

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING FLORIDA AMENDMENT 1 (2016), WHICH AMENDMENT SHALL BE SUBMITTED TO FLORIDA'S VOTERS ON NOVEMBER 8, 2016, ON THE BASIS THAT AMENDMENT 1 WOULD CONSTITUTIONALIZE BARRIERS AGAINST CONSUMERS WHO DESIRE TO OWN OR LEASE SOLAR ENERGY EQUIPMENT.

WHEREAS, on July 20, 2016, the City Commission adopted Resolution No. 2016-29523, supporting Florida Amendment 4 (2016), entitled "Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment," in order to support tax reductions on solar energy equipment and promote the use of solar energy in Florida; and

WHEREAS, Amendment 4 was overwhelmingly approved by Florida's voters on August 30, 2016 (72.62% voted in favor of Amendment 4); and

WHEREAS, backed by energy utility groups, Florida Amendment 1 (2016), entitled "Rights of Electricity Consumers Regarding Solar Energy Choice," purports to amend the Florida Constitution to establish a right "for consumers to own or lease solar equipment installed on their property to generate electricity for their own use." "State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and 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" ("Amendment 1"); and

WHEREAS, Floridians already have the right to own solar equipment on their own property to generate electricity for their own use; and

WHEREAS, under the guise of "protecting consumer rights," Amendment 1 would elevate the existing rights of our lawmakers to further regulate solar energy use and establish that regulatory power as a constitutional right in Florida; and

WHEREAS, as Justice Barbara Pariente wrote in her dissent to the Florida Supreme Court's advisory opinion regarding Amendment 1,

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.

Advisory Opinion to Atty. Gen. re Rights of Elec. Consumers regarding Solar Energy Choice, 188 So. 3d 822, 834–35 (Fla. 2016); and

WHEREAS, the City of Miami Beach ("City") and other cities and urban areas are in a unique position to combat climate change, because cities and urban areas are responsible for producing 70% of climate-changing greenhouse gas ("GHG") emissions worldwide; and

WHEREAS, by taking positive steps to reduce GHG emissions and otherwise mitigate the effects of climate change, cities can improve their quality of life, enhance their economic prosperity, and protect the livability of our cities; and

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 behind less sunny states in realizing that potential. With 9 million electric utility customer accounts, Florida has only 8,500 customer-sited solar systems; and

WHEREAS, by law, Florida expressly denies citizens and businesses the freedom to buy solar power electricity directly from a provider other than a power company; and

WHEREAS, nearly 75% of campaign contributions in support of Amendment 1 were provided by power companies; and

WHEREAS, Florida spends approximately \$58 billion each year buying carbon-based fuels from other states and countries to power our homes, businesses, and cars; and

WHEREAS, solar power would keep energy dollars here at home and create well-paying local jobs; and

WHEREAS, in a recent poll, 74% of Florida voters said they support changing the state's current law to allow Floridians to contract directly with solar power providers for their electricity. Removing barriers to solar choice will allow more Floridians to take advantage of the power of the sun¹; and

WHEREAS, lowering the cost of solar power improves the economic benefit of solar power and can lead to significantly more solar energy development.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby oppose Florida Amendment 1 (2016), which Amendment shall be submitted to Florida's voters on November 8, 2016, on the basis that Amendment 1 would constitutionalize barriers against consumers who desire to own or lease solar energy equipment.

PASSED and **ADOPTED** this ____ day of _____, 2016.

ATTEST:

Mayor Philip Levine

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

¹ Northstar Opinion Research, Survey of Florida Registered Voters, October 2014.

City Attorney
Date 10/21/16
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