

**ADDITIONAL MATERIAL**  
**Public Hearing**

**JANUARY 28, 2025**

**SUBMITTED AT THE REQUEST OF**  
**COMMISSIONER STEVE GELLER**

**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 qualifying improvement  
21 contractors make certain attestations regarding pricing and price due diligence to the

PACE program administrator and/or third-party administrator offering the PACE financing;  
and

WHEREAS, the Board finds it appropriate at this time to amend the Broward PACE  
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~~ submit a sworn statement to the program  
administrator and/or the third-party administrator, on a form prescribed by the program  
administrator or the third-party administrator, that:

(1) ~~†~~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~~ and which includes as an  
attachment the calculations performed by the contractor, in sufficient detail  
to demonstrate the accuracy of the sworn statement, in connection with the

contractor performing required pricing due diligence using either the  
program administrator's and/or the third-party administrator's contractor's  
internal construction cost estimates or industry-accepted sources for  
construction costs estimates, such as the RSMeans or Xactimate  
construction cost database, ~~to confirm, in a writing they maintain, the~~  
~~accuracy of the contractor's attestation; and~~

(2) The prices for any qualifying improvements financed under  
Section 163.081, Florida Statutes, are the same prices that the contractor  
would otherwise provide if the qualifying improvements were not being  
financed through a financing agreement.

The program administrator and/or the third-party administrator must retain the submitted  
sworn statement for at least three (3) years.

. . .

## 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

**PROPOSED**

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Jennifer D. Brown 01/27/2025  
Jennifer D. Brown (date)  
Senior Assistant County Attorney

By: /s/ Michael C. Owens 01/27/2025  
Michael C. Owens (date)  
Senior Assistant County Attorney

JDB/gmb  
Contractor Sworn Statement and Due Diligence Basis Amendment  
01/27/2025  
#1139225.2

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