

MEMORANDUM

Agenda Item No. 11(A)(25)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to expand the
qualifying improvements that
may be financed through
Property Assessed Clean Energy
(PACE) programs to include
conversion from septic tanks to
sewer systems and other sewage
treatment improvements

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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County Attorney

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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)(25)
12-1-21

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
EXPAND THE QUALIFYING IMPROVEMENTS THAT MAY
BE FINANCED THROUGH PROPERTY ASSESSED CLEAN
ENERGY (PACE) PROGRAMS TO INCLUDE CONVERSION
FROM SEPTIC TANKS TO SEWER SYSTEMS AND OTHER
SEWAGE TREATMENT IMPROVEMENTS

WHEREAS, numerous properties in Miami-Dade County are served by septic tanks and are not connected to the County’s sanitary sewer system; and

WHEREAS, this Board has consistently recognized the importance of converting properties in Miami-Dade County from septic tanks to sewer systems; and

WHEREAS, the December 2020 report from the County Mayor, entitled “Plan of Action Report: A Risk-Based Approach to Septic Systems Vulnerable to Sea Level Rise,” included estimates of high costs associated with converting septic systems to sewer systems; and

WHEREAS, a Property Assessed Clean Energy (PACE) financing program is a financing structure through which property owners may voluntarily opt into a special assessment district to finance certain improvements and retrofits to real property, where that financing is repaid over time through a non-ad valorem assessment on the owner’s property tax bill; and

WHEREAS, section 163.08, Florida Statute, provides that only certain kinds of improvements can qualify for PACE financing in Florida, and these qualifying improvements currently include energy conservation and efficiency improvements, renewable energy improvements, and wind resistance improvements; and

WHEREAS, sewage treatment improvements, such as the conversion of properties from septic tanks to sewer systems, are not currently eligible for PACE financing because they are not listed as qualifying improvements in section 163.08; and

WHEREAS, section 163.08 could be amended to expand the list of qualifying improvements to also include sewage treatment improvements, including the replacement of an onsite sewage treatment and disposal system with an advanced onsite sewage treatment system, as well as the replacement of an onsite sewage treatment and disposal system with a central sewerage system, together with the associated fees or charges to connect to said sewerage system; and

WHEREAS, adding these sewage treatment improvements to the PACE list of qualifying improvements would provide additional options for property owners to finance such sewage treatment improvements, and the availability of PACE financing may help some property owners who are unable to access other financing; and

WHEREAS, facilitating such sewage treatment improvements through PACE financing may increase the number of property owners who make such improvements to their property, and the corresponding reduction in older septic tank systems may result in significant benefits to water quality, particularly in Biscayne Bay; and

WHEREAS, on February 20, 2019, this Board adopted Resolution No. R-211-19, which urged the Florida Legislature to enact legislation during the 2019 session that would expand the qualifying improvements that may be financed through PACE programs to include conversion from septic tanks to sewer systems; and

WHEREAS, bills were filed for consideration during the 2019 legislative session, Senate Bill (SB) 282 by Senator Ben Albritton (R – Bartow), and House Bill (HB) 63 by Representative Ray Rodrigues (R – Fort Myers), but these bills did not pass; and

WHEREAS, on October 3, 2019, this Board adopted Resolution No. R-1108-19, which urged the Florida Legislature to enact legislation during the 2020 session that would expand the qualifying improvements that may be financed through PACE programs to include conversion from septic tanks to sewer systems; and

WHEREAS, as a result of Resolution No. R-1108-19, bills were filed for consideration during the 2020 legislative session, SB 770 by Senator Jose Javier Rodriguez (D – Miami), and HB 365 by Representative Barbara Watson (D – Miami Gardens), but these bills did not pass; and

WHEREAS, on March 2, 2021, this Board adopted Resolution No. R-185-21, which supported provisions of SB 1208 and HB 387, which were introduced during the Florida Legislature’s 2021 session by Senator Ana Maria Rodriguez (R – Doral) and Representative Randy Fine (R – Palm Bay), respectively; and

WHEREAS, SB 1208 and HB 387 included provisions that would expand the types of qualifying improvements that may be financed through PACE to include the conversion from septic tanks to sewer systems, but these bills did not pass; and

WHEREAS, in furtherance of the County’s efforts to encourage and support property owners who wish to convert their properties from septic tanks to sewer systems, this Board now wishes to urge the Florida Legislature to expand the list of qualifying improvements for PACE to include sewage treatment improvements,

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 qualifying improvements that may be financed through PACE programs to include sewage treatment improvements, including the replacement of an onsite sewage treatment and disposal system with an advanced onsite sewage

treatment system, as well as the replacement of an onsite sewage treatment and disposal system with a central sewerage system, together with the associated fees or charges to connect to said sewerage system.

Section 2. Directs the Clerk of the Board to transmit 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 2022 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. 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