

RESOLUTION NO. 2022-5

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FLORA RIDGE EDUCATIONAL FACILITIES BENEFIT DISTRICT, OSCEOLA COUNTY, FLORIDA RELATING TO THE FUNDING OF EDUCATIONAL FACILITIES IMPROVEMENTS; APPROVING THE FISCAL YEAR 2022-23 NON-AD VALOREM ASSESSMENT ROLL AND DIRECTING CERTIFICATION THEREOF TO THE OSCEOLA COUNTY TAX COLLECTOR; PROVIDING FOR APPLICABILITY AND AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FLORA RIDGE EDUCATIONAL FACILITIES BENEFIT DISTRICT AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution of the Board of Supervisors (the "Board") of the Flora Ridge Educational Facilities Benefit District (the "District") is adopted pursuant to the Amended and Restated Interlocal Agreement between the School Board of Osceola County and the City of Kissimmee dated July 29, 2003, as amended, and City of Kissimmee Ordinance No. 2447, as amended and supplemented from time to time and particularly as amended by Ordinance No. 2876 (collectively, the "District Charter"), Chapters 189 and 1013, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Annual Assessment Resolution. All capitalized terms not otherwise defined herein shall have the meanings defined in District Resolution Nos. 2003-14 (the "Procedural Assessment Resolution"), 2003-16 (the "Initial Assessment Resolution") and 2003-17 (the "Final Assessment Resolution," and together with the Procedural Assessment Resolution and the Initial Assessment Resolution, the "Assessment Proceedings").

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared that:

(A) The District is a special purpose local government organized and existing in accordance with Sections 1013.355, 1013.356, and 1013.357, Florida Statutes, (the "Educational Facilities Act") and is a dependant special district, established and created pursuant to Chapter 189, Florida Statutes.

(B) The District was created for the purpose of assisting in financing the construction and maintenance of the Educational Facilities Improvements to be located within District boundaries.

(C) The Educational Facilities Act expressly empowers the District to levy, impose, collect, and enforce non-ad valorem assessments, sometimes referred to as special assessments.

The reference to non-ad valorem assessments in the Educational Facilities Act means those assessments which are not based upon millage and which can become a lien against a homestead as permitted in Section 4, Article X of the State Constitution.

(D) Pursuant to Sections 197.3631, 197.3632, and 197.3635, Florida Statutes, authorizing the imposition and collection of non-ad valorem assessments on the same bill as ad valorem taxes (the "Uniform Collection Act"), the District also has the power and authority to levy, impose, collect, and enforce non-ad valorem assessments.

(E) The District entered into that certain Flora Ridge Funding Agreement dated as of October 17, 2006 with the School Board, Intervest Construction of Orlando, Inc., Regional Development Group, Inc., Dyer Boulevard LLC and Carroll Street Properties LLC, recorded in OR Book 4332, Page 1633-1674 of the Public Records of Osceola County, Florida (as amended, the "Funding Agreement").

(F) The Funding Agreement provides for, among other things, the agreement and consent of the parties thereto to the annexation of certain real property described therein as the "Bronson Parcel" into the boundaries of the District, and the imposition of special assessments against the real property comprising the Bronson Parcel. The description of the Bronson Parcel set forth in the Funding Agreement is incorporated herein by reference.

(G) The Funding Agreement provides that upon final plat approval of each tract within the Bronson Parcel, the District shall levy special assessments upon such tract, and that the proceeds of such assessments will not be used to repay or to secure any bonds issued by the District to finance the Project, but will instead be paid to the School Board to reimburse the School Board for its capital contributions to the Project.

(H) In February, 2015, the School Board and the City amended the District Charter to include the Bronson Parcel within District Boundaries.

(I) The District is required by the terms of the Funding Agreement to ensure that collection of special assessments from the real property comprising the Bronson Parcel begins upon plat approval, as contemplated by the Funding Agreement.

(J) Pursuant to the Procedural Assessment Resolution, the District is required to adopt an Annual Assessment Resolution approving the non-ad valorem assessment roll for each Fiscal Year.

(K) The District has considered the assessment roll for Fiscal Year 2022-23 containing a description of the real property subject to the special assessments, including those portions of the Bronson Parcel subject to an approved and recorded plat as required by the Funding Agreement, the name and address of the owner of such property and the amount of the assessment imposed against each parcel (the "Assessment Roll").

(L) The Board wishes to hereby approve the Assessment Roll and to direct certification of the Assessment Roll to the Osceola County Tax Collector for collection.

(M) The District issued bonds to finance construction of the Project and such bonds are secured by the proceeds of annual special assessments imposed by the District, excluding assessment collections from the Bronson Parcel.

(N) The District recently refinanced its bonded indebtedness to obtain annual interest savings for the property owners subject to assessments imposed to repay the bonds.

(O) The special assessments included on the Assessment Roll for Fiscal Year 2022-23 have been reduced from the schedule of assessments approved by the Assessment Proceedings in order to reflect the interest rate savings achieved by the District's bond refinancing. Such savings only apply to those properties subject to the District's bonded indebtedness.

SECTION 4. APPROVAL AND CERTIFICATION OF ASSESSMENT ROLL; LIEN OF ASSESSMENTS.

(A) The Assessment Roll, which is on file with the District Manager and incorporated herein by reference, is hereby approved. The District Manager shall cause the certification and delivery of the Assessment Roll to the Tax Collector by August 22, 2022, in the manner prescribed by the Uniform Collection Act. The Assessment Roll as delivered to the Tax Collector shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix A.

(B) The special assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

SECTION 5. REPEALER. All resolutions or orders and parts thereof in conflict herewith are, to the extent of such conflicts, hereby superseded and repealed.

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SECTION 6. APPLICABILITY AND EFFECTIVE DATE. This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

DULY ADOPTED this 4th day of August, 2022.

**BOARD OF SUPERVISORS OF THE FLORA
RIDGE EDUCATIONAL FACILITIES BENEFIT
DISTRICT**

(SEAL)

By: _____

Chair



ATTEST:

Angela B. Barnes
Secretary

**APPENDIX A – FORM OF
CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that I am the Chairman of the Board of Supervisors of the Flora Ridge Educational Facilities Benefit District (the "District") or authorized agent of the District; as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for the District (the "Non-Ad Valorem Assessment Roll") is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Osceola County Tax Collector by August 22, 2022.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Osceola County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this 4 day of August, 2022.

**FLORA RIDGE EDUCATIONAL FACILITIES
BENEFIT DISTRICT**

By: 
Chair