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**ORDINANCE NO. 17-**

**AN ORDINANCE OF THE COUNTY OF PINELLAS, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM FOR PINELLAS COUNTY, TO BE CODIFIED AS ARTICLE XIII OF CHAPTER 42 OF THE PINELLAS COUNTY CODE; PROVIDING FINDINGS OF FACT; PROVIDING A SHORT TITLE; PROVIDING A PURPOSE; PROVIDING DEFINITIONS; PROVIDING PACE PROGRAM BOUNDARIES; PROVIDING FOR PACE LOCAL GOVERNMENTS; PROVIDING FOR PACE PROGRAM STANDARDS; PROVIDING FOR ELIGIBLE PARTICIPANTS; PROVIDING FOR NON-AD VALOREM ASSESSMENTS; PROVIDING FOR PACE PROGRAM ADMINISTRATION; PROVIDING FOR RECORDATION; PROVIDING FOR NOTICE TO PURCHASER; PROVIDING FOR SUSPENSION OR TERMINATION; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

20       **WHEREAS**, §163.08, Florida Statutes, provides that certain improvements to real  
21 properties for energy conservation and efficiency, renewable energy improvements, or wind  
22 resistance improvements, may qualify for funding through governmental programs, which allow  
23 for the collection of such funding financed by the local government to be voluntarily collected  
24 through the non-ad valorem assessment process;

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26       **WHEREAS**, the Pinellas County Charter provides for the exercise of countywide powers  
27 by ordinance to the extent they are not inconsistent with municipal ordinances;

28  
29       **WHEREAS**, §§163.01 and 163.08, Florida Statutes, allow for and contemplate the  
30 creation of separate legal entities to act as a local government for the purposes of providing such  
31 PACE Program funding sources;

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33       **WHEREAS**, several entities have been created within the state which have sought to  
34 provide both the sources of such funding to property owners within Pinellas County and all  
35 administrative services in providing and collecting such funding;

36  
37       **WHEREAS**, the Pinellas County Board of County Commissioners is receptive to allowing  
38 such special purpose local government entities to operate within Pinellas County provided that  
39 certain guidelines are followed for the protection of the property owners and citizens of Pinellas  
40 County;

41  
42       **WHEREAS**, while these special purpose local governments may be permitted to operate  
43 a PACE Program within Pinellas County by interlocal agreement with the Board, the Board intends  
44 to as fully as practicable protect the County and its citizens from potential liabilities associated  
45 with operation of a PACE Program by such separate special purpose local governments; and

46           **WHEREAS**, this ordinance will provide minimum standards and limitations for the  
47 operation of any PACE Program within Pinellas County.

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49           **NOW, THEREFORE**, BE IT ORDAINED BY THE BOARD OF COUNTY  
50 COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, at its regular meeting assembled this  
51 \_\_\_\_\_ day of \_\_\_\_\_, 2017, that:

52 **SECTION 1.** There is hereby created a new Article XIII of Chapter 42 of the Pinellas County  
53 Code (the “Code), entitled “Property Assessed Clean Energy (PACE) Program”.

54 **SECTION 2.** Article XIII of Chapter 42 of the Code is hereby created to read as follows:

55           **ARTICLE XIV. PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM**

56           **Sec. 42-440. Definitions.** For the purposes of this Article, the following definitions  
57 shall apply:

- 58                   (a)    *Board* shall mean the Pinellas County Board of County  
59 Commissioners.
- 60                   (b)    *County* shall mean Pinellas County, Florida.
- 61                   (c)    *Eligible Participant* shall mean any non-residential Property owner  
62 who voluntarily participates in the PACE Program and satisfies the  
63 eligibility requirements set forth in Section 42-447.
- 64                   (d)    *PACE Act* shall mean Section 163.08, Florida Statutes, as it may be  
65 amended from time to time.
- 66                   (e)    *PACE Administrator* shall mean a for-profit or not-for-profit  
67 organization responsible for administering a PACE Program on  
68 behalf of and at the discretion of a PACE Local Government  
69 consistent with Section 163.08(6), Florida Statutes.
- 70                   (f)    *PACE Assessment* shall mean the non-ad valorem assessment placed  
71 on a property owner’s tax bill as a result of financing obtained  
72 pursuant to the PACE Financing Agreement.
- 73                   (g)    *PACE Contractor* shall mean a contractor authorized by the PACE  
74 Local Government to sell, construct or install Qualifying  
75 Improvements funded through the PACE Program.
- 76                   (h)    *PACE Financing Agreement* shall mean the agreement entered into  
77 between the Eligible Participant and the PACE Local Government  
78 specifying the Qualifying Improvements to be installed at the  
79 Property and the terms and conditions for financing those  
80 improvements through non-ad valorem assessments levied on the  
81 Property.

- 82 (i) *PACE Interlocal* shall mean an agreement entered into between  
83 Pinellas County and a PACE Local Government authorizing the  
84 PACE Local Government to administer a PACE Program within  
85 Pinellas County in accordance with Section 163.01, Florida Statutes,  
86 and this Article.
- 87 (j) *PACE Local Government* shall mean a separate legal entity, other  
88 than a county or municipality, created pursuant to Section 163.01(7),  
89 Florida Statutes. To the extent that a PACE Local Government  
90 operates a PACE Program within Pinellas County through a  
91 contracted PACE Administrator, the PACE Local Government is  
92 responsible for the actions or inactions of the PACE Administrator  
93 acting within Pinellas County in furtherance of the PACE Program  
94 as if it had taken such action, or failed to take such action, itself.
- 95 (k) *PACE Program or Program* shall mean the Property Assessed  
96 Clean Energy program (authorized by Section 163.08, Florida  
97 Statutes) within the boundaries of Pinellas County, excepting any  
98 municipality that has opted out of the Pinellas County PACE  
99 Program, operated by a PACE Local Government pursuant to the  
100 terms of this Article.
- 101 (l) *Property* means a non-residential property, located within the  
102 jurisdictional boundaries of Pinellas County excepting any  
103 municipality that has opted out of the Pinellas County PACE  
104 Program.
- 105 (m) *Qualifying Improvements* shall mean those improvements to real  
106 property provided for in Section 163.08, Florida Statutes, including,  
107 but not limited to, energy conservation and efficiency, renewable  
108 energy and wind-resistance improvements.

109 **Sec. 42-441. Findings of Fact.**

- 110 (a) Section 163.08, Florida Statutes, authorizes local governments  
111 defined as a county, a municipality, a dependent special district as  
112 defined in Section 189.012, Florida Statutes, or a separate legal entity  
113 created pursuant to Section 163.01(7), Florida Statutes, to establish  
114 and administer PACE financing programs pursuant to which owners  
115 of real property may obtain funding for Qualifying Improvements.
- 116 (b) Several PACE Local Governments have been created and the  
117 availability of the voluntary, non-exclusive PACE program offered  
118 by the separate PACE Local Governments is able to be utilized by  
119 Pinellas County through interlocal agreement without cost,  
120 assumption of liability by, or demand upon the credit of Pinellas  
121 County.

- 122 (c) Section 163.08(3), Florida Statutes, authorizes a PACE Local  
123 Government to levy non-ad valorem assessments to fund Qualifying  
124 Improvements.
- 125 (d) It is in the best interests of the citizens of Pinellas County to create  
126 a PACE Program through the adoption of an ordinance that sets  
127 uniform consumer protections that apply to all PACE Local  
128 Governments who implement and manage PACE Programs in  
129 Pinellas County excepting any municipality that has opted out of the  
130 Pinellas County PACE Program.
- 131 (e) PACE Local Governments shall be authorized to implement the  
132 PACE Program through individual PACE Interlocal agreements.
- 133 (f) The installation and operation of Qualifying Improvements not only  
134 benefits the affected properties for which the improvements are  
135 made, but also provides a public benefit by assisting in fulfilling the  
136 goals of the State’s and County’s energy and hurricane mitigation  
137 policies.
- 138 (g) The voluntary participation in the PACE Program by property  
139 owners will provide an alternative financing option to finance and  
140 repay the costs to provide and install Qualifying Improvements to  
141 property located within Pinellas County.
- 142 (h) It is within the best interests of the citizens of Pinellas County to  
143 have uniform consumer protection regulations that apply to all  
144 PACE Local Governments and PACE Administrators who  
145 implement and manage PACE Programs in Pinellas County  
146 excepting any municipality that has opted out of the Pinellas County  
147 PACE Program.

148 **Sec. 42-442. Short Title.**

149 This article shall be known as the “Pinellas County Property Assessed Clean  
150 Energy (PACE) Program.”

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

152 PACE Programs have been developed to allow a property owner to voluntarily  
153 finance Qualifying Improvements through a non-ad valorem assessment  
154 implemented and managed by a PACE Local Government and repaid through  
155 collection on the annual property tax bill.

156 The purpose of this Ordinance is to provide uniform consumer protection  
157 regulations for all PACE Local Governments that are authorized to operate within  
158 Pinellas County to ensure that:

- 159 (i) the citizens of Pinellas County are fully apprised of the Program;

- 160 (ii) PACE Local Governments have developed a responsive complaint
- 161 process;
- 162 (iii) Qualifying Improvements meet the statutory goals set forth in
- 163 Section 163.08, Florida Statutes; and
- 164 (iv) PACE Contractors meet certain standards of conduct.

165 This Article is intended to add requirements to the provisions of §163.08, Florida  
166 Statutes (2017), and other applicable law as it currently exists and should be  
167 construed consistently with the PACE Act and any such other applicable law. To  
168 the extent that the PACE Act provides for additional or more restrictive  
169 requirements not otherwise found in this Article or applicable law, the provisions  
170 of the PACE Act must be met. To the extent that this Article provides for more  
171 restrictive or additional requirements not found in the PACE Act or any such other  
172 applicable law, the provisions of this Article are intended to apply.

173 **Sec. 42-444. PACE Program Boundaries.**

174  
175 The PACE Program shall be available to Eligible Participants within  
176 unincorporated Pinellas County upon the effective date of this Article, and within  
177 Pinellas County municipalities one hundred and twenty (120) days after the  
178 effective date of this Article, excepting any municipality that has opted out of the  
179 Pinellas County PACE Program by the passing of an ordinance in conflict with this  
180 Article.

181  
182 **Sec. 42-445. PACE Local Governments.**

183  
184 Upon entering into a PACE Interlocal with Pinellas County, a PACE Local  
185 Government shall be authorized to administer a PACE Program pursuant to Section  
186 163.08, Florida Statutes, the terms of this Article, as may be amended from time to  
187 time, the PACE Interlocal and other regulations adopted by the Board within  
188 unincorporated Pinellas County and those municipalities that have not opted out of  
189 the Pinellas County PACE Program.

190  
191 **Sec. 42-446. PACE Program standards.** At a minimum, PACE Local  
192 Governments shall comply with each of the following standards and include the  
193 following requirements:

- 194
- 195 (a) Qualifying Improvements: All Qualifying Improvements shall be
- 196 properly permitted (where applicable) and must comply with Florida
- 197 and local codes. PACE Local Governments shall finance only
- 198 Qualifying Improvements that are permanently affixed to the
- 199 Property.
- 200
- 201 (b) Licensed Contractors: Any contractor constructing or installing a
- 202 Qualifying Improvement shall be properly licensed and insured, and
- 203 authorized by the PACE Local Government as a PACE Contractor.
- 204

- 205 (c) Materials and Improvements: PACE Local Governments shall  
206 fund, and PACE Contractors shall construct or install, only  
207 Qualifying Improvements. PACE Local Governments shall  
208 establish an “Eligible Measures List” that identifies the types and  
209 specifications of Qualifying Improvements, using efficiency  
210 standards for materials and installation established by the U.S.  
211 Department of Energy, the U.S. Environmental Protection Agency,  
212 or Florida state agencies, or independent third-party expert rating  
213 entities, as applicable. Any solar photovoltaic system financed under  
214 a PACE Program must have an online monitoring system for  
215 maintenance and production monitoring purposes unless the  
216 property owner declines the monitoring system in writing. The  
217 Eligible Measures List shall be regularly updated and made publicly  
218 available. The County shall have the right to review and approve  
219 that list annually.  
220
- 221 (d) Data Security and Consumer Privacy: PACE Local Governments  
222 shall take security measures to protect the security and  
223 confidentiality of consumer records and information to the extent  
224 permitted or mandated by law. In addition, a privacy policy must be  
225 in place that complies with state and federal law and, in particular,  
226 shall provide a property owner the ability to opt-out of having the  
227 property owner’s information shared with third parties, except  
228 where expressly permitted or required by state or federal law.  
229
- 230 (e) Contractor Pricing: Within six months of entering into a PACE  
231 Interlocal agreement, PACE Local Governments shall have in place  
232 pricing rules and enforcement mechanisms to ensure property  
233 owners are protected from excessive or unjustified prices and  
234 charges of PACE Contractors.  
235
- 236 (f) Estimated Energy Savings Disclosure: PACE Local Governments  
237 shall require that PACE Contractors inform Eligible Participants of  
238 the following:  
239
- 240 1) Where applicable, an estimate of energy and/ or insurance cost  
241 savings, including the range of efficiency options if appropriate,  
242 to the best of the PACE Contractors’ knowledge and using  
243 industry best practices;
  - 244 2) Available rebates or incentives;
  - 245 3) The benefits of installing energy efficiency improvements  
246 before renewable energy to reduce costs overall;
  - 247 4) The benefits of a full Energy Audit of their property, names or  
248 websites of energy audit professionals qualified through the  
249 Building Performance Institute, Association of Energy

- 250 Engineers, or other comparable program, and any available  
251 incentive programs associated with a Qualifying Improvement;  
252 5) That the actual potential energy savings and/ or insurance cost  
253 savings will depend on usage patterns, seasonal variation and  
254 weather, insurance or utility rates and trends and product  
255 specifications;  
256 6) That any tax incentives, credits or rebates should be confirmed  
257 and discussed with an independent tax professional of the  
258 Eligible Participant's choosing if there are any tax questions;  
259 and  
260 7) Costs of the Energy Audit are eligible for financing as part of  
261 the assessment. This Estimated Energy Savings Disclosure  
262 requirement shall be included in the "Code of Conduct" and in  
263 training for PACE Contractors.

264  
265 (g) Notice to Property Owner: Prior to or contemporaneously with  
266 entering into a PACE Financing Agreement, PACE Local  
267 Governments shall provide the property owner with a written notice  
268 disclosing the following items:

- 269  
270 1) The total amount of the debt, including interest;  
271 2) The maximum annual PACE Assessment and payment term that  
272 does not exceed the useful life of the improvements;  
273 3) The three-day right to cancel the PACE Financing Agreement;  
274 4) That the PACE Assessment will appear on the property owner's  
275 tax bill;  
276 5) That the PACE Assessment will be collected in the same manner  
277 as real estate taxes, that failure to pay the PACE Assessment  
278 may cause a tax certificate to be issued against the property, and  
279 that failure to pay may result in the loss of property subject to  
280 the PACE Assessment, including homestead property, in the  
281 same manner as failure to pay property taxes;  
282 6) That the installation of Qualifying Improvements and PACE  
283 Assessment may or may not affect the overall market value of  
284 the Property or energy cost savings;  
285 7) That all applicable warranties or guarantees terms are set forth  
286 in writing, and what materials or labor are not warrantied or  
287 guaranteed for each Qualifying Improvement;  
288 8) That the PACE Assessment may affect the sale or refinance of  
289 the property;  
290 9) That the property owner may be required to pay any PACE  
291 assessment in full at the time of refinance or sale of the property;  
292 and  
293 10) That if the property owner is using an escrow or impound  
294 account to pay their property taxes, they should contact their  
295 lender immediately to ensure that the escrow payments are

296 adjusted correctly and the property owner is aware of and  
297 prepared for the increased payment amount.  
298

299 The notice shall be signed and dated by the property owner to acknowledge  
300 that they understand these conditions. The PACE Local Government shall  
301 record, or cause to be recorded, the Notice in the public records as an  
302 attachment to the PACE Financing Agreement. The signature page must  
303 clearly designate that it relates to the PACE Financing Agreement and  
304 Notice to Property Owner acknowledgement. In the alternative, the  
305 foregoing notice provisions may be incorporated into the recorded financing  
306 agreement or summary memorandum of financing agreement relating to the  
307 PACE Assessment.  
308

309 (h) PACE Financing Agreement. After achieving compliance with all  
310 other mandated steps provided for by law, including but not limited  
311 to receiving a verified copy or other proof of such notice required  
312 by §163.08(13), Florida Statutes (2016), the PACE Local  
313 Government shall enter into a voluntary written agreement with  
314 each Eligible Participant. Such agreement, or supporting  
315 documentation referenced within such agreement and attached  
316 thereto, must include, at a minimum, the following:  
317

- 318 1) The full legal description of the property subject to the PACE  
319 Assessment.
- 320 2) The amount of funding to be provided to the Eligible Participant.
- 321 3) Express voluntary consent by the Eligible Participant to accept  
322 the non-ad valorem assessment collection process, set forth in  
323 Section 197.3632, Florida Statutes.
- 324 4) The length of time for the Eligible Participant to pay the non-ad  
325 valorem assessment, which shall not exceed the expected life of  
326 the most costly Qualifying Improvement(s) funded by the PACE  
327 Program, or 30 years, whichever is less.
- 328 5) The Eligible Participant shall be responsible for verifying that  
329 the Qualifying Improvements are completed as reflected in the  
330 approved application documents. The Eligible Participant also  
331 consents to providing access to the PACE Local Government or  
332 its agent to the Property to verify that the Qualifying  
333 Improvements have been completed as proposed in the  
334 application.
- 335 6) At or before the execution of a contract for the sale and purchase  
336 of any Property for which a non-ad valorem assessment for the  
337 PACE Program has been levied and has an unpaid balance due,  
338 the seller shall give the prospective purchaser a notice of the lien  
339 in accordance with 163.08(14), Florida Statutes.
- 340 7) The risks associated with participating in the PACE Program  
341 shall be clearly disclosed in plain language in the written



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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 Chapter 197, Florida Statutes.

- 8) Description of the Qualifying Improvements, their cost, and estimated completion date.
- 9) Notice of the non-ad valorem assessment shall be recorded in the public records for the Property.
- 10) 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.

- (i) The PACE Local Government shall record, or cause to be recorded, the following notice in the public records within five (5) 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.

- (j) 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.

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- (k) Project Completion. The PACE Local Government shall require compliance with each of the following conditions prior to the issuance of any payment to a PACE Contractor for which a property will be assessed:
    - 1) PACE Contractor and 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;
    - 2) Verification that the Qualifying Improvements have been constructed or installed; and
    - 3) The property owner and the PACE Contractor have signed a certificate of completion that all improvements have been installed to the property owner’s satisfaction.
  
  - (l) 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 Section 163.08(13), Florida Statutes (2017).
  
  - (m) PACE Contractor Management. Each PACE Local Governments shall:
    - 1) To the extent possible, conduct outreach to and enroll local contractors as PACE Contractors;
    - 2) 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.
    - 3) 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.
    - 4) Train all PACE Contractors on the regulations related to the PACE program and the Code of Conduct;
    - 5) Ensure that all PACE Contractors hold necessary licenses and insurance;
    - 6) Confirm PACE Contractor qualifications at least annually and as necessary based upon consumer complaints or other indications of lack of compliance; and
    - 7) Remove PACE Contractors from the PACE Program who no longer meet program criteria; have not met program requirements, or fail to resolve consumer complaints.

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(n) Customer Service: PACE Local Governments or their PACE Administrators shall provide customer service, including:

- 1) Access to customer service representatives by email and phone during normal business hours (not less than 9 a.m. to 5 p.m. Monday through Friday excluding holidays);
- 2) A detailed website with specific reference to the Pinellas County PACE Program;
- 3) 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.
  - a) A document outlining complaint process shall be clearly available on the PACE Local Government or PACE Administrator’s website and provided to customers.
  - b) 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.
  - c) 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.
  - d) 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.

(o) Marketing and Communications:

- 1) 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.
- 2) 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

478 marketing materials. Marketing materials shall NOT state that  
479 PACE:

- 480
- 481 a) is a free program;
- 482 b) is a county or city program;
- 483 c) does not involve a financial obligation by the property
- 484 owner; or
- 485 d) is a form of public assistance.
- 486

487 (p) Protected Classes. No PACE Local Government, PACE  
488 Administrator, nor PACE Contractor shall discriminate against  
489 individuals on the basis of race, color, ancestry, disability, national  
490 origin, religion, age, familial status, marital status, sex, gender,  
491 sexual orientation, gender identity and expression, or genetic  
492 information.

493

494 (q) Metrics Reporting: After not more than one year from the date of  
495 adoption of this ordinance, PACE Local Governments shall track  
496 Program metrics and report those metrics to Pinellas County and any  
497 participating municipalities, by jurisdiction and in total, at least  
498 quarterly, in spreadsheet format or another electronic format agreed  
499 upon by Pinellas County. Those metrics shall include, at a  
500 minimum:

- 501 1. Dates of the reporting period;
- 502 2. List of PACE projects (including municipal jurisdiction,  
503 financed amount, interest rate, assessment duration, and  
504 project description) started during the reporting period,  
505 separated by building type (e.g. retail, office, industrial,  
506 etc.);
- 507 3. List of PACE projects (including municipal jurisdiction)  
508 completed during the reporting period, separated by building  
509 type project (e.g. retail, office, industrial, etc.), specify: (1)  
510 the qualifying improvements made; (2) project start date and  
511 completion date; (3) the projected energy savings and/or  
512 amount of potential renewable energy to be generated; (4)  
513 financial information such as cost per kilowatt hour  
514 saved/generated associated with the projected energy  
515 savings and/or amount of potential renewable energy to be  
516 generated; (5) other resource savings if data is available; and  
517 (6) energy audits performed detailing the audit results, if  
518 applicable to the project;
- 519 4. Number of actual or estimated jobs created during the  
520 reporting period, including, if available, local versus non-  
521 local jobs and permanent versus temporary jobs;
- 522 5. Number of applications declined during the reporting period;
- 523 6. Unresolved complaints and/or contractor issues and status;

- 524 7. PACE assessment defaults and tax certificates issued on  
525 Properties subject to PACE Assessment (updated annually);  
526 and  
527 8. All data included in the reports must be developed and  
528 collected using standardized and verified principles and  
529 methodologies for the industry. The methodologies and  
530 supporting assumptions and/or sources must be made  
531 available to the County by the PACE Local Government. It  
532 is the responsibility of the PACE Local Government to test  
533 and verify the data collection and reporting methods and  
534 models used. All reports shall include only aggregate data,  
535 excluding any nonpublic personal information.  
536

537 (r) Amendments. County reserves the right to amend this ordinance to  
538 revise PACE Program standards. It is the obligation of the PACE  
539 Local Governments to remain abreast of and comply with all  
540 changes in applicable law, including changes to this ordinance made  
541 at public hearings.  
542

543 (s) Reporting. PACE Local Governments will respond to County  
544 requests for information on the PACE Program in a timely manner  
545 and shall provide sufficient documentation as requested by the  
546 County to ensure that the requirements of this Article and the State  
547 statutes are being met. The PACE Local Government shall retain  
548 sufficient books and records demonstrating compliance with the  
549 Agreement and State and County requirements for a minimum  
550 period of seven years from the initial date of each non-ad valorem  
551 assessment, and shall allow County representatives access to such  
552 books and records upon request.  
553

554  
555 **Sec. 42-447. Eligible Participants.** In order to be an Eligible Participant, a  
556 Property owner (or Property) must meet the criteria listed below. The PACE Local  
557 Government is responsible for verifying that all of these conditions are met.  
558

- 559 (a) Be the legal owner of the Property and provide proof of ownership  
560 in the application for the PACE Program;  
561  
562 (b) Property must be within the PACE Program boundaries, as defined  
563 in Section 42-444;  
564  
565 (c) All property taxes and any other assessments levied on the same bill  
566 as property taxes are paid and have not been delinquent for the  
567 preceding three (3) years or the Property owner's period of  
568 ownership, whichever is less;  
569

- 570 (d) Property owner must be current on any mortgage on the subject  
571 property;
- 572
- 573 (e) Property owner cannot be in bankruptcy nor can the Property be an  
574 asset in any bankruptcy proceeding;
- 575
- 576 (f) Property cannot have any federal income tax lien, judgment lien or  
577 similar involuntary lien, including construction liens, encumbering  
578 it; and
- 579
- 580 (g) No notices of default or other evidence of property-based debt  
581 delinquency on the Property have been recorded during the  
582 preceding three (3) years or the property owner's period of  
583 ownership, whichever is less.
- 584
- 585

**Section 42-448. Non-ad valorem Assessments.**

586 Pursuant to Section 163.08, Florida Statutes, the PACE Local Government is  
587 authorized to impose non ad-valorem assessments on Property to secure the  
588 repayment of the costs incurred by an Eligible Participant to pay for Qualified  
589 Improvement(s), which shall be collected pursuant to Section 197.3632, Florida  
590 Statutes, or any successor Section. Notwithstanding Section 197.3632(8)(a),  
591 Florida Statutes, the assessments shall not be subject to discount for early payment  
592 and shall not require notice and adoption as set forth in Section 197.3632(4), Florida  
593 Statutes. Pursuant to Chapter 197, Florida Statutes, non-ad valorem assessments  
594 levied pursuant to this Article shall remain liens, coequal with the lien of all state,  
595 County, district and municipal taxes, superior in dignity to all other liens, titles and  
596 claims, until paid.

**Sec. 42-449. PACE Program Administration.**

597  
598  
599 The PACE Program shall be administered pursuant to Section 163.08, Florida  
600 Statutes, this Article and any additional regulations adopted by the Board.

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

603 Any financing agreement entered into or a summary memorandum of such agreement  
604 between the Eligible Participant and the PACE Local Government shall be recorded  
605 in the public records of the County within five (5) days after execution of the  
606 agreement pursuant to Section 163.08(8), Florida Statutes. The recorded agreement or  
607 summary memorandum of such agreement shall provide constructive notice that  
608 the assessment to be levied on the Property constitutes a lien of equal dignity to  
609 County taxes and assessments from the date of recordation.

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

- 611 (a) Property owner must comply with Section 163.08(14) regarding  
612 providing a written disclosure statement to a prospective purchaser.

613 (b) Failure to provide the notice referenced above to a purchaser of the  
614 Property shall have no effect on either the validity of any PACE  
615 Assessment or any obligation of a Property owner.

616 **Sec. 42-452. Suspension or Termination.**

617  
618 In the event any PACE Local Government fails to abide by the provisions of this  
619 Ordinance and the PACE Interlocal, following sixty day notice to cure, the Board  
620 of County Commissioners in its sole discretion, may suspend or terminate the  
621 Interlocal agreement and the PACE Local Government shall have no authority to  
622 continue with any new projects within Pinellas County. Notwithstanding termination  
623 of the Interlocal agreement, however, property owners whose applications were  
624 approved prior to the termination date, and who received funding through the PACE  
625 Program, shall continue to be a part of the PACE Program, for the sole purpose of  
626 paying their outstanding assessment payments, until such time that all outstanding  
627 assessment payments have been satisfied.

628  
629 **Sec. 42-453. Enforcement**

630  
631 This Ordinance is enforceable by all means provided by law.


632  
633 **SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this  
634 article, amendment or the particular application thereof, shall be held invalid by any court,  
635 administrative agency, or other body with appropriate jurisdiction, the remaining section,  
636 subsection, sentence, clause or phrase and application shall not be affected thereby.

637  
638 **SECTION 4. INCLUSION IN THE CODE.** The provisions of this Ordinance shall be included  
639 and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be  
640 appropriately renumbered to conform to the uniform numbering system of the Pinellas County  
641 Code.

642  
643 **SECTION 5. FILING OF ORDINANCE; EFFECTIVE DATE.** Pursuant to Section 125.66,  
644 Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by  
645 the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board  
646 of County Commissioners, and shall become effective upon filing with the Department of State.

647  
648  
649

APPROVED AS TO FORM

By:   
Office of the County Attorney