



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.7.

1/13/2026

Subject:

Legislative Intent and Staff Direction, Re: Preparing a resolution to reinstate the PACE program for residential properties

Fiscal Impact:

N/A

Dept/Office:

District 5 Commission Office on behalf of PACE program finance companies

Requested Action:

It is requested that the BOCC directs the County Attorney's Office to prepare a resolution to be discussed at a future board meeting that would reinstate the PACE program for residential properties.

Summary Explanation and Background:

The Board initially approved a PACE program in 2018 with Resolution 18-040. In 2022, the Board adopted Resolution 22-067, partially rescinding the PACE program as to single-family residential properties and non-profit organizations. Right now, only commercial PACE financing is authorized. It has been requested by the backers of the PACE program that the Brevard County Board of Commissioners revisit the issue.

Clerk to the Board Instructions:

None



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

January 14, 2026

MEMORANDUM

TO: Commissioner Thad Altman, District 5

RE: Item J.7., Legislative Intent and Staff Direction for Preparing a Resolution to Reinstate the PACE Program for Residential Properties

The Board of County Commissioners, in regular session on January 13, 2026, directed staff to prepare a resolution, to include additional consumer protections, to be considered and discussed at a future Board meeting that would reinstate the PACE Program for residential properties in Brevard County.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

cc: County Attorney
County Manager
Each Commissioner

Meeting Date
March 20, 2018



ADD ON	
AGENDA	
Section	New Business
Item No.	VI F 2

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS Moved from II D3

SUBJECT:	Brevard County Property Assessed Clean Energy Program
DEPT/OFFICE:	Citizen Request / Ritch Workman
Requested Action:	

It is requested that the Board approve and authorize the Chair to execute the following upon County Attorney and Risk Management approval:

- Resolution creating a Property Assessed Clean Energy (PACE) Program within Brevard County and to allow residential, commercial and industrial property owners to voluntarily use PACE financing as a mechanism to fund qualified energy conservation and efficiency improvements, renewable energy improvements, and wind resistance improvements,
- A non-exclusive Party Membership Agreement with the Florida Green Finance Authority,
- A non-exclusive Interlocal Agreement with the Florida PACE Funding Agency,
- A non-exclusive Membership Agreement with the Green Corridor Property Assessment Clean Energy (PACE) District,
- A non-exclusive Limited Purpose Party Membership Agreement with the Florida Resiliency and Energy District.

Summary Explanation & Background:

Financing options for property improvements has proved to be a limiting factor for homeowners and building owners looking to improve the energy efficiency and energy conservation of their residences/buildings, as well as to mitigate wind damage. Several Florida communities and cities across the U.S. shared similar findings and now more than 136 local governments and 20 counties in Florida have launched community-based financing programs to address this market barrier.

Property Assessed Clean Energy (PACE) has emerged as the useful method of developing voluntary, community-based finance programs for wind protection, energy efficiency and renewable energy improvements. PACE was created to overcome commonly cited barriers to energy efficiency investments, including:

- High up-front costs for energy efficiency, renewable energy and wind mitigation improvements; and
- Challenges of identifying contractors knowledgeable about the effectiveness of efficiency improvements.

Pursuant to the Florida PACE enabling legislation (Fla. Stat. 163.08), a local government may establish a PACE financing program for qualified improvements wherein the local government or a third-party administrator (via an inter-local agreement between multiple Florida governments) provides project financing for the costs of qualified improvements and the property owner repays the costs, with interest, through a special assessment levied on the property. The PACE assessments are repaid over a set term and billed annually on the property tax bill as a non-ad valorem assessment.

By approving a multi-provider PACE Program, the County would provide options for business and homeowners to voluntarily participate in PACE financing programs for residential and commercial property. The programs currently providing financing allowed by Florida's PACE legislation include:

- Florida PACE Funding Agency
- Clean Energy Green Corridor/Ygrene
- Florida Green Finance Authority/Renew Financial
- FL Resiliency and Energy District/Renovate America

Each of these agencies oversee all aspects of the program including general administration, contractor training and oversight, marketing, levy of the assessments, financing and collections. The County is not responsible for any of those activities, but may choose to promote the program.

Fiscal Impact: FY2017/2018: There is no direct financial impact to the County associated with this agenda item. Limited staff resources may be required to coordinate with each provider as their program is being implemented.

Clerk to the Board Instructions:

Exhibits Attached: Resolution

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager Frank Abbate	Interim Assistant County Manager James P. Liesenfelt		Department Director / Extension					
	Assistant County Manager John Denninghoff							



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-8972
Tammy.Rowe@brevardclerk.us

March 21, 2018

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item VI.F.2., Citizen Request by Ritch Workman for Brevard County Property Assessed Clean Energy Program

The Board of County Commissioners, in regular session on March 20, 2018, adopted Resolution No. 18-040, creating a Property Assessed Clean Energy (PACE) Program within Brevard County and to allow residential, commercial, and industrial property owners to voluntarily use PACE financing as a mechanism to fund qualified energy conservation and efficiency improvements, renewable energy improvements, and wind resistance improvements; approved a non-exclusive Party Membership Agreement with Florida Green Finance Authority; approved a non-exclusive Interlocal Agreement with the Florida PACE Funding Agency; approved a non-exclusive Membership Agreement with the Green Corridor Property Assessment Clean Energy (PACE) District; and approved a non-exclusive Limited Purpose Party Membership Agreement with the Florida Resiliency and Energy District.

Upon execution of the Resolution and Agreements by the Chair, please return the documents to this office for attestation, distribution, and inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Tammy Rowe, Deputy Clerk

cc: County Manager

RESOLUTION NO. R18~~4~~-040

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN BREVARD COUNTY BY PARTICIPATING IN THE PACE PROGRAMS OF THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA PACE FUNDING AGENCY, THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT, AND THE FLORIDA RESILIENCY AND ENERGY DISTRICT TO PROVIDE A MECHANISM FOR THE VOLUNTARY FINANCING OF ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY, A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY, A NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT, AND A NON-EXCLUSIVE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT, PURSUANT TO WHICH SUCH ENTITIES OR THEIR ADMINISTRATORS WILL ADMINISTER THEIR RESPECTIVE VOLUNTARY PACE FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN ALL BREVARD COUNTY; AUTHORIZING AND DIRECTING COUNTY OFFICIALS, OFFICERS, AND EMPLOYEES TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Upon motion by Commissioner Kristine Isnard seconded by Commissioner Curt Smith, the following resolution was adopted by a vote of 4 to 1, with Commissioner(s) John Tobia voting No; Commissioner(s) _____ being absent.

WHEREAS, Section 163.08, Florida Statutes (the "Act"), authorizes counties, municipalities and separate local government entities to establish and administer financing programs pursuant to which owners of real property may obtain funding for energy conservation and efficiency, renewable energy and wind resistance improvements

(referred to in the Act as “Qualifying Improvements”), and repay such funding through voluntary special assessments, non-ad valorem assessments (“Special Assessments”), levied upon the improved property pursuant to financing agreements between the owner thereof and the local government (collectively, “PACE Program”); and

WHEREAS, pursuant to the Act, local governments may enter into a partnership with other local governments for the purpose of providing and financing Qualifying Improvements, and a PACE Program may be administered by a third party at the discretion of the local government; and

WHEREAS, installing Qualifying Improvements on existing structures can reduce the burdens resulting from fossil fuel energy production, including greenhouse gas reductions; and

WHEREAS, increased energy conservation, and installing wind resistance improvements on existing structures can reduce repair and insurance costs, and the burdens placed on surrounding properties resulting from high wind storms and hurricanes; and

WHEREAS, the Florida Green Finance Authority, the Florida PACE Funding Agency, the Green Corridor Property Assessment Clean Energy (PACE) District, and the Florida Resiliency and Energy District are currently four separate legal entities (PACE providers) within the State of Florida which were established by separate interlocal agreements for the express purpose of providing a scalable and uniform platform to facilitate the financing of Qualifying Improvements to local governments throughout Florida; and

WHEREAS, the PACE providers undertake all such acts as are necessary to provide a uniform, efficient, and scalable statewide platform in Florida, so that, when authorized by individual local governments, the PACE providers can facilitate the provision, funding and financing of energy conservation, renewable energy, and wind-resistance improvement to Florida properties; and

WHEREAS, each of the PACE providers has provided evidence to Brevard County (the “County”) that each of the respective PACE Programs has created open public governance and oversight and qualified third-party administration. Each of the PACE providers can commence their respective PACE Program in all areas of Brevard County for the benefit of the residents thereof; and

WHEREAS, the availability of the voluntary, non-exclusive PACE Programs offered by each of the PACE providers (without cost to, assumption of liability by, or demand upon the credit of the County) and the voluntary participation in such PACE Programs by property owners will provide an alternative financing option to finance and repay the costs to provide and install Qualifying Improvements to property owners in all areas of Brevard; and

WHEREAS, the Board of County Commissioners (the "Board") of the County finds that local needs and conditions reasonably warrant the establishment of each of the PACE providers non-exclusive PACE Programs within all areas of Brevard County as a direct and immediate means to non-exclusively implement Section 163.08, Florida Statutes; and

WHEREAS, each of the referenced agreements provides non-exclusive means to achieve the compelling State interests and public purposes described in the Act; and

WHEREAS, the Board deems it to be in the best interest of the citizens and residents of Brevard County to authorize the appropriate County officials to execute, each of the referenced agreements, in substantially the forms attached hereto, to provide a non-exclusive means to implement Section 163.08, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, THAT:

SECTION 1. RECITALS. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

SECTION 2. NON-EXCLUSIVE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY. The non-exclusive Party Membership Agreement between the County and the Florida Green Finance Authority (the "Party Membership Agreement"), in substantially the form attached hereto as Exhibit A-1, and incorporated herein, is approved. The Chair of the Board is authorized and directed to execute the Party Membership Agreement on behalf of the County. A copy of the Interlocal Agreement between the Florida Green Finance Authority, the Town of Lantana and the Town of Mangonia Park, the First Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority, and the Second Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority are also attached hereto and incorporated herein as Exhibit A-2.

SECTION 3. NON-EXCLUSIVE INTERLOCAL AGREEMENT RELATING TO THE FUNDING AND FINANCING OF QUALIFYING IMPROVEMENTS BY THE FLORIDA PACE FUNDING AGENCY. The Non-Exclusive Interlocal Agreement Relating to the Funding and Financing of Qualifying Improvements between the County and the Florida PACE Funding Agency (the "Non-Exclusive Interlocal Agreement"), in substantially the form attached hereto as Exhibit B-1, and incorporated herein, is approved. The Chair of the Board is authorized and directed to execute the Non-Exclusive Interlocal Agreement on behalf of the County. A specimen copy of the Amended and Restated Interlocal Agreement Relating to the Establishment of the Florida PACE Funding Agency is also attached hereto and incorporated herein as Exhibit B-2.

SECTION 4. NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT. The non-exclusive Membership Agreement between the County and the Green Corridor Property Assessment Clean Energy (PACE) District (the "Membership Agreement"), in substantially the form attached hereto as Exhibit C-1 and incorporated herein, is approved. The Chair of the Board is authorized and directed to execute the Membership Agreement on behalf of the County. A copy of the Amended and Restated Interlocal Agreement between the Town of Cutler Bay, Village of Palmetto Bay, Village of Pinecrest, City of South Miami, Miami Shores Village, City of Coral Gables and City of Miami is also attached hereto and incorporated herein as Exhibit C-2.

SECTION 5. NON-EXCLUSIVE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH FLORIDA RESILIENCY AND ENERGY DISTRICT. The non-exclusive Limited Purpose Party Membership Agreement between the County and the Florida Resiliency and Energy District (the "Limited Purpose Party Membership Agreement"), in substantially the form attached hereto as Exhibit D-1, and incorporated herein, is approved. The Chair of the Board is authorized and directed to execute the Limited Purpose Party Membership Agreement on behalf of the County. A copy of the Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District and the Amended and Restated Agreement Relating to the Creation of the Florida Resiliency and Energy District is also attached hereto and incorporated herein as Exhibit D-2.

SECTION 6. PROGRAM BOUNDARIES. The provisions of this Resolution shall include the legal boundaries of Brevard County, Florida, including municipalities and unincorporated areas, unless in conflict with a municipal resolution or ordinance. The municipal resolution or ordinance shall prevail to the extent of the conflict. The intention of the County Commission being to allow for multiple non-exclusive service opportunities to interested private property owners, so that all property owners have a wide variety of competitive choices from qualified local governments. Nothing in this resolution shall be construed as excluding any municipality from creating an additional, separate or standalone program at any time.

SECTION 7. AUTHORIZATIONS. The Chair of the Board, the County Administrator of the County, the Clerk of the Circuit Court, and such other officers and employees of the County as may be designated by the County Administrator, are authorized and directed, collectively or individually, to take such actions and execute and deliver such other documents as may be necessary or desirable, and which are specifically authorized by or are not inconsistent with the terms of this Resolution or the agreements herein approved, in furtherance of the purposes set forth in this Resolution.

SECTION 9. CONDITION PRECEDENT. The interlocal agreements are subject to the express condition precedent that each entity in Sections 2, 3, 4, 5 enter into separate agreements(s) with the tax collector and the property appraiser having

jurisdiction over the legal boundaries of the COUNTY, which shall provide for the collection of any non-ad valorem special assessments imposed by the entity within the legal boundaries of the COUNTY. If required by the tax collector and property appraiser, the COUNTY agrees to enter into those agreements as a third party to facilitate the collection of the non-ad valorem special assessment imposed by the entity.

SECTION 10. SEVERABILITY. If any one or more of the provisions of this Resolution shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision contained herein.

SECTION 11. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

(Signatures on the following page)

DONE, ORDERED, AND ADOPTED, in regular session, this 20 day of March, 2018.

BREVARD COUNTY

By: [Signature]
RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FL

(as approved by the Board on March 20 2018)

STATE OF FLORIDA
COUNTY OF BREVARD

Scott
I, Ellis, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Brevard County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of March 20, 2018 as the same appears of record in Minute Book _____ of the Public Records of Brevard County, Florida.

WITNESS my hand and official seal this 20 day of March, 2018.

Scott Ellis, CLERK OF THE CIRCUIT COURT

By: [Signature]
SCOTT ELLIS, CLERK

Approved as to Form and Legal Sufficiency

By: [Signature]
COUNTY ATTORNEY

STATE OF FLORIDA
COUNTY OF BREVARD

This is to certify that the foregoing
is a true and current copy of Resolution
no 2018-040 witness my hand
and official seal this 17 day of
May 2018

SCOTT ELLIS, Clerk of Circuit Court

By: [Signature] D.C.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 837-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 3, 2022

MEMORANDUM

TO: Christine Schverak, Interim County Attorney

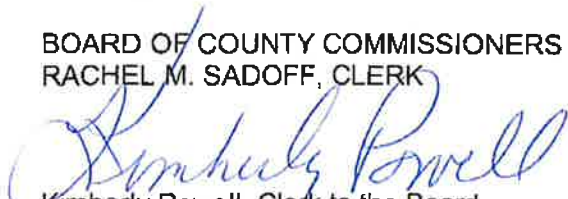
RE: Item L.2., Previous Motion Clarification of Resolution Intent for Partially Rescinding the Property Assessed Clean Energy (PACE) Program

The Board of County Commissioners, in regular session on August 2, 2022, clarified the previous motion for Resolution No. 22-067, intent for rescinding in part, Resolution No. 18-040, terminating the PACE Program for single-family residential properties and non-profit organizations. Enclosed is a copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: Each Commissioner

RECEIVED
AUG 16 2022
Brevard County Attorney

CORRECTED
RESOLUTION 22-067

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PARTIALLY RESCINDING RESOLUTION 18-040, TERMINATING THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN BREVARD COUNTY FOR SINGLE FAMILY RESIDENTIAL PROPERTIES AND NONPROFIT ORGANIZATIONS AND TERMINATING BREVARD COUNTY'S PARTICIPATION AS TO SUCH PROPERTIES IN THE PACE PROGRAMS OF THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA PACE FUNDING AGENCY, THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT AND THE FLORIDA RESILIENCY AND ENERGY DISTRICT; AND PROVIDING FOR THE TERMINATION OF THE RELATED INTERLOCAL AGREEMENTS AS TO SINGLE FAMILY RESIDENTIAL PROPERTIES AND NONPROFIT ORGANIZATIONS PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENTS AND PROVIDING FOR SURVIVAL OF ASSESSMENTS; AND DIRECTING COUNTY OFFICIALS, OFFICERS AND EMPLOYEES TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on March 20, 2018, the Brevard County Board of County Commissioners adopted Resolution 18-040; and

WHEREAS, Resolution 18-040 created a Property Assessed Clean Energy (PACE) program in Brevard County pursuant to Fla. Stat. Sec. 163.08; and

WHEREAS, the County entered into interlocal agreements with four different agencies to effectuate the PACE program; and

WHEREAS, it has since become clear that the implementation of this program is not in the best interests of the citizens of Brevard County due to lack of consumer protections and oversight; and

WHEREAS, it is the determination of the Brevard County Board of County Commissioners that Resolution 18-040 shall be partially rescinded and the PACE program in Brevard County shall be terminated as to single family residential properties and nonprofit organizations.

NOW, THEREFORE, BE IT RESOLVED THAT THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, does hereby PARTIALLY RESCIND Resolution 18-040 and provides for the termination of the PACE program as follows:

Section 1. Recitals. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

Section 2. Rescission and Effective Date. Resolution 18-040 is hereby partially rescinded as it pertains to single family residential properties and nonprofit organizations, effective 90 days from the date of execution of this Resolution.

Section 3. Termination of PACE Interlocal Agreements as to Single Family Residential Properties and Nonprofit Organizations. The Brevard County Board of County Commissioners hereby directs the County Attorney's Office to draft and send termination notices as to the use of the PACE program for single family residential properties and nonprofit organizations to the following agencies pursuant to the terms of the individual Interlocal Agreements: the Florida Green Finance Authority, the Florida Pace Funding Agency, the Green Corridor Property Assessment Clean Energy District, and the Florida Resiliency and Energy District. Said notices shall direct the agency that upon receipt of the termination notice no new applications for single family residential properties and nonprofit organizations shall be approved by the agency.

Section 4. Survival of Assessments. Notwithstanding the termination of the PACE program and the PACE Interlocal Agreements, those properties that have previously received financing for improvements shall continue to be part of the PACE agency with which the property owner has an agreement, until such time that all outstanding debt has been satisfied. Any application that has been approved by the agency prior to the agency's receipt of the termination notice shall continue to be part of the PACE agency.

Section 5. Program Boundaries. The provisions of this Resolution shall include the legal boundaries of Brevard County, Florida as set forth in Resolution 18-040.

Section 6. Severability. If any one or more of the provisions of this Resolution shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision contained herein.

(Signature Page Follows)

DONE, ORDERED AND ADOPTED, in regular session, this 19th day of July, 2022 and 2nd day of August, 2022.

ATTEST:

BREVARD COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS



RACHEL SADOFF, CLERK

By: 

Kristine Zonka, Chair

As approved by the Board:
July 19, 2022 and August 2, 2022



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

August 28, 2024

M E M O R A N D U M

TO: Morris Richardson, County Attorney

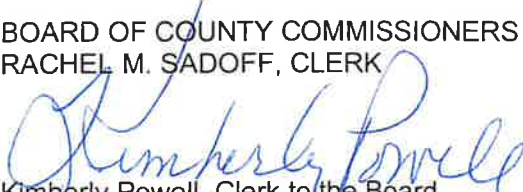
RE: Item F.22., Resolution Amending Commercial Property Assessed Clean Energy (PACE) Program to Conform to Recent Legislation

The Board of County Commissioners, in regular session on August 27, 2024, approved and adopted Resolution No. 24-075, amending prior Resolution No. 18-040 and Resolution No. 22-067, to conform with recent State legislation; and authorized the County Manager to sign amendments to existing interlocal agreements with commercial PACE program administrators to comply with statutory revisions. Enclosed is a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

RECEIVED

SEP 03 2024

Brevard County Attorney

/tr

Encl. (1)

cc: County Manager

RESOLUTION NO. 24-075

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING RESOLUTION NO. 18-040 AND RESOLUTION NO. 22-067 REGARDING THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM TO CONFORM TO RECENT LEGISLATION AMENDING SECTION 163.08, FLORIDA STATUTES, COMMONLY KNOWN AS "THE FLORIDA PACE ACT"; PROVIDING FOR A FORM AMENDMENT TO EXISTING INTERLOCAL AGREEMENTS BETWEEN BREVARD COUNTY AND PACE PROGRAM ADMINISTRATORS; DELEGATING AUTHORITY TO SIGN SUCH AMENDMENTS TO THE COUNTY MANAGER; AMENDING BREVARD COUNTY'S PACE PROGRAM TO ONLY AUTHORIZE PACE FINANCING FOR "COMMERCIAL PROPERTY" AS NEWLY DEFINED IN THE FLORIDA PACE ACT, IF SUCH "COMMERCIAL PROPERTY" IS NOT OWNED BY A NON-PROFIT ORGANIZATION; DIRECTING COUNTY OFFICIALS, OFFICERS, AND EMPLOYEES TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on March 20, 2018, the Board of County Commissioners of Brevard County ("Board") adopted Resolution No.18-040 which created a Property Assessed Clean Energy Program (PACE) Program within Brevard County, for the benefit of residential, commercial, and industrial property owners and authorized certain PACE providers to provide PACE financing within Brevard County via Interlocal Agreements; and

WHEREAS, on August 2, 2022, the Board adopted Resolution No. 22-067, rescinding in part Resolution No. 18-040, by terminating the PACE Program as to single-family residential properties and non-profit organizations, effective October 31, 2022; and

WHEREAS, Resolution 18-040, Resolution 22-067, and the implementing interlocal agreements with authorized PACE providers were governed by Section 163.08, Florida Statutes (commonly known as the "Florida PACE Act"); and

WHEREAS, the Florida PACE Act was amended by Chapter 2024-273, Laws of Florida, effective July 1, 2024, and now is codified in Sections 163.08 through 163.087, Florida Statutes (the "Act"); and

WHEREAS, Section 9, Chapter 2024-273, Laws of Florida, provides that any contract, agreement, authorization, or interlocal agreement with a PACE provider (now termed a "program administrator") must be amended to comply with the Act; and

WHEREAS, this Resolution is enacted to revise the existing authorization in Resolutions 18-040 22-067 so that program administrators may provide commercial PACE financing in compliance with the Act, as amended; and

WHEREAS, a Board-approved Form Amendment to Interlocal Agreements with Program Administrators is attached as **Exhibit A**; and

WHEREAS, the Board of County Commissioners of Brevard County desires to delegate the authority to the County Manager to sign amendments to interlocal agreements with existing program administrators using the approved form; and

WHEREAS, the Board of County Commissioners of Brevard County finds that the provisions of this Resolution serve the community's interests while providing for the public comfort, safety, health, welfare, and quality of life of the residents of Brevard County, Florida.

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, does hereby amend Resolution No. 18-040 and Resolution No. 22-067 as follows:

Section 1. Recitals. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

Section 2. Amended to Incorporate Changes to the Florida PACE Act. Resolution No. 18-040 and Resolution No. 22-167 are hereby amended to incorporate by reference the changes to the Florida PACE Act, as enacted in Section 9 of Chapter 2024-273, Laws of Florida, effective July 1, 2024, and now codified in Sections 163.08 through and including 163.087, Florida Statutes (the "Act"), as may be amended from time to time.

Section 3. References to Section 163.08. All references to Section 163.08, Florida Statutes in Resolution No. 18-040 and Resolution No. 22-167 are hereby amended to refer to Sections 163.08 through and including 163.087, Florida Statutes.

Section 4. Program Administrators. Resolution No. 18-040 and Resolution No. 22-167 are hereby amended to incorporate the new term “program administrator,” defined in the Act as “a county, a municipality, a dependent district as defined in s. 189.012, or a separate legal entity created pursuant to s. 163.01(7) which directly operates a program for financing qualifying improvements and is authorized pursuant to s. 163.081 or 163.082.” The term “PACE provider” as used in Resolution 18-040 and Resolution 22-167 shall mean “program administrator” as defined in the Act.

Section 5. Commercial PACE (C-PACE) Only. Resolution No. 18-040 and Resolution No. 22-167 are hereby amended to incorporate changes in the Act relating to the terms “residential property” and “commercial property.” Brevard County's PACE Program specifically authorizes PACE financing only for certain “commercial property”, as defined in the Act, which is not owned by a non-profit organization.

“Residential property” is defined in the Act at s. 163.08(6) as “real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.”

“Commercial property” is defined in the Act at s. 163.08(2) as “real property other residential property. The term includes, but is not limited to, a property zoned multifamily residential which is composed of five or more dwelling units; and real property used for commercial, industrial, or agricultural purposes.”

Section 6. Form of Amendment; Delegation of Authority. The Form Amendment to Interlocal Agreements with Program Administrators (“Amendment”) as attached in **Exhibit A** hereto is incorporated by reference herein, and is approved for use with any of the program administrators who have existing contracts with Brevard County and who might desire to continue to provide C-PACE financing in Brevard County. In addition, any amendment to interlocal agreements in substantially the same form as the Amendment in Exhibit A may be signed by the County Manager, to whom this authority is hereby delegated.

Section 7. Survival of Prior Provisions. Provisions of Resolution No. 2018-040 and Resolution 2022-067 not amended by this Resolution are hereby restated and in remain in effect.

Section 8. Severability. If any one or more of the provisions of this Resolution shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision contained herein.

Section 9. Effective Date. This Resolution is effective upon approval by the Board of County Commissioners of Brevard County.

DONE, ORDERED, AND ADOPTED by the Board of County Commissioners of Brevard County, Florida, in regular session, this 27th day of August, 2024.

Attest:

BY:

Rachel Sadoff, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY:

Jason Steele, Chair

(as approved by the Board on 8/27/2024)

EXHIBIT A

FORM OF AMENDMENT TO INTERLOCAL AGREEMENTS WITH PROGRAM ADMINISTRATORS

AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN [PROGRAM ADMINISTRATOR] AND BREVARD COUNTY

WHEREAS, on March 20, 2018, the Board of County Commissioners of Brevard County (the "Board") adopted Resolution No. 18-040 creating a Property Assessed Clean Energy Program ("PACE") program within Brevard County for the benefit of residential, commercial and industrial property owners; and

WHEREAS, on _____, Brevard County and the [Program Administrator Name] executed that certain [Name of Agreement], as recorded in Official Records Book [____], Page [____], of the Public Records of Brevard County, Florida (the ("[Shortened Name of Agreement]")); and

WHEREAS, the [Shortened Name of Agreement] allows the [Program Administrator's Name] to finance qualifying improvements for real properties located within Brevard County through a voluntary assessment program (the "PACE Program"), and

WHEREAS, on August 2, 2022, pursuant to Resolution No. 22-027, the Board of County Commissioners for Brevard County informed [Program Administrator's Name] that Brevard County was partially terminating the [Shortened Name of Agreement]'s authorization of [Program Administrator's Name] to provide PACE funding for single-family residential properties and properties owned by nonprofit organizations effective October 31, 2022; and

WHEREAS, the [Program Administrator's Name]'s PACE Program was previously governed by Section 163.08, Florida Statutes ("the Florida PACE Act"); and

WHEREAS, the Florida PACE Act was amended by Chapter 2024-273, Laws of Florida, effective July 1, 2024, and is now codified in Sections 163.08 through and including 163.087, Florida Statutes (the "Act"); and

WHEREAS, Section 9 of Chapter 2024-273, Laws of Florida provides that any applicable contract, agreement, authorization or interlocal agreement must be amended to comply with the statutory amendment; and

WHEREAS, Brevard County and [Program Administrator's Name] desire to amend the [Shortened Name of Agreement] and agree to be bound by all of the terms and provisions in the Florida PACE Act, as amended by Chapter 2024-273, Laws of Florida, (the "Act"), as may be amended from time to time; and

WHEREAS, based on changes in the Act, Brevard County has enacted Resolution No. 24-_____, in which it has amended its PACE Program to authorize program

administrators to provide PACE financing only for "commercial property" which is not owned by a non-profit organization.

NOW, THEREFORE, in consideration of the terms and conditions, promises and covenants hereinafter set forth, the Parties agree as follows:

SECTION 1. DEFINITIONS. Any capitalized terms used in this Amendment, but not otherwise defined herein, shall have the meaning specified for such term in the [Shortened Name of Agreement].

SECTION 2. AMENDMENT TO THE [Shortened Name of Agreement]. Brevard County and [Program Administrator's Name] acknowledge and agree that the [Program Administrator's Name]'s PACE Program shall be governed by the Act, and to the extent the requirements of the Act conflict with the [Shortened Name of Agreement], the requirements of the Act shall control. Except as specifically amended hereby, the [Shortened Name of Agreement] shall remain in full force and effect.

SECTION 3. PARTIAL TERMINATION. Brevard County and [Program Administrator's Name] acknowledge and agree that Brevard County partially terminated the [Shortened Agreement Name]'s authorization of [Program Administrator's Name] to provide PACE funding for single-family residential properties and to non-profit organizations effective October 31, 2022.

SECTION 4. AMENDMENT TO ONLY AUTHORIZE PACE FINANCING FOR "COMMERCIAL PROPERTY" WHICH IS NOT OWNED BY A NON-PROFIT ORGANIZATION. Brevard County and [Program Administrator's Name] acknowledge and agree that Brevard County, in adopting Resolution No. 24-____, has amended its PACE Program to specifically authorize PACE financing only for "commercial property" as defined in the Act, which is not owned by a non-profit organization. "Commercial property" is defined in the Act as follows: "real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is composed of five or more dwelling units; and real property used for commercial, industrial, or agricultural purposes."

SECTION 5. RECORDING. This Amendment shall be filed by the [Program Administrator's Name] and recorded in the public records of Brevard County, in accordance with Section 163.01(11), Florida Statutes.

SECTION 6. EFFECTIVE DATE. This Amendment shall become effective upon the recordation of the Amendment, in accordance with Section 4, above.

Signature Pages to follow.

Signature Page to Amendment

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be signed by its duly authorized representative, on the _____ day of _____, 202_.

Seal

Attest:

Brevard County:

By: _____
Rachel Sadoff, County Clerk

By: _____ [Date]
County Manager

[The remaining portion of this page is intentionally left blank.]

Signature Page to Amendment

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be signed by its duly authorized representative, on the _____ day of _____ 20__.

WITNESS:

[Name of Program Administrator]

Signature

By: _____
_____[Title] Date

Print Name

Address:

WITNESS:

Signature

Print Name

Address:

STATE of FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me b means of [] physical presence or [] online notarization this _____ day of _____, 20 __, by _____, as _____ on behalf of _____, who is personally known to me/has produced _____ as identification.

(SEAL)

Printed/Typed Name: _____
Notary Public – State of Florida
Commission Number