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Michael A. Moran  
Executive Director  
Florida PACE Funding Agency  
4411 Bee Ridge Road, #134  
Sarasota, FL 34233  
[infor@FloridaPACE.gov](mailto:infor@FloridaPACE.gov)

Dear Mr. Moran:

I write with regard to Florida PACE Funding Agency's financing activities for certain improvements on property located in Sumter County, Florida. As of the date of this letter, there appears to be 17 Notices of Assessment filed in the official records of Sumter County, Florida by and between PACE and various property owners in Sumter County, Florida. Yet, PACE does not have an Interlocal Agreement with the Sumter County Board of County Commissioners to provide such financing within the corporate limits of the County, nor to collect related assessments using the uniform method of collection.

While it appears PACE relies on a bond validation final judgment obtained in the matter of *Florida PACE Funding Agency v. State of Florida*, Case No. 2022-CA-1562, Circuit Court in and for Leon County, that case is not binding on Sumter County, Florida. Furthermore, the findings on which PACE relies, are outside the jurisdictional scope of bond validation proceedings. To that end, it is the position of the Sumter County Board of County Commissioners that PACE does not have independent authority to operate within Sumter County absent an interlocal agreement with the Board of County Commissioners and written agreements with the Sumter County Tax Collector and Sumter County Property Appraiser.

While Section 163.08, Florida Statutes, may provide for a separate legal entity for the administration of PACE financing programs, that entity must be created consistent with Section 163.01(7), Florida Statutes, which limits the authority of the separate legal entity to that which is specified in the interlocal agreement and may only exercise that authority in the manner or according to the method provided in the agreement. Furthermore, no separate legal entity created by an interlocal agreement shall possess the power or authority to levy any type of tax within the boundaries of any governmental unit participating in the interlocal agreement, to issue any type of bond in its own name, or in any way to obligate financially a governmental unit participating in the interlocal agreement.

Section 163.08(4), Florida Statutes, provides in relevant part that, "[a] non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment." Section 197.3631 specifically requires that a local government shall enter into a written agreement with the property appraiser and tax collector providing for reimbursement of necessary administrative costs incurred under this section." By definition, PACE is a local government, and PACE does not have a written agreement with the Sumter County Property Appraiser or the Sumter County Tax Collector. PACE has also failed to

comply with the provisions of Section 197.3631(3)(a) which prescribes the procedural requirements necessary to use the uniform method of collecting assessment.

Therefore, in the absence of an interlocal agreement by and between PACE and the Sumter County Board of County Commissioners, absent a written agreement between PACE and the Sumter County Tax Collector and Sumter County Property Appraiser, and absent demonstration of the procedural requirements for using the uniform method of collection for assessment within Sumter County, PACE has no lawful authority to operate within Sumter County.

DEMAND is hereby made that Florida PACE Funding Agency cease and desist operations within Sumter County, Florida, and immediately stop executing financing agreements for improvements to property within Sumter County, Florida. In the event PACE continues operations within Sumter County, Florida without the necessary agreements, Sumter County will be forced to pursue a civil action in a court of law.

Please govern yourself accordingly.

Sincerely,

  
Jennifer C. Rey, Esq.

cc: Sumter County Board of County Commissioners  
The Honorable Joey Hooten, Sumter County Property Appraiser  
The Honorable Randy Mask, Sumter County Tax Collector  
Bradley Arnold, County Administrator