discretion to dispute the validity of the Agency's assessments. Nevertheless, certain tax collectors have unlawfully refused to collect such assessments despite final, binding judgments of courts of the State of Florida requiring them to do so.

(C) The Agency has used a combination of reserve and operating funds, voluntary contributions from certain of the Agency's Financial Service Providers, and direct payments from property owners, to meet debt service obligations on bonds associated



with assessments uncollected by tax collectors or through other means, for assessments that were to be paid on the same bills as for taxes issued in 2023 and 2024.

(D) Each and every one of the parcels of real property with an assessment installment that was unpaid through this means and which remains unpaid has created an individual and substantial burden that can be clearly valued and associated with that parcel in an amount exceeding the outstanding unpaid assessment amounts.

(E) Each parcel of real property with an assessment installment that was unpaid through either the collection of taxes and non-ad valorem assessments in due course or through direct payment by an owner of the affected parcel of real property created a burden in the amount of the unpaid assessment installment which has been paid for by the Agency.

(F) It is fair and just to assess an amount equivalent to the unpaid assessment installments against each parcel of real property for which the annual assessment installments have not been paid.

(G) In addition to the amounts paid directly toward servicing the bonds previously issued, the Agency has expended substantial sums of money on efforts to directly collect the assessments and to compel tax collectors to complete their ministerial duties under Florida law. The total amount expended in these efforts exceeds \$150 per assessed parcel per year.

(H) Assessing these costs against affected parcels would create an additional financial hurdle for the owners of said parcels. The failure of the tax collectors to comply with Florida law is a factor outside of the control of such property owners. Accordingly, the Agency determines not to assess additional costs against these properties.

SECTION 3. RELEASE AND REIMPOSITION OF ASSESSMENTS.

(A) The Agency hereby releases its claim to the assessment installments that have yet to be paid and that were due on March 31, 2025, or March 31, 2024, under the following conditions:

- (i) The parcel of real property against which the assessment is levied is located in a county where the tax collector refused to place the Agency's assessments on the same bill as for taxes in the manner in which they appeared on the certified assessment roll submitted to said tax collector in the respective annual assessment cycle; and
- (ii) The parcel of real property against which the assessment is levied has a remaining balance due for such tax years in excess of ten dollars (\$10.00); and



(iii) The parcel of real property against which the assessment is levied is not in receivership, bankruptcy, or any other legal proceeding wherein the priority or validity of the Agency's claim is disputed or would be affected by a release of claim and reimposition of the assessment in the manner described herein.

(B) The Agency hereby imposes an assessment of an amount equal to the sum total of unpaid assessment amounts due on March 31, 2024, and March 31, 2025, on each parcel of real property with unpaid assessment amounts for which the claim to said assessment amount is released pursuant to Section 3(A) of this resolution, and such assessment when paid shall be credited against the outstanding assessment amounts referenced in Section 3(A) in the same manner as if they had been paid in the absence of the adoption of this resolution.

(C) In no circumstance, and notwithstanding any other provision of this resolution, shall this resolution be interpreted to forgive or reduce the amount of any non-ad valorem assessment previously imposed by the Agency.

(D) This resolution does not in any way alter the annual amount due under in any year for any assessment, except for the addition of the amount of assessment installments unpaid as of the date hereof to the 2025 assessment roll. This resolution in no way releases any lien of assessment or lien of any type.

(E) This resolution supplements and amends Agency Resolution 2016-0809 (3), and should be interpreted liberally to effectuate the purposes of this Resolution without prejudicing the Agency's authority to collect the assessments imposed pursuant to that Resolution.

SECTION 4. AUTHORIZATION AND DIRECTION. The Agency hereby directs and authorizes the Executive Director to instruct such appropriate parties, including but not limited to program counsel and David Taussig and Associates, to take such actions necessary to effectuate this resolution, and further authorizes the Executive Director to coordinate with any tax collector who previously has declined to collect the Agency's assessments to collect the same amounts as previously enrolled on the assessment rolls but not included on the respective bills for taxes and non-ad valorem assessments or as directed by this resolution on a corrective tax and/or assessment notice for prior years, in which case the provisions of Sections 3(A) and 3(B) hereof expressly do not apply to said parcels.

SECTION 5. EFFECT OF PRIOR RESOLUTIONS. Any previous Resolutions or portions of Resolutions in conflict with this Resolution are hereby superseded.



SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

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PASSED AND ADOPTED this 29th day of July, 2025, in a duly noticed public session of the Board of Directors of the Florida PACE Funding Agency.

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



Attest:



Asst - Secretary - Cheryl G. Gino

By:



Chair - Mike Stengerwald