

MEMORANDUM

Agenda Item No. 11(A)(8)


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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting HB 687,
or similar legislation that would
facilitate net metering for
renewable energy and encourage
the use of renewable energy
devices; provided, however, that
provisions of HB 687 that would
preempt local government
regulation of renewable energy
devices are removed

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

for

APW/Imp



MEMORANDUM
(Revised)

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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)(8)
1-20-16

RESOLUTION NO. _____

RESOLUTION SUPPORTING HB 687, OR SIMILAR LEGISLATION THAT WOULD FACILITATE NET METERING FOR RENEWABLE ENERGY AND ENCOURAGE THE USE OF RENEWABLE ENERGY DEVICES; PROVIDED, HOWEVER, THAT PROVISIONS OF HB 687 THAT WOULD PREEMPT LOCAL GOVERNMENT REGULATION OF RENEWABLE ENERGY DEVICES ARE REMOVED

WHEREAS, House Bill 687 (“HB 687”) has been filed for consideration during the Florida Legislature’s 2016 session by Representative Fred Costello (R – Ormond Beach); 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, “net metering” allows homeowners and businesses who connect approved, renewable generation systems, such as solar panels, to the electric grid to buy and sell electricity to others; and

WHEREAS, when net metering is used, any excess energy that is produced can be sold back to the grid, with that amount of energy deducted from the person’s monthly bill or credited toward a future bill in the same calendar year; and

WHEREAS, HB 687 would, among other things, deregulate several aspects of Florida’s renewable energy industry and allow homeowners and businesses that generate up to two megawatts of renewable power to sell energy to their neighbors and sell any excess energy back to the grid; and

WHEREAS, HB 687 shares some similarities with the ballot initiative put forth by the Floridians for Solar Choice, which would allow Florida voters to decide if the Florida Constitution should be amended to allow non-utility companies to provide solar energy directly to customers; and

WHEREAS, one difference is that HB 687 proposes to open the market to multiple forms of renewable energy – including, for example, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power – while the Floridians for Solar Choice initiative focuses exclusively on opening the market to solar power; and

WHEREAS, according to the Southern Alliance for Clean Energy, both HB 687 and the proposed ballot initiative are intended to achieve common aims, including opening the market for solar and renewable energy, overcoming barriers to competition, and preventing discriminatory actions by the utility companies; and

WHEREAS, this Board wishes to express its support for HB 687, or similar legislation to the extent that it facilitates net metering for renewable energy and encourages the use of renewable energy devices; and

WHEREAS, however, HB 687 also contains some provisions that would preempt local governments from regulating, or from entering into a covenant to regulate, the design, specification, type, location, and appearance of devices that produce local renewable energy in a manner more stringent than the Florida Building Code; and

WHEREAS, this Board wishes to express concern regarding the provisions of HB 687 that would preempt local government action and urges the Legislature to amend the bill to remove those provisions,

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

Section 1. Supports HB 687, or similar legislation that would facilitate net metering for renewable energy and encourage the use of renewable energy devices; provided, however, that provisions of HB 687 that would preempt local government regulation of renewable energy devices are removed.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Representative Fred Costello, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz and the Co-Sponsors are Commissioner Daniella Levine Cava and Commissioner Audrey M. Edmonson . 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:

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 20th day of January, 2016. 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