

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

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

17 WHEREAS, County staff have requested an additional proposed amendment to
18 the Broward PACE Act to require a return on investment disclosure if qualifying
19 improvements in the aggregate exceed fifteen percent (15%) of the County Property
20 Appraiser’s assessed value for the most recent tax year; and

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

23 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
24 BROWARD COUNTY, FLORIDA:

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

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

28 . . .

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

40 In addition, if the qualifying improvements in the aggregate exceed fifteen percent
41 (15%) of the property's assessed value (as determined by the County Property Appraiser
42 for the most recent tax year), then the program administrator and/or the third-party
43 administrator must, before approving or authorizing the financing agreement or the

44 qualifying improvements or issuing a notice to proceed or other approvals of the qualifying
45 improvements: (i) review the financing agreement for projects relative to anticipated return
46 on investment based on published cost-to-value figures, such as those published by the
47 Journal of Light Construction and other industry-accepted data sources; (ii) confirm the
48 property owner has received at least two independent quotes for the qualifying
49 improvements at issue; and (iii) review and maintain a recorded conversation with both
50 the contractor and the property owner(s) as to the estimated benefits of the qualifying
51 improvements to the property owner(s).

52 . . .

53 Section 2. Severability.

54 If any portion of this Ordinance is determined by any court to be invalid, the invalid
55 portion will be stricken, and such striking will not affect the validity of the remainder of this
56 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
57 legally applied to any individual, group, entity, property, or circumstance, such
58 determination will not affect the applicability of this Ordinance to any other individual,
59 group, entity, property, or circumstance.

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

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

66 Section 4. Effective Date.

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

ENACTED

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FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Jennifer 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

MCO/gmb
Return-On-Investment Disclosure Ordinance Amendment
01/15/2025
#1141105.2

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