

**RESOLUTION NO. 23-176**

**A RESOLUTION OF THE CITY COUNCIL OF PANAMA CITY BEACH, FLORIDA, RELATING TO THE PROVISION OF FUNDING COMMUNITY REDEVELOPMENT RELATED CAPITAL, SERVICES, FACILITIES, OR PROGRAMS WITHIN THE FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA; IDENTIFYING BENEFITS, BURDENS AND COSTS TO BE ASSESSED; ESTABLISHING THE METHOD OF APPORTIONING BENEFITS, BURDENS AND COSTS AMONG SPECIALLY BENEFITED PROPERTY; ADOPTING AN ASSESSMENT ROLL; PROVIDING THE METHOD OF COLLECTION; PROVIDING FOR ASSOCIATED POLICY DIRECTION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:**

**ARTICLE I**

**INTRODUCTION**

**SECTION 1.01. AUTHORITY.** This Resolution of the City Council (“City Council”) of Panama City Beach, Florida (the “City”) is adopted pursuant to Ordinance No. 1498 (the “Assessment Ordinance”), the Front Beach Road Community Redevelopment Plan as extended (the “Redevelopment Plan”), Resolution No. 19-133 as may be amended, supplemented and confirmed from time to time (the “Initial Assessment Resolution”), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION 1.02. DEFINITIONS.** This Resolution is the Annual Assessment Resolution for the Fiscal Year (sometimes called the budget year) commencing October 1, 2023, contemplated by Section 2.05 of the Assessment Ordinance. All capitalized words and terms not otherwise defined herein shall have the meaning set forth in the Assessment Ordinance or the Initial Assessment Resolution, unless the context hereof otherwise requires.

**SECTION 1.03. INTERPRETATION.** Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

**SECTION 1.04. FINDINGS.** It is hereby ascertained, determined and declared as follows:

(A) The City’s and its redevelopment agency’s procedural compliance with the general law governing community redevelopment, the validity and sufficiency of the Front Beach Road Community Redevelopment Plan including the designation of the Front Beach Road Community Redevelopment Area set forth therein are in repose, and the legality of all proceedings in connection therewith were adjudicated with finality in

that certain Final Judgment rendered on July 9, 2003 by the Circuit Court in and for Bay County.<sup>1</sup>

(B) The provision of planned community redevelopment, among other things, inherently benefits properties in defined community redevelopment areas.

(C) Community redevelopment related capital, services, facilities and programs in the Front Beach Road Community Redevelopment Area possess a logical relationship to the value, use and enjoyment of real property by, among other things: (1) implementing planned and transformative blighted area remediation, advancing local, regional and even wider market place competitiveness, and protecting the value of properties, land value and improvements and structures thereon in this coastal area; (2) protecting the life and safety of residents, intended occupants, visitors, and tourists in the use and enjoyment of such real property, and thus increasing the utility and value of properties within the community redevelopment area; and, (3) lowering potential for liability claims and associated increases in the cost of casualty or liability insurance to property owners within this community redevelopment area. Such benefits occur on both vacant and developed property.

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<sup>1</sup> Panama City Beach v. State, No. 03-1849 (Fla. 14th Cir. Ct. 2003); recorded in Official Record 2305, at page 1264 of the Public Records of Bay County, Florida.

(D) Substantial benefits resulting from expenditures for community redevelopment related capital, services, facilities or programs provided from statutory redevelopment funding to properties within the Front Beach Road Community Redevelopment Area have occurred, are present in the Front Beach Road Community Redevelopment Area, have served to benefit properties and have and reasonably will continue to logically transform and increase the value, use and enjoyment of all properties within this entire community redevelopment area, as well as create present, lasting and reasonably expected long term economic advantage to properties within the Front Beach Road Community Redevelopment Area.

(E) Special benefits from the expenditure of funds for community redevelopment related capital, services, facilities or programs to affected lands provided from proceeds of a special assessment within the Front Beach Road Community Redevelopment Area fairly include, by way of example and not limitation, improved traffic circulation and capacity, improved use of right of ways, bettering a sense of place and tourism market competitiveness for properties, assured development capacity, better ingress and egress with an eye toward public safety, better capacity to evacuate from and protect properties and improvements during storm events, enhancements to quality and superiority of place, visual improvements (including landscaping and hard infrastructure), thoughtful connection of the entire redevelopment area to the regional

transportation system, and the introduction, accomplishment and continual availability of such benefits which serve to address and remediate documented and recognized blighted area conditions.

(F) Pursuant to the Assessment Ordinance, the City adopted the Initial Assessment Resolution imposing special assessments to provide for the funding, in part for certain community redevelopment related capital, services, facilities and programs for the Fiscal Year commencing October 1, 2019, and provided for collection thereof pursuant to the direct billing method of collection described in Article III of the Assessment Ordinance.

(G) In late 2019 the City also obtained a Final Judgment from the Circuit Court in and for Bay County<sup>2</sup> that validated and confirmed, among other things, the legality and validity of the Assessment Ordinance, the Initial Assessment Resolution, the reasoned ability to legally rely upon the imposition of special assessments in the form of Community Redevelopment Assessments to annually apportion costs associated with community redevelopment related capital, services, facilities and programs to fund and finance capital equipment, the methods of notice, collection and enforcement of the Community Redevelopment Assessments, the burdens relieved and special benefit conveyed by the community redevelopment related capital, services, facilities and

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<sup>2</sup> Panama City Beach v. State, No. 19-4258 (Fla. 14th Cir. Ct. 2019); recorded in Official Record 4199, at page 2214 of the Public Records of Bay County, Florida.

programs funded in part through the Community Redevelopment Assessments, the propriety of the Front Beach Road Community Redevelopment Plan as extended, the lawful use of the City’s indexing mechanism addressing the maximum annual assessment each year, the superior nature of lien of the Community Redevelopment Assessments and the legality of all proceedings and matters in connection therewith (the “Final Judgment”).<sup>3</sup>

(H) Each property owner was provided a direct-mailed bill for Fiscal Year 2019-20 Community Redevelopment Assessments specific to each property assessed and additional notice and information concerning the anticipated non-ad valorem Community Redevelopment Assessments for Fiscal Year 2020-21. On January 2, 2020, additional notice was also published in a newspaper of general circulation. These notices, among other things briefly explained and informed of the maximum rate of assessment and the indexing feature to be used in subsequent years.

(I) The Assessment Ordinance provides for the adoption each year of an Annual Assessment Resolution approving and confirming the Community Redevelopment Assessment Roll.

(J) In advance of May 25, 2023, the City Council received and reviewed an update report prepared by Owen M. Beitsch, Ph.D., FAICP, CRE (the “Annual FY 2023-

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<sup>3</sup> *Id.*

24 Update” or “Update”) and considered same along with advice and public input from City officials, advisors and staff, and such information has contributed to the annual budget consideration process for use of the Community Redevelopment Assessment as a component part of the overall annual City budget in the confirmation process of the proposed rates of assessments for Category A and Category B Assessment components and associated budgeted Assessed Cost to be underwritten therefrom.

(K) The Community Redevelopment Assessment Roll (along with additional explanatory information on the City’s website) has heretofore and continues to be made available for inspection by the public. All notice required to be provided to a property owner in the manner required by the Uniform Assessment Collection Act and the Assessment Ordinance has been duly provided.

(L) A public hearing was held on May 25, 2023, and comments, concerns and objections of all interested persons have been duly received, heard and considered. Additionally, the City Council has reviewed the Update from Dr. Beitsch, and all matters referenced and incorporated therein. All of the foregoing has been considered in the context of public discussion or comment upon the subject of funding community redevelopment related capital, services, facilities and programs at regularly scheduled meetings and workshops of the City Council on several occasions, including June 27, 2019, July 25, 2019, August 22, 2019, September 12, 2019, September 26, 2019, November

14, 2019, January 9, 2019 and January 23, 2020, August 26, 2021, June 23, 2022, as well as the overall fiscal and other circumstances of the City.

(M) All requirements for collection of the Community Redevelopment Assessments via the uniform method of collection have been timely met, and upon delivery of a certified assessment roll free of errors of omissions to the Bay County Tax Collector on compatible electronic media on or before September 15, 2023, the collection of the Community Redevelopment Assessments via the uniform method of collection is a ministerial duty of the Bay County Tax Collector.

(N) The Assessments contemplated in this Resolution are imposed by the City Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.

(O) The Final Judgment expressly provides that: “The Community Redevelopment Assessments are not imposed by the Bay County Property Appraiser or the Bay County Tax Collector. The statutory duties of the property appraiser and the tax collector are unaffected by the City’s use of information produced by such entities. Any duties of the property appraiser or the tax collector in regard to the collection of the Community Redevelopment Assessments under section 197.3632 [Florida Statutes,] are wholly ministerial and the property appraiser and the tax collector are without any



discretion with regard to the collection of Community Redevelopment Assessments on the tax notice once the City elects to use this method and complies with the requirements of section 197.3632.” The City has fairly and carefully complied with the Assessment Ordinance and all general law provisions in adopting this Resolution.

(P) The legislative determinations and findings set forth in the Initial Assessment Resolution, and the Final Judgment have again been considered and are also hereby in context incorporated herein by reference.

(Q) The City Council hereby finds and determines that the Community Redevelopment Assessments to be imposed in accordance with this Resolution provide a proper and equitable method of funding associated community redevelopment related capital, services, facilities and programs by fairly and reasonably allocating a portion of the cost thereof among specially benefitted property.

(R) The benefits to property and methods of apportionment provided for herein, and the use of proceeds of the non-ad valorem assessment to pay for capital equipment and facilities have been judicially validated as for proper, legal and paramount public purposes and fully authorized by law in the Final Judgment; and are hereby ratified, confirmed and advanced as being employed and similarly used by and for the purposes of this Resolution.

(S) The City Council is cognizant that any system, metric, or analytical view of appraising benefits or assessing costs will be open to some criticism or suggestion of alternative methods or approaches and has labored to educate itself as to the facts, analysis, law, and policy latitudes available to it in determining the Assessed Cost and the rate of the Community Redevelopment Assessment in the process of approving the Assessment Roll.

(T) The apportionment among Tax Parcels of a portion of the City's annual budget for community redevelopment services, facilities and programs represented by the assessment rates and Assessments hereby adopted (using the concept and method sometimes called the "Simplified Approach"<sup>TM</sup>), are reasonably characterized as necessary and for a public purpose in this circumstance, and a fair and reasonable means to annually allocate and share benefits, burdens and costs associated with community redevelopment related capital, services, facilities or programs within the Front Beach Road Community Redevelopment Area.

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## ARTICLE II

### ASSESSMENTS

#### SECTION 2.01. ESTIMATED ASSESSED COST; RATE OF ASSESSMENT.

(A) Exclusive of all administration and collection costs and all fees and all adjustments associated with the uniform method of collection provided for in the Assessment Ordinance, the estimated Assessed Cost to be recovered through Assessments for the Fiscal Year commencing October 1, 2023 is \$822,728, consisting of \$473,106 for Category A – apportioned per Tax Parcel, and \$349,622 for Category B – apportioned based upon the weighted sum of relative attributes of square footage, improvement value and land value for each Tax Parcel.

(B) The Assessments established in this Annual Assessment Resolution are determined by the assessment rates prepared for consideration by the public and City Council in the preparation of the Assessment Roll for the Fiscal Year commencing October 1, 2023. As provided for in the Assessment Ordinance, the rate of Community Redevelopment Assessment for the Fiscal Year beginning October 1, 2023, has been considered in the context of the *average annual growth rate in Florida personal income over the previous 5 years* from 2018 to 2023, which is 6.7%, as determined by the City Council upon recommendation of City staff and consultants, using information from the Bureau of Economic Analysis, affiliated with the United States Department of Commerce. The

notice and intent to employ such approach has been previously noticed by mailed and published notice along with and in the context of maximum rates established in 2019, in addition to further published and mailed notice again in 2021 in the context of increasing the annual rate of Community Redevelopment Assessments by using such a cognizable indexing feature in the manner provided for in the Ordinance and directed by the City Council. However, the rate of Community Redevelopment Assessment for the fiscal year commencing October 1, 2023, is by direction of the City Council after public hearing and deliberation directed to not include such adjustment for the upcoming fiscal year.

(C) The rate of Assessment is therefore to be (1) \$37.45 for each Tax Parcel as reflected in the Tax Roll (Category A), plus (2) the sum of the following for each Tax Parcel (Category B):

(1) the heated or air-conditioned square footage obtained from public records including those determined by or obtained from the Property Appraiser (approximately 60% weight of the Category B associated Assessed Cost) multiplied by \$0.008 (i.e., eighty percent of or  $8/10^{\text{ths}}$  of one (1) cent (\$0.01)), per square foot;

(2) the improvement value for each parcel, which is the result of the reported just value minus the reported land value obtained from public records determined by the Property Appraiser (approximately 30% weight of Category B

associated Assessed Cost) multiplied by \$0.03 per \$1,000 of improvement value;  
and,

(3) the reported land value for each parcel obtained from public records determined by the Property Appraiser (approximately 10% weight of Category B Assessed Cost) multiplied by \$0.05 per \$1,000 of land value.

(D) At the time of certification of the Assessment Roll for collection, the Assessment Coordinator shall also include in the Assessed Cost apportioned to each Tax Parcel all applicable administration and collection costs.

## **SECTION 2.02. ASSESSMENT ROLL**

(A) The Assessment Roll used for the Fiscal Year commencing October 1, 2023, a copy of which is posted and available on the City's website and contains the following information:

(1) a summary description of each Tax Parcel (conforming to the description contained on the Tax Roll maintained by the Property Appraiser for the purpose of levying and collecting ad valorem taxes) which is intended to be subject to the Assessment;

(2) the name of the owner of record of each Tax Parcel, as shown on the Tax Roll; and

(3) the proposed description and amount of the total Assessment for

Assessed Cost for each affected Tax Parcel for the fiscal year commencing October 1, 2023, exclusive of the anticipated costs of collection and administration.

(B) The Assessment Roll shall be necessarily updated to reflect the direction of the City Council in Section 2.01, and from time to time in due course, to show changes in parcel configuration or other administrative corrections. In the event the Assessment Coordinator makes any administrative or other similar modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution or otherwise, funding for such changes to the Assessment Roll may be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or this Annual Assessment Resolution. For the avoidance of doubt and to increase administrative efficiency, to the extent practicable the determination of improvement and land values may be based upon certified data from the most recent Tax Roll, which will automatically adjust and be self-correcting in each subsequent year. If necessary and as reasonably required, the Assessment Coordinator is authorized to use data and data points employed in a prior Tax Roll or Assessment Roll or other public records, in any combination, to address anomalies or modifications in public records resulting from on-going parcel changes or reconfigurations within the Front Beach Road Redevelopment Area constantly occurring in due course; and, if

necessary, may provide for further notice and opportunity to be heard to affected property owners including use of the Property Appraiser's notice of proposed property taxes and proposed or adopted non-ad valorem assessments under section 200.069, Florida Statutes, or any other form of mailed notice, or otherwise budget or pay the difference (increase) from that shown on the Assessment Roll hereby approved from other legally available funds.

(C) In the event the City also imposes or collects an impact fee upon new growth or development for capital improvements related to such community redevelopment capital, services, facilities or programs, the special assessments provided for hereunder shall not include costs attributable to capital improvements necessitated by new growth or development which were included in the computation of such impact fee, or which are otherwise funded by such impact fee.

(D) Copies of the Assessment Ordinance, this Resolution and the preliminary Assessment Roll have been made available in the City Clerk's office at 17007 Panama City Beach Parkway, Panama City Beach, Florida, and have been open to public inspection in a manner consistent with the Assessment Ordinance. Information concerning the reasoned approach taken by the City Council, the Assessment Roll and method of Assessment for each Tax Parcel has been noticed and available at or through the City's

website, which is accessible through the internet at [www.pcbfl.gov](http://www.pcbfl.gov) and at the City Clerk's office located at 17007 Panama City Beach Parkway, Panama City Beach, Florida.

(E) In the event the Assessment Coordinator makes any corrections, authorized exemptions or deferrals or other modifications to the Assessment Roll authorized by the Assessment Ordinance, this Resolution, or otherwise changing or reducing substantially the Assessment proceeds, all funding for such changes to the Assessment Roll may be funded by legally available funds other than direct proceeds of the Assessments. Such changes shall not require any recalculation or change in the rate or rates of assessment otherwise considered or adopted pursuant to the Assessment Ordinance or any Annual Assessment Resolution.

**SECTION 2.03. NOTICE BY PUBLICATION AND MAIL.**

(A) The Assessment Coordinator has directed the publication of notice of a public hearing in the manner and time provided in the Assessment Ordinance, and the Uniform Assessment Collection Act. Proof of timely and compliant publication of the notice is attached hereto as Appendix A.

(B) No applicable circumstances in Section 197.3632 (4)(a), Florida Statutes, or the Assessment Ordinance, requires further individually mailed notice of the public hearing.



**SECTION 2.04. PUBLIC HEARING.** A public hearing was held on May 25, 2023 commencing at or about 9:00 a.m. in City Hall Council Chambers, 17007 Panama City Beach Parkway, Panama City Beach, Florida, at which time the Council received and considered information and comments on the Assessments for the Fiscal Year commencing October 1, 2023 from City staff, experts and advisors, as well as the public and affected property owners, and considered imposing Assessments and the method of collection thereof as provided by the Assessment Ordinance.

**SECTION 2.05. IMPOSITION.**

(A) Assessments shall be imposed against Tax Parcels located within the Front Beach Road Community Redevelopment Area, the annual amount of which shall be computed for each Tax Parcel in accordance with this Resolution and shall include all administration and collection costs, charges and adjustments provided for in the Assessment Ordinance. When imposed, the Assessment for each Fiscal Year shall constitute a lien upon Assessed Property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments as provided in the Assessment Ordinance.

(B) Upon adoption hereof, Assessments are to be levied and imposed throughout the Front Beach Road Community Redevelopment Area within the

boundaries of the City and this Resolution for the Fiscal Year commencing October 1, 2023, shall be deemed to be adopted and confirmed for all purposes.

**SECTION 2.06. APPORTIONMENT APPROACH.**

(A) As provided for herein, the Assessed Cost shall be apportioned among all Tax Parcels within the Front Beach Road Community Redevelopment Area, not otherwise exempted hereunder, and including any statutorily defined parcels such as multiple parcel buildings, individual condominium or cooperative units with extraordinary alienability. The estimated Assessed Cost and rate of Assessment shall be that described in section 2.01 hereof.

(B) It is hereby ascertained, determined, and declared that the method of determining the Assessments as set forth in this Annual Assessment Resolution is a fair and reasonable method of paying for, equitably and efficiently recovering amounts equivalent to benefits received and burdens created, and apportioning the Assessed Cost among Tax Parcels of Assessed Property located within the Front Beach Road Community Redevelopment Area.

(C) The Assessment Roll is hereby approved.

**SECTION 2.07. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City from the Assessments, after payment of costs and expenses associated with collection and administration of the Assessments, shall be utilized for the provision

of community redevelopment related capital, services, facilities, and programs. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund costs associated with such community redevelopment related capital, services, facilities, and programs within the Front Beach Road Community Redevelopment Area.

**SECTION 2.08. COLLECTION OF ASSESSMENTS.** For the Fiscal Year commencing October 1, 2023, and all subsequent years, the City Council has previously announced and directed, and hereby ratifies and confirms such determination to use the uniform method of collection to collect and enforce the Assessments pursuant to the Uniform Assessment Collection Act in the manner provided herein.

**SECTION 2.09. DIRECTION CONCERNING ANY EXEMPTION.**

(A) Tax Parcels which are statutorily exempted from the payment of ad valorem taxes are in most circumstances subject to the Assessments contemplated hereunder. Tax Parcels classified or described by the Property Appraiser as institutionally tax exempt, have been previously included in other non-ad valorem assessments imposed by the City, and are subject to the Assessments contemplated hereunder.

(B) Tax parcels comprising Government Property have not been subjected to the Assessments contemplated hereunder. Such Tax Parcels include those classified or

described by the Property Appraiser as government-owned, including the following: (1) military, (2) forest, parks, recreational, (3) public county schools, (4) public colleges, (5) public hospitals, (6) other county-owned property, (7) other state-owned property, (8) other federal-owned property, and (9) other municipal-owned property. Provided, however, each such Government Property owner may be approached by the Mayor, or such person's designee, and asked to pay as a fee or charge an amount comparable to the Assessment for each such Government Property. Said amount may be invoiced annually, quarterly or monthly in accordance with section 3.04 of the Assessment Ordinance.

(C) The following Tax Parcel classifications are special designations used by the Property Appraiser for recordkeeping purposes and do not represent actual or assessable Tax Parcels and are not subject to the Assessments contemplated hereunder: (1) common element, (2) header record, and (3) notes parcel.

(D) Certain Tax Parcels associated with the following classifications used by the Property Appraiser typically do not receive a special benefit from the provision of community redevelopment capital, services, facilities or programs or are infeasible or impractical to assess, and therefore the Assessment Coordinator may direct same are not subject to the Assessments contemplated hereunder: (1) right-of-way (including beach access), (2) rivers, lakes & submerged land, (3) sewage disposal & waste lands, and (4) (government owned) outdoor recreation or parkland.

(E) Tax Parcels associated with the following classifications used by the Property Appraiser receive a special benefit from the provision of community redevelopment capital, services, facilities or programs and are subject to the Assessments contemplated hereunder: (1) cropland, (2) timberland, (3) grazing land, (4) orchards and groves, (5) apiary, aquaculture, fowl, horse, and other animals, and (6) nursery, floriculture, sod production, and hydroponics. As the assessments contemplated hereunder are not imposed pursuant to chapter 170, Florida Statutes, any exemption from assessment for certain agricultural or other lands described therein does not apply. In the event a court of competent jurisdiction determines that certain agricultural or other lands are not subject to the Assessments, the imposition of the Assessments on such properties or portions of properties not subject to the Assessments shall be severed from this Resolution and an amount equivalent to that which would have been raised by such levy shall be paid from other legally available funds.

(F) The classifications of properties in this section which are or may be exempted, in whole or in part, are reasonably determined to be inappropriate, infeasible or impracticable to assess, and either benefit marginally or create a lesser or nominal demand or burden on the City's costs associated with this community redevelopment area, do not merit the expenditure of public funds to impose or collect the Assessments, are exempt and/or otherwise generally serve in some respect to promote the public

health, safety, morals, general welfare, security, prosperity and contentment of the inhabitants, residents, visitors and property owners within the Front Beach Road Community Redevelopment Area. The Assessment Coordinator, or such person's designee, is authorized and directed to use sound judgment in extending such determinations and guidance as the Assessment Roll is collected. The foregoing classifications of properties not to be assessed do not include Government Property that is leased for private use.

(G) Based upon the foregoing, there are relatively few exempt properties within the Front Beach Road Community Redevelopment Area. Using legally available funds other than the proceeds of the Assessments, the City shall otherwise fund or contribute an amount equal to the Assessments that would have been otherwise derived, in whole or in part, from such exempt properties.

(H) Provided, however, the City Council reserves the right and ability in the future to impose Assessments against Tax Parcels determined to be exempt, in whole or in part, hereunder to the extent permitted by law, for any reason including lack of reasonable cooperation or willingness to pay for a share of the Assessed Cost, or otherwise in the event required or directed to do so by a court of competent jurisdiction.

**SECTION 2.10. EFFECT OF ANNUAL ASSESSMENT RESOLUTION.**

The adoption of this Annual Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment and assessment, the approach and notice procedures and maximum rates associated with the future Assessments or use of indexing features employed by the City, the legality and validity of the Assessment Ordinance in all respects, the rate or rates of assessment, the Assessed Cost, the Assessment Roll, the levy and lien of the Assessments, and the means and method of collection and enforcement including all associated rates, fees and charges and the means and method of notice, collection and enforcement), unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Council's adoption of this Annual Assessment Resolution.

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### **ARTICLE III**

#### **GENERAL PROVISIONS**

**SECTION 3.01. AUTHORIZATIONS.** The Mayor, the City Manager, the City Attorney, the Clerk, the Community Redevelopment Agency Director and such other officials, employees or agents of the City as may be designated by the City Council are authorized and empowered, collectively or individually, to take all action and steps and to execute all direction, instruments and documents on behalf of the City that are necessary or desirable in connection with the imposition, confirmation and collection of the Assessments contemplated hereunder (including the timely notice and indexing in ensuing years and budget periods), and which are directed, authorized or are not inconsistent with the terms and provisions of this Resolution.

**SECTION 3.02. CONFLICTS.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 3.03. SEVERABILITY.** If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared to be severable.



**SECTION 3.04. EFFECTIVE DATE.** This Annual Assessment Resolution shall take effect immediately upon its passage and adoption.

**PASSED and ADOPTED** at a meeting of the City Council of the City of Panama City Beach, Florida, on the 25<sup>th</sup> day of May, 2023.

**PANAMA CITY BEACH CITY COUNCIL**

By:   
Mark Sheldon, Mayor

(SEAL)

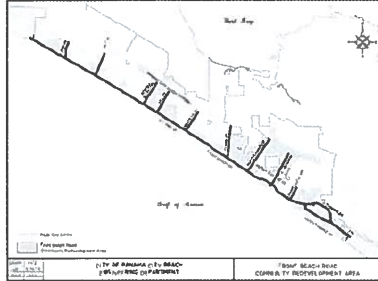
ATTEST:

  
Lynne Fasone, City Clerk

**APPENDIX A  
PROOF OF PUBLICATION**

**COMBINED ANNUAL PUBLISHED NOTICE OF PUBLIC HEARINGS  
CONCERNING NON-AD VALOREM ASSESSMENTS  
IMPOSED WITHIN PANAMA CITY BEACH, FLORIDA, TO FUND  
ONLY IN PART THE COSTS OF BENEFITS RELATED TO:**

- (1) FIRE SERVICE ASSESSMENTS  
(IMPOSED CITY-WIDE);**
- (2) STORMWATER MANAGEMENT ASSESSMENTS  
(IMPOSED CITY-WIDE);**
- (3) CERTAIN REDEVELOPMENT RELATED ASSESSMENTS  
(ONLY IMPOSED WITHIN THE FRONT BEACH ROAD COMMUNITY  
REDEVELOPMENT AREA).**



The property subject to the assessments lies within the City of Panama City Beach, Florida.

**PUBLIC HEARING**

The City Council has scheduled a public hearing to be held on May 25, 2023, at 9:00 a.m. in the City Council Chambers at City Hall, 17007 Panama City Beach Parkway, Panama City Beach, Florida, for the purpose of receiving comments on these proposed annual non-ad valorem assessments, and any associated resolutions.

You are invited to attend or appear at the public hearing, and/or to file written comments or objections with the City Clerk, indicating the particular assessment, if applicable, and addressed to the City Council within 20 days of this Notice. Please send your written comments in care of the City Clerk by email to [CI@panamacitybeach.com](mailto:CI@panamacitybeach.com). Please keep in mind that the approach, apportionment and rate regime for all of these non-ad valorem assessments have each been judicially approved previously. If you decide to appeal any decision made by the City Council with respect to any matter considered at or after the hearing, you will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. The City of Panama City Beach does not impose any ad-valorem property taxes. This published Notice is compliant with the requirements of law, and at the same time shares and directs the reader to further overview.

**FIRE SERVICE ASSESSMENT**

The City's annual non-ad valorem Fire Service Assessment defrays a large portion of the annual operating and capital costs associated with the Panama City Beach fire department. If approved by City Council after the hearing, the rate of assessment for each tax parcel is proposed to be the sum of (1) twenty (\$0.75) per \$1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (2) \$91.98 per tax parcel (Tier 2).

**STORMWATER ASSESSMENT**

The City's annual non-ad valorem Stormwater Assessment defrays a large portion of the annual operating and capital costs associated with the City's public works stormwater management responsibilities. If approved by City Council after the hearing, the rate of assessment for each tax parcel is proposed to be the sum of (1) the sum of (i) the sum of (ii) cents (\$0.50) per \$1,000 of the value of improvements attributed to the tax parcel identified by the Bay County Property Appraiser (Tier 1), plus (ii) \$49.55 per tax parcel (Tier 2).

**FRONT BEACH ROAD COMMUNITY REDEVELOPMENT AREA ASSESSMENT.**

This annual non-ad valorem assessment, unlike the Fire Service Assessment and Stormwater Assessment above, is NOT imposed city-wide and only encompasses areas enveloped in the associated community redevelopment plan (see graphic above). This annual non-ad valorem assessment has been determined by the costs to benefit all lands within this judicially approved community redevelopment area or "CRA", as a valid function of the associated community redevelopment plan, and proportionally defrays a significant portion of the administrative, operational and maintenance expense of overseeing extraordinary community redevelopment activities within or related to this specific community redevelopment area by combining two (2) categories of charges for this special assessment. If approved by the City Council after the hearing, the rate of assessment for each tax parcel identified by the Bay County Property Appraiser is proposed to be the combination of the following:

Category A: Budgeted costs of a portion of administrative and ministerial activities (approximately \$504,618) shared within this CRA equally per parcel among all parcels will be the sum of \$39.98 per tax parcel, plus;

Category B: Budgeted costs of a portion of continued maintenance, upkeep and capital equipment for this CRA (approximately \$371,130) weighted and shared based upon a combination of three (3) relative attributes or factors:

- (1) the heated or air-conditioned square footage reported in the public records of the local property appraiser (approximately 60% weight, or approximately \$193,520) will be nine-tenths of one cent (\$0.009) per square foot;
- (2) the improvement value for each parcel, which is the result of the reported just value minus the reported land value in the public records of the local property appraiser (approximately 32% weight, or approximately \$132,189) will be three cents (\$0.03) per \$1,000 of improvement value; and;
- (3) the land value for each parcel reported in the public records of the local property appraiser (approximately 10% weight, approximately \$45,411) will be five cents (\$0.05) per \$1,000 of land value.

**ADDITIONAL INFORMATION**

The individual dollar amount attributed to the proposed rate of assessment for each affected tax parcel in the City and other information concerning all three assessment programs is also available online at the City's website on interactive assessment rolls searchable by owner name, location and parcel number) or accessible by computer terminal upon inquiry at the office of the City Clerk, at City Hall. Please go to <http://www.pcbfl.gov> for more information.

This published Notice is intended to inform you of the maximum rates the City may impose FY 2023-24 for these three non-ad valorem assessments. At the time of initial imposition of these assessments, or in the 2021 mailed notice from the City, maximum rates were established. The individually mailed notice sent previously from the City explained and informed of how maximum rates form the base for annual indexing to account for growth, inflation, the change in purchasing value of money, or similar purchasing or cost increase variables, and further informed that the maximum rates could be increased from year to year in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years, or similar successor index. The rates of these non-ad valorem assessments for the Fiscal Year beginning October 1, 2023, will be considered in the context of not exceeding the average annual growth rate in Florida personal income over the previous 5 years from 2018 to 2023, which is 6.7%, and forms a comparable indexing feature judicially approved as fair and reasonable in the manner provided for by law and the City's ordinances. Accordingly, for the purposes of the public hearing all of the three (3) assessment program rates noticed above are proposed to be increased by 6.7% over those assessment rates adopted for FY 2022-23.

The amount of revenue the City expects to collect using the specific assessment rates described in this Notice, net of costs for statutory discount for early payment necessarily associated with the use of the uniform method of collection by law up to 4%, and commissions and fees charged by the County or its Constitutional Tax Collector and Property Appraiser Offices (by law actual costs), the City's charge to defray associated program development, advertising, implementation and administrative costs (\$5 per tax parcel for each assessment, for each of the three (3) programs is estimated to be (1) \$6,228,016 for the Fire Service Assessment, (2) \$3,828,166 for the Stormwater Management Assessment, and (3) \$975,945 for the Front Beach Road Community Redevelopment Area Assessment, and, in each instance such revenue must be used exclusively to respectively fund the associated budget for each of these respective programs in our City.

Payment of the assessments will be due and collected as special assessments on the same bill as taxes to be mailed around November 1, 2023. General law requires that affected property owners be reminded that: Until paid, each of the Fire Service Assessment, the Stormwater Management Assessment, and the Front Beach Road Community Redevelopment Area Assessment will constitute liens 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. Assessments become delinquent in the same manner as for unpaid taxes, and failure to pay the upcoming assessment will cause a tax certificate to be issued against the property which may result in loss of title.

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN THE HEARINGS SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS IN ADVANCE OF THE MEETING AT (850) 233-5100.

TO BE PUBLISHED AT THE DIRECTION OF THE CITY OF PANAMA CITY BEACH ON OR BEFORE MAY 5, 2023