

MEMORANDUM

Agenda Item No. 11(A)(22)

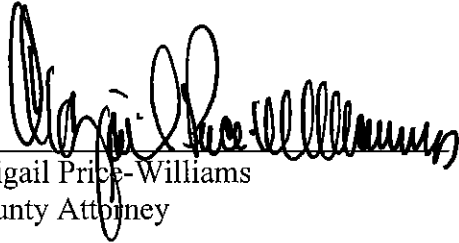
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting Senate Bill 292, or similar legislation that would strengthen property rights by exempting from the definition of "public utility" property owners who produce and sell renewable energy on the same property

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

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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 ____, 3/5's ____, unanimous ____) 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)(22)
11-7-17

RESOLUTION NO. _____

RESOLUTION SUPPORTING SENATE BILL 292, OR SIMILAR LEGISLATION THAT WOULD STRENGTHEN PROPERTY RIGHTS BY EXEMPTING FROM THE DEFINITION OF “PUBLIC UTILITY” PROPERTY OWNERS WHO PRODUCE AND SELL RENEWABLE ENERGY ON THE SAME PROPERTY

WHEREAS, Senate Bill (SB) 292 has been filed for consideration during the Florida Legislature’s 2018 session by Senator Jose Javier Rodriguez (D – Miami); and

WHEREAS, renewable energy sources, such as solar and wind power, offer a clean and naturally replenishing alternative to fuel-based power sources; and

WHEREAS, renewable energy sources provide the potential to improve our environment and reduce our dependence on imported oil and fossil fuels; and

WHEREAS, as of 2015, nearly half of all states allowed third-party sales of renewable energy; and

WHEREAS, currently, Florida law allows non-utilities to produce electricity for their own use and sell any excess to a utility, but prohibits all non-utility sales of electricity to anyone other than a utility; and

WHEREAS, SB 292 would exempt from the definition of “public utility” any property owner who owns and operates on that property a renewable energy source device with a capacity of up to 2.5 megawatts and who produces and provides or sells renewable energy from that device to users located on the property; and

WHEREAS, fundamentally, this bill would further property rights of landowners throughout the state by making it possible for them to use their property in the manner of their choosing to take advantage of, and benefit from, renewable energy produced on such property; and

WHEREAS, by exempting such property owners from the definition of “public utility,” SB 292 lessens the regulatory burdens on, and provides greater flexibility to, those property owners who wish to produce and sell renewable energy to other users on their property; and

WHEREAS, if enacted, this bill could allow business owners, farmers, investors, and other property owners to take advantage of the economic and environmental benefits of solar and other renewable energy; and

WHEREAS, this bill also has the potential to stimulate Florida-based investment in clean energy jobs across an array of sectors, including manufacturing, installation, and maintenance, among others; and

WHEREAS, in addition, if SB 292 were enacted, the utilities in Florida stand to benefit from a cost savings associated with less pressure on the power grid, as more property owners avail themselves of the opportunity to produce renewable energy onsite and sell it to other uses located there; and

WHEREAS, this Board now wishes to support this bill in furtherance of its efforts to facilitate the use of renewable energy in Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports Senate Bill 292, or similar legislation that would strengthen property rights by exempting from the definition of “public utility” property owners who produce and sell renewable energy on the same property.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Jose Javier Rodriguez, and the Chair and remaining 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 2018 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. 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

