

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 15, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution urging the Florida
Legislature to expand the
qualifying improvements that
may be financed through
Property Assessed Clean Energy
programs to add seawall
improvements, including, but not
limited to, seawall repairs and
replacements

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
Successor County Attorney

GBK/jp




MEMORANDUM

(Revised)

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 15, 2020

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(2)
12-15-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
EXPAND THE QUALIFYING IMPROVEMENTS THAT MAY
BE FINANCED THROUGH PROPERTY ASSESSED CLEAN
ENERGY PROGRAMS TO ADD SEAWALL IMPROVEMENTS,
INCLUDING, BUT NOT LIMITED TO, SEAWALL REPAIRS
AND REPLACEMENTS

WHEREAS, Property Assessed Clean Energy (PACE) programs provide additional ways that property owners can finance certain improvements to their real property, and PACE programs have been used around the country to finance property improvements such as solar panels, hurricane windows, and energy efficiency measures; and

WHEREAS, through PACE in Florida, property owners can opt into a special assessment district for PACE to finance certain property improvements, and the financing is repaid over time through a non ad-valorem assessment on the owner's property tax bill; and

WHEREAS, PACE financing may be available to individuals who own property but nevertheless may have poor credit or have other difficulties in obtaining more traditional financing from a bank, and in some cases PACE financing may be available more quickly than traditional financing; and

WHEREAS, only certain improvements qualify for PACE financing pursuant to section 163.08, Florida Statutes, namely, energy conservation and efficiency improvements, renewable energy improvements, and wind resistance improvements; and

WHEREAS, in Miami-Dade County, some properties abut water bodies such as Biscayne Bay and canals connecting to Biscayne Bay, and many such properties use seawalls to protect their properties from erosion and other damage that could be caused by water; and

WHEREAS, seawalls need periodic maintenance and repairs, and in some cases, seawalls may need to be completely rebuilt and replaced; and

WHEREAS, if a property has a poorly maintained or crumbling seawall, that property can experience greater effects from storms than if the seawall had been in better condition; and

WHEREAS, furthermore, a delay in making necessary seawall repairs may result in erosion to the property and even damage to the seawalls of neighboring properties; and

WHEREAS, replacing older seawalls with new construction could allow property owners to utilize updated design criteria that may make their waterfront property more resilient; and

WHEREAS, if seawall improvements were added to the list of qualifying improvements in section 163.08, this addition would allow property owners to avail themselves of PACE financing for seawall repairs and replacements; and

WHEREAS, this additional option for financing could help property owners to make needed improvements quickly to their seawalls and better protect their properties; and

WHEREAS, on February 20, 2019, this Board adopted Resolution No. R- 215-19 urging the Florida Legislature to amend section 163.08 to include seawall improvements during the 2019 or 2020 legislative sessions; and

WHEREAS, bills were filed for consideration during the 2020 legislative session, Senate Bill (SB) 770 by Jose Javier Rodriguez (D – Miami), and House Bill (HB) 365 by Representative Barbara Watson (D – Miami Gardens), but these bills did not pass; and

WHEREAS, this Board now wishes to urge the Florida Legislature to expand the list of qualifying improvements that may be financed through PACE to include seawall improvements, including, but not limited to, seawall repairs and replacements,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to expand the list in section 163.08, Florida Statutes, of qualifying improvements that may be financed through PACE programs to add seawall improvements, including, but not limited to, seawall repairs and replacements.

Section 2. Directs the Clerk of the Board to transit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Acting Chairwoman	
Jose "Pepe" Diaz	Sen. René García
Oliver G. Gilbert, III	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of December, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Cristina M. Rabionet