

**ORDINANCE NO. 2025-029**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING CHAPTER 18 1/2 OCCUPATIONAL LICENSE TAXES AND MISCELLANEOUS BUSINESS REGULATIONS OF THE CODE OF ORDINANCES OF NASSAU COUNTY, FLORIDA; ADOPTING ARTICLE VIII ENTITLED NASSAU COUNTY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (“C-PACE”) ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, section 163.08, et seq., Florida Statutes, allows local governments, dependent special districts, and separate legal entities created pursuant to section 163.01(7), Florida Statutes, to provide voluntary financing for certain qualifying improvements and to collect payment through non-ad valorem assessments (collectively, “PACE financing”); and

WHEREAS, Nassau County has previously permitted certain property assessed clean energy (“PACE”) programs to operate in Nassau County (“County”), subject to certain limitations and requirements, to allow property owners access to PACE financing for qualifying improvements to their real property; and

WHEREAS, the proposed Ordinance will expressly provide for certain PACE-related requirements by, among other things, requiring a current interlocal agreement with the County to offer PACE financing in the County for commercial property, providing for disclosures of financial obligations, prohibiting misleading or deceptive marketing, including misuse of the County logo, by PACE-related entities, and establishing additional enforcement mechanisms, all consistent with Chapter 2024-273, Laws of Florida; and

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Chapter 18 1/2 to adopt Article VIII of the Nassau County Code of Ordinances, relating to the Nassau County Commercial Property Assessed Clean Energy (“C-PACE”) Act;

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

**Section 1. Amendments to Code.**

Chapter 18 ½ , Article VIII, sections 18 ½ -171 to 18 ½ -180, of the Code of Ordinances of Nassau County, Florida, are hereby created to read as follows:

**ARTICLE VIII. NASSAU COUNTY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (“C-PACE”) ACT**

**Sec. 18 ½ -171. Legislative authorization; intent.**

(a) This article is enacted in the interest of the public health, safety, and welfare of the citizens and inhabitants of the county pursuant to F.S. § 163.08, et seq. and F.S. Ch. 125.

(b) This article is established to provide the authority for program administrators to administer programs for financing qualifying improvements to commercial property in the county as provided by Florida law and this article. The provision of financing qualifying improvements to residential property, as defined in F.S. § 163.08 and pursuant to F.S. § 163.081, is expressly prohibited.

**Sec. 18 ½ -172. Definitions.**

The definitions provided in F.S. § 163.08, as amended from time to time, apply to this division, unless otherwise provided herein. Additionally, the following words or phrases used in the Nassau County C-PACE Act have the following meanings:

*Assessment* means the non-ad valorem assessment placed on a commercial property owner's tax bill because of financing obtained under the PACE Statutes.

*Board* means the Board of County Commissioners of the county.

*Code* means the Code of Ordinances of Nassau County, Florida, as amended from time to time.

*Contractor* means any contractor or subcontractor providing services, directly or indirectly, or soliciting, marketing, or otherwise communicating with potential consumers regarding services, that would result in an owner of commercial real property: (i) being provided a qualifying improvement; (ii) entering into a financing agreement; and (iii) having a C-PACE assessment levied on the commercial real property pursuant to the PACE Statutes and this article. *Contractor* as used in this division includes "qualifying improvement contractor" as defined in F.S. § 163.08.

*County* means Nassau County, Florida.

*C-PACE financing* means financing for qualifying improvements through assessments on the affected commercial real property in Nassau County pursuant to this article.

*C-PACE Interlocal Agreement* means a currently valid interlocal agreement between the County and a program administrator entered into pursuant to the PACE Statutes and this article.

*Financing agreement* means the agreement between the commercial property owner(s) and a program administrator or third-party administrator to finance qualifying improvements through assessments on the affected commercial real property.

*Nassau County Commercial Property Assessed Clean Energy Act* or *Nassau County Commercial C-PACE Act* means the provisions in this article of the code.

*PACE* means property assessed clean energy.

*PACE Statutes* means F.S. § 163.08 and F.S. §§ 163.082 through 163.087, as amended from time to time.

**Sec. 18 ½ -173. Authorization and Deauthorization of Program Administrators; Interlocal Agreements.**

(a) Any program administrator that provides C-PACE financing, directly or indirectly, and/or levies an assessment to fund qualifying improvements within Nassau County must:

(1) be authorized by a resolution of the Board of County Commissioners of the county; and

(2) enter into and maintain a C-PACE Interlocal Agreement.

(b) No program administrator, third-party administrator, or contractor is authorized to offer, solicit, market, or sell qualifying improvements, enter into C-PACE financing, record financing agreements for qualifying improvements, or levy assessments based on unrecorded or new financing agreements pursuant to the PACE Statutes or the Nassau County C-PACE Act without:

(1) authorization to operate in the county by resolution of the board; and

(2) a C-PACE Interlocal Agreement that is currently in effect in accordance with this section, the PACE Statutes, and, if applicable, Section 9 of Chapter 2024-273, Laws of Florida.

(c) If the resolution authorizing a program administrator to operate within the county is repealed by the board the C-PACE Interlocal Agreement required under sec. 18 ½ -173(a)(2) is terminated, expired, or no longer validly in effect, the applicable program administrator is deauthorized as of the date of such repeal or termination, expiration, or other effective invalidation from any and all of the following in the county: offering, soliciting, marketing, selling, or contracting for C-PACE financing for qualifying improvements; accepting or approving new applications for C-PACE financing; providing C-PACE financing or recording financing agreements for qualifying improvements; or levying assessments based on unrecorded or new financing agreements under the C-PACE Statutes and the Nassau County C-PACE Act.

(d) A program administrator seeking to provide C-PACE financing in the county must submit a request for authorization to the County Manager to operate within the county and provide the documentation required in sec. 18 ½ -173(e). If the county determines that the requirements of sec. 18 ½ -173(e) have been met and staff recommends that the county enter into a C-PACE Interlocal Agreement with the applicable program administrator, the county will provide to the program administrator the applicable C-PACE Interlocal Agreement that must be executed and recorded in the Official Records of the county before the program administrator may offer C-PACE financing in the county.

(e) Any program administrator seeking to provide C-PACE financing in the county must provide the following documentation before entering into a C-PACE Interlocal Agreement, upon request by the county at any time, and promptly upon any material change in the documentation previously submitted:

- (1) the proposed list of qualifying improvements offered to commercial property owners;
- (2) the standard financing terms and agreements to be utilized;
- (3) the name, address, and contact information for all affiliated third-party administrators;
- (4) documentation demonstrating the consumer protection policies and practices of the program administrator and each affiliated third-party administrator, including, without limitation, as required by the PACE Statutes or the Nassau County C-PACE Act;
- (5) all forms of the PACE notices required by the PACE Statutes;
- (6) documentation of the program administrator's process for registering, monitoring, suspending, penalizing, and termination qualifying improvement contractors pursuant to the PACE Statutes;
- (7) the website addresses of the program administrator and each affiliated third-party administrator, which addresses must contain links showing their annual reports, operational audit reports, and the status of registered qualifying improvement contractors as required by the PACE Statutes; and
- (8) documentation of all authorizations and deauthorizations to operate within the jurisdictional boundaries of the City of Fernandina Beach, Town of Callahan, or Town of Hilliard, if applicable.

**Sec. 18 ½ -174. Nassau County Commercial PACE Act (C-Pace Act) Requirements.**

(a) Each program administrator, third-party administrator, and contractor must comply with all applicable requirements of the PACE Statutes and Nassau County C-PACE Act. Each program administrator, third-party administrator, and contractor must also comply with, and each qualifying improvement must meet, the following minimum standards:

- (1) all applicable federal, state, and local permits and/or licenses to install the qualifying improvements must be applied for and obtained prior to construction or installation;
- (2) financing agreements must be limited to qualifying improvements that are permanently affixed to the property and comply with all applicable requirements of the PACE Statutes and the Nassau County C-PACE Act;
- (3) all contractors must be properly registered, licensed, and insured in accordance with all applicable municipal, county, and state requirements, including F.S. § 163.083;

(4) program administrators and third-party administrators shall fund, and contractors shall construct or install, only those qualifying improvements and related products that meet all applicable energy, wind, and building code standards established by the U.S. Department of Energy, the U.S. Environmental Protection Agency, the State of Florida, the county, and/or the applicable municipality;

(5) program administrators and third-party administrators must take necessary and appropriate measures to protect the security and confidentiality of consumer records and other personally identifiable information, to the extent required by applicable law; and

(6) all qualifying improvements must be, as applicable:

- a. at least as energy efficient as the rating of the product being replaced (if any);
- b. Energy Star certified or compliant with the current national efficiency standards; and
- c. sized appropriately.

(b) The following provisions are in addition to the requirements of the PACE Statutes:

(1) No person or entity may create, use, or distribute marketing materials or communications stating, suggesting, or implying:

- a. a PACE program is a government assistance program;
- b. that the qualifying improvements or the PACE financing are free or provided at no cost;
- c. that utilizing PACE financing does not require repayment of the financial obligation;
- d. any affiliation or endorsement of a PACE program by the county;
- e. any guarantee or assurance that PACE financing or the PACE-related assessments will be repaid by the subsequent owner(s) of the real property;
- f. any guarantee or assurance that the qualifying improvements will pay for themselves;
- g. any guarantee or assurance that the qualifying improvements will decrease the cost of insurance for the property where the qualifying improvements will be constructed or installed; or
- h. any guarantee or assurance that the property owner(s) will receive tax benefits from participating in the PACE program.

(c) No marketing or communications materials, including any advertisement, poster, circular, book, pamphlet, flyer, website, stationary, newsletter, disclosure, or other material or publication,

relating to the installation, construction, or financing of qualifying improvements shall include the County's official logo, or any facsimile thereof, in any manner whatsoever.

**Sec. 18 ½ -175. Disclosure Requirements.**

(a) The disclosure requirements of this section are in addition to the disclosure requirements of the PACE Statutes.

(b) Each program administrator and third-party administrator must obtain each property owner's individual written acknowledgment of each of the following disclosures before entering into a financing agreement for qualifying improvements to the property owner's real property:

(1) the full legal description, address, and folio number or parcel identification number of the property subject to the PACE assessment;

(2) any discount for paying property taxes early will not apply to the PACE assessment;

(3) there is no discount for prepayment of the PACE assessment; and

(4) the property improvements and PACE assessment may or may not affect the fair market value of the property.

**Sec.18 ½ -176. Violations.**

(a) If a program administrator, third-party administrator, or contractor fails to comply with the requirements of the Nassau County C-PACE Act or the applicable C-PACE Interlocal Agreement, as determined by the County Manager, the County may suspend or terminate the C-PACE Interlocal Agreement or otherwise prohibit the program administrator from operating in the county. Any such suspension or termination may be effectuated by the County Manager or designee upon written notice to the program administrator and passage of an ordinance or resolution by the board.

(b) Violations of sec. 18 ½ -174(b) constitute an unfair, deceptive, or unconscionable act or practice under the Florida Deceptive and Unfair Trade Practices Act, F.S. § 501.201, et seq. Such violations shall be enforced in any manner provided by ordinance or law.

(c) The remedies set forth in the Nassau County C-PACE Act are cumulative and in addition to any remedies otherwise available to the county or consumers under the Code or applicable law.

(d) Each day a violation of any provision of the Nassau County C-PACE Act occurs or continues constitutes a separate violation or offense and may be punishable as such.

(e) A violation of any provision of this article, as now existing or hereafter amended, may be restricted by injunction, including a mandatory injunction, or otherwise abated in any manner provided by law. Such a suit or action may be instituted and maintained by the board.

**Sec. 18 ½ -177 - 18 ½ -180 – Reserved.**

**Section 2. Codification.**

It is the intent of the Board of County Commissioners for Nassau County that the provisions of this Ordinance shall become and shall be made part of the Code of Ordinances of Nassau County, Florida. The sections of this Ordinance may be re-numbers or re-lettered and the words may be changed to section, article or other such appropriate word or phrase in order to accomplish such intention. The Nassau County Clerk of Courts will ensure that this Ordinance is codified into, and published, as part of the Nassau County Code of Ordinances.

**Section 3. Conflicting Provisions.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 4. Severability.**

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

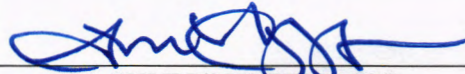
**Section 5. Effective Date.**

This ordinance shall take effect upon being filed with the Secretary of State as provided in Florida Statutes, Section 125.66.

**ADOPTED THIS 28th DAY OF July, 2025  
BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.**

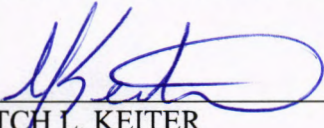
BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

By:



A.M. "HUPP" HUPPMANN  
Chairman

ATTESTED AS TO CHAIRMANS SIGNATURE:



MITCH L. KEITER  
Its: Ex-Officio Clerk

APPROVED AS TO FORM:



DENISE C. MAY  
County Attorney





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

July 31, 2025

John A. Crawford  
Clerk of the Circuit Court  
Nassau County  
76347 Veteran's Way, Suite 456  
Yulee, Florida 32097

Dear John Crawford:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Nassau County Ordinance No. 2025-029, which was filed in this office on July 31, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp