

## MEMORANDUM

Agenda Item No. 11(A)(25)

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**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

Resolution No. R-1195-21

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



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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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Gen Bonzon-Keenan  
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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. \_\_\_\_\_ R-1195-21

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.

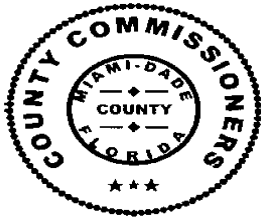
**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1<sup>st</sup> 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

**Melissa Adames**

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "CMR", is written over a horizontal line.

Cristina M. Rabionet