

MEMORANDUM

Agenda Item No. 11(A)(24)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

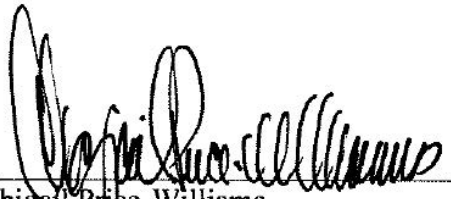
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Power & Light Company ("FPL") to suspend any disconnection of power and light services for nonpayment until 60 days after the termination of the state of local emergency issued as a result of coronavirus disease 2019 (COVID-19) and to consider certain other actions to help protect the public's health, safety, and welfare during the emergency

Resolution No. R-687-20

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairwoman Audrey M. Edmonson, Vice Chairwoman Rebeca Sosa, Commissioner Daniella Levine Cava, Commissioner Eileen Higgins, Commissioner Dennis C. Moss, Commissioner Esteban L. Bovo, Jr., Commissioner Jean Monestime, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez, Senator Javier D. Souto, Commissioner Jose "Pepe" Diaz and Commissioner Barbara J. Jordan.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 8, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(24)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(24)
7-8-20

RESOLUTION NO. R-687-20

RESOLUTION URGING THE FLORIDA POWER & LIGHT COMPANY (“FPL”) TO SUSPEND ANY DISCONNECTION OF POWER AND LIGHT SERVICES FOR NONPAYMENT UNTIL 60 DAYS AFTER THE TERMINATION OF THE STATE OF LOCAL EMERGENCY ISSUED AS A RESULT OF CORONAVIRUS DISEASE 2019 (COVID-19) AND TO CONSIDER CERTAIN OTHER ACTIONS TO HELP PROTECT THE PUBLIC’S HEALTH, SAFETY, AND WELFARE DURING THE EMERGENCY

WHEREAS, Florida Power & Light Company (“FPL”) is the largest energy company in the United States as measured by retail electricity produced and sold; and

WHEREAS, FPL serves more than 5 million customer accounts and 10 million people across the State of Florida; and

WHEREAS, in early 2020, the United States, including the State of Florida and Miami-Dade County, began experiencing an outbreak of the infectious disease named coronavirus disease 2019 (COVID-19); and

WHEREAS, COVID-19 is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 9, 2020, the Governor of Florida declared a State of Emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Local Emergency for all of Miami-Dade County in order to protect the public’s health, safety, and welfare; and

WHEREAS, in response to COVID-19, public health officials and the United States Centers for Disease Control and Prevention (CDC) encouraged “social distancing” to reduce the spread of the virus; and

WHEREAS, to enforce social distancing, the County Mayor issued emergency orders imposing mandatory closures of non-essential businesses in Miami-Dade County; and

WHEREAS, while these precautions were established to keep people safe, thousands of workers in Miami-Dade County and throughout the state have been laid off, furloughed, or left with severely reduced work hours; and

WHEREAS, more than 30 million Americans applied for unemployment benefits from mid-March through April 30, 2020; and

WHEREAS, recent data from the United States Bureau of Labor Statistics reveals that several cities in Florida, including the Cities of Hialeah and Miami, are among those in the United States that have seen the biggest spikes in unemployment due to COVID-19; and

WHEREAS, many of the County’s residents and families are struggling to make ends meet, and are unable to pay for basic necessities such as utilities, rent, and food; and

WHEREAS, on May 8, 2020, the Governor issued Executive Order 20-114, extending the state of emergency to contain the spread of COVID-19; and

WHEREAS, as a result of COVID-19, many residents have lost their income due to layoffs or furloughs and face the possibility that their inability to timely pay their utility bills and any associated late fees could result in disconnection of their FPL services; and

WHEREAS, access to electricity is imperative while staying at home and many of the County’s residents and families are being required to stay at home to minimize the chances of either being exposed to or spreading COVID-19; and

WHEREAS, the impacts of this outbreak will be felt for months beyond the declared State of Emergency and residents may still be waiting for economic assistance during that time; and

WHEREAS, this Board finds that access to power and light during this health threat is critical and requests a stay in place for 60 days after the Local State of Emergency has terminated to further protect the public's health, safety, and welfare; and

WHEREAS, the Board also would like to urge FPL to consider:

(1) Forgiving bills for impacted and vulnerable residents seeking assistance from FPL within Miami-Dade County, which are residents experiencing unemployment as a result of COVID-19, Asset Limited Income Constrained but Employed (ALICE) residents, and energy burdened residents;

(2) Renegotiating or setting up reasonable payment plans for residents seeking assistance from FPL; and

(3) Eliminating late fees and back charges to residents who would have been disconnected for accrued usage once the suspension period ends,

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

Section 1. Urges the Florida Power & Light Company to suspend any disconnection of power and light services for nonpayment of those affected by coronavirus disease 2019 (COVID-19) until 60 days after the termination of the state of local emergency issued as a result of COVID-19 to help protect the public's health, safety, and welfare during the emergency and to consider:

(1) forgiving bills for impacted and vulnerable residents seeking assistance from FPL within Miami-Dade County, which are residents experiencing unemployment as a result of COVID-19, Asset Limited Income Constrained but Employed (ALICE) residents, and energy burdened residents;

(2) renegotiating or setting up reasonable payment plans for residents seeking assistance from FPL; and

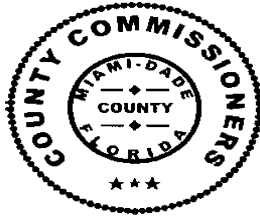
(3) eliminating late fees and back charges to residents who would have been disconnected for accrued usage once the suspension period ends.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Chief Executive Officer of the Florida Power & Light Company.

The Co-Prime Sponsors of the foregoing resolution are Chairwoman Audrey M. Edmonson, Vice Chairwoman Rebeca Sosa, Commissioner Daniella Levine Cava, Commissioner Eileen Higgins, Commissioner Dennis C. Moss, Commissioner Esteban L. Bovo, Jr., Commissioner Jean Monestime, Commissioner Sally A. Heyman, Commissioner Joe A. Martinez, Senator Javier D. Souto, Commissioner Jose "Pepe" Diaz and Commissioner Barbara J. Jordan. It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "AM", is written over a horizontal line.

Alisha Moriceau