

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution supporting provisions of Senate Bill 1208, House Bill 387, or similar legislation that would expand the types of qualifying improvements that may be financed through Property Assessed Clean Energy (PACE) programs to include raising of electrical boxes and home foundations and improvements to underground infrastructure of homes to promote greater resiliency, and conversion from septic tanks to sewer systems and other sewage treatment improvements

Resolution No. R-185-21

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/jp



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)(10)
3-2-21

RESOLUTION NO. _____ R-185-21

RESOLUTION SUPPORTING PROVISIONS OF SENATE BILL 1208, HOUSE BILL 387, OR SIMILAR LEGISLATION THAT WOULD EXPAND THE TYPES OF QUALIFYING IMPROVEMENTS THAT MAY BE FINANCED THROUGH PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS TO INCLUDE RAISING OF ELECTRICAL BOXES AND HOME FOUNDATIONS AND IMPROVEMENTS TO UNDERGROUND INFRASTRUCTURE OF HOMES TO PROMOTE GREATER RESILIENCY, AND CONVERSION FROM SEPTIC TANKS TO SEWER SYSTEMS AND OTHER SEWAGE TREATMENT IMPROVEMENTS

WHEREAS, a Property Assessed Clean Energy (PACE) financing program is a financing tool under Florida law 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 may 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, Miami-Dade County (the "County") is 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, as part of the County's longstanding efforts to combat sea level rise, the County has proactively focused on various strategies to improve overall resiliency to sea level rise and extreme weather events, including raising electrical boxes and home foundations, as well as improvements to fortify the underground infrastructure of homes; 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 and R-1037-20, both of which urged the Florida Legislature to expand the PACE list of qualifying improvements to include these resiliency-related improvements; 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, approximately 108,000 properties within the County use onsite sewage treatment and disposal systems, commonly referred to as septic tank systems, which are a type of onsite sewage facility that treats wastewater from individual properties; and

WHEREAS, sea level rise poses particular concern to septic tank systems because, among other problems, when sea levels rise, water tables rise, diminishing the treatment capacity of drainfields and resulting in elevated levels of ground water pollution; and

WHEREAS, section 163.08 could also be amended to expand the list of qualifying improvements 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 sewer system, together with the associated fees or charges to connect to said sewer system; and

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

WHEREAS, this Board adopted Resolution Nos. R-211-19, R-1108-19, and R-1093-20, all of which urged the Florida Legislature to enact legislation that would expand the qualifying improvements that may be financed through PACE programs to include conversion from septic tanks to sewer systems; and

WHEREAS, Senate Bill (SB) 1208 and House Bill (HB) 387 have been filed for consideration 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 would amend section 163.08 to make various changes related to PACE; and

WHEREAS, among other provisions, SB 1208 and HB 387 include provisions which would expand the types of qualifying improvements which may be financed through PACE to include the following specific improvements to real property:

- the replacement or improvement of an onsite sewage treatment and disposal system with an advanced onsite treatment and disposal system or technology or the replacement of an onsite sewage treatment and disposal system with a central sewage system; and
- flood and water damage mitigation and resilience improvement, which includes projects and installations to raise a structure above the base flood elevation to reduce flood damage; and

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

WHEREAS, in furtherance of the County's efforts to encourage and support property owners who wish to make the above-mentioned sewage treatment improvements or the above-mentioned resiliency-related improvements to their homes, this Board 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. Supports provisions of Senate Bill 1208, House Bill 387, or similar legislation that would expand the types of qualifying improvements in section 163.08 that may be financed through PACE programs to include raising of electrical boxes and home foundations and improvements to underground infrastructure of homes to promote greater resiliency, and conversion from septic tanks to sewer systems and other sewage treatment improvements.

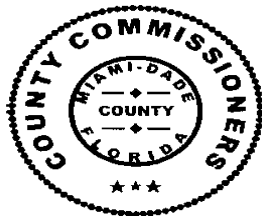
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, Senator Ana Maria Rodriguez, Representative Randy Fine, and the Chair and Members of the Miami-Dade State Legislative Delegation.

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 Rebeca Sosa. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Cristina M. Rabionet
Abbie Schwaderer-Raurell