RESOLUTION NO. 2026-1103 (1)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FLORIDA PACE FUNDING AGENCY, ELECTING TO USE AND PROVIDING FOR NOTICE OF REQUIRED STATUTORY USE OF THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS DESCRIBED IN SECTIONS 197.3632, AND 163.08, FLORIDA STATUTES, FOR MORE THAN ONE YEAR LEVIED IN ALL COUNTIES AND MUNICIPALITIES SUBSCRIBING TO OR OTHERWISE SERVED BY THE FLORIDA PACE FUNDING AGENCY THROUGHOUT THE STATE OF FLORIDA; STATING A NEED FOR SUCH LEVY; REQUESTING ADVANCE NOTICE OF REASONABLY ESTIMATED ADMINISTRATIVE COSTS, NOT EXCEEDING ACTUAL MARGINAL ADDITIONAL COSTS AND NOT BASED ON A PERCENTAGE OF COLLECTIONS, IN ORDER TO MORE FAIRLY SERVE AND INFORM AFFECTED PROPERTY OWNERS; 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; PURPOSE; PRESERVATION OF SOVEREIGN IMMUNITY AND COMPREHENSIVE LIMITITATION OF LIABILITY FOR ALL LOCAL GOVERNMENTS; AND INTERGOVERNMENTAL CONTACT.

(A) This Resolution of the Florida PACE Funding Agency (the "Agency") is adopted pursuant to final and binding judicial determinations and validations in favor of the Agency, Sections 163.01(7)(g) and 163.08, et seq., Florida Statutes, Chapter 197, Florida Statutes, the Agency's charter and other applicable provisions of law.

(B) The Agency is an independent public body corporate and politic created pursuant to, and is empowered under, Florida general law to act separately and independently as a special purpose local government throughout the entire State. Although the independent nature of the Agency was widely disclosed to all general purpose local governments in 2017 and subsequently, the Agency has since also obtained judicial confirmation of such alternative, independent, concurrent, and non-exclusive power to serve, perform and fund essential governmental functions expressly authorized

by the Legislature statewide, which confirmation has been subsequently reaffirmed. By general law, and as confirmed by judicial determination, the Agency has been lawfully created and authorized to independently issue its bonds and provide funding and financing to private property owners throughout the entire State, subject only to county or municipal authorization for assessments imposed subsequent to July 1, 2024. The Agency interacts with private property owners who voluntarily choose to apply to transact and engage with the Agency; and, the Agency's governance and implementation of its financing and funding program is independent, alternative, non-exclusive and concurrent with any other such local government financing or funding program. The activities of the Agency accomplish compelling state interests described and expressly encouraged by the Legislature.

(C) By general law the Agency is both authorized and required to use and employ the uniform method of collection of non-ad valorem assessments. The proceeds from the Agency's non-ad valorem assessments serve as pledged revenue to payment of its bonds. Such bonds issued by the Agency provide the funding to finance qualifying improvements when voluntarily applied for to the Agency by private property owners pursuant to the Supplement Act. This Resolution, among other things, provides for timely notification and demonstration of statutory compliance with regard to the Agency's uniform statewide non-ad valorem assessment collection and enforcement approach under general law.

(D) To avoid doubt please be aware that, by general law and as confirmed by judicial determination, the Agency and the general purpose local governments incorporating or acting as members of the Agency are and shall be subject to sections 768.28 and 163.01(9)(c), Florida Statutes, and any other provisions of Florida law governing sovereign immunity. Pursuant to section 163.01(5)(o), Florida Statutes, and the Agency's charter such local governments may not be held jointly liable for the torts of the officers or employees of the Agency, or any other tort attributable to the Agency or another member of the Agency, and the Agency alone shall be liable for any torts attributable to it or for torts of its officers, employees or agents, and then only to the extent of the waiver of sovereign immunity or limitation of liability as specified in section 768.28, Florida Statutes. Further, the Agency is a legal entity separate and distinct from its incorporators, and neither of the incorporators, nor any subsequent local government member of the Agency, nor any local government within which the Agency may serve and provide financing to a property owner therein in which a non-ad valorem assessment is imposed, nor any subsequently subscribing local government, shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the Agency, nor the Board, nor any other agents, employees, officers or officials of the Agency, except to the extent otherwise mutually and expressly agreed upon, and neither

the Agency, its Board of Directors or any other agents, employees, officers or officials of the Agency have any authority or power to otherwise obligate any county, municipality nor any other local government, nor any subsequently participating member or subscribing local government, in any manner. No action by a Tax Collector or general purpose local government is effective to deny the effect of such validations, or to render the liens of any assessments imposed by the Agency and required by law to be collected through the process outlined under the Uniform Method of Collection in any way invalid or unenforceable.

(E) For purposes of improving communication and better intergovernmental relations concerning this Resolution, please contact: Wendi Leach, Executive Director, Florida PACE Funding Agency at: Wendi@FloridaPACE.gov

SECTION 2. FINDINGS.

(A) The Board of Directors of the Florida PACE Funding Agency (the "Board") will, and 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 otherwise 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 directed and authorized by Section 197.3632(4), Florida Statutes, which will allow such assessments to be collected (or continue to be collected) annually, commencing in November 2027, in the same manner pursuant to the same tax bill or notice as provided for ad valorem taxes, which is described and referred to as the "uniform method of collection."

(B) The Board held a duly advertised public hearing for the purpose of considering the adoption of this Resolution, or has previously and properly done so and commenced its use of the uniform method of collection, proof of publication of notice of such hearing has been previously provided in writing in conformance with section 197.3632, Florida Statutes, and guidance from the Florida Department of Revenue, or is attached hereto in substance as Exhibit B.

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

(A) Commencing with the ad valorem tax bills issued in November, 2027, the Agency announces its intention and the statutory requirement under Section 163.08, et seq., 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 a compelling state interest and the purposes of the Agency, including but not limited to, the provision of funding and financing to construct or pay for qualifying improvements under general law provisions of section 163.08, et seq., Florida Statutes, as amended, (the "Supplemental Act"), in the manner permitted by the Legislature ("Qualifying Improvements"). The Legislature has determined that such non-ad valorem assessments serve a compelling state interest. 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 otherwise served by the Florida PACE Funding Agency as a matter of overriding general law.

(B) By law and resolution of the Agency, a property owner may apply to the Agency for funding and financing of a Qualifying Improvement. The Agency is authorized by general law to fund and finance Qualifying Improvements. The Agency hereby reaffirms and determines that the levy of such assessments is needed to serve and fund the cost of addressing the forgoing compelling state interests by providing such funding and financing for Qualifying Improvements to property located within the boundaries of the counties and municipalities subscribing to or otherwise served by the Agency statewide.

(C) The notice and adoption requirements of section 197.3632(4), including, but not limited to, specially noticed hearings to adopt the non-ad valorem assessment roll, do not apply to the assessments described herein to be collected using the uniform method of collection. Pursuant to section 163.08(4), Florida Statutes (2012-2023), or sections 163.081(4) and 163.082(4), Florida Statutes (2024-2025), as applicable, the notice and adoption provisions of section 197.3632(4) are not applicable to the assessments described herein regardless of the position, opinion, statement, or agreement, or lack of any of these, of the Property Appraiser or Tax Collector of each county.

(D) Adoption of this Resolution is, among other things, for the purpose of complying with the statutory notice 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, 2027 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.

(E) 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, 2027 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, written guidelines and statutory supervision provided to taxing authorities, property appraisers and tax collectors by the Florida Department of Revenue, and judicial confirmation. Such documentation shall serve to constitute the Agency's separate written agreement required by section 197.3632(2), Florida Statutes, unless a supplemental and 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.

(F) 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 in each ensuing annual period.

(G) By this Resolution and dissemination thereof, the Agency respectfully requests each tax collector and property appraiser kindly respond and inform the Agency in writing as soon as possible, to provide better certainty to property owners, announcing a single or flat fee or charge per tax parcel for reasonable estimated administrative costs, not exceeding actual marginal additional costs and provide an explanation of the calculation thereof, which are not based upon a percentage of the amount collected. And, thereafter, annually as early as possible prior to October 15 preceding each fiscal year announce any changes in such fees or charges. Such announcement is requested to better inform and provide certainty to private property owners who desire to evaluate the costs anticipated to be paid to tax collectors and property appraisers as a part of entering into ensuing financing agreements with the Agency for qualifying improvements in the manner provided by the Supplemental Act.

(H) Nothing in this Resolution shall prevent the Agency from taking such actions necessary to ensure compliance with the uniform method of collection by the various tax collectors. Nothing in this Resolution shall prevent or inhibit the Agency from attempting to enforce its liens via any other method in the event of the refusal of any tax collector to perform ministerial duties related to such lien.

(I) Upon adoption, the Executive Director, or such person's 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) before but in any event by January 10, 2027.

(J) For convenience or ease of dissemination, the Executive Director, or such person's designee, may certify and distribute a conformed copy of this Resolution with only that portion of Exhibit B appended thereto which is associated with one county or less than all of the statewide proof of publication evidence (or a textual or other reasonable reference to prior compliance and notice to each county pursuant section 197.3632, Florida Statutes,) contained in Exhibit B appended 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 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 3rd day of November 2026.

State of Florida Florida PACE Funding Agency June 22nd, 2011

BOARD OF DIRECTORS OF THE FLORIDA PACE FUNDING AGENCY

By: _____
Cheryl Grieb, Acting Chair

(SEAL)

ATTEST:

_____
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°16′53″ north and longitude 87°31′06″ west intersect; thence to the point where latitude 30°17′02″ north and longitude 87°31′06″ west intersect; thence to the point where latitude 30°18′00″ north and longitude 87°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°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°00′00″ north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°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°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

EVIDENCE OF
PROOF OF PUBLICATION