

MEMORANDUM

Agenda Item No. 11(A)(26)

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 the
raising of electrical boxes and
home foundations and
improvements to underground
infrastructure of homes to
promote greater resiliency

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)(26)
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 THE RAISING OF ELECTRICAL BOXES AND HOME FOUNDATIONS AND IMPROVEMENTS TO UNDERGROUND INFRASTRUCTURE OF HOMES TO PROMOTE GREATER RESILIENCY

WHEREAS, Miami-Dade County is understood to be particularly vulnerable to sea level rise and extreme weather events, such as hurricanes or flooding, due to the County's low elevation and proximity to the coast; and

WHEREAS, Miami-Dade County has consistently demonstrated leadership on issues related to sea level rise through the creation of the Miami-Dade County Sea Level Rise Task Force and the County's Office of Resilience; and

WHEREAS, as part of Miami-Dade County's longstanding efforts with respect to sea level rise, the County has been focusing on various ways to improve the overall resiliency of the community; and

WHEREAS, some strategies to improve resiliency to sea level rise and extreme weather events include the raising of electrical boxes and the raising of home foundations, as well as improvements to underground infrastructure of homes, such as water pipes; 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 Statutes, 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, the raising of electrical boxes and home foundations and improvements to underground infrastructure of homes 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 the raising of electrical boxes, the raising of home foundations, and other improvements to underground infrastructure of homes in order to promote greater resiliency; and

WHEREAS, this Board previously adopted Resolution Nos. R-1107-19, R-1037-20, and R-185-21, which urged the Florida Legislature to expand the PACE list of qualifying improvements to include these resiliency-related improvements; and

WHEREAS, adding these specific improvements to the PACE list of qualifying improvements would provide additional options for property owners to finance such resiliency improvements; and

WHEREAS, the availability of PACE financing may help some property owners who are unable to access other financing; and

WHEREAS, facilitating these resiliency-related improvements through PACE financing may increase the number of property owners who make such improvements to their property, and thereby increase the resiliency of those properties and the community-at-large, in a way that may provide greater protection during storms or flooding events; and

WHEREAS, in furtherance of the County's efforts to encourage and support property owners who wish to raise their electrical boxes, raise the foundations of their homes, or make other improvements to underground infrastructure of their homes, this Board now wishes to urge the Florida Legislature to expand the list of qualifying improvements for PACE to include such 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 the raising of electrical boxes, the raising of home foundations, and other improvements to underground infrastructure of homes, in order to promote greater resiliency.

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 include this item in the 2022 State Legislative Package.

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