

Resolution No. \_\_\_\_\_

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**A Resolution of the City of South Miami in support of removing barriers to customer-sited solar power and support for the Floridians for solar choice ballot petition.**

**WHEREAS**, Unlike conventional power generation, solar power generates electricity with zero air emissions and no water use, thereby moving the county, state, and country to a cleaner and more sustainable energy future; and

**WHEREAS**, Florida has the greatest potential for rooftop solar power of any state in the eastern United States but lags in realizing that potential; with 9 million electric utility customer accounts, Florida has only 6,000 customer-sited solar systems.<sup>1</sup> Less sunny states like New Jersey have over 30,000 customer-sited solar systems but only half the population of Florida; and

**WHEREAS**, Florida is one of only five states in the United States that by law expressly denies citizens and businesses the freedom to buy solar power electricity directly from someone other than a power company<sup>2</sup>; and

**WHEREAS**, allowing non-utility solar providers to provide solar generated electricity, through a Power Purchase Agreement (PPA), directly to customers can remove the upfront cost for solar power systems to homeowners and expand solar power options to residential and commercial tenants – thereby expanding the choice for solar power to all Floridians; and

**WHEREAS**, in states, such as New York or New Jersey, where non-utilities can provide solar generated power directly to customers, there has been significant solar development in the residential sector. Such arrangements have driven anywhere from 67% (New York) to 92% (New Jersey) of residential installations in those states;<sup>3</sup> and

**WHEREAS**, Florida spends about 58 billion dollars each year buying carbon-based fuels from other states and countries to power our homes, businesses and cars, while solar power will keep energy dollars here at home and create good paying local jobs; and

**WHEREAS**, In a recent poll, 74% of Florida voters said they support a proposal to change the state’s current law and allow Floridians to contract directly with solar power

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<sup>1</sup> Florida Public Service Commission, *Reporting Requirements for Interconnection and Net Metering Customer-owned Renewable Generation*, at: <http://www.psc.state.fl.us/utilities/electricgas/customerrenewable/2013/2013%20Net%20Metering%20Summary%20Spreadsheet/2013%20Net%20Metering%20Chart.pdf>  
<sup>2</sup> Department of Energy, et. al, *Database of State Incentives for Renewables and Efficiency*, at [http://www.dsireusa.org/documents/summarymaps/3rd\\_Party\\_PPA\\_Map.pdf](http://www.dsireusa.org/documents/summarymaps/3rd_Party_PPA_Map.pdf)  
<sup>3</sup> SEIA-GTM. *U.S. Solar Market Insight Report: Q3 2014*.

1 providers for their electricity. Removing barriers to solar choice will allow more Floridians to  
2 take advantage of the power of the sun;<sup>4</sup>

3 **NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY**  
4 **COMMISSIONERS OF THE CITY OF SOUTH MIAMI, FLORIDA:**

5  
6 Section 1. The Mayor and City Commission of the City of South Miami hereby urges the  
7 Florida Legislature to remove the barrier that limits the sale of solar-generated electricity directly  
8 to a customer by anyone other than a power company, and alternatively supports the Floridians  
9 for Solar Choice ballot petition to amend the Florida Constitution to remove the barrier to  
10 customer-sited solar power.

11 Section 2. This resolution shall become effective immediately upon adoption by vote of the  
12 City Commission.

13 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

14  
15 ATTEST:

APPROVED:

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17 \_\_\_\_\_  
18 CITY CLERK

\_\_\_\_\_  
MAYOR

19  
20 READ AND APPROVED AS TO FORM,  
21 LANGUAGE, LEGALITY AND  
22 EXECUTION THEREOF

COMMISSION VOTE:  
Mayor Stoddard:  
Vice Mayor Harris:  
Commissioner Edmond:  
Commissioner Liebman:  
Commissioner Welsh:

23  
24 \_\_\_\_\_  
25 CITY ATTORNEY

<sup>4</sup> Northstar Opinion Research, Survey of Florida Registered Voters, October 2014, at:  
[http://www.cleanenergy.org/wp-content/uploads/FL\\_Energy\\_Presentation\\_for\\_Release.pdf](http://www.cleanenergy.org/wp-content/uploads/FL_Energy_Presentation_for_Release.pdf)

# CONSTITUTIONAL AMENDMENT PETITION FORM

**Note:**

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your Name: \_\_\_\_\_  
(Please Print Name as it appears on your Voter Information Card)

Your Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

Please change my legal residence address on my voter registration record to the above residence address (check box, if applicable).

Voter Registration Number: \_\_\_\_\_ (or) Date of Birth \_\_\_\_\_

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

## **BALLOT TITLE: Limits or Prevents Barriers to Local Solar Electricity Supply**

**BALLOT SUMMARY:** Limits or prevents government and electric utility imposed barriers to supplying local solar electricity. Local solar electricity supply is the non-utility supply of solar generated electricity from a facility rated up to 2 megawatts to customers at the same or contiguous property as the facility. Barriers include government regulation of local solar electricity suppliers' rates, service and territory, and unfavorable electric utility rates, charges, or terms of service imposed on local solar electricity customers.

**ARTICLE AND SECTION BEING CREATED OR AMENDED:** Add new Section 29 to Article X

### **FULL TEXT OF PROPOSED AMENDMENT:**

Section 29. Purchase and sale of solar electricity. –

(a) **PURPOSE AND INTENT.** It shall be the policy of the state to encourage and promote local small-scale solar-generated electricity production and to enhance the availability of solar power to customers. This section is intended to accomplish this purpose by limiting and preventing regulatory and economic barriers that discourage the supply of electricity generated from solar energy sources to customers who consume the electricity at the same or a contiguous property as the site of the solar electricity production. Regulatory and economic barriers include rate, service and territory regulations imposed by state or local government on those supplying such local solar electricity, and imposition by electric utilities of special rates, fees, charges, tariffs, or terms and conditions of service on their customers consuming local solar electricity supplied by a third party that are not imposed on their other customers of the same type or class who do not consume local solar electricity.

(b) **PURCHASE AND SALE OF LOCAL SMALL-SCALE SOLAR ELECTRICITY.**

(1) A local solar electricity supplier, as defined in this section, shall not be subject to state or local government regulation with respect to rates, service, or territory, or be subject to any assignment, reservation, or division of service territory between or among electric utilities.

(2) No electric utility shall impair any customer's purchase or consumption of solar electricity from a local solar electricity supplier through any special rate, charge, tariff, classification, term or condition of service, or utility rule or regulation, that is not also imposed on other customers of the same type or class that do not consume electricity from a local solar electricity supplier.

(3) An electric utility shall not be relieved of its obligation under law to furnish service to any customer within its service territory on the basis that such customer also purchases electricity from a local solar electricity supplier.

(4) Notwithstanding paragraph (1), nothing in this section shall prohibit reasonable health, safety and welfare regulations, including, but not limited to, building codes, electrical codes, safety codes and pollution control regulations, which do not prohibit or have the effect of prohibiting the supply of solar-generated electricity by a local solar electricity supplier as defined in this section.

(c) **DEFINITIONS.** For the purposes of this section:

(1) "local solar electricity supplier" means any person who supplies electricity generated from a solar electricity generating facility with a maximum rated capacity of no more than 2 megawatts, that converts energy from the sun into thermal or electrical energy, to any other person located on the same property, or on separately owned but contiguous property, where the solar energy generating facility is located.

(2) "person" means any individual, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, government entity, and any other group or combination.

(3) "electric utility" means every person, corporation, partnership, association, governmental entity, and their lessees, trustees, or receivers, other than a local solar electricity supplier, supplying electricity to ultimate consumers of electricity within this state.

(4) "local government" means any county, municipality, special district, district, authority, or any other subdivision of the state.

(d) **ENFORCEMENT AND EFFECTIVE DATE.** This amendment shall be effective on January 3, 2017.

Date: \_\_\_\_\_ X \_\_\_\_\_  
(Date of signature) (Signature of registered voter)

Initiative petition sponsored by Floridians for Solar Choice, Inc., 120 E. Oakland Blvd., Suite 105, Ft. Lauderdale, FL 33334

If paid petition circulator is used:

Circulator's Name \_\_\_\_\_

Circulator's Address \_\_\_\_\_

For official use only

Serial number: 14-02

Date approved: 12/23/2014