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August 28, 2024

File

MEMORANDUM

TO: Morris Richardson, County Attorney

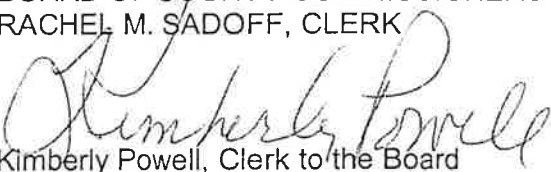
RE: **Item F.22.**, Resolution Amending Commercial Property Assessed Clean Energy (PACE) Program to Conform to Recent Legislation

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

**AMENDMENT TO THE MEMBERSHIP AGREEMENT BETWEEN THE GREEN  
CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT 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**, Brevard County and the Green Corridor Property Assessment Clean Energy (PACE) District (the "District") executed that certain Membership Agreement between the Green Corridor Property Assessment Clean Energy (PACE) District and Brevard County, dated April 19, 2018, as recorded on October 18, 2024 in Official Records Book 10180, Page 1799 of the Public Records of Brevard County, Florida (the "MA"); and

**WHEREAS**, the MA allows the District to finance qualifying improvements for real properties located within Brevard County through a voluntary assessment program (the "District's PACE Program"), and

**WHEREAS**, on August 2, 2022, pursuant to Resolution No. 22-027, the Board of County Commissioners for Brevard County informed the District that Brevard County was partially terminating the MA with the District, to terminate the authorization of the District to provide PACE funding for single-family residential properties and properties owned by nonprofit organizations effective October 31, 2022; and

**WHEREAS**, the District'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 Section 163.08 through Section 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 the District desire to amend the MA 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, on August 27, 2024, Brevard County enacted Resolution No. 24-075, 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; and

**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 the Amendment, but not otherwise defined herein, shall have the meaning specified for such term in the MA.

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

**SECTION 3. PARTIAL TERMINATION.** Brevard County and the District acknowledge and agree that Brevard County partially terminated the MA to specifically terminate the authorization of the District to provide PACE funding for single-family residential properties and 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 the District acknowledge and agree that Brevard County, in adopting Resolution No. 24-075, 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 recorded by the District 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 5, 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 this 16th day of December, 2024.

Seal

Attest:

By:   
Rachel Sadoff, County Clerk

Brevard County:

By:   
Frank Abbate, Date 12/16/24  
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 this 10th day of December, 2024.

WITNESS:

*[Signature]*

Signature

Mitchell J Freijo

Print Name

Address:

GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT

*[Signature]*

By: Paul Winkeljohn, Executive Director

12/10/2024

Date

WITNESS:

*[Signature]*

Signature

Keyla Zelaya

Print Name

Address:

STATE of FLORIDA  
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [x] online notarization this 10th day of December, 2024, by Paul Winkeljohn, as Executive Director of Green Corridor Property Assessment Clean Energy (PACE) District, on behalf of Green Corridor Property Assessment Clean Energy (PACE) District, who is personally known to me/has produced (personally known) as identification.

(SEAL)



*[Signature]*

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

Notarial Act Performed by Audio visual communication