

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE PROPERTY ASSESSED CLEAN ENERGY
3 (“PACE”) PROGRAM IN BROWARD COUNTY; AMENDING VARIOUS SECTIONS OF
4 CHAPTER 20, ARTICLE VII, DIVISION 8 OF THE BROWARD COUNTY CODE OF
5 ORDINANCES (“CODE”) REGARDING THE BROWARD PACE ACT; AND PROVIDING
6 FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

7 (Sponsored by Senator Steve Geller)
8

9 WHEREAS, the Florida Legislature substantially amended state law regulating the
10 provision of financing of property assessed clean energy (“PACE”) qualifying
11 improvements to real property during the 2024 Legislative Session;

12 WHEREAS, on October 8, 2024, the Board of County Commissioners of Broward
13 County, Florida (“Board”), enacted Ordinance No. 2024-38, the Broward PACE Act, and
14 Resolution No. 2024-469 to consolidate, strengthen, and update requirements for
15 voluntary financing of certain qualifying improvements to real property within Broward
16 County through non-ad valorem assessments on such real property by PACE program
17 administrators (collectively, “PACE financing”);

18 WHEREAS, continued meetings between County staff, the County Attorney’s
19 Office, the County Auditor’s Office, and PACE industry stakeholders resulted in additional
20 proposed amendments to the Broward PACE Act to require that contractor pricing is
21 within the average market prices within the tricounty area and to list an additional industry

22 database which the program administrator and/or third-party administrator may use to
23 verify the contractor pricing; and

24 WHEREAS, the Board finds it appropriate at this time to amend the Broward PACE
25 Act as set forth herein,

26 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
27 BROWARD COUNTY, FLORIDA:

28 Section 1. Section 20-176.136 of the Broward County Code of Ordinances is
29 hereby amended to read as follows:

30 **Sec. 20-176.136. Additional Requirements for Residential Property.**

31 . . .

32 (c) *Price due diligence.* Before entering into a financing agreement for a
33 qualifying improvement to residential property, program administrators and/or third-party
34 administrators shall require contractors to attest that the contractor's prices for services,
35 materials, and products for the qualifying improvement project do not exceed
36 ~~one hundred twenty-five percent (125%)~~ of the average market price in the tricounty area,
37 consisting of Broward, Miami-Dade, and Palm Beach counties, for the same services,
38 materials, and products, and the program administrators and/or third-party administrators
39 shall conduct appropriate due diligence using either the program administrator's and/or
40 the third-party administrator's internal construction cost estimates or industry-accepted
41 sources for construction costs estimates, such as the RSMean or Xactimate construction
42 cost databases, to confirm, in a writing they maintain, the accuracy of the contractor's
43 attestation;

44 . . .

45 Section 2. Severability.

46 If any portion of this Ordinance is determined by any court to be invalid, the invalid
47 portion will be stricken, and such striking will not affect the validity of the remainder of this
48 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
49 legally applied to any individual, group, entity, property, or circumstance, such
50 determination will not affect the applicability of this Ordinance to any other individual,
51 group, entity, property, or circumstance.

52 Section 3. Inclusion in the Broward County Code of Ordinances.

53 It is the intention of the Board of County Commissioners that the provisions of this
54 Ordinance become part of the Broward County Code of Ordinances as of the effective
55 date. The sections of this Ordinance may be renumbered or relettered and the word
56 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
57 phrase to the extent necessary to accomplish such intention.

58 Section 4. Effective Date.

59 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Jenifer D. Brown 01/15/2025
Jennifer D. Brown (date)
Senior Assistant County Attorney

By: /s/ Michael C. Owens 01/15/2025
Michael C. Owens (date)
Senior Assistant County Attorney

JDB/gmb
Price Cap and Xactimate Ordinance Amendment
01/15/2025
#1139224.2

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.