



FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 20, 2023

Honorable Ken Burke  
Clerk of the Board of County Commissioners  
Pinellas County Courthouse  
315 Court Street, 5<sup>th</sup> Floor  
Clearwater, Florida 33756

Dear Ken Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pinellas County Ordinance No. 23-8, which was filed in this office on July 20, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

## Eres, Christian

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**From:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Sent:** Thursday, July 20, 2023 2:16 PM  
**To:** Eres, Christian; County Ordinances  
**Cc:** Revie, Derelynn; Young, Bernie C; DiNapoli, Franchesca  
**Subject:** RE: PIN20230720\_Ordinance2023\_23-8  
**Attachments:** Pinellas20230720\_Ordinance23\_8\_Ack.pdf

**CAUTION:** *This message has originated from outside of the organization. Do not click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.*

Good afternoon,

Please find the attached acknowledgment letter for Pinellas County Ordinance No. 23-8, which was filed in this office on July 20, 2023.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

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**From:** Eres, Christian <ceres@mypinellasclerk.gov>  
**Sent:** Thursday, July 20, 2023 9:10 AM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Revie, Derelynn <drevie@mypinellasclerk.gov>; Young, Bernie C <bcyoung@mypinellasclerk.gov>; DiNapoli, Franchesca <fdinapoli@mypinellasclerk.gov>  
**Subject:** PIN20230720\_Ordinance2023\_23-8

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Ken Burke, Clerk of the Circuit Court and Comptroller Derelynn Revie, Deputy Clerk, Board Records Department
Sender Phone number:	(727) 464-3458
County Name:	<b>Pinellas</b>
Ordinance Number:	<b>PIN20230720_Ordinance2023_23-8</b>

Thank you,

Christian Eres  
Records Specialist III  
Board Records Department  
Office of Ken Burke, Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, 5<sup>th</sup> Floor, Clearwater, FL 33756  
Office (727)464-3464 | Fax (727)464-4716  
[ceres@mypinellasclerk.gov](mailto:ceres@mypinellasclerk.gov) | [www.mypinellasclerk.gov](http://www.mypinellasclerk.gov)  
**Tell us how we're doing by filling out a [comment card](#)!**

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## **ORDINANCE 23- 8**

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 42, ARTICLE XIV OF SAID CODE; PROVIDING FOR REVISIONS TO SECTION 42-440 EXPANDING THE DEFINITION OF A PACE CONTRACTOR AND INCLUDING MULTIFAMILY RESIDENTIAL PROPERTIES WITH FIVE OR MORE DWELLING UNITS IN THE PACE PROGRAM; PROVIDING FOR REVISIONS TO SECTION 42-446 REMOVING THE THREE DAY RIGHT TO CANCEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, section §§163.01 & 163.08, Florida Statutes, allow for the creation of separate legal entities to act as local governments for the purpose of providing PACE Program funding sources to property owners who wish to utilize the program to install, finance, and repay the costs of certain qualifying improvements to their properties; and

WHEREAS, on December 12, 2017, the Board of County Commissioners approved Ordinance 17-37 establishing uniform consumer protections, guidelines, and limitations for a non-residential PACE program; and

WHEREAS, various legal entities providing PACE Program funding in Pinellas County have found Ordinance 17-37, as written, to be overly burdensome and have requested various changes be made to make the PACE Program more accessible to residents; and

WHEREAS, approval of the suggested changes will serve to provide additional clarity and help facilitate the PACE Program throughout the County while still protecting the County and its citizens from potential liabilities associated with operation of the PACE Program; and

WHEREAS, the Board of County Commissioners desires that Chapter 42, Article XIV, otherwise known as the Property Assessed Clean Energy (PACE) Program be modified.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

**SECTION 1.** Chapter 42 of the Pinellas County Code is hereby amended to read as follows:

**Sec. 42-440. Definitions.**

For the purposes of this article, the following definitions shall apply:

*Board* shall mean the Pinellas County Board of County Commissioners.

*County* shall mean Pinellas County, Florida.

*Eligible participant* shall mean any nonresidential property owner who voluntarily participates in the PACE program and satisfies the eligibility requirements set forth in section 42-447.

*PACE Act* shall mean F.S. § 163.08, as it may be amended from time to time.

*PACE administrator* shall mean a for-profit or not-for-profit organization responsible for administering a PACE program on behalf of and at the discretion of a PACE local government consistent with F.S. § 163.08(6).

*PACE assessment* shall mean the non-ad valorem assessment placed on a property owner's tax bill as a result of financing obtained pursuant to the PACE financing agreement.

*PACE contractor* shall mean a contractor hired by a property owner or general contractor to construct a qualifying improvement which is funded wholly, or in part, under a PACE financing agreement as well as contractors authorized by the PACE local government or PACE administrator to sell, construct or install qualifying improvements funded through the PACE program.

*PACE financing agreement* shall mean the agreement entered into between the Eligible Participant and the PACE local government specifying the qualifying improvements to be installed at the property and the terms and conditions for financing those improvements through non-ad valorem assessments levied on the property.

*PACE interlocal* shall mean an agreement entered into between Pinellas County and a PACE local government authorizing the PACE local government to administer a PACE program within Pinellas County in accordance with F.S. § 163.01 and this article.

*PACE local government* shall mean a separate legal entity, other than a county or municipality, created pursuant to F.S. § 163.01(7). To the extent that a PACE local government operates a PACE program within Pinellas County through a contracted PACE administrator, the PACE local government is responsible for the actions or inactions of the PACE administrator acting within Pinellas County in furtherance of the PACE program as if it had taken such action, or failed to take such action, itself.

*PACE program* or *program* shall mean the Property Assessed Clean Energy program (authorized by F.S. § 163.08) within the boundaries of Pinellas County, excepting any municipality that has opted out of the Pinellas County PACE Program, operated by a PACE local government pursuant to the terms of this article.

*Property* means a nonresidential property, including multifamily residential properties having five (5) or more dwelling units, located within the jurisdictional boundaries of Pinellas County excepting any municipality that has opted out of the Pinellas County PACE Program.

*Qualifying improvements* shall mean those improvements to real property provided for in F.S. § 163.08, including, but not limited to, energy conservation and efficiency, renewable energy and wind-resistance improvements.

**Sec. 42-441. Findings of fact.**

- (a) Florida Statutes § 163.08 authorizes local governments defined as a county, a municipality, a dependent special district as defined in F.S. § 189.012, or a separate legal entity created pursuant to F.S. § 163.01(7), to establish and administer PACE financing programs pursuant to which owners of real property may obtain funding for qualifying improvements.
- (b) Several PACE local governments have been created and the availability of the voluntary, non-exclusive PACE program offered by the separate PACE local governments is able to be utilized by Pinellas County through interlocal agreement without cost, assumption of liability by, or demand upon the credit of Pinellas County.
- (c) Florida Statutes § 163.08(3) authorizes a PACE local government to levy non-ad valorem assessments to fund qualifying improvements.
- (d) It is in the best interests of the citizens of Pinellas County to create a PACE program through the adoption of an ordinance that sets uniform consumer protections that apply to all PACE local governments who implement and manage PACE programs in Pinellas County excepting any municipality that has opted out of the Pinellas County PACE Program.
- (e) PACE local governments shall be authorized to implement the PACE program through individual PACE interlocal agreements.
- (f) The installation and operation of qualifying improvements not only benefits the affected properties for which the improvements are made, but also provides a public benefit by assisting in fulfilling the goals of the state's and county's energy and hurricane mitigation policies.
- (g) The voluntary participation in the PACE program by property owners will provide an alternative financing option to finance and repay the costs to provide and install qualifying improvements to property located within Pinellas County.

**Sec. 42-442. Short title.**

This article shall be known as the "Pinellas County Property Assessed Clean Energy (PACE) Program."

**Sec. 42-443. Purpose.**

- (a) PACE programs have been developed to allow a property owner to voluntarily finance qualifying improvements through a non-ad valorem assessment implemented and managed by a PACE local government and repaid through collection on the annual property tax bill.
- (b) The purpose of this article is to provide uniform consumer protection regulations for all PACE local governments that are authorized to operate within Pinellas County to ensure that:
  - (1) The citizens of Pinellas County are fully apprised of the program;
  - (2) PACE local governments have developed a responsive complaint process;
  - (3) Qualifying improvements meet the statutory goals set forth in F.S. § 163.08; and
  - (4) PACE contractors meet certain standards of conduct.

- (c) This article is intended to add requirements to the provisions of F.S. § 163.08 and other applicable law as it currently exists and should be construed consistently with the PACE Act and any such other applicable law. To the extent that the PACE Act provides for additional or more restrictive requirements not otherwise found in this article or applicable law, the provisions of the PACE Act must be met. To the extent that this article provides for more restrictive or additional requirements not found in the PACE Act or any such other applicable law, the provisions of this article are intended to apply.

**Sec. 42-444. PACE program boundaries.**

The PACE program shall be available to eligible participants within unincorporated Pinellas County upon the effective date of this article, and within Pinellas County municipalities 120 days after the effective date of this article, excepting any municipality that has opted out of the Pinellas County PACE Program by the passing of an ordinance in conflict with this article.

**Sec. 42-445. PACE local governments.**

Upon entering into a PACE interlocal with Pinellas County, a PACE local government shall be authorized to administer a PACE program pursuant to F.S. § 163.08 the terms of this article, as may be amended from time to time, the PACE interlocal and other regulations adopted by the board within unincorporated Pinellas County and those municipalities that have not opted out of the Pinellas County PACE Program.

**Sec. 42-446. PACE program standards.**

At a minimum, PACE local governments shall comply with each of the following standards and include the following requirements:

- (1) *Qualifying improvements.* All qualifying improvements shall be properly permitted (where applicable) and must comply with Florida and local codes. PACE local governments shall finance only qualifying improvements that are permanently affixed to the property.
- (2) *Licensed contractors.* Any contractor constructing or installing a qualifying improvement shall be properly licensed and insured, and authorized by the PACE local government as a PACE contractor.
- (3) *Materials and improvements.* PACE local governments shall fund, and PACE contractors shall construct or install, only qualifying improvements. PACE local governments shall establish an "eligible measures list" that identifies the types and specifications of qualifying improvements, using efficiency standards for materials and installation established by the U.S. Department of Energy, the U.S. Environmental Protection Agency, or Florida state agencies, or independent third-party expert rating entities, as applicable. Any solar photovoltaic system financed under a PACE program must have an online monitoring system for maintenance and production monitoring purposes unless the property owner declines the monitoring system in writing. The eligible measures list shall be regularly updated and made publicly available. The county shall have the right to review and approve that list annually.

- (4) *Data security and consumer privacy.* PACE local governments shall take security measures to protect the security and confidentiality of consumer records and information to the extent permitted or mandated by law. In addition, a privacy policy must be in place that complies with state and federal law and, in particular, shall provide a property owner the ability to opt-out of having the property owner's information shared with third parties, except where expressly permitted or required by state or federal law.
- (5) *Contractor pricing.* Within six months of entering into a PACE interlocal agreement, PACE local governments shall have in place pricing rules and enforcement mechanisms to ensure property owners are protected from excessive or unjustified prices and charges of PACE contractors.
- (6) *Estimated energy savings disclosure.* PACE local governments shall require that PACE contractors inform eligible participants of the following:
  - a. Where applicable, an estimate of energy and/or insurance cost savings, including the range of efficiency options if appropriate, to the best of the PACE contractors' knowledge and using industry best practices;
  - b. Available rebates or incentives;
  - c. The benefits of installing energy efficiency improvements before renewable energy to reduce costs overall;
  - d. The benefits of a full energy audit of their property, names or websites of energy audit professionals qualified through the Building Performance Institute, Association of Energy Engineers, or other comparable program, and any available incentive programs associated with a qualifying improvement;
  - e. That the actual potential energy savings and/or insurance cost savings will depend on usage patterns, seasonal variation and weather, insurance or utility rates and trends and product specifications;
  - f. That any tax incentives, credits or rebates should be confirmed and discussed with an independent tax professional of the eligible participant's choosing if there are any tax questions; and
  - g. Costs of the energy audit are eligible for financing as part of the assessment. This estimated energy savings disclosure requirement shall be included in the "code of conduct" and in training for PACE contractors.
- (7) *Notice to property owner.* Prior to or contemporaneously with entering into a PACE financing agreement, PACE local governments shall provide the property owner with a written notice disclosing the following items:
  - a. The total amount of the debt, including interest;
  - b. The maximum annual PACE assessment and payment term that does not exceed the useful life of the improvements;
  - c. That the PACE assessment will appear on the property owner's tax bill;
  - d. That the PACE assessment will be collected in the same manner as real estate taxes, that failure to pay the PACE assessment may cause a tax certificate to be issued



against the property, and that failure to pay may result in the loss of property subject to the PACE assessment, including homestead property, in the same manner as failure to pay property taxes;

- e. That the installation of qualifying improvements and PACE assessment may or may not affect the overall market value of the property or energy cost savings;
- f. That all applicable warranties or guarantees terms are set forth in writing, and what materials or labor are not warrantied or guaranteed for each qualifying improvement;
- g. That the PACE assessment may affect the sale or refinance of the property;
- h. That the property owner may be required to pay any PACE assessment in full at the time of refinance or sale of the property; and
- i. That if the property owner is using an escrow or impound account to pay their property taxes, they should contact their lender immediately to ensure that the escrow payments are adjusted correctly and the property owner is aware of and prepared for the increased payment amount.

The notice shall be signed and dated by the property owner to acknowledge that they understand these conditions. The PACE local government shall record, or cause to be recorded, the notice in the public records as an attachment to the PACE financing agreement. The signature page must clearly designate that it relates to the PACE financing agreement and notice to property owner acknowledgement. In the alternative, the foregoing notice provisions may be incorporated into the recorded financing agreement or summary memorandum of financing agreement relating to the PACE assessment.

- (8) *PACE financing agreement.* After achieving compliance with all other mandated steps provided for by law, including but not limited to receiving a verified copy or other proof of such notice required by F.S. § 163.08(13), the PACE local government shall enter into a voluntary written agreement with each eligible participant. Such agreement, or supporting documentation referenced within such agreement and attached thereto, must include, at a minimum, the following:
- a. The full legal description of the property subject to the PACE assessment.
  - b. The amount of funding to be provided to the eligible participant.
  - c. Express voluntary consent by the eligible participant to accept the non-ad valorem assessment collection process, set forth in F.S. § 197.3632.
  - d. The length of time for the eligible participant to pay the non-ad valorem assessment, which shall not exceed the expected life of the most costly qualifying improvement(s) funded by the PACE program, or 30 years, whichever is less.
  - e. The eligible participant shall be responsible for verifying that the qualifying improvements are completed as reflected in the approved application documents. The eligible participant also consents to providing access to the PACE local government or its agent to the property to verify that the qualifying improvements have been completed as proposed in the application.

- f. At or before the execution of a contract for the sale and purchase of any property for which a non-ad valorem assessment for the PACE program has been levied and has an unpaid balance due, the seller shall give the prospective purchaser a notice of the lien in accordance with F.S. § 163.08(14).
  - g. The risks associated with participating in the PACE program shall be clearly disclosed in plain language in the written agreement with the eligible participant, including risks related to the failure of the eligible participant to make payments, the risk that they may not be able to refinance the property or sell the property unless the PACE assessment is paid off in full first, and the risk of issuance of a tax certificate and loss of the property pursuant to F.S. ch. 197.
  - h. Description of the qualifying improvements, their cost, and estimated completion date.
  - i. Notice of the non-ad valorem assessment shall be recorded in the public records for the property.
  - j. The PACE financing agreement shall clearly disclose, in plain language, the interest rate to be charged, including points, as well as any and all fees or penalties that may be separately charged to the eligible participant, including potential late fees. The subsequent charging or collecting any additional fees that were not specifically disclosed in the written agreement with the property owner shall be prohibited.
- (9) The PACE local government shall record, or cause to be recorded, the following notice in the public records within five days after execution of the PACE financing agreement, along with appropriate PACE local government contact information for property owner inquiries:
- QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR WIND RESISTANCE. This property is located within the jurisdiction of a PACE local government that has placed an assessment on the property pursuant to Section 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy or wind resistance, and is not based on the value of property. You are encouraged to contact the county property appraiser's office to learn more about this and other assessments that may be provided by law.
- (10) *Financing.* The PACE local government may offer only fixed simple interest rates and payments that fully amortize the obligation. Variable or negative amortization financing terms are not permitted. Capitalized interest included in the original balance of PACE financing does not constitute negative amortization.
- (11) *Project completion.* The PACE local government shall require compliance with each of the following conditions prior to the issuance of the final payment to a PACE contractor for which a property will be assessed:
- a. PACE contractor and/or the property owner has certified in writing that any necessary permits have been obtained and any necessary inspections have been completed to close out any such permits;

- b. Verification that the qualifying improvements have been constructed or installed; and
  - c. The property owner has signed a certificate of completion that all improvements have been installed to the property owner's satisfaction.
- (12) *Lender notification.* The PACE local government shall ensure that the property owner provides notice to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the property of the owner's intent to enter into a PACE assessment that, at a minimum satisfies the requirements of F.S. § 163.08(13).
- (13) *PACE contractor management.* Each PACE local government shall:
- a. To the extent possible, conduct outreach to and enroll local contractors as PACE contractors;
  - b. Establish a "code of conduct" that sets standards for PACE contractors such as licensing, advertising and marketing, accurate representation of the program, and consumer protections;
  - c. Have and shall strictly enforce anti-kickback policies and procedures that prohibit direct or indirect financial or other monetary incentives to PACE contractors in exchange for or related to such PACE contractor being awarded work under a PACE program, excepting payment for the PACE contractor's construction or installation of eligible improvements;
  - d. Train all PACE contractors on the regulations related to the PACE program and the code of conduct;
  - e. Ensure that all PACE contractors hold necessary licenses and insurance;
  - f. Confirm PACE contractor qualifications at least annually and as necessary based upon consumer complaints or other indications of lack of compliance; and
  - g. Remove PACE contractors from the PACE program who no longer meet program criteria, have not met program requirements, or fail to resolve consumer complaints.
- (14) *Customer service.* PACE local governments or their PACE administrators shall provide customer service, including:
- a. Access to customer service representatives by email and phone during normal business hours (not less than 9:00 a.m. to 5:00 p.m. Monday through Friday excluding holidays);
  - b. A detailed website with specific reference to the Pinellas County PACE program;
  - c. A transparent customer feedback and complaint process with quick response and resolution by both the PACE contractor and the PACE local government or PACE administrator as applicable.
    - 1. A document outlining complaint process shall be clearly available on the PACE local government or PACE administrator's website and provided to customers.
    - 2. The document shall make clear that Pinellas County is not operating or administering the PACE program in any way and that all concerns about the

program should be addressed directly to the PACE local government, with clear contact information provided.

3. All complaints and resolutions shall be logged, with the following information at a minimum: date and time of complaint, customer and PACE contractor information, details of complaint, when and what actions were taken by both the PACE local government or PACE administrator, and the PACE contractor, and final resolution.
4. All disputes and complaints shall be investigated, and resolved in a timely manner. Reports of the number of complaints received, time until resolution of each complaint, and method of resolution of each complaint shall be provided to Pinellas County annually.

(15) *Marketing and communications.*

- a. Marketing practices for a PACE local government that are or could appear to be unfair, deceptive, abusive, or misleading, or that violate applicable laws or regulations, that are inappropriate, incomplete or are inconsistent with the PACE local government's purpose are prohibited.
- b. Neither PACE local governments nor their PACE administrators or PACE contractors, shall use facsimiles of the county, city, property appraiser, or tax collector logos in their marketing materials. Marketing materials shall not state that PACE:
  1. Is a free program;
  2. Is a county or city program;
  3. Does not involve a financial obligation by the property owner; or
  4. Is a form of public assistance.

(16) *Protected classes.* No PACE local government, PACE administrator, nor PACE contractor shall discriminate against individuals on the basis of race, color, ancestry, disability, national origin, religion, age, familial status, marital status, sex, gender, sexual orientation, gender identity and expression, or genetic information.

(17) *Metrics reporting.* After not more than one year from the date of adoption of this ordinance, PACE local governments shall track program metrics and report those metrics to Pinellas County and any participating municipalities, by jurisdiction and in total, at least quarterly, in spreadsheet format or another electronic format agreed upon by Pinellas County. Those metrics shall include, at a minimum:

- a. Dates of the reporting period;
- b. List of PACE projects (including municipal jurisdiction, financed amount, interest rate, assessment duration, and project description) started during the reporting period, separated by building type (e.g. retail, office, industrial, etc.);
- c. List of PACE projects (including municipal jurisdiction) completed during the reporting period, separated by building type project (e.g. retail, office, industrial, etc.), specifying:

1. The qualifying improvements made;
  2. Project start date and completion date;
  3. The projected energy savings and/or amount of potential renewable energy to be generated;
  4. Financial information such as cost per kilowatt hour saved/generated associated with the projected energy savings and/or amount of potential renewable energy to be generated;
  5. Other resource savings if data is available; and
  6. Energy audits performed detailing the audit results, if applicable to the project;
- d. Number of actual or estimated jobs created during the reporting period, including, if available, local versus non-local jobs and permanent versus temporary jobs;
  - e. Number of applications declined during the reporting period;
  - f. Unresolved complaints and/or contractor issues and status;
  - g. PACE assessment defaults and tax certificates issued on properties subject to PACE assessment (updated annually); and
  - h. All data included in the reports must be developed and collected using standardized and verified principles and methodologies for the industry. The methodologies and supporting assumptions and/or sources must be made available to the county by the PACE local government. It is the responsibility of the PACE local government to test and verify the data collection and reporting methods and models used. All reports shall include only aggregate data, excluding any nonpublic personal information.
- (18) *Amendments.* County reserves the right to amend this article to revise PACE program standards. It is the obligation of the PACE local governments to remain abreast of and comply with all changes in applicable law, including changes to this ordinance made at public hearings.
- (19) *Reporting.* PACE local governments will respond to county requests for information on the PACE program in a timely manner and shall provide sufficient documentation as requested by the county to ensure that the requirements of this article and the state statutes are being met. The PACE local government shall retain sufficient books and records demonstrating compliance with the agreement and state and county requirements for a minimum period of seven years from the initial date of each non-ad valorem assessment, and shall allow county representatives access to such books and records upon request.

**Sec. 42-447. Eligible participants.**

In order to be an eligible participant, a property owner (or property) must meet the criteria listed below. The PACE local government is responsible for verifying that all of these conditions are met.

- (1) Be the legal owner of the property and provide proof of ownership in the application for the PACE program;
- (2) Property must be within the PACE program boundaries, as defined in section 42-444;
- (3) All property taxes and any other assessments levied on the same bill as property taxes are paid and have not been delinquent for the preceding three years or the property owner's period of ownership, whichever is less;
- (4) Property owner must be current on any mortgage on the subject property;
- (5) Property owner cannot be in bankruptcy nor can the property be an asset in any bankruptcy proceeding;
- (6) Property cannot have any federal income tax lien, judgment lien or similar involuntary lien, including construction liens, encumbering it; and
- (7) No notices of default or other evidence of property-based debt delinquency on the property have been recorded during the preceding three years or the property owner's period of ownership, whichever is less.

**Sec. 42-448. Non-ad valorem assessments.**

Pursuant to F.S. § 163.08, the PACE local government is authorized to impose non-ad valorem assessments on property to secure the repayment of the costs incurred by an eligible participant to pay for qualified improvement(s), which shall be collected pursuant to F.S. § 197.3632 or any successor section. Notwithstanding F.S. § 197.3632(8)(a), the assessments shall not be subject to discount for early payment and shall not require notice and adoption as set forth in F.S. § 197.3632(4). Pursuant to F.S. ch. 197, non-ad valorem assessments levied pursuant to this article shall remain liens, coequal with the lien of all state, county, district and municipal taxes, superior in dignity to all other liens, titles and claims, until paid.

**Sec. 42-449. PACE program administration.**

The PACE program shall be administered pursuant to F.S. § 163.08 this article and any additional regulations adopted by the board.

**Sec. 42-450. Recordation.**

Any financing agreement entered into or a summary memorandum of such agreement between the eligible participant and the PACE local government shall be recorded in the public records of the county within five days after execution of the agreement pursuant to F.S. § 163.08(8). The recorded agreement or summary memorandum of such agreement shall provide constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation.

**Sec. 42-451. Notice to purchaser.**

- (a) Property owner must comply with F.S. § 163.08(14) regarding providing a written disclosure statement to a prospective purchaser.

- (b) Failure to provide the notice referenced above to a purchaser of the property shall have no effect on either the validity of any PACE assessment or any obligation of a property owner.

**Sec. 42-452. Suspension or termination.**

In the event any PACE local government fails to abide by the provisions of this article and the PACE interlocal, following 60-day notice to cure, the board of county commissioners, in its sole discretion, may suspend or terminate the interlocal agreement and the PACE local government shall have no authority to continue with any new projects within Pinellas County. Notwithstanding termination of the interlocal agreement, however, property owners whose applications were approved prior to the termination date, and who received funding through the PACE program, shall continue to be a part of the PACE program, for the sole purpose of paying their outstanding assessment payments, until such time that all outstanding assessment payments have been satisfied.

**Sec. 42-453. Enforcement.**

This article is enforceable by all means provided by law.

**Secs. 42-454—42-459. Reserved.**

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced. This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

**APPROVED AS TO FORM**

By: Cody J. Ward  
Office of the County Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on July 18, 2023 relative to:

**ORDINANCE 23- 8**

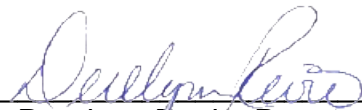
AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 42, ARTICLE XIV OF SAID CODE; PROVIDING FOR REVISIONS TO SECTION 42-440 EXPANDING THE DEFINITION OF A PACE CONTRACTOR AND INCLUDING MULTIFAMILY RESIDENTIAL PROPERTIES WITH FIVE OR MORE DWELLING UNITS IN THE PACE PROGRAM; PROVIDING FOR REVISIONS TO SECTION 42-446 REMOVING THE THREE DAY RIGHT TO CANCEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this July 20, 2023.



KEN BURKE  
Clerk of the Circuit Court  
and Ex-officio Clerk to the  
Board of County Commissioners

By:

  
\_\_\_\_\_  
Derelynn Revie, Deputy Clerk



## Eres, Christian

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**From:** Eres, Christian  
**Sent:** Thursday, July 20, 2023 9:10 AM  
**To:** County Ordinances  
**Cc:** Revie, Derelynn; Young, Bernie C; DiNapoli, Franchesca  
**Subject:** PIN20230720\_Ordinance2023\_23-8  
**Attachments:** PIN20230720\_Ordinance2023\_23-8.pdf

Sender Full Name:	Ken Burke, Clerk of the Circuit Court and Comptroller Derelynn Revie, Deputy Clerk, Board Records Department
Sender Phone number:	(727) 464-3458
County Name:	<b>Pinellas</b>
Ordinance Number:	<b>PIN20230720_Ordinance2023_23-8</b>

Thank you,  
Christian Eres  
Records Specialist III  
Board Records Department  
Office of Ken Burke, Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, 5<sup>th</sup> Floor, Clearwater, FL 33756  
Office (727)464-3464 | Fax (727)464-4716  
[ceres@mypinellasclerk.gov](mailto:ceres@mypinellasclerk.gov) | [www.mypinellasclerk.gov](http://www.mypinellasclerk.gov)  
**Tell us how we're doing by filling out a [comment card](#)!**

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