

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 17, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact solar energy initiatives to allow for virtual "net metering," to exempt solar photovoltaic systems from commercial property assessments and the tangible personal property tax, to allow for the use of Power Purchase Agreements in Florida, and to continue to require uniform approval authority through the Florida Solar Energy Center for all solar energy systems sold in Florida

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 17, 2015

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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
- 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 ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(11)
3-17-15

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SOLAR ENERGY INITIATIVES TO ALLOW FOR VIRTUAL "NET METERING," TO EXEMPT SOLAR PHOTOVOLTAIC SYSTEMS FROM COMMERCIAL PROPERTY ASSESSMENTS AND THE TANGIBLE PERSONAL PROPERTY TAX, TO ALLOW FOR THE USE OF POWER PURCHASE AGREEMENTS IN FLORIDA, AND TO CONTINUE TO REQUIRE UNIFORM APPROVAL AUTHORITY THROUGH THE FLORIDA SOLAR ENERGY CENTER FOR ALL SOLAR ENERGY SYSTEMS SOLD IN FLORIDA

WHEREAS, solar energy initiatives should be supported and expanded in Florida, as solar energy offers the promise of improving the environment and reducing our dependence on imported oil and fossil fuels; and

WHEREAS, under current "net metering" laws and policies, when a solar energy installation produces more electricity than is consumed on a site, the electric utility will carry the net excess generation forward as a credit for the customer in the next billing cycle and will pay the customer for any remaining unused credits at the end of a 12-month cycle at a specified rate, which allows consumers to offset some of the cost of the electricity they buy from a utility; and

WHEREAS, this "net metering" benefit is currently available only to homeowners who are able to place solar installations directly on their property, and is not available to condominium owners, renters, and other persons with property not suited for solar installations due to shade or orientation; and

WHEREAS, the Florida Legislature should amend the existing "net metering" laws and policies to allow for *virtual* "net metering," such that utility customers will be able to buy or

lease solar panels located at another location and apply the offsets and credits to their respective utility bills, just as is currently the case for customers with *onsite* “net metering”; and

WHEREAS, because “net metering” is currently the only statewide solar incentive in Florida, the Florida Legislature should oppose any attempts to weaken the benefit, reduce its value to the customer, or require additional fees for use of the electrical grid; and

WHEREAS, in November 2008, Florida voters approved a constitutional amendment prohibiting the consideration of renewable energy devices and wind resistance improvements in residential property assessments, and the Florida Legislature passed legislation in 2013 implementing this assessment exclusion; and

WHEREAS, during its 2014 session, the Florida Legislature considered a resolution to place before voters, a similar amendment regarding renewable energy equipment on commercial property, but the resolution failed to pass; and

WHEREAS, the Florida Legislature should consider and pass a new resolution during the 2015 session to place this amendment on the ballot, as it would encourage wider deployment of solar photovoltaic (“solar PV”) systems by commercial property owners; and

WHEREAS, the wider development of solar leasing programs should be encouraged, as such programs allow property owners to lease solar equipment from a developer using the electricity produced to offset their electrical use onsite, and also help to mitigate high, up-front homeowner purchase and installation costs, which are often seen as barriers to the use of solar energy; and

WHEREAS, the tangible personal property tax applied to leased solar PV equipment inhibits the wider development of solar leasing programs; and

WHEREAS, the Florida Legislature should consider and pass a resolution in favor of a constitutional amendment to eliminate this tax applied to leased solar equipment; and

WHEREAS, Florida law currently prohibits anyone other than an investor-owned or publicly-owned utility from selling electricity to customers, which prevents the use of Power Purchase Agreements, under which solar developers install solar PV panels on a customer's house and then sell the customer the electricity produced; and

WHEREAS, under Power Purchase Agreements, developers own the solar equipment, but the customers agree to purchase all the energy from the equipment over a fixed period of time, typically at a price lower than from the local utility; and

WHEREAS, Power Purchase Agreements are advantageous because they allow property owners to obtain renewable energy without paying the up-front costs associated with solar PV equipment or worrying about maintenance of the system; and

WHEREAS, in light of these benefits, the Florida Legislature should craft a limited exception to the ban on the third-party sale of electricity in order to allow the use of Power Purchase Agreements in Florida; and

WHEREAS, Florida law currently provides that all solar energy systems sold in the state must meet the performance standards established by the Florida Solar Energy Center ("FSEC"); and

WHEREAS, the Florida Legislature should retain this requirement, as uniform approval authority through the FSEC helps streamline solar permitting processes in Florida; and

WHEREAS, this Board wishes to urge the Florida Legislature to expand existing laws and policies to allow for virtual "net metering," to exempt solar PV systems from commercial property assessments and the tangible personal property tax, to allow the use of Power Purchase

Agreements in Florida, and to continue to require uniform approval authority through the FSEC for all solar energy systems sold in Florida,

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 existing laws and policies to allow for virtual “net metering,” to exempt solar PV systems from commercial property assessments and the tangible personal property tax, to allow the use of Power Purchase Agreements in Florida, and to continue to require uniform approval authority through the FSEC for all solar energy systems sold in Florida.

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 passage of the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 state legislative package to include this item and to include this item in the 2016 state legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2015. 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

