

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 provide an additional month for

21 implementation of the Broward PACE Act and authorization of program administrators;
22 and

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

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

27 Section 1. Section 20-176.131 of the Broward County Code of Ordinances is
28 hereby amended to read as follows:

29 **Sec. 20-176.131. Applicability and Effective Date.**

30 The Broward PACE Act is applicable countywide to the extent permitted by the
31 Florida Constitution, Article VIII, Section 1, and the Charter of Broward County, Florida.
32 The Broward PACE Act is effective as of February 28, 2025.

33 Section 2. Section 20-176.133 of the Broward County Code of Ordinances is
34 hereby amended to read as follows:

35 **Sec. 20-176.133. Authorization and Deauthorization of Program Administrators;
36 Interlocal Agreements.**

37 (a) *Authorization.* By ~~January 31~~ February 28, 2025, each program
38 administrator that provides PACE financing, directly or indirectly, and/or levies an
39 assessment to fund qualifying improvements within Broward County, must: (i) be
40 authorized by a resolution of the Board of County Commissioners of Broward County,
41 Florida (“Board”); and (ii) enter into and maintain a currently valid interlocal agreement
42 with the County pursuant to the Broward PACE Act (“PACE Interlocal Agreement”) and
43 the PACE Statute. After ~~January 31~~ February 28, 2025, no program administrator,

44 third-party administrator, or contractor is authorized to offer, solicit, market, or sell
45 qualifying improvements, enter into PACE financing, record financing agreements for
46 qualifying improvements, or levy assessments based on unrecorded or new financing
47 agreements pursuant to the PACE Statute or the Broward PACE Act without:
48 (i) authorization to operate within Broward County by resolution of the Board; and (ii) a
49 PACE Interlocal Agreement with the County that is currently in effect in accordance with
50 this section, Sections ~~163.081(b)~~ 163.081(b) and 163.082(b), Florida Statutes, and
51 Section 9 of Chapter 2024-273, Laws of Florida.

52 . . .

53 Section 3. 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 4. 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 5. Effective Date.

67 This Ordinance is 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

JDB/gmb
Effective Date Ordinance Amendment
01/15/2025
#1139226.2

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