

**RESOLUTION NO. 3: AMENDMENT TO CANON 12 OF CANONS OF THE DIOCESE OF FLORIDA “OF FINANCE AND INVESTMENT,” RENAMING CANON “OF PROPERTY MANAGEMENT, DISPOSITION AND ENCUMBRANCE; OF FINANCE AND INVESTMENT,” AMENDING ALL SECTIONS, AND CREATING NEW SECTION 3, “PROCESS FOR SELLING, DISPOSING OR ENCUMBERING DIOCESAN REAL PROPERTY.”**

That Canon 12 of the Canons of the Diocese of Florida be amended as follows:

**CANON 12**

**Of Property Management, Disposition and Encumbrance;  
of Finance and Investment**

**SECTION 1. Management.** ~~The Subject to the provisions of this Canon 12,~~ Diocesan Council shall take charge of, manage, and control all lands, tenements, hereditaments, trusts, money and other things belonging to the Diocese, and authorize the execution of all documents as may be required for such purposes ~~subject to the limitations of Section 3 (c) hereof.~~ Further, subject to the provisions of this Canon 12, the Bishop Diocesan and the Finance and Investment Committee, together with the Treasurer, shall be authorized to conduct such business matters as Diocesan Council may deem advisable.

**SECTION 2. President and Directors.** The Bishop Diocesan shall be the President of the Diocesan Corporation, and ~~the~~ Diocesan Council shall function as the Board of Directors of the Corporation.

**SECTION 3. Authority to Act.** ~~The Bishop and the Committee of Finance and Investment, together with the Treasurer, shall be authorized to conduct such business matters as the Diocesan Council may deem advisable.~~ Process for selling, disposing or encumbering real property owned by the Diocese. Anything contained herein or in any Canon of the Diocese of Florida to the contrary notwithstanding, any sale, other disposition or encumbrance of any real property owned by the Diocese requires the approval of the Bishop Diocesan and the Standing Committee. In the absence of a Bishop Diocesan such approval is required from the Standing Committee in its role as the Ecclesiastical Authority and from Diocesan Council, each as applicable, an acting authority and hereafter, the “Acting Authority”.

(a) ~~Secretary of the Committee of Finance and Investment.~~ The Committee of Finance and Investment Sale or Disposal of Property.

Any proposed sale or disposal of any of the real property owned by the Diocese shall first be presented in writing to the Finance and Investment Committee, explaining the reason for such sale or disposal, the proposed terms, and the proposed disposition of the proceeds of the sale. Following its receipt and review of any such proposal, the Finance and Investment Committee shall report the same to the Acting Authority, with its recommendation, with copy of that recommendation provided to the individual, parish, mission or other body within the Diocese submitting the proposal. If the recommendation of the Finance and Investment Committee is to deny the proposed sale or disposal of property or to approve the same with changes objected by the individual, parish, mission or other body within the Diocese proposing the same, that person, parish, mission or other body has the right to appeal the recommendation of the Finance and Investment Committee directly to the Acting Authority.

- (b) **Encumbrance.** Any proposed encumbrance of any real property of the Diocese shall be presented in writing to the Finance and Investment Committee, explaining the reason for such encumbrance and the proposed terms. Following receipt and review of any such proposal, the Finance and Investment Committee shall report the same to the Acting Authority with its recommendation, with copy of that recommendation provided to the individual, parish, mission or other body within the Diocese submitting the proposal. If the recommendation of the Finance and Investment Committee is to deny the proposed encumbrance or to approve the same with changes objected by the individual, parish, mission or other body within the Diocese proposing the same, that individual, parish, mission or other body has the right to appeal the recommendation of the Finance and Investment Committee directly to the Acting Authority.

#### **SECTION 4. Finance and Investment Committee.**

- (a) **Secretary of the Finance and Investment Committee.** The Finance and Investment Committee shall appoint one of its number to be secretary thereof to keep a record of its meeting, ~~and~~ to certify to the same, ~~and to execute documents in behalf of the Diocese as provided in Canon 5.~~
- (b) **Power of ~~Committee of Finance and Investment Over Property Committee.~~** The ~~Committee of Finance and Investment Committee~~ is authorized: i) to manage and invest Diocesan assets; ii) to review and make recommendations to Diocesan Council on proposals to sell, dispose of or encumber any Diocesan real property; as provided in Section 3 of this Canon 12; iii) subject to Diocesan Council approval, to borrow such sums of money at such rates and upon such terms as may be deemed necessary or expedient in meeting the budget approved by ~~the~~ Diocesan Convention or as amended by ~~the~~ Diocesan

Council; and iv) to authorize the execution of such documents as may be required for such purpose.

- (c) **Limitations on Borrowing Power.** The ~~Committee of~~ Finance and Investment Committee, upon approval by Diocesan Council, is authorized to borrow money for the use ~~of any~~ by the Diocese or for the needs of a parish or mission within the Diocese, ~~and to execute mortgages or any other surety documents in connection therewith, only at the rates and terms and other conditions specified by the regulation of requesting the Diocesan Council same.~~

Provided:

- (i) ~~That no~~ Any parish or mission within the Diocese requesting that money shall be borrowed for the use of any parish without it shall submit to the written consent of Finance and Investment Committee, in writing and signed by the constituted authorities of the parish;
- (i) ~~That or mission,~~ the amount requested, a detailed reason for the request, and a detailed plan for repayment;
- (ii) The evidence of the indebtedness of the Diocese for money borrowed shall be its promissory note executed as provided in Section 5 of this Canon 12;
- (iii) ~~That any~~ Any parish or mission that requests borrowing and is denied such request, or the request of which is granted with changes to the request, shall have the right to appeal the decision of the ~~Committee of~~ Finance and Investment Committee to the Acting Authority ~~Diocesan Council.~~

**SECTION 45. Bishop's Compensation and Contingent Expenses.** ~~The~~ Diocesan Convention shall annually provide for the payment of the Bishop Diocesan's compensation and contingent expenses. The Chair of the ~~Committee of~~ Finance and Investment Committee in consultation with the Vice-Chair of the Diocesan Council shall annually review such the Bishop's compensation and contingent expenses and make recommendations to the Budget Committee of the Diocesan Council.

**SECTION 56. Execution of Documents.** All deeds, notes, mortgages, and conveyances of property of the Diocese shall be executed by the Bishop Diocesan, or, if there be no Bishop Diocesan or in the event of the disability of the Bishop Diocesan, by the President of the Standing Committee, and attested by the Secretary or an Assistant Secretary ~~of the Diocese under the corporate seal~~ of the Diocese.

In the event ~~there is no~~ Bishop is absent, any two (2) of the following people Diocesan, and the President of the Standing Committee is unavailable, the vice chair of Diocesan Council may execute deeds, notes, mortgages, and conveyances of property of the Diocese ~~which have been approved by the~~

~~Committee of Finance and Investment and the Bishop:~~

~~The Treasurer~~

~~The Chair of the Committee of Finance and Investment~~

~~The President of the Standing Committee~~

~~The Chancellor~~

~~In the event there is no bishop and the President of the Standing Committee is unavailable, any two (2) of the following people may execute deeds, notes, mortgages, and conveyances of property of the Diocese which have been approved by the Committee of Finance and Investment:~~

~~The Chair of the Committee of Finance and Investment~~

~~The Treasurer~~

~~The Chancellor~~

**SECTION 67. Prohibition on Alienation.** ~~It shall not be lawful for any~~Except as otherwise provided in this Canon, no parish ~~is, nor are~~ the corporate officers or congregation thereof, authorized or permitted to encumber, dispose, sell, alienate, transfer, or convey any real property, the title to which is or may be held by and/or for the use of the parish ~~without the written consent of the Committee of Finance and Investment in accordance with this Canon,~~ and any such purported encumbrance, disposal, sale, alienation, transfer or conveyance otherwise is void..