



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 residential or non-residential  
62 Property owner who voluntarily participates in the PACE Program  
63 and satisfies the 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 residential or non-residential property, located  
102 within the jurisdictional boundaries of Pinellas County excepting  
103 any 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.

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

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

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

- 250 program, and any available incentive programs associated with  
251 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 for residential properties there is no penalty for paying the  
277 PACE Assessment early;
- 278 6) That the PACE Assessment will be collected in the same manner  
279 as real estate taxes, that failure to pay the PACE Assessment  
280 may cause a tax certificate to be issued against the property, and  
281 that failure to pay may result in the loss of property subject to  
282 the PACE Assessment, including homestead property, in the  
283 same manner as failure to pay property taxes;
- 284 7) That the installation of Qualifying Improvements and PACE  
285 Assessment may or may not affect the overall market value of  
286 the Property or energy cost savings;
- 287 8) That all applicable warranties or guarantees terms are set forth  
288 in writing, and what materials or labor are not warrantied or  
289 guaranteed for each Qualifying Improvement;
- 290 9) That the PACE Assessment may affect the sale or refinance of  
291 the property;
- 292 10) That the property owner may be required to pay any PACE  
293 assessment in full at the time of refinance or sale of the property;  
294 and

295 11) That if the property owner is using an escrow or impound  
296 account to pay their property taxes, they should contact their  
297 lender immediately to ensure that the escrow payments are  
298 adjusted correctly and the property owner is aware of and  
299 prepared for the increased payment amount.  
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301 The notice shall be signed and dated by the property owner to acknowledge  
302 that they understand these conditions. The PACE Local Government shall  
303 record, or cause to be recorded, the Notice in the public records as an  
304 attachment to the PACE Financing Agreement. The signature page must  
305 clearly designate that it relates to the PACE Financing Agreement and  
306 Notice to Property Owner acknowledgement. In the alternative, the  
307 foregoing notice provisions may be incorporated into the recorded financing  
308 agreement or summary memorandum of financing agreement relating to the  
309 PACE Assessment.  
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311 (h) PACE Financing Agreement. After achieving compliance with all  
312 other mandated steps provided for by law, including but not limited  
313 to receiving a verified copy or other proof of such notice required  
314 by §163.08(13), Florida Statutes (2016), the PACE Local  
315 Government shall enter into a voluntary written agreement with  
316 each Eligible Participant. Such agreement, or supporting  
317 documentation referenced within such agreement and attached  
318 thereto, must include, at a minimum, the following:  
319

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



340 the seller shall give the prospective purchaser a notice of the lien  
341 in accordance with 163.08(14), Florida Statutes.

342 7) The risks associated with participating in the PACE Program  
343 shall be clearly disclosed in plain language in the written  
344 agreement with the Eligible Participant, including risks related  
345 to the failure of the Eligible Participant to make payments, the  
346 risk that they may not be able to refinance the home or sell the  
347 home unless the PACE Assessment is paid off in full first, and  
348 the risk of issuance of a tax certificate and loss of the Property  
349 pursuant to Chapter 197, Florida Statutes.

350 8) Description of the Qualifying Improvements, their cost, and  
351 estimated completion date.

352 9) Notice of the non-ad valorem assessment shall be recorded in  
353 the public records for the Property.

354 10) The PACE Financing Agreement shall clearly disclose, in plain  
355 language, the interest rate to be charged, including points, as  
356 well as any and all fees or penalties that may be separately  
357 charged to the Eligible Participant, including potential late fees.  
358 The subsequent charging or collecting any additional fees that  
359 were not specifically disclosed in the written agreement with the  
360 property owner shall be prohibited.

361  
362 (i) The PACE Local Government shall record, or cause to be recorded,  
363 the following notice in the public records within five (5) days after  
364 execution of the PACE Financing Agreement, along with  
365 appropriate PACE Local Government contact information for  
366 property owner inquiries:

367  
368 QUALIFYING IMPROVEMENTS FOR ENERGY  
369 EFFICIENCY, RENEWABLE ENERGY, OR  
370 WIND RESISTANCE. This property is located  
371 within the jurisdiction of a PACE Local Government  
372 that has placed an assessment on the property  
373 pursuant to Section 163.08, Florida Statutes. The  
374 assessment is for a Qualifying Improvement to the  
375 property relating to energy efficiency, renewable  
376 energy or wind resistance, and is not based on the  
377 value of property. You are encouraged to contact the  
378 county property appraiser's office to learn more  
379 about this and other assessments that may be  
380 provided by law.

381  
382 (j) No Prepayment Penalties on Residential Properties. The PACE  
383 Program shall not charge or impose a prepayment penalty on  
384 residential property.

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- 386 (k) Financing. The PACE Local Government may offer only fixed  
387 simple interest rates and payments that fully amortize the obligation.  
388 Variable or negative amortization financing terms are not permitted.  
389 Capitalized interest included in the original balance of PACE  
390 financing does not constitute negative amortization.  
391
- 392 (l) Project Completion. The PACE Local Government shall require  
393 compliance with each of the following conditions prior to the  
394 issuance of any payment to a PACE Contractor for which a property  
395 will be assessed:  
396 1) PACE Contractor and Property owner has certified in writing  
397 that any necessary permits have been obtained and any  
398 necessary inspections have been completed to close out any such  
399 permits;  
400 2) Verification that the Qualifying Improvements have been  
401 constructed or installed; and  
402 3) The property owner and the PACE Contractor have signed a  
403 certificate of completion that all improvements have been  
404 installed to the property owner's satisfaction.  
405
- 406 (m) Lender notification. The PACE Local Government shall ensure that  
407 the property owner provides notice to the holders or loan servicers  
408 of any existing mortgages encumbering or otherwise secured by the  
409 property of the owner's intent to enter into a PACE Assessment  
410 that, at a minimum satisfies the requirements of Section 163.08(13),  
411 Florida Statutes (2017).  
412
- 413 (n) PACE Contractor Management. Each PACE Local Governments  
414 shall:  
415  
416 1) To the extent possible, conduct outreach to and enroll local  
417 contractors as PACE Contractors;  
418 2) Establish a "Code of Conduct" that sets standards for PACE  
419 Contractors such as licensing, advertising and marketing,  
420 accurate representation of the program, and consumer  
421 protections.  
422 3) Have and shall strictly enforce anti-kickback policies and  
423 procedures that prohibit direct or indirect financial or other  
424 monetary incentives to PACE Contractors in exchange for or  
425 related to such PACE Contractor being awarded work under a  
426 PACE Program, excepting payment for the PACE Contractor's  
427 construction or installation of eligible improvements.  
428 4) Train all PACE Contractors on the regulations related to the  
429 PACE program and the Code of Conduct;  
430 5) Ensure that all PACE Contractors hold necessary licenses and  
431 insurance;

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- 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.

(o) 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.

(p) 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,

478 incomplete or are inconsistent with the PACE Local  
479 Government's purpose are prohibited.

480 2) Neither PACE Local Governments nor their PACE  
481 Administrators or PACE Contractors, shall use facsimiles of the  
482 County, city, Property Appraiser, or Tax Collector logos in their  
483 marketing materials. Marketing materials shall NOT state that  
484 PACE:

- 485
- 486 a) is a free program;
- 487 b) is a county or city program;
- 488 c) does not involve a financial obligation by the property  
489 owner; or
- 490 d) is a form of public assistance.

491

492 (q) Protected Classes. No PACE Local Government, PACE  
493 Administrator, nor PACE Contractor shall discriminate against  
494 individuals on the basis of race, color, ancestry, disability, national  
495 origin, religion, age, familial status, marital status, sex, gender,  
496 sexual orientation, gender identity and expression, or genetic  
497 information.

498

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

- 506 1. Dates of the reporting period;
- 507 2. List of PACE projects (including municipal jurisdiction,  
508 financed amount, interest rate, assessment duration, and  
509 project description) started during the reporting period,  
510 separated by building type (e.g., single family, multifamily,  
511 retail, office, industrial, etc.);
- 512 3. List of PACE projects (including municipal jurisdiction)  
513 completed during the reporting period, separated by building  
514 type project (e.g., single family, multifamily, retail, office,  
515 industrial, etc.), specify: (1) the qualifying improvements  
516 made; (2) project start date and completion date; (3) the  
517 projected energy savings and/or amount of potential  
518 renewable energy to be generated; (4) financial information  
519 such as cost per kilowatt hour saved/generated; (5) other  
520 resource savings if data is available; and (6) energy audits  
521 performed detailing the audit results, if applicable to the  
522 project;

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4. Number of actual or estimated jobs created during the reporting period, including local versus non-local jobs and permanent versus temporary jobs;
  5. Number of applications declined during the reporting period;
  6. Unresolved complaints and/or contractor issues and status;
  7. PACE assessment defaults and tax certificates issued on Properties subject to PACE Assessment (updated annually); and
  8. 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.
- (s) Amendments. County reserves the right to amend this ordinance 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.
- (t) 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.
- (u) Additional Program standards for residential properties: PACE Local Governments that finance PACE Qualifying Improvements on residential properties within Pinellas County shall, at a minimum, comply with at least one (1) of the following additional standards for projects affecting residential properties with four (4) residential units or fewer:
- 1) Financing limits: PACE Local Governments shall ensure that all mortgage-related debt on the underlying property does not exceed 90% of the Property's fair market value (as determined by the Pinellas County Property Appraiser, by a credentialed

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commercial or residential property appraiser, or by an automated valuation service or model from a reputable third party) and that the total mortgage-related debt of the Property plus the PACE program financing does not exceed the fair market value of the Property prior to the improvements; or

- 2) Mortgage Holder Consent or Escrow: PACE Local Governments shall verify that each prior mortgage or financing instrument holder has consented to any proposed Financing Agreement and PACE Assessment, or that the prior mortgage or financing instrument holder or loan servicer has consented to escrow sufficient funds to ensure payment of the annual assessment with each year's tax bill; or
- 3) Insurance or Energy Savings: PACE Local Governments shall verify that the total cost of the PACE Assessment is equal to or less than the projected savings to the property owner based upon the projected energy savings in a written statement from a Certified Energy Auditor, certified by the Association of Energy Engineers, the Residential Energy Services Network, or the Building Performance Institute, or the projected insurance savings in a written statement from the property owner's insurer.

**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.

- (a) Be the legal owner of the Property and provide proof of ownership in the application for the PACE Program;
- (b) Property must be within the PACE Program boundaries, as defined in Section 42-444;
- (c) 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 (3) years or the Property owner's period of ownership, whichever is less;
- (d) Property owner must be current on any mortgage on the subject property;
- (e) Property owner cannot be in bankruptcy nor can the Property be an asset in any bankruptcy proceeding;
- (f) Property cannot have any federal income tax lien, judgment lien or similar involuntary lien, including construction liens, encumbering it; and

615 (g) There is no pending Notice of Default on the property and no more  
616 than one recorded Notice of Default during the preceding three (3)  
617 years or the property owner's period of ownership, whichever is  
618 less.

619  
620 **Section 42-448. Non-ad valorem Assessments.**

621 Pursuant to Section 163.08, Florida Statutes, the PACE Local Government is  
622 authorized to impose non ad-valorem assessments on Property to secure the  
623 repayment of the costs incurred by an Eligible Participant to pay for Qualified  
624 Improvement(s), which shall be collected pursuant to Section 197.3632, Florida  
625 Statutes, or any successor Section. Notwithstanding Section 197.3632(8)(a),  
626 Florida Statutes, the assessments shall not be subject to discount for early payment  
627 and shall not require notice and adoption as set forth in Section 197.3632(4), Florida  
628 Statutes. Pursuant to Chapter 197, Florida Statutes, non-ad valorem assessments  
629 levied pursuant to this Article shall remain liens, coequal with the lien of all state,  
630 County, district and municipal taxes, superior in dignity to all other liens, titles and  
631 claims, until paid.

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

633  
634 The PACE Program shall be administered pursuant to Section 163.08, Florida  
635 Statutes, this Article and any additional regulations adopted by the Board.

636  
637 **Sec. 42-450. Recordation.**

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

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

- 646 (a) Property owner must comply with Section 163.08(14) regarding  
647 providing a written disclosure statement to a prospective purchaser.
- 648 (b) Failure to provide the notice referenced above to a purchaser of the  
649 Property shall have no effect on either the validity of any PACE  
650 Assessment or any obligation of a Property owner.

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

652  
653 In the event any PACE Local Government fails to abide by the provisions of this  
654 Ordinance and the PACE Interlocal, following sixty day notice to cure, the Board  
655 of County Commissioners in its sole discretion, may suspend or terminate the

656 Interlocal agreement and the PACE Local Government shall have no authority to  
657 continue with any new projects within Pinellas County. Notwithstanding termination  
658 of the Interlocal agreement, however, property owners whose applications were  
659 approved prior to the termination date, and who received funding through the PACE  
660 Program, shall continue to be a part of the PACE Program, for the sole purpose of  
661 paying their outstanding assessment payments, until such time that all outstanding  
662 assessment payments have been satisfied.

663  
664 **Sec. 42-453. Enforcement**


665 This Ordinance is enforceable by all means provided by law.  
666

667  
668 **SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this  
669 article, amendment or the particular application thereof, shall be held invalid by any court,  
670 administrative agency, or other body with appropriate jurisdiction, the remaining section,  
671 subsection, sentence, clause or phrase and application shall not be affected thereby.  
672

673 **SECTION 4. INCLUSION IN THE CODE.** The provisions of this Ordinance shall be included  
674 and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be  
675 appropriately renumbered to conform to the uniform numbering system of the Pinellas County  
676 Code.  
677

678 **SECTION 5. FILING OF ORDINANCE; EFFECTIVE DATE.** Pursuant to Section 125.66,  
679 Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by  
680 the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board  
681 of County Commissioners, and shall become effective upon filing with the Department of State.  
682  
683  
684

APPROVED AS TO FORM

By:   
\_\_\_\_\_  
Office of the County Attorney