

**FLORIDA GREEN  
FINANCE AUTHORITY**

**REGULAR BOARD MEETING  
DECEMBER 7, 2023  
2:00 P.M.**

**AGENDA**  
**FLORIDA GREEN FINANCE AUTHORITY**  
Town of Mangonia Park 1755  
East Tiffany Drive  
Mangonia Park, FL 33407  
1-877-873-8017  
Access #9758310  
**REGULAR BOARD MEETING**  
December 7, 2023  
2:00 p.m.

- A. Call to Order
- B. Proof of Publication .....Page 1
- C. Establish Quorum
- D. Additions or Deletions to Agenda
- E. Comments from the Public for Items Not on the Agenda
- F. Approval of Minutes
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- G. Status/Program Update – Information Report.....Page 9
  - a. Residential
  - b. Commercial
- H. Old Business
- I. New Business
  - 1. Consider Resolution No. 2023-09 – Adopting a Fiscal Year 2022/2023 Amended Budget.....Page 17
  - 2. Consider Resolution No. 2023-10 – Authorizing Electronic Approvals and Check Signers.....Page 22
  - 3. Discussion and Board Direction Regarding Hernando/Seminole County Tax Collectors
  - 4. Consider Resolution No. 2023-11 – Waiving Chapter 164 Requirements and Authorizing Attorney to Proceed as Necessary .....Page 23
- J. Administrative Matters
- K. Board Member Comments
- L. Adjourn

NOTICE OF REGULAR BOARD MEETING OF  
FLORIDA GREEN FINANCE AUTHORITY

NOTICE IS HEREBY GIVEN that the Board of Supervisors (Board) of the Florida GreenFinance Authority (Authority) will hold a Regular Board Meeting on December 7, 2023, at 2:00 P.M. (EST) at the Town of Mangonia Park Municipal Center located at 1755 East Tiffany Drive, Mangonia Park, Florida 33407.

The purpose of this meeting is to conduct any business coming before the Board. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. A copy of the Agenda for this meeting may be obtained from the Authority's website or by contacting the Authority Manager at 561-630-4922 and/or toll free at 1-877-737-4922 prior to the meeting.

Such meeting will involve the use of Communications Media Technology. Members of the public may attend and participate in the meeting from the Actual Meeting Location, as well as Remote Meeting Locations. Said locations where members of the public may attend and participate are as follows:

Palm Beach County, FL: Town of Mangonia Park Municipal Center (Actual Meeting Location)

1755 East Tiffany Drive

Mangonia Park, FL 33407

Sarasota County, FL: City of North Port (Remote Meeting Location)

5930 Sam Shapos Way

North Port, FL 34287

Escambia County, FL: Whibbs Conference Room (Remote Meeting Location)

City of Pensacola

City Hall, 1 st Floor

222 West Main Street

Pensacola, FL 32502

(2:00 P.M. Eastern/1:00 P.M. Central)

If any person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need a record of the proceedings and such person may need to ensure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at this meeting should contact the Authority Manager at 561-630-4922 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the meeting.

Meetings may be cancelled from time to time without advertised notice.

FLORIDA GREEN FINANCE AUTHORITY

[www.flgfa.org](http://www.flgfa.org)

11/27/23 9548774

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Nov. 27, 2023 #9548935

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Daily Commercial | Ocala StarBanner  
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

## PROOF OF PUBLICATION

FloridaGreen Finance  
Florida Green Finance  
2501 BURNS RD  
STE A

PALM BEACH GARDENS FL 334105207

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Herald-Tribune, published in Sarasota County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Sarasota County, Florida, or in a newspaper by print in the issues of, on:

11/28/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/28/2023



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost: \$225.50

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PO #: Board Mtg Dec 7

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KAITLYN FELTY  
Notary Public  
State of Wisconsin

NOTICE OF REGULAR  
BOARD MEETING OF  
FLORIDA GREEN  
FINANCE AUTHORITY  
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the Board of Supervisors ("Board")  
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FLORIDA GREEN  
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PUBLISH: SARASOTA HERALD  
TRIBUNE (SARASOTA) 11/28/23;  
#9551953

**MINUTES**  
**FLORIDA GREEN FINANCE AUTHORITY**  
**REGULAR BOARD MEETING AND PUBLIC HEARING**  
**SEPTEMBER 7, 2023**

**A. Call to Order**

District Manager Andrew Karmeris called the September 7, 2023, Regular Board Meeting of the Florida Green Finance Authority to order at 2:00 p.m. at the Town of Lantana, 500 Greynolds Circle Lantana, Florida 33462.

**B. Proof of Publication**

Proof of publication was presented showing that notice of the Regular Board Meeting and Public Hearing had been published in the *Palm Beach Post*, *Sarasota Herald-Tribune*, and *Pensacola News Journal* on August 18, 2023 and August 25, 2023, as legally required.

**C. Establish Quorum**

A quorum was established with the following Supervisors present:

<b>Supervisor</b>	<b>Jurisdiction</b>	
Chairman Ken Metcalf	Town of Mangonia Park	Present
Vice Chair Nicole Dritz	Town of Lantana	Present
Dave Robau	City of Pensacola	Present (via telephone)
Nancy Gallinaro	City of North Port	Present (via telephone)

Others present at the meeting included:

<b>Staff Member</b>	<b>Company/Agency</b>
Andrew Karmeris	Special District Services
Mitty Barnard	Davis & Associates, P.A.
Erin Deady	Petros Partners
Leah Wiggs	Renew Financial
Jennifer Rojo-Suarez	Renew Financial

Others appearing by phone included:

<b>Staff Member</b>	<b>Company/Agency</b>
Chelsey Olsen	Renew Financial
Matthew Choy	Renew Financial

**D. Consider Resolution No. 2023-06 – Reorganizing the Board**

Mr. Karmeris presented Resolution No. 2023-06

**RESOLUTION NO. 2023-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FLORIDA GREEN FINANCE AUTHORITY, REORGANIZING THE BOARD OF SUPERVISORS TO APPOINT THE CHAIR AND VICE CHAIR FOR FISCAL YEAR 2023-2024 AND CONTINUING THE DELEGATION OF THE ROLES OF SECRETARY AND TREASURER TO STAFF; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

Chairman Metcalf stated he would like to stepdown as Chairman and suggested Vice Chair Dritz be nominated as Chair.

A **motion** made by Vice Chair Dritz, seconded by Chairman Metcalf to approve Resolution No. 2023-06 – Reorganizing the Board of Supervisors, as follows:

<b>Supervisor</b>	<b>Jurisdiction</b>
Chairman Nicole Dritz	Town of Lantana
Vice Chair Ken Metcalf	Town of Mangonia Park
Dave Robau	City of Pensacola
Wayne Messam	Town of Miramar
Nancy Gallinaro	City of North Port

The Board was polled:

<b>Supervisor</b>	<b>Jurisdiction</b>	<b>Vote</b>
Chairman Ken Metcalf	Town of Mangonia Park	Yes
Vice Chair Nicole Dritz	Town of Lantana	Yes
Dave Robau	City of Pensacola	Yes
Nancy Gallinaro	City of North Port	Yes

The **motion** carried 4-0.

**E. Additions or Deletions to Agenda**

There were no additions or deletions to the agenda.

**F. Comments from the Public for Items Not on the Agenda**

There we no comments from the Public.

**G. Approval of Minutes**

**a. June 8, 2023 Regular Board Meeting**

There was a **motion** made by Vice Chair Dritz, seconded by Chairman Metcalf, to approve the minutes of the June 8, 2023 Regular Board Meeting, as presented. The Board was polled:

<b>Supervisor</b>	<b>Jurisdiction</b>	<b>Vote</b>
Chairman Ken Metcalf	Town of Mangonia Park	Yes
Vice Chair Nicole Dritz	Town of Lantana	Yes
Dave Robau	City of Pensacola	Yes
Nancy Gallinaro	City of North Port	Yes

The **motion** carried 4-0.

**H. Status/Program Update – Information Report**

**a. Residential**

Ms. Chelsey Olsen provided a program update by reviewing the materials in the agenda package. She also gave an update on the marketing plan on behalf of Pam Rodriguez who was unable to attend due to a scheduling conflict.

Ms. Leah Wiggs gave an update on State and Federal legislation.

Mr. Matthew Choy provided some information regarding expansion in Florida.

Ms. Jennifer Rojo-Suarez provided an update on jurisdictions and Palm Beach County.

**b. Commercial**

Ms. Erin Deady also provided an update on State and Federal legislation. She also provided a brief update on the PACE-related litigation.

The Regular Board Meeting was recessed, and the Public Hearing was opened at 2:24 p.m.

**I. PUBLIC HEARING**

**1. Proof of Publication**

**2. Receive Public Comments on Fiscal Year 2023/2024 Final Budget**

Public comment was solicited. There were no comments.

**3. Consider Resolution No. 2023-07 – Adopting a Fiscal Year 2023/2024 Final Budget**

Mr. Karmeris introduced Resolution 2023-07:



**RESOLUTION NO. 2023-07**

**A RESOLUTION OF THE FLORIDA GREEN FINANCE AUTHORITY  
ADOPTING A FISCAL YEAR 2023/2024 BUDGET.**

A **motion** made by Vice Chair Dritz, seconded by Chairman Metcalf to approve Resolution No. 2023-07 – Adopting a Fiscal Year 2023/2024 Final Budget, as presented.

The Board was polled:

<b>Supervisor</b>	<b>Jurisdiction</b>	<b>Vote</b>
Chairman Ken Metcalf	Town of Mangonia Park	Yes
Vice Chair Nicole Dritz	Town of Lantana	Yes
Dave Robau	City of Pensacola	Yes
Nancy Gallinaro	City of North Port	Yes

The **motion** carried 4-0.

The Public Hearing was then closed at 2:26 p.m. and the Regular Board Meeting was reconvened.

**J. Old Business**

There were no Old Business items to be addressed.

**K. New Business**

**1. Consider Resolution No. 2023-08 – Adopting a Fiscal Year 2023/2024 Meeting Schedule**

Mr. Karmeris presented Resolution No. 2023-08

**RESOLUTION NO. 2023-08**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FLORIDA GREEN FINANCE AUTHORITY, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; PROVIDING A PROCESS FOR RE-SCHEDULING REGULAR MEETINGS DUE TO UNFORESEEN CIRCUMSTANCES INCLUDING, BUT NOT LIMITED TO THE LACK OF A QUORUM; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

A **motion** made by Vice Chair Dritz, seconded by Chairman Metcalf to approve Resolution No. 2023-08 – Adopting a Fiscal Year 2023/2024 Meeting Schedule, as presented.

The Board was polled:

<b>Supervisor</b>	<b>Jurisdiction</b>	<b>Vote</b>
Chairman Ken Metcalf	Town of Mangonia Park	Yes
Vice Chair Nicole Dritz	Town of Lantana	Yes
Dave Robau	City of Pensacola	Yes
Nancy Gallinaro	City of North Port	Yes

The **motion** carried 4-0.

## **2. Consider Appointment of Audit Committee & Approval of Evaluation Criteria**

There was a **motion** made by Vice Chair Dritz, seconded by Chairman Metcalf, to appoint the Board of Supervisors as the Audit Committee and approved the Evaluation Criteria, as presented.

The Board was polled:

<b>Supervisor</b>	<b>Jurisdiction</b>	<b>Vote</b>
Chairman Ken Metcalf	Town of Mangonia Park	Yes
Vice Chair Nicole Dritz	Town of Lantana	Yes
Dave Robau	City of Pensacola	Yes
Nancy Gallinaro	City of North Port	Yes

The **motion** carried 4-0.

### **L. Administrative Matters**

There were no Administrative matters to discuss.

### **M. Board Member Comments**

Vice Chair Dritz asked about the Amicus Brief that was discussed at the last meeting and why the authority was waiting to file it. Ms. Dedy explained that rationale for waiting was due to the additional litigation that could come from filing an Amicus Brief. She added that it could delay the current litigation proceedings that currently appear to be in FGFA's favor.

### **N. Adjournment**

The meeting was adjourned at 2:40 p.m. after a **motion** by Chairman Metcalf, and a second by Vice Chair Dritz. The **motion** carried 4-0.

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Chairman/Vice Chair

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Secretary/Asst. Secretary



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## INFORMATION REPORT

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**DATE:** DECEMBER 7, 2023

**FGFA PROGRAM:** RENEWPACE – PROPERTY ASSESSED CLEAN ENERGY PROGRAM

**PURPOSE:**

- I. UPDATE ON RENEWPACE RESIDENTIAL PROGRAM
- II. UPDATE ON MARKETING EFFORTS
- III. UPDATE ON STATE AND FEDERAL LEGISLATION
- IV. UPDATE ON RPACE ENROLLED JURISDICTIONS
- V. UPDATE ON TAX COLLECTOR AGREEMENTS

**BOARD MEMBERS:**

CHAIR NICOLE DRITZ, TOWN OF LANTANA  
VICE CHAIR KEN METCALF, TOWN OF MANGONIA PARK  
DAVE ROBAU, CITY OF PENSACOLA  
WAYNE MESSAM, CITY OF MIRAMAR  
NANCY GALLINARO, CITY OF NORTH PORT

**Background:**

RenewPACE is a Program of the Florida Green Finance Authority (the “Authority”) designed to offer communities, property owners and capital providers a multitude of options for investing in community improvements that save both energy and money. The Authority Board of Supervisors (“Board”) is being asked to hear or consider several items for the RenewPACE residential program, as well as administrative items related to the management of the Authority:

**Discussion:**

- I. UPDATE ON RENEWPACE RESIDENTIAL PROGRAM

*Program Application Statistics (as of 11/09/2023)*

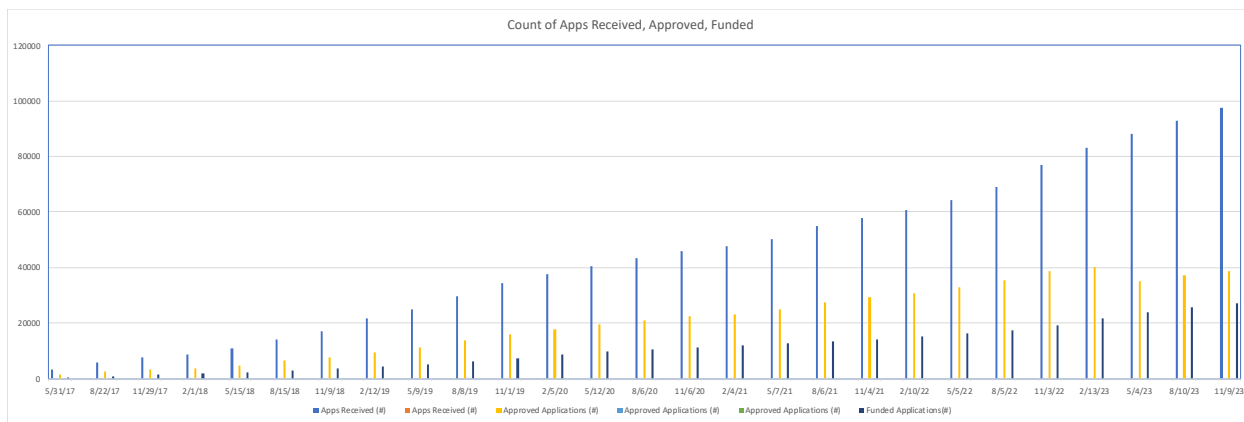
The program is contributing to the local goals of creating jobs and saving energy.

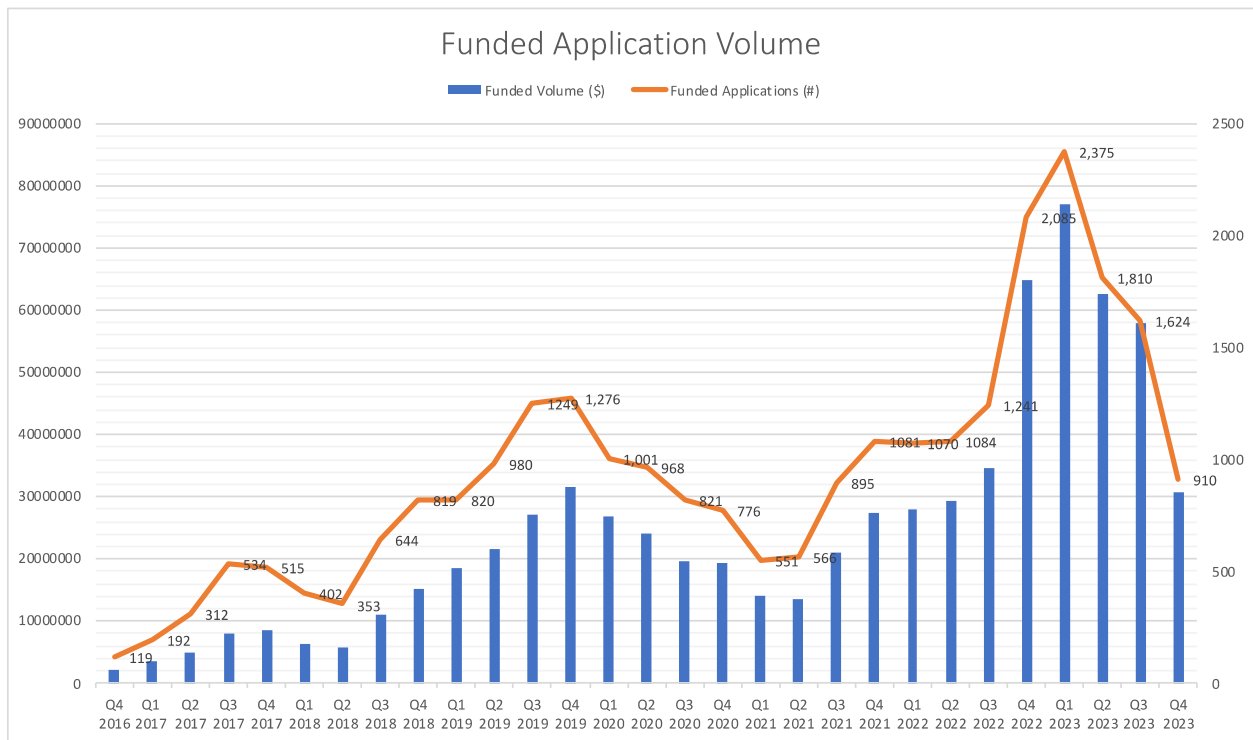
- Jobs created: 10,756
- Utility bill savings electricity (lifetime): \$ 215,763,461
- Utility bill savings natural gas (lifetime): \$21,523,348
- Lifetime energy generation & savings:
  - Renewable energy generated (kWh): 845,558,956
  - Energy saved (kWh): 234,392,297
  - Therms saved: 17,082,022
  - Green House Gas Reductions: 397,484 metric tons

Below is a summary of program application statistics.

As of 11/09/2023	2/13/2023	05/04/2023	8/10/2023	11/9/2023
# Applications	83,042	88,041	92,990	97,512
Total App Value	\$2,200,510,414	\$2,373,070,878	\$2,537,081,583	\$2,687,976,472
Average Assessment Value	\$23,767	\$24,717	\$25,857	\$26,418
Notice to Proceed (#/\$)*	33,590 / \$903,820,787	35,225 / \$962,255,002	37,069 / \$1,022,624,072	38,768 / \$1,080,768,080
Funded (#/\$)	21,619 / \$527,311,924	23,699 / \$596,342,801	25,543 / \$661,677,480	27,074 / \$715,592,313
# Active Contractors	687	734	782	759
# Counties Approved (RPACE)	25	25	25	25

*\*Inclusive of funded projects*





\*Q4 2023 up to 11/9/2023

As of 11/9/2023	# of Applications	Total Application Value	NTP # / \$*	Funded (#/\$)
Town of Lantana	276	\$7,774,105	120 / \$3,416,284	80 / \$2,134,270
Town of Mangonia Park	16	\$488,868	10 / \$347,777	7 / \$153,809
City of Pensacola	94	\$2,726,202	6 / \$154,709	1 / \$28,608
City of Miramar	2,743	\$87,204,172	1,151 / \$39,241,718	713 / \$22,838,755
City of North Port	650	\$14,057,479	270 / \$4,759,229	225 / \$3,811,573

\*Inclusive of funded projects

Applications have been submitted for a range of products including air source heat pumps, insulation, duct replacement, water heaters, windows, wind-resistant shingles, storm windows, storm shutters, doors, central air conditioners, solar, and roofs.

Renewable Energy Project %	Energy Efficiency Project %	Safety & Resilience Project %
21%	16%	63%

### Program Policy Updates

Per Resolution 2016-03 (Section 9), the Board authorized the Program Administrator to amend the Residential Handbook from time to time. Per Exhibit A of the Third-Party Administration Services Agreement Section I.3.a.iv, Renew Financial is responsible for maintaining “Program Application &

Funding Request Forms”. The following is a brief summary of the updates. Renew Financial has provided an opportunity for review of the policy details to the standard working group that includes Special District Services, legal counsels, and key partners prior to implementing any new policy.

- Removed Lake Wales (Polk County) from the Participating Cities list (termination effective December 1, 2023).
- Removed Fanning Springs (Levy County) from Participating Cities list (termination effective January 28, 2024).

### *Consumer Complaints*

Renew Financial tracks consumer complaints. There are currently 56 unresolved complaints. Complaints are addressed through outreach to the property owner(s) and contractor (if applicable). Complaints were resolved in an average of 50 calendar days. Renew Financial makes every effort to address and resolve issues quickly. Delays in resolution may occur depending on availability of the parties and degree of the complaint. Resolution resulted in a variety of actions including, but not limited to, additional training of contractor, confirmation of key terms with property owner, withdraw of application at request of property owner, and refund of a portion of the cost to the property owner by the contractor.

Below is a brief summary of complaints (as of 11/09/2023):

- Number of complaints received and resolved since program launch in 2016: 1,044
- Complaint Rate: 3.8%
- Contractor related complaints: 929
- Most common categories of complaints: Workmanship; Delayed/Incomplete Projects

## *II. UPDATE ON MARKETING EFFORTS*

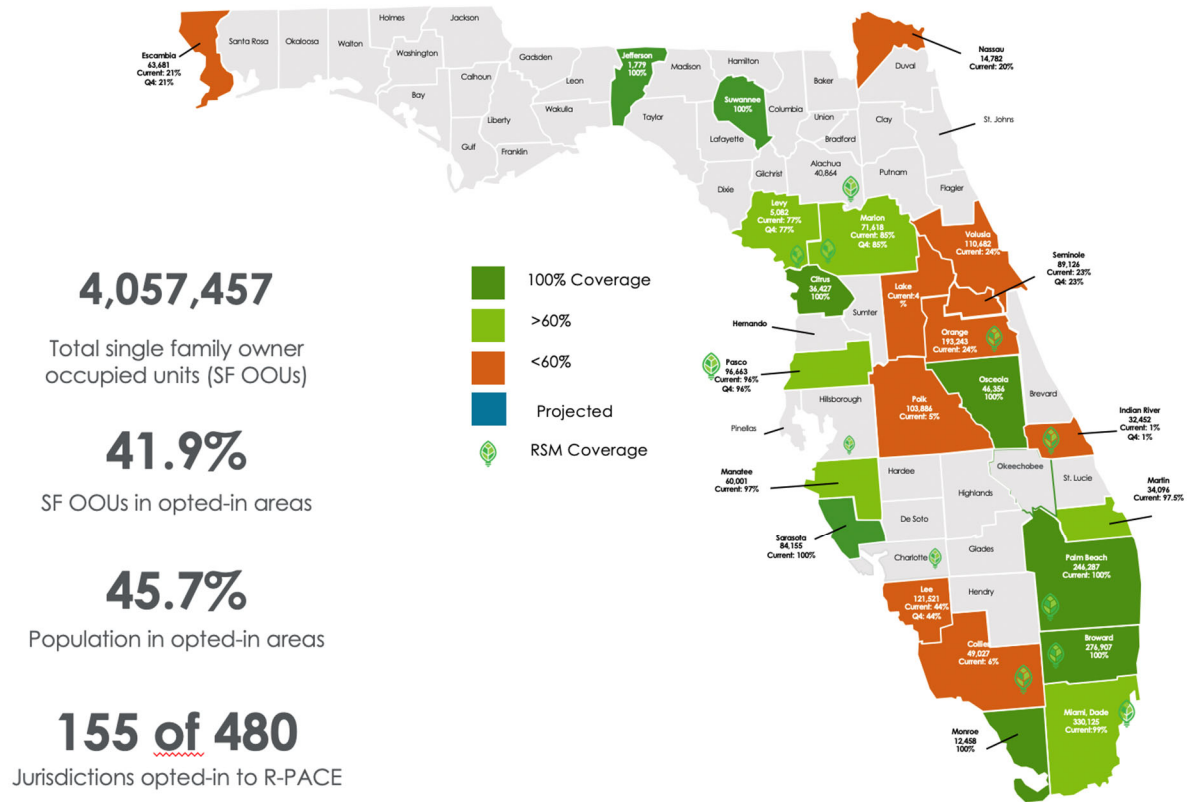
Any updates will be provided at the Authority Board meeting.

## *III. UPDATE ON STATE AND FEDERAL LEGISLATION*

Any updates will be provided at the Authority Board meeting.

## *IV. UPDATE ON ENROLLED JURISDICTIONS (see list on the following pages)*

## Map of *Residential Opt-Ins*:



## BROWARD

- Coconut Creek\*
- Cooper City\*
- Coral Springs\*
- Dania Beach\*
- Davie\*
- Deerfield Beach\*
- Fort Lauderdale
- Hallandale Beach\*
- Hillsboro Beach\*
- Hollywood\*
- Lauderdale-by-the-Sea\*
- Lauderdale Lakes\*
- Lauderhill\*
- Lazy Lake\*
- Lighthouse Point\*
- Margate
- Miramar
- North Lauderdale\*
- Oakland Park\*
- Parkland\*
- Pembroke Park\*
- Pembroke Pines
- Plantation\*
- Pompano Beach
- Sea Ranch Lakes\*
- Southwest Ranches\*
- Sunrise\*
- Tamarac\*
- Weston\*
- West Park\*
- Wilton Manors\*
- Unincorporated County\*

## CHARLOTTE (CPACE)

- Punta Gorda
- Unincorporated County

## CITRUS

- Inverness\*
- Crystal River\*
- Unincorporated County

## COLLIER

- Naples
- Unincorporated County (CPACE)

## COLUMBIA

- Unincorporated County (CPACE)

## DUVAL

- Jacksonville (CPACE)

## ESCAMBIA

- Century (CPACE)
- Pensacola
- Unincorporated County (CPACE)

## HIGHLANDS

- Sebring (CPACE)
- Lake Placid (CPACE)
- Avon Park (CPACE)
- Unincorporated County (CPACE)

## INDIAN RIVER

- Fellsmere
- *Sebastian*
- Unincorporated County (CPACE)

## JEFFERSON

- Monticello\*
- Unincorporated County

## LAKE

- Eustis (CPACE)
- Leesburg
- Mount Dora

## LEE

- Bonita Springs
- Cape Coral
- Estero
- Fort Myers

## LEVY

- Williston
- Unincorporated County

## MANATEE

- Bradenton\*
- Bradenton Beach\*
- Palmetto\*
- Unincorporated County

## MARION

- Unincorporated County

## MARTIN

- Sewall's Point
- Stuart
- Unincorporated County

## MIAMI-DADE

- Aventura
- Biscayne Park
- Coral Gables

## PALM BEACH

- Atlantis\*
- Belle Glade\*
- Boca Raton\*
- Boynton Beach
- Briny Breezes\*
- Cloud Lake\*
- Delray Beach
- Glen Ridge\*
- Golf
- Greenacres\*
- Gulfstream\*
- Haverhill\*
- Highland Beach\*
- Hypoluxo\*
- Juno Beach\*
- Jupiter\*
- Jupiter Inlet Colony\*
- Lake Clarke Shores\*
- Lake Park\*
- Lake Worth
- Lantana
- Loxahatchee Groves\*
- Manalapan\*
- Mangonia Park
- North Palm Beach
- Ocean Ridge\*
- Pahokee\*
- Palm Beach\*
- Palm Beach Gardens\*
- Palm Beach Shores
- Palm Springs\*
- Riviera Beach\*
- Royal Palm Beach\*
- South Bay\*
- South Palm Beach\*
- Tequesta
- Wellington\*
- West Lake\*
- West Palm Beach
- Unincorporated County

## POLK

- Haines City

## PASCO

- Port Richey
- Zephyrhills
- Unincorporated County

## PINELLAS

- Gulfport (CPACE)

## SARASOTA

- North Port\*
- Sarasota\*
- Venice\*



- Cutler Bay
- Doral
- El Poral
- Hialeah
- Hialeah Gardens
- Homestead
- Key Biscayne
- Medley
- Miami
- Miami Beach
- Miami Gardens
- Miami Lakes
- Miami Shores Village
- Miami Springs
- North Bay Village
- North Miami
- North Miami Beach
- Opa-Locka
- Palmetto Bay
- Pinecrest
- Surfside
- Sweetwater
- Virginia Gardens
- West Miami
- Unincorporated County

- Unincorporated County

#### SEMINOLE

- Longwood
- Oviedo
- Sanford

#### ST. JOHNS

- Unincorporated County (CPACE)

#### SUWANNEE

- Branford
- Live Oak
- Unincorporated County

#### VOLUSIA

- Daytona Beach Shores
- Edgewater
- New Smyrna Beach
- Orange City
- Port Orange
- Unincorporated County (CPACE)

#### WALTON

- Unincorporated County (CPACE)

#### MONROE

- Islamorada\*
- Key Colony Beach\*
- Key West\*
- Layton\*
- Marathon\*
- Unincorporated County

#### NASSAU

- Fernandina Beach

#### ORANGE

- Apopka
- Belle Isle
- **Ocoee (CPACE)**
- Orlando
- Winter Garden (CPACE)
- Winter Haven (CPACE)
- Winter Park
- Unincorporated County (CPACE)

#### OSCEOLA

- Kissimmee\*
- St. Cloud\*
- Unincorporated County

<sup>1</sup> Those jurisdictions denoted with an asterisk became Parties to the Authority through the County's Interlocal Agreement.

<sup>2</sup> Please note that with regard to Sebastian that while it had signed onto the Original ILA, we are currently in extended discussions with this jurisdiction about signing onto to the updated Second Amended and Restated ILA. Until we finalize these discussions we have verbally agreed not to activate residential PACE in the jurisdiction until those discussions have concluded.

#### *V. UPDATE ON TAX COLLECTOR AGREEMENTS*

Uniform Collection Agreements are currently in place with the following county Tax Collector's offices: Alachua, Brevard, Broward, Charlotte, Citrus, Collier, Duval, Escambia, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion (re-executed), Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Johns, Suwannee, and Volusia.

**RESOLUTION NO. 2023-09**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
FLORIDA GREEN FINANCE AUTHORITY AUTHORIZING AND  
ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023  
BUDGET (“AMENDED BUDGET”), PURSUANT TO CHAPTER 189,  
FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Florida Green Finance Authority is empowered to provide a funding source and to impose special assessments upon the properties within the District; and,

**WHEREAS**, the Florida Green Finance Authority has prepared for consideration and approval an Amended Budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS  
OF THE FLORIDA GREEN FINANCE AUTHORITY, THAT:**

**Section 1.** The Amended Budget for Fiscal Year 2022/2023 attached hereto as Exhibit “A” is hereby approved and adopted.

**Section 2.** The Secretary/Assistant Secretary of the Florida Green Finance Authority is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

**PASSED, ADOPTED and EFFECTIVE** this 7<sup>th</sup> day of December, 2023.

**ATTEST:**

**FLORIDA GREEN FINANCE AUTHORITY**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson

# Florida Green Finance Authority

**Amended Final Budget For  
Fiscal Year 2022/2023  
October 1, 2022 - September 30, 2023**

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**AMENDED FINAL BUDGET**  
**FLORIDA GREEN FINANCE AUTHORITY**  
**OPERATING FUND**  
**FISCAL YEAR 2022/2023**  
**OCTOBER 1, 2022 - SEPTEMBER 30, 2023**

	FISCAL YEAR 2022/2023 BUDGET 10/1/22 - 9/30/23	AMENDED FINAL BUDGET 10/1/22 - 9/30/23	YEAR TO DATE ACTUAL 10/1/22 - 9/29/23
<b>REVENUES</b>			
Carry Forward Surplus	100,000	0	0
O & M Funding Contributions	211,864	262,588	262,588
Loan Revenues (Residential)	18,000,000	24,894,209	24,894,209
Bond/Loan Revenues (Commercial)	10,000	11,303	11,303
Other Revenue	73,542	16,416	16,416
Other Revenue - Annual Program Fee	0	36,771	36,771
Interest Income	300	12,362	12,362
<b>TOTAL REVENUES</b>	<b>\$ 18,395,706</b>	<b>\$ 25,233,649</b>	<b>\$ 25,233,649</b>
<b>VARIABLE EXPENDITURES</b>			
Assessment Roll	131,010	187,940	187,940
Miscellaneous	9,516	68,929	11,208
<b>TOTAL VARIABLE EXPENDITURES</b>	<b>\$ 140,526</b>	<b>\$ 256,869</b>	<b>\$ 199,148</b>
<b>FIXED EXPENDITURES (Residential &amp; Commercial)</b>			
Management	37,080	37,080	37,080
Legal	57,000	59,283	59,283
Audit Fees	15,000	13,000	13,000
Insurance	3,900	3,680	3,680
Legal Advertisements	12,000	5,500	4,339
New County Set-up Fee	3,000	1,000	1,000
Dues & Subscriptions	1,200	800	800
Trustee Fees	4,000	0	0
Website Management	2,000	1,500	1,500
Financial Advisory Services	10,000	0	0
<b>TOTAL FIXED EXPENDITURES</b>	<b>\$ 145,180</b>	<b>\$ 121,843</b>	<b>\$ 120,682</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 285,706</b>	<b>\$ 378,712</b>	<b>\$ 319,830</b>
<b>REVENUES LESS EXPENDITURES</b>	<b>\$ 18,110,000</b>	<b>\$ 24,854,937</b>	<b>\$ 24,913,819</b>
Loan Payments (Residential)	(17,750,000)	(24,598,795)	(24,598,795)
Bond/Loan Payments (Commercial)	0	(11,303)	(11,303)
<b>BALANCE</b>	<b>\$ 360,000</b>	<b>\$ 244,839</b>	<b>\$ 303,721</b>
Fees (Residential)	(250,000)	(304,869)	(304,869)
Fees (Commercial)	0	(189)	(189)
<b>Excess/ (Shortfall)</b>	<b>\$ 110,000</b>	<b>\$ (60,219)</b>	<b>\$ (1,337)</b>
Program Reinvestment	(110,000)	(121,615)	0
<b>Net Excess/ (Shortfall)</b>	<b>\$ -</b>	<b>\$ (181,834)</b>	<b>\$ (1,337)</b>

Fund Balance As Of 9/30/2022
Projected FY 2022/2023 Activity
Projected Fund Balance As Of 9/30/2023

\$281,834
(\$181,834)
\$100,000

**AMENDED FINAL BUDGET**  
**FLORIDA GREEN FINANCE AUTHORITY**  
**COMMERCIAL BONDS RECAP**  
**FISCAL YEAR 2022/2023**  
**OCTOBER 1, 2022 - SEPTEMBER 30, 2023**

BOND ISSUE	ORIGINAL PAR AMOUNT	CURRENT PAR AMOUNT	MATURITY DATE	ANNUAL ASSESSMENT AMOUNT	FISCAL YEAR 2022/2023 PRINCIPAL PAYMENTS	FISCAL YEAR 2022/2023 INTEREST PAYMENTS
Series 2014 Loan (E&M Spirits)	\$46,550.00	\$0.00	May 2023	\$10,818.36	\$10,204.87	\$613.49
Series 2015-1 (Brandsmart Project)	\$2,225,700.00	\$0.00	----	\$0.00	\$0.00	\$0.00
Series 2018 (Dadeland Mall Project)	\$2,595,468.73	\$1,725,209.81	November 2028	\$350,856.55	\$235,995.13	\$104,708.28
Series 2018A (Orlando Outlets Project)	\$5,562,289.94	\$5,056,955.96	November 2039	\$496,899.34	\$164,747.14	\$322,021.82
Series 2020-A (Avid Viera)	\$3,471,908.43	\$0.00	----	\$0.00	\$3,471,908.43	\$343,027.47
Series 2020-B (Home 2 - Palm Bay)	\$3,930,000.00	\$3,857,155.38	November 2046	\$312,209.65	\$72,844.62	\$228,964.00
Series 2020-C (Hyatt - Palm Bay)	\$5,643,500.00	\$5,538,894.75	November 2046	\$447,438.17	\$104,605.25	\$328,793.47
Series 2020-D (Pruitt Health - Lutz)	\$3,340,018.09	\$3,340,018.09	November 2047	\$261,701.69	\$0.00	\$195,518.63
Series 2021-1 (Le Meridien)	\$37,650,000.00	\$37,650,000.00	November 2047	\$2,683,983.39	\$0.00	\$1,916,489.59
Series 2021-2 (Sheraton - Palmetto)	\$30,600,000.00	\$30,600,000.00	November 2048	\$2,343,740.35	\$0.00	\$1,768,425.00
Series 2022-1 (Pruitt Health - Pensacola)	\$5,335,050.00	\$5,335,050.00	November 2048	\$411,818.77	\$0.00	\$312,648.75
Series 2022-2 (Certus Waterford Lakes)	\$7,200,000.00	\$7,200,000.00	November 2048	\$564,980.35	\$0.00	\$434,350.00
Series 2022-3 (Spanish Moss Apartments)	\$3,961,068.11	\$3,961,068.11	November 2047	\$328,485.94	\$0.00	\$187,811.84
Series 2022-4 (Certus Vero Beach)	\$8,640,000.00	\$8,640,000.00	November 2050	\$668,380.00	\$0.00	\$250,874.40
<b>Total</b>	<b>\$120,201,553.30</b>	<b>\$112,904,352.10</b>		<b>\$8,881,312.56</b>	<b>\$4,060,305.44</b>	<b>\$6,394,246.74</b>
<b>Notes:</b>						
<b>BrandsMart Paid Off Series 2015-1 Bond In May 2021.</b>						
<b>Avid Viera Paid Off Series 2020-A Bond In February 2023.</b>						

**RESOLUTION NO. 2023-10**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FLORIDA GREEN FINANCE AUTHORITY, AUTHORIZING THE ESTABLISHMENT OF A DISTRICT CHECKING/OPERATING ACCOUNT, DESIGNATING DISTRICT OFFICIALS AND/OR AUTHORIZED STAFF TO REVIEW, APPROVE AND ISSUE PAYMENT OF EXPENDITURES, SELECTING THE SIGNATORIES THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Florida Green Finance Authority ("District") has established a District checking/operating account in order for the District to expend public funds of the District as authorized and required; and

**WHEREAS**, the Board of Supervisors (the "Board") of the District shall designate authorized staff and/or District officials to approve expenditures, via electronic or non-electronic approval processes, from the checking/operating account;

**WHEREAS**, the Board of the District has selected Todd Wodraska, Jason Pierman, Patricia LasCasas, Andrew Karmeris and \_\_\_\_\_ to serve as the signatories, as required, on the District checking/operating account; and

**WHEREAS**, all resolutions or parts thereof of the District in conflict with the provisions contained herein are to the extent of any such conflict, hereby superseded and repealed.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FLORIDA GREEN FINANCE AUTHORITY, AS FOLLOWS:**

**Section 1.** The above recitals are hereby adopted.

**Section 2.** Each expenditure from the checking/operating account will require a minimum of two (2) approvals and a designated member of the Board, by an electronic approval procedure, will have an opportunity to review the District's expenditure(s) prior to release of payment(s).

**Section 3.** When necessary to write checks, the signatures of two (2) of the six (6) signatories named herein will be required on all District checks tendered from the District checking/operating account, as approved.

**PASSED, ADOPTED and becomes EFFECTIVE** this 7<sup>th</sup> day of December, 2023.

**ATTEST:**

**FLORIDA GREEN FINANCE AUTHORITY**

By: \_\_\_\_\_  
Secretary/Assistant Secretary

By: \_\_\_\_\_  
Chairperson/Vice Chairperson





**Amity R. Barnard, Esq.**

*Florida Bar Board Certified Attorney in  
City, County and Local Government Law  
LEED Green Associate  
Email: [mitty@davislawteam.com](mailto:mitty@davislawteam.com)*

December 7, 2023

### **AGENDA ITEM SUMMARY**

To: Supervisors Dritz, Metcalf, Messam, Robau and Gallinaro

Cc: Todd Wodraska, Secretary

From: Amity Barnard, General Counsel

RE: Resolution of the Board of Supervisors of the Florida Green Finance Authority, authorizing the Authority Attorney, pursuant to Section 164.1014(2), Florida statutes, to take all legal action and seek all available legal remedies to protect the authority and the residents within jurisdictions that have opted into the authority's program utilizing PACE from significant legal rights being compromised by the usurpation of rights by the Seminole and Hernando County Tax Collectors' refusal to levy lawful authority assessments for the 2023 fiscal year, and potentially future fiscal years; Providing for incorporation of recitals; bypassing Florida Statutes Chapter 164 conflicts resolution procedures in order to protect the authority and its resident users from imminent harm; Providing the Authority Attorney with authority; and Providing for an effective date.

The following describes the above-referenced agenda item:

The Authority has current and valid agreements in place with both the Seminole and Hernando County Tax Collectors. The Authority adopted Resolution Nos. 2016-17 and 2017-12 expressing intent to utilize the uniform method of collecting its energy improvement assessments or other such assessments imposed by the Authority as provided in Chapters 163 and 189, Florida Statutes within Seminole and Hernando Counties respectively and published the requisite legal advertisements in accordance with Chapter 197, Florida Statutes.

On August 24, 2023, the Authority timely submitted the Authority's final certified assessments roll, including 139 assessments totaling \$220,413.70, to the Hernando County Tax Collector for levy and collection pursuant to Florida law and the Hernando

*December 7, 2023*

*Resolution No. 2023-11*

County Agreement. On September 13, 2023, the Authority timely submitted the Authority's final certified assessments roll, including 30 assessments totaling \$64,862.03, to the Seminole County Tax Collector for levy and collection pursuant to Florida law and the Seminole County Agreement.

Authority staff followed up with written correspondence on multiple occasions with both Tax Collectors to confirm the levy and collection of all legal Authority assessments under state law and the respective binding agreements. Both the Seminole and Hernando County Tax Collectors have refused, either by silence or express refusal, to levy and collect the Authority's assessments despite the fact that all assessments are legal assessments under Florida law and valid and binding agreements with both offices. The actions of both the Seminole and Hernando County Tax Collectors contravene the requirements of Chapter 197, Florida Statutes and the valid agreements in place with both offices.

Authority staff is requesting authorization to take any and all action necessary to protect the Authority from the actions of the Seminole and Hernando County Tax Collectors.

This is a budgetary item and there is a fiscal impact for authorizing this resolution.

General Counsel recommends that the Board pass the above-referenced resolution.

## **RESOLUTION NO. 2023-11**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FLORIDA GREEN FINANCE AUTHORITY, AUTHORIZING THE AUTHORITY ATTORNEY, PURSUANT TO SECTION 164.1014(2), FLORIDA STATUTES, TO TAKE ALL LEGAL ACTION AND SEEK ALL AVAILABLE LEGAL REMEDIES TO PROTECT THE AUTHORITY AND THE RESIDENTS WITHIN JURISDICTIONS THAT HAVE OPTED INTO THE AUTHORITY'S PROGRAM UTILIZING PACE FROM SIGNIFICANT LEGAL RIGHTS BEING COMPROMISED BY THE USURPATION OF RIGHTS BY THE SEMINOLE AND HERNANDO COUNTY TAX COLLECTORS' REFUSAL TO LEVY LAWFUL AUTHORITY ASSESSMENTS FOR THE 2023 FISCAL YEAR, AND POTENTIALLY FUTURE FISCAL YEARS; PROVIDING FOR INCORPORATION OF RECITALS; BYPASSING FLORIDA STATUTES CHAPTER 164 CONFLICTS RESOLUTION PROCEDURES IN ORDER TO PROTECT THE AUTHORITY AND ITS RESIDENT USERS FROM IMMINENT HARM; PROVIDING THE AUTHORITY ATTORNEY WITH AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 1, 2016, the Florida Green Finance Authority ("Authority") adopted Resolution No. 2016-17 expressing its intent to utilize the uniform method of collecting its energy improvement assessments or other such assessments imposed by the Authority as provided in Chapters 163 and 189, Florida Statutes within Seminole County and published the requisite legal advertisements in accordance with Chapter 197, Florida Statutes; and

**WHEREAS**, similarly on December 7, 2017, the Authority adopted Resolution No. 2017-12 expressing its intent to utilize the uniform method of collecting its energy improvement assessments or other such assessments imposed by the Authority as provided in Chapters 163 and 189, Florida Statutes within Hernando County and published the requisite legal advertisements in accordance with Chapter 197, Florida Statutes; and

**WHEREAS**, on March 21, 2018, the Authority and the Honorable Joel Greenberg, Constitutional Tax Collector, in and for Seminole County, Florida entered into the Seminole County Tax Collector Uniform PACE Collection Agreement ("Seminole County Agreement") which has not been terminated and remains in full force and effect; and

**WHEREAS**, the Seminole County Agreement requires the Seminole County Tax Collector to timely merge the legally certified assessment roll of the Authority with all other non-ad valorem assessment rolls, if certified timely, and merge subsequent said rolls with the Property Appraiser's tax roll; prepare a collection roll; prepare a combined notice for both ad valorem taxes and non-ad valorem assessments for all imposing and levying local governments, including the Authority; collect the assessments of the Authority, as certified by the Chair of the Authority Board of Supervisors or her or his designee, to the Tax Collector no later than September 15 of each calendar year; and cooperate with the Authority in the implementation of the uniform methodology for collecting assessments pursuant to Sections 163.08, 197.3632 and 197.3635, Florida Statutes; and

**WHEREAS**, on April 4, 2018, the Authority and Sally L. Daniel in her capacity as the Hernando County Tax Collector entered into the Interlocal Cooperation Agreement for Tax Collector Services ("Hernando County Agreement") which has not been terminated and remains in full force and effect; and

**WHEREAS**, the Hernando County Agreement requires the Hernando County Tax Collector to merge all rolls, prepare a collection role and combined notice for both ad valorem taxes and non-ad valorem assessments; receive the non-ad valorem assessment of the Authority as certified to the Tax Collector/Property Appraiser no later than September 15 of each calendar year; collect the full amount of the of the non-ad valorem assessments of the Authority; and cooperate with the Authority and Property Appraiser to implement the Uniform Method of notice, levy, collect and enforcement of each of the subject non-ad valorem assessment rolls, pursuant to, and

consistent with, all the provisions of the Florida PACE Act and Chapter 197, specifically Sections 197.3632 and 197.3635, Florida Statutes, as amended; and

**WHEREAS**, on August 24, 2023, the Authority timely submitted the Authority's final certified assessments roll, including 139 assessments totaling \$220,413.70, to the Hernando County Tax Collector for levy and collection pursuant to Florida law and the Hernando County Agreement; and

**WHEREAS**, on September 13, 2023, the Authority timely submitted the Authority's final certified assessments roll, including 30 assessments totaling \$64,862.03, to the Seminole County Tax Collector for levy and collection pursuant to Florida law and the Seminole County Agreement; and

**WHEREAS**, the Authority followed up with written correspondence on multiple occasions to confirm the levy and collection of all legal Authority assessments under state law and the respective binding agreements; and

**WHEREAS**, both the Seminole and Hernando County Tax Collectors have refused, either by silence or express refusal, to levy and collect the Authority's assessments despite the fact that all assessments are legal assessments under Florida law and valid and binding agreements with both offices; and

**WHEREAS**, the actions of both the Seminole and Hernando County Tax Collectors contravene the requirements of Chapter 197, Florida Statutes and the valid agreements in place with both offices; and

**WHEREAS**, the Board of Supervisors of the Florida Green Finance Authority finds that without immediate action to compel the Seminole and Hernando County Tax Collectors to perform their duties as required by said agreements and state law (Chapter 197), the legal rights of the residents utilizing the Authority's program in these counties will be compromised and irretrievably harmed; and

**WHEREAS**, Section 164.1041(2), Florida Statutes, provides in part that " if a governmental entity, by a three-fourths vote of its governing body, finds that an immediate danger to the health, safety or welfare of the public requires immediate action, or that significant legal rights will be compromised if a court proceeding does not take place before the provisions of this act are complied with, no notice or public meeting or other proceeding as provided by this act shall be required before such a court proceeding"; and

**WHEREAS**, the Board of Supervisors of the Florida Green Finance Authority finds that in order to protect the significant legal rights of the residents utilizing the Authority's program in Seminole and Hernando counties, it is necessary to seek direct relief from the Courts and bypass Chapter 164, Florida Statutes in order to protect the Authority and its resident users from the County's failure to levy and collect the Authority's legal and valid assessments within Seminole and Hernando Counties; and

**WHEREAS**, the Board of Supervisors of the Florida Green Finance Authority hereby authorizes the Authority Attorney, or designee, to draft, file, execute, take any and all action necessary to protect the Authority from the actions of the Seminole and Hernando County Tax Collectors; and

**WHEREAS**, in accordance with Section 164.1041(2), Florida Statutes, the Board of Supervisors of the Florida Green Finance Authority authorizes the Authority Attorney to proceed with any action to protect the Authority and its resident PACE program users from the illegal and improper actions of the Seminole and Hernando County Tax Collectors.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FLORIDA GREEN FINANCE AUTHORITY AS FOLLOWS:**

**SECTION 1. RECITALS.** The foregoing recitals are true and correct and are incorporated herein by reference.

**SECTION 2. FINDINGS.** The Board of Supervisors of the Florida Green Finance Authority finds that the significant legal rights of the Authority's resident users have and will continue to be compromised by the actions of the Seminole and Hernando County Tax Collectors and their unilateral usurpation of the Authority's and its resident user's rights under Chapter 197, Florida Statutes and current Interlocal Cooperation Agreements for Tax Collector Services (Hernando County) and Uniform PACE Collection Agreement (Seminole County) regarding refusal by both to levy lawful Authority assessments for the 2023 fiscal year, and potentially future fiscal years. The Board of Supervisors of the Florida Green Finance Authority finds that the Seminole and Hernando County Tax Collectors actions, its usurpation of the Authority's rights under Florida law and the applicable agreements, if allowed to continue will cause the Authority's resident PACE program users irreparable harm. Additionally, both County's actions have directly and significantly affected the Authority's legal rights in breach of both the Interlocal Cooperation Agreements for Tax Collector Services (Hernando County) and Uniform PACE Collection Agreement (Seminole County). Accordingly, per Section 164.1041(2), Florida Statutes, the Board of Supervisors of the Florida Green Finance Authority authorizes its Authority Attorney, or designee, to take all necessary steps to file an independent action in order to seek relief from the actions of the Seminole and Hernando County Tax Collectors, and include and all necessary parties to the legal action in order to prevent imminent danger to the Authority and its resident PACE program users, and the significant compromise of the Authority's legal rights under state law and the agreements with these entities.

**SECTION 3. AUTHORITY OF THE AUTHORITY'S ATTORNEY.** General Counsel for the Florida Green Finance Authority, or his designee, is authorized to take all necessary actions to challenge the actions of the Seminole and Hernando County Tax Collector, to file an independent action against each, and include all necessary private or public entities, and to seek all available remedies under the law. The Authority's General Counsel, or his designee, is authorized to take any action, execute any document, necessary in furtherance of this resolution.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this 7th day of December, 2023.

**FLORIDA GREEN FINANCE AUTHORITY**

By: \_\_\_\_\_  
Authority Chair

**ATTEST:**

\_\_\_\_\_  
Andrew Karmeris, Authority Secretary

**Approved as to form and legal sufficiency**

\_\_\_\_\_  
Keith W. Davis, Authority General Counsel