

RESOLUTION NO. \_\_\_\_\_ - 2016

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, OPPOSING PROPOSED AMENDMENT 1 TO THE FLORIDA STATE CONSTITUTION AND ANY EFFORTS TO DIMINISH ACCESS OR REDUCE THE ECONOMIC COMPETITIVENESS OF SOLAR INVESTMENTS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, solar photovoltaic energy offers many potential benefits, including lower electricity costs for homeowners, businesses, and governments; local jobs and economic development; reduced dependence on imported fuels; pollution-free electricity generation; no water use during power production; and contribution to a more resilient electric grid; and

WHEREAS, Florida has the third-highest potential for rooftop solar energy generation in the United States, but currently ranks 14<sup>th</sup> in the nation for installed solar capacity, according to the Solar Energy Industry Association, with fewer than 12,000 grid-connected customer-owned solar energy systems in the state as of the end of 2015, according to the Florida Public Service Commission; and

WHEREAS, Florida spends billions of dollars each year purchasing carbon-based fuels from other states and countries to power its homes, businesses, and vehicles, while solar power will keep energy dollars in the state and foster economic growth in the clean energy sector by creating good-paying jobs in the areas of local sales, installation, and system maintenance; and

WHEREAS, the Monroe County Board of County Commissioners has set a community-wide carbon emissions reduction goal of 40 percent below 2010 levels by 2050 (expressed most recently in the Climate Change Element of the County Comprehensive Plan and the 2015 Update to the County's Community-wide Climate Action Plan); and

WHEREAS, increased solar-generated electricity, including customer-sited systems on residential and commercial properties, will be a key strategy for achieving this community-wide goal; and

WHEREAS, Florida's net metering policy, which requires electric utilities to compensate individual customers for excess electricity generated by residential and commercial solar energy systems sent back to the electrical grid, is one of the only pro-solar consumer incentives currently available in the state; and

WHEREAS, a May 2016 report by the Brookings Institution on rooftop solar and net metering stated, "In short, while the conclusions vary, a significant body of cost-benefit research conducted by PUCs, consultants, and research organizations provides substantial evidence that net metering is more often than not a net benefit to the grid and all ratepayers."; and

WHEREAS, the community benefit derived from solar investments and incentives, such as net metering, is realized through a reduced need for expanded capacity in energy infrastructure to accommodate increases in energy demands, in addition to the well-known environmental benefits of solar power as a clean and renewable energy source; and

WHEREAS, for many years Monroe County has offered strong support for pro-solar energy policies and legislation at the state and federal levels, including explicit support in the County's annual state and federal legislative programs and in legislative programs approved jointly by the County Commissions of the four Southeast Florida Regional Climate Change Compact Counties; and

WHEREAS, the Compact Counties 2016 State Energy and Climate Legislative Program specifically "OPPOSE[S] any weakening of existing net metering policies"; and

WHEREAS, Amendment 1, entitled "Rights of Electricity Consumers Regarding Solar Energy Choice," to be presented to voters at the November 8, 2016, general election, purports to grant Florida residents new solar energy rights in the Florida Constitution—when in fact they already possess these rights under state law; and

WHEREAS, this passage is followed with a stated intent “to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do,” suggesting that net-metered consumer solar systems impose a net cost on ratepayers; and

WHEREAS, this assertion is not only unfounded, but may also serve as later rationale for weakening or limiting net metering policies, which are vital to the economics of distributed rooftop solar energy and regional efforts to expand solar investments by individual homeowners and businesses; and

WHEREAS, such an action would not only eliminate one of the last remaining solar incentives available to Florida residents, but could essentially create a penalty for individuals and businesses making sizable upfront investments that help advance solar as a clean and renewable energy source in our state, investments which already have long payback periods largely due to the lack of significant solar incentives in the State of Florida; and

WHEREAS, the implications of Amendment 1 could be potentially far-reaching, serving to curtail rather than foster distributed solar systems and solar investment by individual property owners, which represent the greatest opportunity for solar expansion in the State at this time, given the current emphasis of many large energy utilities on natural gas expansion as opposed to large-scale solar; and

WHEREAS, Florida Supreme Court Justice Barbara Pariente, in her dissent from the narrow four-justice majority ruling which allowed Amendment 1 to appear on the November 2016 ballot, wrote, “Let the pro-solar energy consumers beware. Masquerading as a pro-solar energy initiative, this proposed constitutional amendment, supported by some of Florida’s major investor-owned electric utility companies, actually seeks to constitutionalize the status quo. The ballot title is affirmatively misleading by its focus on “Solar Energy Choice,” when no real choice exists for those who favor expansion of solar energy. The ballot language is further defective for purporting to grant rights to solar energy consumers that are illusory; and failing, as required, to

clearly and unambiguously set forth the chief purpose of the proposed amendment—to maintain the status quo favoring the very electric utilities who are the proponents of this amendment.”; and,

WHEREAS, over 75 consumer advocacy groups including the League of Women Voters of Florida, the Florida Solar Energy Industries Association, Florida Alliance for Renewable Energy, Conservatives for Energy Freedom, Republican Liberty Caucus of Florida, Democratic Environmental Caucus of Florida, the American Solar energy Society and the United States Green Chamber of Commerce are in opposition to Amendment 1; and,

WHEREAS, *Consumers for Smart Solar* is primarily bankrolled by the state’s investor-owned power companies<sup>1</sup> that oppose current net metering policy<sup>2</sup>;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. The Board opposes Amendment 1, entitled “Rights of Electricity Consumers Regarding Solar Energy Choice” as stated herein and expresses its opposition to any efforts to reduce the competitiveness of, or otherwise create disincentives for, individual investments in solar energy.

Section 2. SEVERABILITY.

If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.

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<sup>1</sup> Division of Elections, Committee Tracking system, consumers for smart Solar at: <http://dos.elections.myflorida.com/committees/ComDetail.asp?account=64817>

<sup>2</sup> Florida Public Service Commission, Response by FPL to Request for Comments on Solar Policy, at: <http://www.psc.state.fl.us/Files/PDF/Utilities/Electricgas/SolarEnergy//Florida%20Power%20and%20Light.pdf>

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said board on the 19<sup>th</sup> day of October, 2016.

Mayor Heather Carruthers \_\_\_\_\_  
Mayor Pro Tem George Neugent \_\_\_\_\_  
Commissioner Danny Kolhage \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_  
Commissioner Sylvia Murphy \_\_\_\_\_


(SEAL)

Attest: AMY HEAVILIN, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
Heather Carruthers, Mayor

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
ROBERT B. SHILLINGER, JR.  
COUNTY ATTORNEY  
Date 10-5-16