



## Interoffice Memorandum

September 13, 2021

TO: Mayor Jerry L. Demings  
— AND —  
County Commissioners

FROM: Jeff Benavides, LEED AP, Chief Sustainability and Resilience Officer  
County Administrator's Office

A handwritten signature in black ink, appearing to read "JB", located to the right of the "FROM:" line.

SUBJECT: September 28, 2021 – Discussion Item  
Commercial Property Assessed Clean Energy (C-PACE)  
Financing Program Ordinance

Over the last five years, the Central Florida region has accelerated a suite of residential and commercial programs and policies to enhance our communities' buildings and infrastructure with high-performance technology. Implementing programs that are available to all businesses is a top priority on the long and necessary path to building the community of tomorrow.

Financing options for new construction and property improvements have shown to be a limiting factor for building owners across the County looking to install high efficiency roofing, windows, air-conditioning, solar, and lighting. Since 2016, Commercial Property Assessed Clean Energy (C-PACE) financing has been made available in the Cities of Winter Park, Orlando, Apopka, and Winter Garden. Orange County has a goal to enable C-PACE as an alternative financing tool to help commercial building owners finance improvements to their property.

Following a Board Work Session on June 8, 2021, staff was directed to develop an ordinance and present a program. Staff will provide a presentation to the Board summarizing program requirements, standards, definitions, items to consider, and will distribute a draft ordinance to Chapter 25, Article XII for review and discussion.

This item is for informational purposes only; no action is required.

JB

cc: Byron W. Brooks, AICP, County Administrator  
Chris Testerman, AICP, Deputy County Administrator  
Andrea Wesser-Brawner, Chief Innovation and Emerging Technology Officer  
Dylan Schott, Assistant County Attorney  
Jon Weiss, P.E., Director, PEDS Department  
Eric Ushkowitz, Economic Development Director  
Alan Plante, Manager, Building Safety  
David Jones, P.E., Manager, Environmental Protection Division

ORDINANCE NO. 2021-\_\_\_\_\_

2           **AN ORDINANCE CREATING COMMERCIAL PROPERTY**  
3           **ASSESSED CLEAN ENERGY (C-PACE) PROGRAM(S) IN**  
4           **UNINCORPORATED ORANGE COUNTY, FLORIDA;**  
5           **ENACTING A NEW CHAPTER 25, ARTICLE XII OF THE**  
6           **ORANGE COUNTY CODE OF ORDINANCES; PROVIDING**  
7           **A TITLE; PROVIDING DEFINITIONS; PROVIDING A**  
8           **PURPOSE; PROVIDING AUTHORIZATION FOR C-PACE**  
9           **PROGRAMS; PROVIDING C-PACE PROGRAM**  
10           **BOUNDARIES; PROVIDING C-PACE LOCAL**  
11           **GOVERNMENT PROGRAM OPERATION; PROVIDING C-**  
12           **PACE PROGRAM STANDARDS; PROVIDING FOR**  
13           **ELIGIBLE C-PACE PROGRAM PARTICIPANTS;**  
14           **PROVIDING FOR C-PACE ASSESSMENTS; PROVIDING**  
15           **FOR C-PACE PROGRAM ADMINISTRATION;**  
16           **PROVIDING FOR RECORDATION OF C-PACE**  
17           **FINANCING AGREEMENT DOCUMENTATION;**  
18           **PROVIDING FOR NOTICE TO COMMERCIAL**  
19           **PROPERTY PURCHASER; PROVIDING FOR**  
20           **SUSPENSION OR TERMINATION OF C-PACE**  
21           **PROGRAMS; PROVIDING FOR ENFORCEMENT;**  
22           **PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND**  
23           **PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

39           **WHEREAS**, the Orange County Board of County Commissioners (the “Board” or “BCC”)  
40           finds that allowing those separate legal entities to operate commercial property assessed clean  
41           energy programs is in the best interests of the County of Orange.

energy programs within Orange County is in the interest of the public health, safety, and welfare provided that certain standards are followed for the protection of the property owners and residents of Orange County; and

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

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

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

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

\* \* \*

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

**Section 25-350. Title.**

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

**Section 25-351. Definitions.**

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

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

(b) *Commercial Property* shall mean nonresidential properties, including the nonresidential portion(s) of agricultural properties and planned developments, as well as multifamily apartment

buildings with five or more leased apartment units owned by an entity legally authorized to enter into a contract.

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

(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 Government consistent with the PACE Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Several C-PACE Local Governments have since been created in 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 Participants without cost, assumption of liability by, or demand upon the credit of Orange County.

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

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

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

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

(b) Notwithstanding Section 25-354(a) above, municipalities within Orange County may choose to participate in a C-PACE Program approved under this article by adopting an ordinance or resolution authorizing a C-PACE Local Government to operate 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.

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

***Section 25-355. C-PACE Local Governments.***

Upon entering into a C-PACE Interlocal, a C-PACE Local Government shall be authorized to administer a C-PACE Program pursuant to the PACE Act, the terms of this article, as may be amended from time to time, the C-PACE Interlocal, and any other regulations adopted by the Board within the C-PACE Program Boundaries. To the extent that a C-PACE Local Government operates a C-PACE Program within Orange County through a

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.

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

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

(a) Qualifying Improvements. C-PACE Local Governments shall 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:

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

(b) Contractors.

- (1) Any work requiring a license under any applicable law 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.
- (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 to contractors in exchange for or related to such contractor being awarded work under a C-PACE Program, excepting payment for the 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 Financing Agreements must include, at a minimum, the following information:

(1) The full legal description of the Commercial Property subject to the C-PACE Assessment;



- (2) The total amount of funding secured by a C-PACE Assessment to be provided to the Eligible Participant for the construction or installation of Qualifying Improvement(s);
- (3) A provision stating that the Eligible Participant is expressly and voluntarily consenting to accept the non-ad valorem assessment collection process as set forth in Section 197.3632, Florida Statutes;
- (4) The length of time for the Eligible Participant to pay the C-PACE Assessment, which shall not exceed the expected useful life of the costliest Qualifying Improvement(s) funded by the C-PACE Program, or thirty (30) years, whichever is less;
- (5) A provision stating that the Eligible Participant is responsible for verifying that the Qualifying Improvements are completed as reflected in the approved application documents. The Eligible Participant shall also consent to providing access to the C-PACE Local Government or its agent to the Commercial Property to verify that the Qualifying Improvements have been completed as proposed in the application;
- (6) A provision stating that at or before the execution of a contract for the sale and purchase of any Commercial Property for which a C-PACE Assessment has been levied and has an unpaid balance due, the seller will disclose the lien to the prospective purchaser in accordance with Section 163.08(14), Florida Statutes;
- (7) The risks associated with participating in the C-PACE 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 to the Eligible Participant's failure to make payments, the risk that the Eligible Participant may not be able to refinance or sell the Commercial Property unless the C-PACE Assessment is first paid off in full, and the risks associated with the issuance of a tax certificate and loss of the Commercial Property pursuant to Chapter 197, Florida Statutes;

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

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

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

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

“QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR WIND RESISTANCE. This property is located within the jurisdiction of a C-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 the 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.”

(g) Lender Notification and Consent.

(1) Notification. At least thirty (30) days before entering into a C-PACE Financing Agreement, the C-PACE Local Government shall verify that the Eligible Participant has provided written notice of the Eligible Participant’s intent to enter into a C-PACE Financing Agreement to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the Commercial

Property. With an Eligible Participant's approval, C-PACE Local Governments may provide this notification on behalf of an Eligible Participant. The notice must comply with and, at a minimum, satisfy the requirements of the PACE Act including, but not limited to, the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice must be provided to and maintained by the C-PACE Local Government.

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

(h) Marketing and Communications.

- (1) Marketing practices for providers of C-PACE Programs, including C-PACE Local Governments and C-PACE Administrators, that are unfair, deceptive, abusive, or misleading, or that violate applicable laws or regulations, or that are inappropriate, incomplete, or inconsistent with a C-PACE Local Government's purpose, are prohibited.
- (2) Providers of C-PACE Programs, including C-PACE Local Governments, C-PACE Administrators, and contractors, may not use facsimiles or logos of the County, the Orange County Tax Collector, or the Orange County Property Appraiser in their marketing materials.
- (3) Marketing materials are prohibited from making the following claims about a C-PACE Program:
- 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;
- (2) Number of applications for financing received by the C-  
PACE Local Government with a signed term sheet or  
signed letter of intent during the reporting period;
- (3) List of C-PACE projects started during the reporting  
period, separated by building type (e.g. retail, office,  
industrial, etc.), including the financed amount, interest  
rate, assessment duration, and project description;
- (4) List of C-PACE projects completed during the reporting  
period, separated by building type project (e.g. retail,  
office, industrial, etc.), and specifying: (i) the Qualifying  
Improvements made, and (ii) the project start date and  
completion date;
- (5) Energy, wind resistance, and broader benefits including,  
as applicable, estimated annual and lifetime: (i) energy  
savings, (ii) water savings, (iii) renewable energy  
generation, (iv) insurance mitigation credits or savings  
including expected percentage reduction in premiums or  
value, and (v) other available resource savings or  
resiliency data;

- (6) Energy audits performed during the reporting period detailing the audit results, if applicable to the project;
- (7) Economic impacts including number of actual or estimated jobs created during the reporting period, including, if available, local and non-local jobs, and permanent and temporary jobs;
- (8) Number of applications rejected during the reporting period;
- (9) Number of resolved and unresolved complaints related to the provision of C-PACE financing;
- (10) C-PACE Assessment defaults and tax certificates issued on Commercial Properties subject to C-PACE Assessments (updated annually); and
- (11) All data included in the metrics reports must be developed and collected using standardized and verified principles and methodologies for the industry. The methodologies and supporting assumptions and sources must 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 collection and reporting methods and models used. All metrics reports must include only aggregate data and exclude any nonpublic personal information.
- (k) Amendments. The County reserves the right to amend this article to revise the C-PACE Program Standards and any other section of this article. The C-PACE Local Governments shall be responsible for remaining informed of and complying with all changes in applicable law, including changes to this article.
- (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 sufficient documentation as requested by the County to ensure that the requirements of this article and the PACE Act are met. The C-PACE Local Government shall retain sufficient books and records demonstrating compliance with this article, the PACE Act, and the C-PACE Interlocal agreement for a minimum period of seven (7) years from the execution of each

C-PACE Financing Agreement. The C-PACE Local Governments shall allow the County access to such books and records upon request.

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

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

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

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

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

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

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

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

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

***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 \_\_\_\_.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

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

By: \_\_\_\_\_  
Deputy Clerk