

# MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** February 6, 2024

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance related to Property Assessed Clean Energy (“PACE”) programs; creating section 2-2083.5 of the Code; creating requirements related to reporting to the County, and communications with consumers, regarding interruptions in service by PACE entities, termination, cancellation, and suspension of PACE agreements with eligible participants, miscommunications and false statements, and financing; and requiring reports

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A substitute was presented and forwarded to the BCC with a favorable recommendation at the January 9, 2024 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original in that it: (1) clarifies the meaning of interruption in service, for purposes of the requirements of this ordinance; (2) clarifies that certain updates to reports by PACE administrators are due every two years; (3) adds a new subsection (9) on page 9 of the ordinance which requires PACE administrators to ensure that the PACE application is completed by the customer, that the customer's email address in the PACE application is a valid and functioning email address, and that the final or full payment to the contractor is made after final inspection approval for applicable building permits; (4) clarifies that when a PACE administrator does not submit a required report to the County related to certain PACE related occurrences, a report from the County Mayor or County Mayor's designee is required after the County Mayor or County Mayor's designee becomes aware of such PACE-related occurrence, through, for example, consumer complaints or a report in the media; and (5) revises the deadlines for such mayoral reports.

Rule 5.06(i) of the Board’s Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsors Commissioner Marleine Bastien and Senator René García.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/ks

MDC001

# Memorandum



**Date:** February 6, 2024

**To:** Honorable Chairman Oliver G. Gilbert III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Communications and Reporting from Property Assessed Clean Energy (PACE) Program Administrators for the Purposes of Property Owner Protections

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Miami-Dade County (“the County”) has agreements (called Membership or Subscription Agreements) with PACE Districts (currently four) allowing them to operate in the Unincorporated Municipal Service Area (“UMSA”) and these agreements can be terminated for cause or for convenience. These Membership or Subscription Agreements are contingent on separate present Intergovernmental Cooperation Agreements being executed between each PACE District and the Office of the Tax Collector (TC) jointly with the Office of the Property Appraiser (PA) to provide for the assessment and collection of non-ad valorem assessments related to each PACE District’s program. These TC/PA agreements also establish Cost Recovery Reimbursements for the handling/collection of these non-ad valorem assessments.

This proposed ordinance details reports and notices that each PACE District (Administrator as defined by Miami-Dade County Code) must file with the County and with participants (property owners) depending on the specific circumstances to enhance participant protections. The implementation of the proposed ordinance to enhance PACE participant protections may have a minimal fiscal impact to the County, requiring the hiring of a part-time or full-time position to track the information required by the proposed ordinance and prepare the necessary reports.

There are currently four authorized PACE Districts operating in the County. The ordinance requires that for each report submitted by a PACE District to the County, the County designee must prepare its own report within 7 days of receiving the submittal from a PACE District. The County designee’s report must then be placed on an agenda of the full Board (without committee review) within 30 days of the submittal. The number of reports would increase with each new PACE District Agreement approved by the Board. The proposed ordinance requires report tracking and may require the tracking of PACE participant contract cancellations/terminations/suspensions for the approximately 13,235 PACE assessments on tax roll for UMSA (per the Office of the Property Appraiser as of July 24, 2023).

There are five County Offices or Departments, as well as the Office of the Property Appraiser, that are currently involved in some aspect of the implementation of PACE programs in the County. This includes the Office of the Property Appraiser (PA), the Office of the Tax Collector (TC), Regulatory and Economic Resources (RER) Building Division, RER Office of Resilience (OOR), RER Consumer Protection Division, and Community Action and Human Services Department (CAHSD). Please see attached Table 1 regarding their different roles and any fees they may receive for PACE related activities. The tasks

Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners  
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associated with the implementation of the ordinance may require the hiring of a part-time or full-time position, an expense which will likely be covered by the General Revenue Fund.



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Jimmy Morales  
Chief Operations Officer

Table 1: Current County Department/Office PACE Roles as of January 2024

<i>Department / Office</i>	<i>Main PACE-related Activities</i>	<i>Fee Received from PACE Administrators</i>
<p><b>Office of the Property Appraiser (PA)</b></p>	<ul style="list-style-type: none"> <li>- Works with CAO and the Office of the Tax Collector to develop, negotiate, and present Intergovernmental Cooperation Agreements between PACE Districts and the Offices of the Property Appraiser and Tax Collector to the Board for approval. These Intergovernmental Cooperation Agreements must be executed before additional PACE Membership / Subscription Agreements and Indemnification agreements can be executed.</li> <li>- Assesses and handles non-ad valorem assessments imposed by each PACE District for property owners that voluntarily utilize a PACE program. This includes placing proposed or adopted Non-Ad Valorem Assessments on the TRIM Notice.</li> <li>- Maintains information about PACE assessments for each applicable property and this information is available on PA’s searchable property portal under non-ad valorem assessments.</li> <li>-Gathers and maintains municipal interlocal PACE agreements from PACE administrators.</li> <li>-Receives PACE related public complaints and inquiries and handles those related to PA duties and contacts other County agencies to assist on other issues.</li> <li>-Provides webpage information regarding PACE programs, non-ad valorem assessments, FAQ and Tips, explains that failure to pay special assessments will result in liens being placed on property:  <a href="https://www.miamidade.gov/pa/property_tax_district.asp">https://www.miamidade.gov/pa/property_tax_district.asp</a></li> </ul>	<p>*1 %</p>
<p><b>Office of the Tax Collector (TC)</b></p>	<ul style="list-style-type: none"> <li>-Works with the CAO and the Office of the Property Appraiser to develop, negotiate and present Intergovernmental Cooperation Agreements between PACE Districts and the Offices of the Tax Collector and the Property Appraiser, to the Board for approval.</li> </ul>	<p>*1 %</p>

	<p>- Collects and handles non-ad valorem assessments imposed by each PACE District for property owners that voluntarily utilize a PACE program and for all local taxing authorities that have agreements with PACE Districts. This includes placing Non-Ad Valorem Assessments on the Tax Bill.</p> <p>-Provides data analysis regarding how many PACE special assessments are on the tax roll, which PACE program they are affiliated with, and which properties might be at risk of foreclosure or are in foreclosure.</p> <p>-Receives PACE related public complaints and inquiries and handles those related to TC duties and contacts other County agencies to assist on other issues.</p>	
<p><b>Regulatory and Economic Resources (RER) Building Division</b></p>	<p>-Currently issues County contractor licenses; provides municipalities with trainings regarding the Florida Building Code; reviews, approves, and enforces permit applications for compliance with local and state codes; and investigates County contractors for failure to obtain or close out permits or complete work. All of these activities may involve PACE property improvement projects and / or contractors or subcontractors involved with PACE projects. Receives PACE related public complaints and inquiries and handles those related to Building Department duties and contacts other County agencies and PACE Administrators to assist on other issues.</p> <p>-Provides webpage information regarding tips about how to avoid problems with contractors and warning signs for unqualified or unlicensed contractors. Online options include a way to search for license status of permitted contractors and how to file a complaint against contractors. See: <a href="https://www.miamidade.gov/global/economy/building/permits/hiring-contractors.page">https://www.miamidade.gov/global/economy/building/permits/hiring-contractors.page</a> Division includes an RER Contractor Investigation Unit to handle complaints and also will assist residents, if needed, to file complaints with the State of Florida regarding State contractor complaints.</p>	<p>None</p>
<p><b>RER Office of Resilience (OOR)</b></p>	<p>- After Intergovernmental Cooperation Agreements between PACE Districts and the Offices of the Property Appraiser and Tax Collector are executed, OOR works with the CAO to develop, negotiate and present two types of PACE agreements to the Board. These include (a) Membership / Subscription Agreements with PACE Districts allowing them to operate in</p>	<p>None</p>

	<p>UMSA as well as (b) Indemnification Agreements with PACE Administrators affiliated with the approved PACE Districts.</p> <p>-Receives intermittent information from PACE administrators on energy efficiency benefits related to PACE projects.</p> <p>-Receives PACE related public complaints and inquiries and contacts PACE Administrators and other County agencies to assist.</p> <p>-Provides website information with PACE Tips to help property owners understand PACE and learn what questions to ask PACE contractors and PACE Administrators (financing companies). Links to existing PACE District agreements are also provided:  <a href="https://www.miamidade.gov/global/economy/resilience/energy.page">https://www.miamidade.gov/global/economy/resilience/energy.page</a></p>	
<p><b>RER Consumer Protection Division</b></p>	<p>-Receives PACE related public complaints and inquiries and handles those related to consumer protection issues and contacts PACE Administrators and other County agencies to assist on other issues.</p> <p>-Investigates misrepresentations in PACE-related advertisements and marketing, including those that involve the improper use of the County logo.</p>	<p>None</p>
<p><b>Community Action and Human Services Department (CAHSD)</b></p>	<p>-Receives PACE related public complaints and inquiries and contacts other County agencies to assist.</p> <p>-Helps verify whether residents are calling about CAHSD home rehabilitation programs or PACE programs.</p>	<p>None</p>


*\* Office of the Tax Collector retains two percent (2%) on the amount of special assessments collected and remitted. Tax Collector splits evenly with the Office of the Property Appraiser.*

# Memorandum



**Date:** February 6, 2024

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor 

**Subject:** Social Equity Statement for Ordinance Relating to Communications and Reporting from Property Assessed Clean Energy (PACE) Program Administrators for the Purposes of Consumer Protections

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Property Assessed Clean Energy (PACE) financing programs are intended to offer an alternative financing mechanism to commercial or residential property owners when deciding for qualifying improvements to their property, as governed by Florida Statute Section 163.08. The majority of PACE property improvement contracts involve installing wind-resistant (hurricane resistant) roofs, windows, and doors. PACE programs are intended to offer a voluntary long-term financing option to property owners that choose to participate.

The proposed ordinance details reports and notices that each PACE District may file or must file with the County and with PACE program participants (property owners) depending on specific circumstances in order to enhance program participant protections. More specifically, the proposed ordinance creates new requirements for reporting to the County and communications with PACE program participants regarding interruptions in service by PACE Districts such as termination, cancellation, and suspension of PACE agreements with property owners and miscommunications and false statements to the public or participating property owners. The intention of this proposed ordinance is to provide enhanced protection by requiring protocols and reporting that try to ensure that PACE programs are financially sound and do not involve property owners in disruptive financing situations nor deceive the public with misrepresentations or false statements.

The requirements of this ordinance will provide a positive social equity impact for property owners utilizing a PACE program by increasing transparency and communication.



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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** February 6, 2024

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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. 7(A)  
2-6-24

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATED TO PROPERTY ASSESSED CLEAN ENERGY (“PACE”) PROGRAMS; CREATING SECTION 2-2083.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING REQUIREMENTS RELATED TO REPORTING TO THE COUNTY, AND COMMUNICATIONS WITH CONSUMERS, REGARDING INTERRUPTIONS IN SERVICE BY PACE ENTITIES, TERMINATION, CANCELLATION, AND SUSPENSION OF PACE AGREEMENTS WITH ELIGIBLE PARTICIPANTS, MISCOMMUNICATIONS AND FALSE STATEMENTS, AND FINANCING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE; AND REQUIRING REPORTS

**WHEREAS**, a Property Assessment Clean Energy (“PACE”) program is a financing structure by which commercial or residential property owners may voluntarily opt into a special assessment district to receive financing for energy improvements and retrofits where such financing is repaid through an annual assessment on the property owner’s property tax bill; and

**WHEREAS**, Miami-Dade County has entered into four interlocal agreements with different PACE entities, which authorize those entities to operate within the unincorporated area of the County; and

**WHEREAS**, as reported in the Miami Herald, one of the administrators for one of the four PACE entities that operates within the unincorporated area of Miami-Dade County temporarily ceased operations, which may have affected property owners who were in the midst of ongoing PACE projects; and

**WHEREAS**, this Board is concerned that property owners in Miami-Dade County may have been negatively affected and whether such impacts or similar impacts could be avoided or minimized in the future; and

**WHEREAS**, although some property owners may have been impacted by the reported interruption in service, other property owners in Miami-Dade County may have participated in a PACE program without any issues, and the PACE program does provide an additional option for financing of property improvements, including for energy efficient property improvements and wind protection; and

**WHEREAS**, to best assist and protect property owners in Miami-Dade County, while still recognizing that PACE financing may be beneficial for some property owners, this Board wishes to require PACE entities to provide for certain reporting and consumer communications, including: (1) information related to possible future disruptions in service, what plans or contingencies the PACE entities have in place to address such issues, what disclosures and information are currently provided to consumers as to such issues and contingencies, and what one-on-one in person assistance is already provided and would be provided in the event of such issue; (2) written notifications to the County within seven days of an interruption in service by the respective PACE entity; (3) written notification to the County if the respective PACE entity has terminated, cancelled, or suspended 30 or more of its agreements or pending agreements with eligible PACE participants within any 90-day time period; and (4) direct communication, including one-on-one assistance, no later than seven days after an incident or event, to every consumer who may be affected by an interruption in service or whose agreement was terminated, cancelled, or suspended; and

**WHEREAS**, in addition, this ordinance requires a PACE Administrator, which, under section 2-2041 of the Code of Miami-Dade County, means a PACE entity created under section 163.01(7), Florida Statutes, to ensure that their agents, administrators, contractors, marketers, and employees are not making misrepresentations or false statements to the public or consumers with respect to PACE, such as using the County's logo or seal, representing that PACE is a free or no cost program, or representing that a property owner will be able to transfer the cost of the property improvements to the next property owner; and

**WHEREAS**, although many of the above-mentioned issues are already prohibited in the County's interlocal agreements with each PACE entity—for example, the use of the County logo is already prohibited in those interlocal agreements, and PACE entities are already required to disclose that a property owner may be required to pay off their PACE assessment at the time of sale or transfer—this ordinance creates new notice and reporting requirements related to such matters; and

**WHEREAS**, in addition, pursuant to this ordinance, to facilitate adequate communication with customers and also to avoid misunderstandings and misrepresentations, PACE Administrators would be required to ensure that the customer's email address is valid and functioning, and that the customer, as opposed to a contractor, has filled out the customer's application for PACE financing, and that final payment to the contractor under the PACE agreement is not made until the respective building permits have received final inspection approval; and

**WHEREAS**, the provisions in this ordinance, by providing for additional consumer protections, required consumer communications, and reporting, may help maintain confidence and interest in the PACE program, which has the potential to further various Miami-Dade County goals related to reducing energy usage and protecting homes and other structures from storm and hurricane damage; and

**WHEREAS**, as such, one of the purposes of this ordinance is to implement the following policies of the Miami-Dade County Comprehensive Development Master Plan (“CDMP”):

- Policy LU-10E, which states, “Miami-Dade County shall continue to investigate opportunities to incentivize energy efficiency and, as appropriate, access available incentives and/or information regarding available incentives and make such information or accessed incentives available for developers and property owners to incorporate energy efficiency”;
- Policy LU-10H, which provides that, “Miami-Dade County shall take steps towards having 30% of countywide energy obtained from solar by 2030”;
- Objective HO-8, to “[b]ring about housing design and development alternatives that are aesthetically pleasing, encourage energy efficiency and enhance the overall health, safety and general welfare of County residents”;
- Policy HO-8D, which provides that, “[t]he County shall continue to encourage new legislation that promotes energy efficiency, use of alternative energy and conservation alternatives, in the construction and rehabilitation of new and existing buildings”;
- Policy CM-8M, which provides that, “Miami-Dade County shall also explore incentives and other measures to encourage the wind and/or flood hardening of structures”; and

**WHEREAS**, this ordinance's implementation of such CDMP policies is further supported by section 163.08(b) of the Florida Statutes relating to PACE programs, which provides:

[t]he Legislature finds that all energy-consuming-improved properties that are not using energy conservation strategies contribute to the burden affecting all improved property resulting from fossil fuel energy production. Improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of alleviating the property's burden from energy consumption. All improved properties not protected from wind damage by wind resistance qualifying improvements contribute to the burden affecting all improved property resulting from potential wind damage. Improved property that has been retrofitted with wind resistance qualifying improvements receives the special benefit of reducing the property's burden from potential wind damage. Further, the installation and operation of qualifying improvements not only benefit the affected properties for which the improvements are made, but also assist in fulfilling the goals of the state's energy and hurricane mitigation policies. In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance; and

**WHEREAS**, in addition, the provisions of this ordinance complement a number of existing requirements related to PACE, including, for example, the requirement in section 2-2083 of the Code of Miami-Dade County that the risks associated with participating in the PACE program be clearly disclosed in plain language in the written PACE agreement, and requirements in all four interlocal agreements that the PACE entities provide "optional one-on-one in person assistance regarding the PACE District Program, program terms, program process, program documents, and all other pertinent information," and that "[i]nformation regarding this option for personal assistance shall be printed in English, Spanish, and Haitian Creole on PACE promotional materials"; and

**WHEREAS**, for all of the reasons referenced above, this Board wishes to require additional reporting and communication related to PACE,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-2083.5 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**Sec. 2-2083.5. Requirements on Administrators related to interruptions in service and termination, cancellation; suspension of PACE agreements with eligible participants; required notices; communications; misrepresentations.**

Each administrator shall comply with the following requirements:

- (1) In the event of any interruption in service by or of an Administrator, in which an Administrator, or one of its administrators, ceases or temporarily ceases operations in the unincorporated area of Miami-Dade County and any of its agreements with eligible participants in the unincorporated area of Miami-Dade County are terminated, cancelled, or suspended, or any combination thereof, the respective Administrator shall:
  - a. send written notice to Miami-Dade County of said interruption in service within seven days of the beginning of such interruption in service; and
  - b. provide written communication to all eligible participants who may be affected by such interruption in service, advising such eligible participants of the interruption in service and of the impacts to said eligible participant, and offering one-on-one assistance by the Administrator. Such written communications shall be sent to each eligible participant who may be affected by such interruption in service within seven days of the beginning of such interruption in service.
  
- (2) In the event of any termination, cancellation, or suspension of a PACE agreement with an eligible participant, the respective Administrator shall send written notice within seven days to said eligible participant to inform them of termination, cancellation, or suspension of their PACE agreement and to offer one-on-one assistance by the Administrator.

- (3) In the event that any Administrator has more than 30 PACE agreements with eligible participants that are terminated, cancelled, or suspended, or any combination thereof, within any 90-day period, the respective Administrator shall send written notice to Miami-Dade County within 14 days of terminating, cancelling, or suspending the 30th such agreement.
  
- (4) Together with the written notice to Miami-Dade County required by paragraphs (1) and (3) of this section, the Administrator may include information related to potential mitigating factors, including, but not limited to, whether: (i) any respective agreements with eligible PACE participants had not yet been funded; (ii) any respective agreements were voluntarily cancelled by the eligible participant; (iii) the underwriting criteria for the eligible participant or respective property were revised; (iv) a change in a law affected the PACE program; (v) the time to complete the qualified improvements to the respective property had expired under the eligible participant's agreement; or (vi) any respective agreements were terminated due to false statements or other misconduct by the eligible participant or contractor.
  
- (5) Each Administrator shall send written notice to Miami-Dade County of: its plans or contingencies to address a possible interruption in service, if any; the disclosures and information it currently provides to consumers as to such issues and contingencies; and what one-on-one in person assistance is already provided and would be provided in the event of such interruption in service.
  - a. Such notice shall be sent to the County no later than March 1, 2024.
  - b. Each Administrator shall send an updated written notice to Miami-Dade County every two years, by March 1 of the respective year.
  - c. For Administrators entering into an agreement with the County after that date, such written notice shall be sent at the time the agreement is entered into, and the updated written notice shall be sent on the same two-year schedule as for Administrators who were initially due on March 1, 2024.
  
- (6) Each Administrator's agreements with its respective agents, administrators, contractors, employees, marketers, and lead generators, including, but not limited to, any individuals or

entities who are employed or paid by or through the Administrator, shall prohibit misrepresentations or false statements to the public, potential consumers, or eligible participants and shall specify that any such misrepresentations or false statements constitute grounds for termination of such agreement. Misrepresentations and false statements that constitute a violation of this requirement shall include, but not be limited to, the following:

- a. The use of the County seal or logo, whether fake or authentic;
- b. Any statement that falsely asserts or implies that a contractor, administrator, agent, or Administrator is approved by or otherwise associated with Miami-Dade County, or that a PACE program is a County program;
- c. Any statement that claims PACE is a free or no-cost program;
- d. Any statement that claims an eligible participant will be able to transfer the PACE special assessment to the next owner of the property;
- e. Any statement that claims the improvements to be financed will “pay for themselves,” unless supported by an energy audit.

- (7) Each Administrator shall send written notice to the County, within 30 days, if any of the administrator’s respective agents, administrators, contractors, employees, marketers, and lead generators, including, but not limited to, any individuals or entities who are employed or paid by or through the Administrator, make misrepresentations or false statements to the public, potential consumers, or eligible participants within the County. Such written notice to Miami-Dade County shall identify the individual and entity responsible for making the misrepresentation or false statement and shall also include the actions taken by the Administrator to address said issue.
- (8) For all PACE agreements with an eligible participant, the respective Administrator shall provide written notice to the eligible participant when the Administrator has determined that sufficient financing is available for the eligible participant to proceed with the proposed qualifying improvements. Before providing such notice to an eligible participant, the Administrator shall ensure that it has at least 75 percent funding availability for the respective qualified improvements to prevent against any future interruption of service or other issues.



- (9) For all PACE agreements with an eligible participant, the respective Administrator shall:
- (a) use reasonable efforts to require and verify that the PACE application has been filled out by the eligible participant or their authorized agent, and not the contractor or an agent or employee of the Administrator, with the exception of descriptions of qualifying improvements and cost estimates; and
  - (b) require and verify that the email address provided on the PACE application for the eligible participant is a valid, functioning email address for said eligible participant, and not, for example, an email address for a contractor; and
  - (c) require and verify that before either final payment or full payment is made to a contractor by or on behalf of the respective Administrator or its agent, that applicable building permits for the qualifying improvements have received final inspection approval. This subparagraph shall not apply to partial payments.
- (10) With respect to all notices required pursuant to this section, the County Mayor or County Mayor's designee may designate a County department or other designee to receive such notices and may provide Administrators with a courtesy notice of such designated department or designee.
- (11) For purposes of this section, "written notice to Miami-Dade County" means a notice sent in writing to the County Mayor or County Mayor's designee in a form acceptable to the County Mayor or County Mayor's designee.
- (12) The following reports shall be required:
- (a) In the event that the County receives written notice from a PACE Administrator pursuant to this section, the County Mayor or County Mayor's designee shall prepare a written report for the Board of County Commissioners within 7 days of such receipt. The report shall be placed on an agenda of the full Board without committee review, pursuant to Rule 5.06(j), within 30 days of when the County received written notice from a PACE Administrator pursuant to this section.

- (b) In the event that the County does not receive written notice from a PACE Administrator as required by this section after the occurrence of either an interruption in service or the termination, cancellation, or suspension of more than 30 PACE agreements with eligible participants within any 90 day period, and the County Mayor or County Mayor's designee becomes aware of such occurrence through, for example, consumer complaints or a report in the media, then the County Mayor or County Mayor's designee shall prepare a written report for the Board of County Commissioners within 30 days of becoming aware of such occurrence. The report shall be placed on an agenda of the full Board without committee review, pursuant to Rule 5.06(j), within 45 days of when the County Mayor or County Mayor's designee became aware of such occurrence.
  
- (c) Such Mayoral reports are for informational purposes only, and any delay or failure in the provision of such reports shall not be deemed to limit or otherwise restrict the Board's authority in any way.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective 10 days after the date of enactment unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Abbie Schwaderer Raurell

Prime Sponsor: Commissioner Kevin Marino Cabrera  
Co-Sponsors: Commissioner Marleine Bastien  
Senator René García