

ORDINANCE NO. 2021-_____

2 AN ORDINANCE RELATING TO COMMERCIAL
PROPERTY ASSESSED CLEAN ENERGY (C-PACE)
4 PROGRAM(S) IN ORANGE COUNTY, FLORIDA;
ENACTING A NEW CHAPTER 25, ARTICLE XII OF THE
6 ORANGE COUNTY CODE OF ORDINANCES; PROVIDING
A TITLE; PROVIDING DEFINITIONS; PROVIDING A
8 PURPOSE; PROVIDING AUTHORIZATION FOR C-PACE
PROGRAMS; PROVIDING C-PACE PROGRAM
10 BOUNDARIES; PROVIDING C-PACE LOCAL
GOVERNMENT PROGRAM OPERATIONS; PROVIDING
12 C-PACE PROGRAM STANDARDS; PROVIDING FOR
ELIGIBLE C-PACE PROGRAM PARTICIPANTS;
14 PROVIDING FOR C-PACE ASSESSMENTS; PROVIDING
FOR C-PACE PROGRAM ADMINISTRATION;
16 PROVIDING FOR RECORDATION OF C-PACE
FINANCING AGREEMENT DOCUMENTATION;
18 PROVIDING FOR NOTICE TO COMMERCIAL
PROPERTY PURCHASER; PROVIDING FOR
20 SUSPENSION OR TERMINATION OF C-PACE
PROGRAMS; PROVIDING FOR ENFORCEMENT;
22 PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND
PROVIDING FOR FILING OF ORDINANCE AND
24 EFFECTIVE DATE.

26 **WHEREAS**, Section 163.08, Florida Statutes (the “PACE Act”), authorizes counties,
municipalities, dependent special districts, and separate legal entities created pursuant to Section
28 163.01(7), Florida Statutes, to establish and administer financing programs pursuant to which
property owners may apply for funding to finance energy conservation and efficiency, renewable
30 energy, and wind resistance qualifying improvements that can reduce property repair and insurance
costs, the burdens of fossil fuel energy production, and the burdens of high wind storms and
32 hurricanes; and

34 **WHEREAS**, the PACE Act provides for said funding to be repaid by the property owners
through non-ad valorem assessments levied upon their properties pursuant to financing agreements
36 entered into between the property owners and the local governments establishing and
administering the PACE programs; and

38 **WHEREAS**, several separate legal entities have been created in the State of Florida
40 pursuant to the PACE Act and Section 163.01, Florida Statutes, to provide PACE qualifying
improvement programs to property owners financed by levying non-ad valorem assessments on
42 participating properties; and

44 **WHEREAS**, the Orange County Board of County Commissioners (the “Board” or “BCC”)
45 finds that allowing those separate legal entities to operate commercial property assessed clean
46 energy programs within Orange County is in the interest of the public health, safety, and welfare
47 provided that certain standards are followed for the protection of the property owners and residents
48 of Orange County; and

50 **WHEREAS**, this Ordinance provides minimum standards and limitations for the operation
51 of non-exclusive C-PACE programs within unincorporated Orange County and requires separate
52 legal entities to enter into interlocal agreements with Orange County to protect Orange County and
53 its residents from potential liabilities associated with the operation of C-PACE programs.

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55 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
56 COUNTY, FLORIDA:

57 *Section 1. Enactment of New Chapter 25, Article XII, Commercial Property*
58 *Assessed Clean Energy (C-PACE) Program Ordinance.* A new Commercial Property Assessed
59 Clean Energy (C-PACE) Program Ordinance, to be codified at Chapter 25, Article XII of the
60 Orange County Code, Section 25-350 through Section 25-369, is hereby enacted to read as follows:

61 **CHAPTER 25. LICENSES, TAXATION AND**
62 **MISCELLANEOUS BUSINESS REGULATIONS**

 * * *

63 **ARTICLE XII. COMMERCIAL PROPERTY ASSESSED**
64 **CLEAN ENERGY (C-PACE) PROGRAM ORDINANCE**

65 *Section 25-350. Title.*

66 This article shall be titled the “Commercial Property
67 Assessed Clean Energy (C-PACE) Program Ordinance.”

68 *Section 25-351. Definitions.*

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

71 (a) *Board* shall mean the Orange County Board of County
72 Commissioners.

73 (b) *Commercial Property* shall mean nonresidential properties,
74 including the nonresidential portion(s) of agricultural properties

82 and planned developments, as well as multifamily apartment
buildings with five or more leased apartment units owned by an
84 entity legally authorized to enter into a contract.

86 (c) *County* shall mean Orange County, Florida.

88 (d) *C-PACE Administrator* shall mean a for-profit or not-for-profit
organization responsible for administering a C-PACE Program
on behalf of and at the discretion of a C-PACE Local
90 Government consistent with the PACE Act.

92 (e) *C-PACE Assessment* shall mean the non-ad valorem assessment
collected pursuant to Section 197.3632, Florida Statutes, and
94 placed on an Eligible Participant's tax bill as a result of financing
obtained pursuant to a C-PACE Financing Agreement.

96 (f) *C-PACE Financing Agreement* shall mean the agreement
98 entered into between the Eligible Participant and the C-PACE
Local Government specifying the Qualifying Improvements to
100 be financed for installation at the Commercial Property and the
terms and conditions for financing those Qualifying
102 Improvements through a C-PACE Assessment.

104 (g) *C-PACE Interlocal* shall mean an agreement entered into
between Orange County and a C-PACE Local Government
106 authorizing the C-PACE Local Government to administer a C-
PACE Program within Orange County in accordance with
108 Section 163.01, Florida Statutes, and this article.

110 (h) *C-PACE Local Government* shall have the same meaning as that
definition contained within Section 163.08(2)(a), Florida
112 Statutes, as amended, which includes separate legal entities
created pursuant to Section 163.01(7), Florida Statutes.

114 (i) *C-PACE Program* or *Program* shall mean a commercial
116 property assessed clean energy program operated by a C-PACE
Local Government within the boundaries of Orange County as
118 authorized by the PACE Act, this article, and a C-PACE
Interlocal.

120 (j) *Eligible Participant* shall mean a person or entity with legal
122 ownership of Commercial Property who voluntarily participates
in a C-PACE Program and satisfies the eligibility requirements
124 set forth in the PACE Act and this article.

126 (k) *PACE Act* shall mean Section 163.08, Florida Statutes, as it may
128 be amended from time to time.

130 (l) *Qualifying Improvement* shall mean those improvements affixed
132 to a building or facility that is part of the Commercial Property
134 subject to a C-PACE Financing Agreement as provided for in
136 the PACE Act including, but not limited to, energy conservation
and efficiency, renewable energy, and wind-resistance
improvements and shall constitute an improvement to the
building or facility or a fixture attached to the building or
facility.

138 ***Section 25-352. Purpose.***

140 (a) C-PACE programs have been developed pursuant to the PACE
142 Act to allow property owners to voluntarily finance Qualifying
144 Improvements through non-ad valorem assessments
implemented and managed by C-PACE Local Governments and
repaid through collection on annual property tax bills.

146 (b) The purpose of this article is to authorize C-PACE Local
148 Governments to operate C-PACE Programs in Orange County
pursuant to C-PACE Interlocals and to provide minimum
150 standards and limitations for the operation of said C-PACE
Programs.

152 (c) An Eligible Participant's voluntary participation in a C-PACE
154 Program provides an additional option to finance and repay the
156 costs associated with the provision and installation of Qualifying
Improvements to Commercial Property located within Orange
County.

158 ***Section 25-353. Authorization for C-PACE Programs.***

160 (a) The PACE Act authorizes C-PACE Local Governments to
162 establish and administer PACE programs pursuant to which
164 owners of real property may apply for and obtain funding to
finance qualifying improvements subject to a local government
ordinance or resolution.

166 (b) Several C-PACE Local Governments have since been created in
168 the State of Florida pursuant to the PACE Act. The County can
work with these separate C-PACE Local Governments to offer
voluntary, non-exclusive C-PACE Programs to Eligible

170 Participants without cost, assumption of liability by, or demand
172 upon the credit of Orange County.

174 (c) The PACE Act authorizes C-PACE Local Governments to enter
176 into financing agreements with property owners to levy non-ad
178 valorem assessments to fund Qualifying Improvements.

180 (d) Pursuant to this article, a C-PACE Local Government shall be
182 authorized to implement a C-PACE Program in Orange County
184 upon entering into and maintaining a current C-PACE Interlocal
186 agreement with the County. In accordance with the PACE Act,
188 C-PACE Assessments shall be collected pursuant to Section
190 197.3632, Florida Statutes, which may require separate written
192 agreements between C-PACE Local Governments and the tax
194 collector and property appraiser having jurisdiction over the
196 legal boundaries of the County to provide for the levy and
198 collection of C-PACE Assessments or the reimbursement of
200 necessary administrative costs.

188 ***Section 25-354. C-PACE Program Boundaries.***

190 (a) The C-PACE Program(s) shall be available to Commercial
192 Properties within unincorporated Orange County to allow
194 multiple non-exclusive service opportunities to Eligible
196 Participants to provide a wide variety of competitive choices
198 from qualified C-PACE Local Governments.

200 (b) Notwithstanding Section 25-354(a) above, municipalities within
202 Orange County may choose to participate in a C-PACE Program
204 approved under this article by adopting an ordinance or
206 resolution authorizing a C-PACE Local Government to operate
208 its C-PACE Program within the municipalities' boundaries in
accordance with the PACE Act and the terms of this article and
the controlling C-PACE Interlocal.

210 (c) Nothing in this article shall be construed as excluding any
212 municipality from creating or maintaining an additional,
214 separate, or standalone PACE program at any time.

210 ***Section 25-355. C-PACE Local Government Program
212 Operations.***

212 Upon entering into a C-PACE Interlocal, a C-PACE Local
214 Government shall be authorized to administer a C-PACE Program
pursuant to the PACE Act, the terms of this article, as may be

216 amended from time to time, the C-PACE Interlocal, and any other
218 regulations adopted by the Board within the C-PACE Program
220 Boundaries. To the extent that a C-PACE Local Government
222 operates a C-PACE Program within Orange County through a
224 contracted C-PACE Administrator, the C-PACE Local Government
will be responsible for the actions or inactions of the C-PACE
Administrator acting within Orange County in furtherance of the C-
PACE Program as if it had taken such action or failed to take such
action itself.

226 ***Section 25-356. C-PACE Program Standards.***

228 At a minimum, C-PACE Local Governments shall comply
230 with each of the following standards and impose the following
232 requirements throughout their respective C-PACE Programs:

234 (a) Qualifying Improvements. C-PACE Local Governments shall
236 only finance Qualifying Improvements and their ancillary
improvements required as part of the installation. Qualifying
Improvements must comply with the standards contained in the
PACE Act and this article including, but not limited to, the
following:

- 238 (1) Qualifying Improvements must be properly permitted, as
240 applicable, and must comply with all state and local
codes;
- 242 (2) Qualifying Improvements must be, as applicable: (i) at
244 least as energy efficient as the rating of the existing
246 product; (ii) energy Star compliant or meet current
national efficiency standards; and (iii) sized
appropriately; and
- 248 (3) Qualifying Improvements shall be affixed to a building
250 or facility that is part of the Commercial Property and
252 shall constitute an improvement to the building or
facility or a fixture attached to the building or facility.

254 (b) Contractors.

- 256 (1) Any work requiring a license under any applicable law
258 to make a Qualifying Improvement under a C-PACE
Program shall be performed by a contractor properly
licensed, certified, or registered pursuant to state or local
law.

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- (2) Contractors performing work under a C-PACE Program shall comply with each of the following conditions: (i) be licensed and insured pursuant to the applicable statutory requirements; (ii) agree to comply with all applicable provisions of this article including, but not limited to, the C-PACE Program Standards; and (iii) act in good faith to timely resolve complaints from Eligible Participants.

- (3) C-PACE Programs shall have and shall strictly enforce anti-kickback policies and procedures that prohibit direct financial or other monetary incentives between C-PACE Local Governments, C-PACE Administrators, and contractors in exchange for being awarded a project or work under a C-PACE Program. This subsection does not prohibit payment for a contractor’s installation of Qualifying Improvements.

- (c) Materials and Improvements. Materials and Qualifying Improvement products must be compliant with the Florida Building Code, local codes, and use efficiency standards established by the U.S. Department of Energy, the U.S. Environmental Protection Agency, State of Florida agencies, or independent third-party ratings or certification entities, as applicable. Equipment must be sized appropriately based on nationally accepted codes and standards.

- (d) Data Security and Consumer Privacy. C-PACE Local Governments, C-PACE Administrators, and any other entity collecting or maintaining C-PACE Program data or information shall take security measures to protect the security and confidentiality of Commercial Property owner records and information to the extent permitted or mandated by law, and, in particular, shall provide a Commercial Property owner the ability to opt-out of having the Commercial Property owner’s information shared with third parties, except where expressly permitted by state and federal law

- (e) C-PACE Financing Agreement. After complying with all other mandated steps provided for by law including, but not limited to, the notice required by Section 163.08(13), Florida Statutes, the C-PACE Local Government shall enter into a written C-PACE Financing Agreement with each Eligible Participant that is voluntarily participating in the C-PACE Program. C-PACE

306 Financing Agreements must include, at a minimum, the
following information:

- 308 (1) The full legal description of the Commercial Property
310 subject to the C-PACE Assessment;
- 312 (2) The total amount of funding secured by a C-PACE
314 Assessment to be provided to the Eligible Participant for
the construction or installation of Qualifying
Improvement(s);
- 316 (3) A provision stating that the Eligible Participant is
318 expressly and voluntarily consenting to accept the non-
ad valorem assessment collection process as set forth in
Section 197.3632, Florida Statutes;
- 320 (4) The length of time for the Eligible Participant to pay the
322 C-PACE Assessment, which shall not exceed the
324 expected useful life of the costliest Qualifying
Improvement(s) funded by the C-PACE Program, or
thirty (30) years, whichever is less;
- 326 (5) A provision stating that the Eligible Participant is
328 responsible for verifying that the Qualifying
330 Improvements are completed as reflected in the
approved application documents. The Eligible
332 Participant shall also consent to providing access to the
C-PACE Local Government or its agent to the
334 Commercial Property to verify that the Qualifying
Improvements have been completed as proposed in the
application;
- 336 (6) A provision stating that at or before the execution of a
338 contract for the sale and purchase of any Commercial
Property for which a C-PACE Assessment has been
340 levied and has an unpaid balance due, the seller will
disclose the lien to the prospective purchaser in
342 accordance with Section 163.08(14), Florida Statutes;
- 344 (7) The risks associated with participating in the C-PACE
346 Program. The risks shall be clearly disclosed in plain
language in the written C-PACE Financing Agreement
and shall include, but are not limited to, the risks related
348 to the Eligible Participant's failure to make payments,
the risk that the Eligible Participant may not be able to

350 refinance or sell the Commercial Property unless the C-
352 PACE Assessment is first paid off in full, and the risks
associated with the issuance of a tax certificate and loss
354 of the Commercial Property pursuant to Chapter 197,
Florida Statutes;

356 (8) A description of the Qualifying Improvements financed,
their costs, and estimated completion date;

358 (9) Notice that the C-PACE Assessment shall be recorded in
360 the public records for the Commercial Property; and

362 (10) Clear disclosure of the interest rate to be charged, points,
364 and any and all fees or penalties that may be separately
charged to the Eligible Participant including, but not
366 limited to, potential late fees, early termination fees, and
any other fees related to participation in the C-PACE
368 Program. The subsequent charging or collecting of any
additional fees that were not specifically disclosed in the
370 written C-PACE Financing Agreement with the Eligible
Participant is prohibited.

372 (f) The C-PACE Local Government shall record, or cause to be
374 recorded, the following notice in the public records of the
Commercial Property within five (5) days after execution of the
376 C-PACE Financing Agreement, along with appropriate C-PACE
Local Government contact information for Commercial
Property owner inquiries:

378 “QUALIFYING IMPROVEMENTS FOR ENERGY
380 EFFICIENCY, RENEWABLE ENERGY, OR WIND
RESISTANCE. This property is located within the jurisdiction
382 of a C-PACE Local Government that has placed an assessment
on the property pursuant to Section 163.08, Florida Statutes. The
384 assessment is for a qualifying improvement to the property
relating to energy efficiency, renewable energy, or wind
386 resistance and is not based on the value of the property. You are
encouraged to contact the county property appraiser’s office to
388 learn more about this and other assessments that may be
provided by law.”

390 (g) Lender Notification and Consent.

392 (1) Notification. At least thirty (30) days before entering into
394 a C-PACE Financing Agreement, the C-PACE Local

396 Government shall verify that the Eligible Participant has
provided written notice of the Eligible Participant's
398 intent to enter into a C-PACE Financing Agreement to
the holders or loan servicers of any existing mortgages
400 encumbering or otherwise secured by the Commercial
Property. With an Eligible Participant's approval, C-
402 PACE Local Governments may provide this notification
on behalf of an Eligible Participant. The notice must
404 comply with and, at a minimum, satisfy the requirements
of the PACE Act including, but not limited to, the
406 maximum principal amount to be financed and the
maximum annual assessment necessary to repay that
408 amount. A verified copy or other proof of such notice
must be provided to and maintained by the C-PACE
Local Government.

410 (2) Consent. Prior to entering into a C-PACE Financing
412 Agreement with an Eligible Participant, C-PACE Local
Governments shall verify that holders or loan servicers
414 of any mortgage or lien encumbering or otherwise
secured by the Commercial Property have signed written
416 consents consenting to the C-PACE Assessment
considered for the Commercial Property pursuant to the
418 C-PACE Financing Agreement. A verified copy or other
proof of such consent must be provided to and
420 maintained by the C-PACE Local Government.

422 (h) Marketing and Communications.

424 (1) Marketing practices for providers of C-PACE Programs,
including C-PACE Local Governments and C-PACE
426 Administrators, that are unfair, deceptive, abusive, or
misleading, or that violate applicable laws or regulations,
428 or that are inappropriate, incomplete, or inconsistent
with a C-PACE Local Government's purpose, are
430 prohibited.

432 (2) Providers of C-PACE Programs, including C-PACE
Local Governments, C-PACE Administrators, and
434 contractors, may not use facsimiles or logos of the
County, the Orange County Tax Collector, or the Orange
436 County Property Appraiser in their marketing materials.

438 (3) Marketing materials are prohibited from making the
following claims about a C-PACE Program:

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- i. That C-PACE is a free program;
- ii. That C-PACE is a County program;
- iii. That C-PACE does not involve a financial obligation by the Eligible Participant; or
- iv. That C-PACE is a form of public assistance.

(i) Protected Classes. C-PACE Local Governments, C-PACE Administrators, and contractors are prohibited from discriminating 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.

(j) Metrics Reporting. C-PACE Local Governments shall track C-PACE Program metrics and report those metrics to Orange County with the first report due no later than one (1) year after the execution of a C-PACE Interlocal agreement. Following the submission of the first metrics report, each subsequent metrics report must be submitted electronically to the County on a quarterly basis. Metrics reports must include, at a minimum, the following information:

- (1) Dates of the reporting period including year and quarter;
- (2) Name of the C-PACE Administrator;
- (3) Number of signed term sheets;
- (4) Number of executed C-PACE Financing Agreements;
- (5) Number of projects completed;
- (6) Estimated number of local jobs created;
- (7) Project closing date and completion date;
- (8) Project building type (e.g. retail, office, industrial, etc.);
- (9) Project construction type (e.g. new, retrofit, rehabilitation, etc.);

- 486 (10) Amount financed for each project under the C-PACE
Program;
- 488 (11) Interest rates charged and the length of the repayment
490 terms in months for each project;
- 492 (12) Types of Qualifying Improvements financed by the
494 project (e.g. energy efficiency, renewable energy, wind
resistance, etc.);
- 496 (13) Data estimating the project's impact on energy and
498 resiliency (e.g. energy and insurance cost savings,
energy efficiency savings by kilowatt-hour, amount of
clean energy generated by kilowatt-hour, etc.);
- 500 (14) Whether an energy audit was completed for each project;
- 502 (15) Number of formal complaints received related to the C-
504 PACE Program;
- 506 (16) Number of defaults on C-PACE Assessment payments;
- 508 (17) Number of tax sale certificates and tax deeds issued,
sold, and granted; and
- 510 (18) All data included in the metrics reports must be
512 developed and collected using standardized and verified
514 principles and methodologies for the industry. The
516 methodologies and supporting assumptions and sources
shall be made available to the County by the C-PACE
Local Government. The C-PACE Local Government
shall be responsible for testing and verifying the data
518 collection and reporting methods and models used. All
metrics reports must include only aggregate data and
520 exclude any nonpublic personal information.
- 522 (k) Amendments. The County reserves the right to amend this
524 article to revise the C-PACE Program Standards and any other
section of this article. The C-PACE Local Governments shall be
526 responsible for remaining informed of and complying with all
changes in applicable law, including changes to this article.
- 528 (l) Reporting. C-PACE Local Governments shall respond to
County requests for information about the C-PACE Program(s),
as permissible by law, in a timely manner and shall provide

530 sufficient documentation as requested by the County to ensure
531 that the requirements of this article and the PACE Act are met.
532 The C-PACE Local Government shall retain sufficient books
533 and records demonstrating compliance with this article, the
534 PACE Act, and the C-PACE Interlocal agreement for a
535 minimum period of seven (7) years from the execution of each
536 C-PACE Financing Agreement. The C-PACE Local
537 Governments shall allow the County access to such books and
538 records upon request.

540 ***Section 25-357. Eligible C-PACE Program Participants.***

542 Commercial Properties or Commercial Property owners
543 must meet this Section's criteria to be an Eligible Participant for a
544 C-PACE Program. At the time of entering into a C-PACE Financing
545 Agreement, C-PACE Local Governments shall ensure that all
546 Eligible Participants meet the requirements listed in this article and
547 the PACE Act, and all future amendments thereto, which currently
548 include, but may not be limited to, the following:

- 550 (a) Eligible Participants must be the legal owners of the
551 Commercial Property subject to the C-PACE Assessment and
552 must have the authority to contract for and approve Qualifying
553 Improvements. The C-PACE Local Government shall verify
554 that the Eligible Participant is the legal owner of the Commercial
555 Property subject to the C-PACE Assessment;
- 556 (b) Eligible Participants' Commercial Property must be within the
557 C-PACE Program Boundaries as defined in this article;
- 558 (c) All property taxes and any other assessments levied on the
559 Commercial Property's tax bill must be paid and not have been
560 delinquent for the preceding three (3) years or during the
561 Eligible Participant's period of ownership, whichever is less;
- 562 (d) Eligible Participants, as owners of the Commercial Property,
563 must be current on any mortgage on the subject property;
- 564 (e) Eligible Participants cannot be in bankruptcy nor can the
565 Commercial Property be an asset in any bankruptcy proceeding;
- 566 (f) Commercial Property cannot have any federal income tax lien,
567 judgement lien, or similar involuntary liens encumbering it
568 including, but not limited to, construction liens; and
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576 (g) No notices of default or other evidence of property-based debt
delinquency on the Commercial Property can have been
578 recorded during the preceding three (3) years or during the
Eligible Participant's period of ownership, whichever is less.

580 ***Section 25-358. C-PACE Assessments.***

582 Pursuant to the PACE Act, this article, and a C-PACE
Interlocal, C-PACE Local Governments are authorized to enter into
584 C-PACE Financing Agreements with Eligible Participants to
impose non-ad valorem assessments on Commercial Property to
586 secure the repayment of costs incurred as a result of constructing or
installing Qualifying Improvements. These C-PACE Assessments
588 shall be collected pursuant to Section 197.3632, Florida Statutes, as
may be amended. Notwithstanding Section 197.3632(8)(a), Florida
590 Statutes, the assessments shall not be subject to discount for early
payment and may not require notice and adoption as set forth in
592 Section 197.3632(4), Florida Statutes, in accordance with the PACE
Act. Pursuant to Chapter 197, Florida Statutes, C-PACE
594 Assessments levied pursuant to this article shall remain liens,
coequal with the lien of all State of Florida, County, district and
596 municipal taxes, superior in dignity to all other liens, titles and
claims, until paid.

598 ***Section 25-359. C-PACE Program Administration.***

600 C-PACE Programs shall be administered pursuant to the
PACE Act, this article, and any additional regulations adopted by
602 the Board. C-PACE Programs may be administered by C-PACE
Administrators on behalf of and at the discretion of C-PACE Local
604 Governments.

606 ***Section 25-360. Recordation of C-PACE Financing
608 Agreement Documentation.***

610 Any C-PACE Financing Agreement entered into between an
Eligible Participant and a C-PACE Local Government, or a
612 summary memorandum of such agreement, shall be recorded in the
public records of the County within five (5) days after execution of
614 the C-PACE Financing Agreement pursuant to the PACE Act. The
recorded C-PACE Financing Agreement or summary memorandum
616 of such agreement shall provide constructive notice that the C-
PACE Assessment to be levied on the Commercial Property
618 constitutes a lien of equal dignity to County taxes and assessments
from the date of recordation.

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Section 25-361. Notice to Commercial Property Purchaser.

The Commercial Property owner must comply with Section 163.08(14), Florida Statutes, by providing a written disclosure statement to a prospective purchaser of the Commercial Property at or before the time a purchaser executes a contract for the sale and purchase of any Commercial Property that has an unpaid balance due from a C-PACE Assessment. Failure to provide said notice shall not impact either the validity of a C-PACE Assessment nor any obligation of a Commercial Property owner.

Section 25-362. Suspension or Termination of C-PACE Programs.

In the event that any C-PACE Local Government or its C-PACE Administrator fails to abide by the provisions of this article, its C-PACE Interlocal, or other state or local law, rule, or regulation, then the County, in its sole discretion, may suspend or terminate the C-PACE Interlocal upon written notice to that C-PACE Local Government. The suspension or termination of a C-PACE Interlocal shall revoke the C-PACE Local Government’s authority to continue with any new C-PACE projects within the C-PACE Program Boundaries. Notwithstanding termination of a C-PACE Interlocal, Eligible Participants whose applications were approved and who received funding through the C-PACE Program prior to the C-PACE Interlocal’s termination date shall continue to be a part of the C-PACE Program for the sole purpose of paying their outstanding C-PACE Assessment payments until such a time that all outstanding C-PACE Assessment payments have been satisfied.

Section 25-363. Enforcement.

This article is enforceable by all means provided by law.

Sections 25-364 – 25-369. Reserved.

Section 2. Repeal of Laws in Conflict. All local laws and ordinances in conflict with

any provision of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Filing of Ordinance and Effective Date. This Ordinance shall take effect

pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 20__.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk