

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.

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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 remove internal construction cost estimates as a basis for price
19 due diligence; and

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

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

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

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

...

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

...

Section 2. Severability.

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

determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

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

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

Section 4. Effective Date.

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
Internal Construction Cost Estimates Ordinance Amendment
01/15/2025
#1141105.2