

SEP 23 2024

CITY OF NORTH PORT



September 18, 2024

VIA U.S. REGULAR MAIL AND EMAIL

Jerome Fletcher, City Manager  
City of North Port  
4970 City Hall Boulevard, Third Floor  
North Port, FL 34286  
[JFletcher@NorthPortFL.gov](mailto:JFletcher@NorthPortFL.gov)

Dear Manager Fletcher:

The Florida Green Finance Authority ("Authority") currently operates its Property Assessed Clean Energy ("PACE") program within your jurisdiction through Sarasota County's Party Membership Agreement executed between the City and Authority via City Resolution No. 2018-R-24 in November 2018.

The current Party Membership Agreement generally requires the program be operated pursuant to applicable law. Section 4 of the underlying Interlocal Agreement to which the City is a party provides in part:

By resolution of the governing bodies of the Originating Parties and as subsequently resolved by the Additional Parties, all powers available to the Authority under this Agreement and general law, including but not limited to, Chapters 125, 163, 166, 170, 189 and 197, F.S. may be implemented by the Authority within the jurisdictional boundaries of all Parties.

Section 34 further states "[i]n the performance of this Agreement, the Parties hereto shall comply in all material respects with all applicable federal and state laws and regulations and all applicable county and municipal ordinances and regulations." Section 35 also states [this Interlocal Agreement shall be governed, construed and controlled according to the laws of the State of Florida.]

Senate Bill 770, codified at Chapter 2024-273, Laws of Florida and effective July 1, 2024, provides several amendments to Florida's PACE Act. Section 9 provides:

A current contract, agreement, authorization, or interlocal agreement between a county or municipality and a program administrator entered into before July 1, 2024, shall continue without additional action by the county or municipality. However, the program administrator must comply with this act, and any contract, agreement, authorization, or interlocal agreement must be amended to comply with this act.

To comply with existing agreement requirements and the new mandate in Section 9, the Authority recorded the attached Notice of Compliance and Addendum to Second Amended and Restated Interlocal Agreement Forming the Florida Green Finance Authority as Required by State Law ("Notice of Compliance") on July 1, 2024 in the Official Records of Palm Beach County, Florida at CFN 20240701800002.

Given the Party Membership Agreement with the City was entered into prior to July 1, 2024 and in light of the recorded Notice of Compliance, it is the Authority's position that we are in full compliance with the requirements of all agreement provisions and Section 9 above and can therefore continue operating within the City pursuant to Florida's amended PACE Act.

To ensure that the City is in full agreement, we request that the City execute and return the enclosed Acknowledgement and Agreement via email to [mitt@DavisLawTeam.com](mailto:mitt@DavisLawTeam.com) at your earliest convenience.

Please feel free to contact me at (561) 586-7116 with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Amity Barnard".

Amity R. Barnard  
General Counsel

Prepared by and after  
recording return to:  
Amity Barnard, Esq.  
Davis & Associates, P.A.  
701 Northpoint Parkway, Suite 205  
West Palm Beach, FL 33407

CFN 20240701800002  
OR BK PG  
RECORDED 7/1/2024 11:17 AM  
Palm Beach County, Florida  
Joseph Abruzzo, Clerk  
Pgs: - ; (1pgs)

**NOTICE OF COMPLIANCE AND ADDENDUM TO  
SECOND AMENDED AND RESTATED INTERLOCAL AGREEMENT FORMING THE  
FLORIDA GREEN FINANCE AUTHORITY AS REQUIRED BY STATE LAW**

Section 9 of Senate Bill 770, enacted as Chapter No. 2024-273, Laws of Florida, effective July 1, 2024, requires the Florida Green Finance Authority to amend any contract, agreement, authorization or interlocal agreement to comply with the new law. As required by state law, this notice shall attach to the Second Amended and Restated Interlocal Agreement Forming the Florida Green Finance Authority dated May 9, 2016 and originally recorded at Book 28757, Page 0813-0858 of the Official Records of Palm Beach County, Florida to confirm that all references to Section 163.08, Florida Statutes therein shall hereinafter also include newly enacted Sections 163.081 through 163.087, Florida Statutes. Effective July 1, 2024, the Florida Green Finance Authority's PACE Program shall comply with newly enacted Sections 163.081 through 163.087, Florida Statutes.



Florida Green Finance Authority

By: [Signature]  
Chairman

for

By: [Signature]  
Amity Barnard, Assistant General Counsel



**Acknowledgement and Agreement**

Dear Florida Green Finance Authority,

This Acknowledgement and Agreement is to confirm that the City of North Port is in receipt of your correspondence dated September 18, 2024 regarding Senate Bill 770, codified at Chapter 2024-273, Laws of Florida, and effective July 1, 2024.

We hereby confirm our agreement that the Florida Green Finance Authority is in compliance with what the agreement provides and the requirements of Senate Bill 770 and can continue to operate its PACE program within the City pursuant to Sections 163.08 and 163.081-087, Florida Statutes (Florida's amended PACE Act) without any further action.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: A. Jerome Fletcher II, ICMA-CM, MPA City Manager

ATTEST

\_\_\_\_\_  
HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

\_\_\_\_\_  
MICHAEL GOLEN, CPM  
INTERIM CITY ATTORNEY