

## Comparison Between PACE and Other Non-Ad Valorem Assessments

*PACE § 163.08, F.S.*

- Voluntary
- The non-ad valorem assessment is to be collected according to provisions of s.197.3632;
- shall not be subject to discount for early payment;
- the notice and adoption requirements of s. 197.3632(4) do not apply;
- intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3) (a) may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this section,
- if the property appraiser, tax collector, and local government agree.
- If property is sold, specific notice must be given to purchaser by seller at or before the time contract is executed

**Note:** s. 197.3632 (1) (d) “ ‘Non-ad valorem assessment’ means only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.” OTHER ASSESSMENTS § 197.3632, F.S.

- Imposed by local government
- The non-ad valorem assessment is to be collected according to provisions of s.197.3632;
- s. 197.3632(8)(a) provides for discount for early payment, except for capital assessments in (10)(a)
- s. 197.3632(4) provides for notice and adoption requirements
- intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue are required for non-ad valorem assessments by s. 197.3632(3) (a) and are to be provided on or before January 1,
- or March 1, if the property appraiser, tax collector, and local government agree.
- Combined note of taxes and non-ad valorem assessments must include “Procedures to be followed when the property has been sold or conveyed.”

- Financing agreement, or summary memorandum, shall be recorded within 5 days. Agreement shall provide constructive notice that the assessment constitutes a lien of equal dignity to county taxes and assessments from the date of recordation.
- Without the consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the property, the total amount of any non-ad valorem assessment for a property under this section may not exceed 20 percent of the just value of the property as determined by the county property appraiser.
- However, if an energy audit shows annual energy savings from the qualified improvement to equal or exceed the annual repayment amount of the non-ad valorem assessment, the assessment is not subject to the 20 percent of just value limit.
- At or before execution of a contract for the sale and purchase of any property with a non-ad valorem assessment under s. 163.08, F.S. and an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the contract or in a separate writing. As follows:

“QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR WIND RESISTANCE.—The property being purchased is located within the jurisdiction of a local government that has placed an assessment on the property pursuant to s. 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or wind resistance, and is not based on the value of property. You are encouraged to contact the county property appraiser’s office to learn more about this and other assessments that may be provided by law.”
- “A provision in any agreement between a local government and a public or private power or energy provider or other utility provider is not enforceable to limit or prohibit any local government from exercising its authority under this section.”
- “This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.”