



Village of Biscayne Park

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Agenda Item

Village Commission Meeting Date: July 12, 2016

Subject: Florida Amendment 1

Prepared by: Commissioner Barbara Watts

Sponsored by: Commission

Background Analysis:

The August and November ballots contain two FL proposed Constitutional Amendments (nos. 1 and 4) to the state Constitution that regard solar power. Amendment 4 on the August ballot (title: “Solar Devices or renewable energy source devices; exemption from certain taxation and assessment”), seems to be straightforward and seems not to have been challenged regarding clarity of wording, content, and ramifications. This is not the case, however, with Amendment 1, which is on the November ballot (Rights of Electricity Consumers Regarding Solar Energy Choice”), which has been criticized with respect to its title, for being vague and not suggesting what the amendment actually proposes, much less its long-term ramifications and limitations (see below).

The proposed amendment, if passed, may affect the rate of expansion of the use of solar power in our Sunshine state; and, it seems that it will determine the coffers to which solar energy profits will go.

The wording of **Amendment 1’s title, “Rights of Electricity Consumers Regarding Solar Energy Choice,”** does not indicate its actual content, only its overall subject matter. To me, the word “rights” in the title does not indicate whether the amendment proposes a replication, expansion, or reduction of already existing consumer rights and might prompt a somewhat unprepared voter to make a knee-jerk reaction/vote on this complex, important and complex issue **and submit a vote utterly opposite to what he/her intended.**

The passing of “FL Amendment 1” will affect Biscayne Park residents and, the Village itself (in various ways—see below for documentation and arguments links This amendment is so nuanced, that it warrants detailed consideration.

This issue is a non-partisan issue, I suggest that we ask representatives from the primary organizations on both/all sides give presentations at the September Commission meeting and/or that we consider having a forum/workshop on the matter (and other items on the FL Ballot, perhaps in collaboration with El Portal, North Miami, and Miami Shores..

Back-up Information:

1)
[https://ballotpedia.org/Florida_Right_to_Solar_Energy_Choice_Initiative,_Amendment_1_\(2016\)](https://ballotpedia.org/Florida_Right_to_Solar_Energy_Choice_Initiative,_Amendment_1_(2016))
):

Florida Right to Solar Energy Choice Initiative, Amendment 1 (2016)

This amendment is different from [Florida Amendment 4](#), the [legislatively referred constitutional amendment](#) that addresses [energy](#) and has been certified for the [August 2016 ballot](#).

Florida Amendment 1	
Election date November 8, 2016	
Topic Energy	
Status <i>On the ballot</i>	
Type Constitutional amendment	Origin Citizens

The **Florida Right to Solar Energy Choice Initiative**, also known as **Amendment 1**, is on the [November 8, 2016](#), ballot in [Florida](#) as an [initiated constitutional amendment](#).

A vote "**for**" the measure would add a section in the state constitution giving residents of Florida the right to own or lease solar energy equipment for personal use.

A vote "**against**" the measure would prevent the addition of this right to the constitution.

The measure would also ensure that those who do not produce their own solar energy would not be required to subsidize the costs of electric grid access and backup power to those who do.^[1]

Background

Solar energy was the focus of several ballot measures in Florida in 2015 and 2016. Another [competing citizen initiated amendment](#) petition was circulated in 2015, but was withdrawn due to a shortage of signatures. That initiative would have given businesses and individuals the constitutional right to produce up to two megawatts of solar energy that could be sold to others at the same or contiguous property. The support campaign for that measure, Floridians for Solar Choice, now leads the opposition campaign for Amendment 1. In addition to these citizen initiatives, the [Florida Legislature](#) approved a measure to appear on the ballot in August 2016 as [Amendment 4](#), which provides property tax exemptions for renewable energy devices.

Solar power in Florida

See also: [Energy in Florida](#)

Despite Florida's nickname as the Sunshine State, the majority of the renewable energy produced there comes from [biomass](#), not [solar](#). Solar energy accounted for 5 percent of the all the energy generated from renewable sources in 2014. The use of solar energy is expected to increase in the coming years, however; according to the [U.S. Energy Information Administration](#), photovoltaic (PV) solar is expected to account for almost one-third of Florida's new renewable energy capacity by 2023.^[2]

In 2012, H.B. 7117 established a renewable energy tax credit program, which is set to expire in 2017. The credit equals one cent per kilowatt hour of electricity produced and sold during a tax year for taxpayers using renewable energy, including solar power. According to the Florida Solar Energy Industries Association, it is illegal for any entity, including homeowner associations, from banning the installation of solar panels on buildings in the state. These entities can, however, have an approval process. Florida does not have a [Renewable Portfolio Standard](#) (RPS). It does, however, have other incentive programs to increase renewable energy facilities, including a [net metering](#) program. Net metering is a billing system where customers who generate their own electricity—usually using [renewable sources](#) such as [solar panels](#)—are able to sell their excess electricity back to the grid.^{[3][4][5][6]}

Net metering

According to the Database of State Incentives for Renewables and Efficiency, "net metering is required by law in most U.S. states, but state policies vary widely."^[7] While many energy experts support net metering, there is debate over the price at which those generating excess power should be compensated. In some states, consumers are compensated at the retail rate, while other states compensate individual producers at the wholesale rate. Retail electricity rates are the final prices paid by consumers and include the costs of that [electricity from generation to delivery](#). Wholesale electricity rates "include the cost of the fuel used to generate electricity and the cost of buying the power," but do not include the costs of transporting or delivering electricity.^{[4][8]}

Proponents of net metering argue the system is beneficial because it promotes renewable energy and incentivizes consumers to produce their own electricity—a practice that proponents argue is more efficient. Consumers are often drawn to this program because they can save money by

generating their own electricity (as opposed to buying it from a utility company), and they can even receive credit back on their electricity bill for the excess electricity they generated.^[9]

Opponents of net metering argue that customers who sell their electricity back to the grid at the full electricity price are not paying for the fixed costs associated with power generation—such as wires, poles, meters, and other infrastructure—and that these costs are shifted onto customers without net metering. According to these opponents, consumers producing their own energy are often still using power supplied by a utility company when their own generation isn't sufficient. For example, on cloudy days, those with solar panels must rely on the grid system for electricity. Instead, opponents argue that consumers should be paid the wholesale price for electricity.^[4]

Note: This information was last updated on June 2, 2016.

Text of measure

Ballot title

The ballot title is:^[1]

“ Rights of Electricity Consumers Regarding Solar Energy Choice^[10] ”

Ballot summary

The ballot summary is:^[1]

“ This amendment establishes a right under Florida's constitution 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.^[10] ”

Constitutional changes

See also: [Article X of the Florida Constitution](#)

The measure would add Section 29 to Article X of the [Florida Constitution](#).

Full text

The full text is:^[1]

“ Section 29 – Rights of electricity consumers regarding solar energy choice. – ”

(a) ESTABLISHMENT OF CONSTITUTIONAL RIGHT. Electricity consumers have the right to own or lease solar equipment installed on their property to generate electricity for their own use.

(b) RETENTION OF STATE AND LOCAL GOVERNMENTAL ABILITIES. 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.

(c) DEFINITIONS. For purposes of this section, the following words and terms shall have the following meanings:

(1) "consumer" means any end user of electricity regardless of the source of that electricity.

(2) "solar equipment," "solar electrical generating equipment" and "solar" are used interchangeably and mean photovoltaic panels and any other device or system that converts sunlight into electricity.

(3) "backup power" means electricity from an electric utility, made available to solar electricity consumers for their use when their solar electricity generation is insufficient or unavailable, such as at night, during periods of low solar electricity generation or when their solar equipment otherwise is not functioning.

(4) "lease," when used in the context of a consumer paying the owner of solar electrical generating equipment for the right to use such equipment, means an agreement under which the consumer pays the equipment owner/lessor a stream of periodic payments for the use of such equipment, which payments do not vary in amount based on the amount of electricity produced by the equipment and used by the consumer/lessee.

(5) "electric grid" means the interconnected electrical network, consisting of power plants and other generating facilities, transformers, transmission lines, distribution lines and related facilities, that makes electricity available to consumers throughout Florida.

(6) "electric utility" means any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state.

(d) EFFECTIVE DATE. This section shall be effective immediately upon voter approval of this amendment. [\[10\]](#)

Support

The group behind the initiative is Consumers for Smart Solar, who are running a campaign called "Yes on 1 for the sun." [\[11\]\[12\]](#)

Supporters

- Jim Kallinger, former state representative and co-chair of Consumers for Smart Solar^[13]
- Dick Batchelor, former state representative and co-chair of Consumers for Smart Solar
- Kevin Doyle, executive director of Consumer Energy Alliance - Florida^[14]

Arguments

Sarah Bascom, spokeswoman for Consumers for Smart Solar, said the Smart Solar Amendment would:^[15]

“ ...promote the increased use of solar power in Florida by protecting our rights to own solar equipment, providing consumer protections and ensuring that all citizens are treated fairly whether they choose to put solar panels on their home or not.^[10] ”

Dick Batchelor, a former Democratic member of the Florida House of Representatives, said:^[16]

“ [I]n looking at ways to increase the amount of our energy that comes from the sun, it is essential that we do so in a way that safeguards consumers – particularly our seniors – with commonsense consumer protection rules that benefit every consumer, and that we have all come to expect. Amendment 1 is a straightforward plan for the future of solar energy in Florida.^[10] ”

Ad paid for by Consumers for Smart Solar

Matthew Carter, a former Public Service Commissioner, said:^[16]

“ Read Amendment 1 – and you will see that it was not written to benefit any one industry. It is written to benefit consumers. It establishes a framework in our constitution that cements important rights and protections with regard to solar energy, so that they cannot be weakened or ignored by special interests or policy makers...In fact, while Amendment 1 doesn't preclude any other approach to solar energy in Florida, it merely makes certain that in this ever-changing world of solar, individual citizens will always have the right to generate their own electricity from their own solar equipment. And, it allows state and local governments to continue their current role of ensuring safe and reliable energy, while ensuring that consumers are dealt with fairly by companies that provide energy services.^[10] ”

Opposition

Opponents

The group Floridians for Solar Choice, who failed to get a [competing measure](#) on the ballot, oppose Amendment 1.^[17]

Arguments

David Guest, managing attorney for the Florida office of Earthjustice, said:^[18]

“ What makes it so insidious is that they are trying to extend their monopoly for burning fossil fuels to the sun...But the sun is not theirs.”^[10] ”

Debbie Dooley, a Tea Party activist, said that Consumers for Smart Solar:^[19]

“ ...claims to support a free-market principle, but they are taking an anti-free-market position by siding with monopolies to stop competition from solar.”^[10] ”

Stephen A. Smith, the executive director of the Southern Alliance for Clean Energy and a board member of the group that attempted to put a [competing measure](#) on the ballot, Floridians for Solar Choice, said:^[16]

“ The only people their proposed amendment would protect are utility shareholders. Period. This amendment seeks to limit non-utility solar options in Florida by enshrining the status quo and providing the utilities with leverage to continue to control their customers.”^[10] ”

David Guest and others argue that the measure could potentially get rid of net metering, the practice that requires electric companies to purchase excess electricity from solar homes. The amendment states that state and local governments would have the authority "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." The amendment could allow utilities to argue that net metering is a "subsidy" for solar, and lawmakers could prohibit the use of net metering.^[19]

Campaign finance

Support

The *Tampa Bay Times* reported on December 16, 2015, that the solar energy committee surpassed Gov. [Rick Scott](#)'s PAC, Let's Get to Work, in fundraising amounts. As of December 16, 2015, Scott's committee had raised \$4.2 million.^[20]

The Consumers for Smart Solar committee raised \$7.2 million between July 2015 and February 2016. The committee raised \$235,000 in February 2016 alone and had \$445,000 in cash on hand. In March 2016, the group spent \$268,000 on public opinion research and legal fees to defend the

measure from a lawsuit. Although the campaign only raised \$35,000 in March from the Gulf Power Company, the group had raised over \$7 million as of the beginning of April 2016. The group raised more than \$8.5 million in April 2016, representing their largest fundraising month of 2016. Nearly \$7.7 million of the April contributions came from Florida Power & Light, Duke Energy, Tampa Electric Company, and Gulf Power Company. The group also reported expenditures of \$74,606 in April 2016. Fundraising for Consumers for Smart Solar decreased dramatically in May 2016, with only \$5,000 in contributions. However, the group spent over \$6.5 million of their cash reserves on media buys in May, bringing expenditures to over \$13.5 million. [\[21\]\[22\]\[23\]\[12\]\[24\]\[25\]\[26\]](#)

Committee info:

PAC	Amount raised	Amount spent
Consumers for Smart Solar	\$16,119,245.00	\$13,703,105.83
Total	\$16,119,245.00	\$13,703,105.83

Top contributors:

Donor	Amount
Florida Power and Light Company	\$4,145,000
Duke Energy	\$3,987,000
Tampa Electric Company	\$2,121,675
Gulf Power Company	\$1,659,450
60 Plus Association, Inc.	\$1,440,000
Total campaign cash [27] <i>as of May 12, 2016</i>	
Support:	\$16,119,245.00
Opposition:	\$0.00

The following is a list of those who contributed \$100,000 or more to the campaign supporting the initiative. As of the end of April 2016, Gulf Power Company, Duke Energy, Tampa Electric Company, and Florida Power and Light had contributed \$11.9 million of the \$16.1 million raised by the campaign. [\[21\]\[12\]](#)

- Tampa Electric Company
- Gulf Power Company

- Partnership for Affordable Clean Energy
- Let's Preserve the American Dream
- National Black Chamber of Commerce
- PowerSouth Energy Cooperative
- Florida Power and Light Company
- Duke Energy
- 60 Plus Association, Inc.
- Checks and Balances
- National Rural Electric Cooperative Association
- Floridians for a Stronger Democracy
- Florida Faith and Freedom Coalition Inc

Opposition

Ballotpedia has not yet found campaign finance information in opposition to the measure. If you are aware of opposition, please email it to ballotmeasures@ballotpedia.org.

Media editorials

Support

Ballotpedia has not found media editorials supporting the measure. If you are aware of an editorial, please email it to ballotmeasures@ballotpedia.org.

Opposition

- **Tampa Bay Times** said:^[28]

“ The wording of this solar energy measure financed by the utilities is deceptive, and the justices should not allow it to go on the fall ballot. The amendment is an attempt to block the private market for solar in Florida — not to expand consumer choice — and voters should not be confronted with this sneak attack.^[10] ”

- **Ocala Star Banner**, referencing state supreme court Justice [Barbara Pariente](#)'s dissenting opinion from a [lawsuit over the measure](#), said:^[29]

“ If you support solar energy, or even just greater individual freedom, heed Justice Pariente’s observation of the proposed amendment’s effect: 'Clearly, this is an amendment geared to ensure nothing changes with respect to the use of solar energy in Florida — it is not a ‘pro-solar’ amendment,' she wrote. 'Let the pro-solar energy consumers beware.' Beware indeed.^[10] ”

- **Bradenton Herald** said:^[30]

“ The Consumers for Smart Solar amendment proposal comes from the utility companies, not consumers. It does nothing but enshrine current law into the Constitution, continuing the utilities unjust tight grip on the power market. It does nothing to broaden consumer choice. It does nothing to advance competitive pricing or free market doctrine. The amendment title, however, proved persuasive enough to deceive plenty of Floridians as petition drives amassed more than a million signatures in less than five months -- thanks to an outsized infusion of money from the utilities. This blatant manipulation worked, and the power industry's servants ballyhoo the "strong support from every demographic." Be forewarned and forearmed with knowledge and clarity on this ballot measure. Approval is only in the best interests of the utilities.^[10] ”

Other

- The **Sun Sentinel** expressed concern over the measure's language and its place in the [constitution](#), saying:^[31]

“ We'll listen to their arguments in the coming months. But the Florida Supreme Court opinion barely approving the ballot language — as well as the history of how this proposed amendment came into being — leave us for the time being in the Highly Skeptical category. We are skeptical that the high court should have approved the amendment's ballot language. And we are skeptical that the substance of the amendment — if it should become state policy at all — belongs in the state Constitution rather than in statute.^[10] ”

The **Orlando Sentinel**, which is owned by the same company that owns the Sun Sentinel, Tribune Publishing, also said:^[32]

“ OK. We'll listen to their arguments. But the Florida Supreme Court's divided opinion on the ballot language, and the history of how this proposed amendment came into being, leave us skeptical for the time being. And we aren't convinced at this point that the substance of the amendment — even if it is a worthy policy — belongs in the state constitution rather than in law.^[10] ”

Polls

See also: [Polls, 2016 ballot measures](#)

[hide]Florida Amendment 1 (2016)					
Poll	Support	Oppose	Other	Margin of Error	Sample Size
Hill Research Consultants Poll 2/16/2016 - 2/18/2016	73%	15%	12%	+/-4.0	607
Mason-Dixon Polling & Research 3/7/16 - 3/9/16	64%	18%	18%	+/-4.0	625
AVERAGES	68.5%	16.5%	15%	+/-4	616

Note: The polls above may not reflect all polls that have been conducted in this race. Those displayed are a sampling chosen by Ballotpedia staff. If you would like to nominate another poll for inclusion in the table, send an email to editor@ballotpedia.org.

Path to the ballot

See also: [Laws governing the initiative process in Florida](#)

On November 24, 2015, the initiative was sent to the [Florida Supreme Court](#) for review to ensure that the measure was unambiguous, covered a single topic, and ran no more than 75 words. Supporters needed to collect at least [683,149 valid signatures](#) by [February 1, 2016](#), to qualify the measure for the 2016 ballot. Petitioners submitted 720,395 valid signatures on February 3, 2016, according to the secretary of state. The measure was then certified and given a ballot number.^[1]

Lawsuit

Floridians for Solar Choice, a group that had submitted an opposing measure for the 2016 ballot, announced on January 11, 2016, that they had filed a brief against the amendment with the [Florida Supreme Court](#). The brief claimed that Consumers for Smart Solar's measure is misleading, that it promises solar energy rights for voters that the state constitution already provides, and lures voters into thinking it will increase access to rooftop solar when it will actually reduce solar options. On February 15, 2016, the Florida Supreme Court granted permission for oral arguments to be heard on May 5, 2016. On February 24, 2016, the court rescheduled oral arguments for March 7, 2016.^{[33][34][35][36]}

On March 31, 2016, the [Florida Supreme Court](#) ruled that the measure was not misleading and approved it to remain on the November ballot. In a 4-3 decision, the court stated that the measure was clearly worded and was compliant with the state's single-subject requirement for constitutional amendments. In the dissenting opinion, Justice [Barbara Pariente](#) wrote that the amendment was "masquerading as a pro-solar initiative."^[37]

State profile

Florida's population in 2014 was 19,893,297.

Florida's population in 2014 was 19,893,297, according to the United States Census Bureau. This estimate represented a 5.8 percent increase from the bureau's 2010 estimate. The state's population per square mile was 350.6 in 2010, exceeding the national average of 87.4.

Florida experienced a 3 percent increase in total employment from 2011 to 2012, exceeding the 2.2 percent increase at the national level during the same period.^[38]

Demographics

Florida fell below the national average for residents who attained at least bachelor's degrees, according to data from 2009 to 2013. The United States Census Bureau found that 26.4 percent of Florida residents aged 25 years and older attained bachelor's degrees, compared to 28.8 percent at the national level.

The median household income in Florida was \$46,956 between 2009 and 2013, compared to a \$59,836 national median income. Census information showed a 17 percent poverty rate in Florida during the study period, compared to a 14.5 percent national poverty rate.^[38] **To expand the boxes below, click [show] on the right side of each box.**

[show] [Racial Demographics, 2013](#)^[38] [show] [Presidential Voting Pattern, 2000-2012](#)^{[39][40]}

Note: Each column will add up to 100 percent after removing the "Hispanic or Latino" percentage, although rounding by the Census Bureau may make the total one- or two-tenths off. Read more about race and ethnicity in the Census [here](#).^[41]

See also

[Suggest a link](#)

- [Florida 2016 ballot measures](#)
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External links

Support

- [Consumers for Smart Solar](#)

Opposition

- [Floridians for Solar Choice](#)

Footnotes

1.

- [Florida Department of State, "Constitutional Amendment Petition Form," accessed November 18, 2015](#)
- [U.S. Energy Information Administration, "Florida Profile Analysis," May 21, 2015](#)

- • [Database of State Incentives for Renewables and Efficiency, "Glossary," accessed October 22, 2014](#)
- • [Edison Electric Institute, "Straight Talk About Net Metering," September 2013](#)
- • [U.S. Department of Energy, "Florida Renewable Energy Production Tax Credit," accessed March 6, 2014](#)
- • [Florida Solar Energy Industries Association, "The Florida Solar Rights Act," accessed June 2, 2016](#)
- • [Database of State Incentives for Renewables and Efficiency, "Glossary," accessed October 22, 2014](#)
- • [Institute for Energy Research, "Net Metering 101," January 14, 2014](#)
- • [Solar Energy industries Alliance, "Net Metering," accessed October 22, 2014](#)
- • *Note: This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.*
- • [Orlando Sentinel, "Consumers for Smart Solar proposal goes to Florida Supreme Court," November 25, 2015](#)
- • [Bradenton Herald, "Utility-backed solar group launches campaign for Florida constitutional amendment," April 12, 2016](#)
- • [Florida Politics, "Jim Kallinger and Dick Batchelor: Vote 'Yes on 1 for the sun,'" April 13, 2016](#)
- • [Tallahassee Democrat, "'Smart Solar' amendment beneficial for Floridians," April 13, 2016](#)
- • [Florida Politics, "Earthjustice strikes back against Smart Solar group," March 2, 2016](#)
- • [Florida Politics, "Consumers for Smart Solar' launches new phase of ballot initiative campaign," April 12, 2016](#)
- • [Floridians for Solar Choice, "End the Solar Eclipse in the Sunshine State," accessed April 13, 2016](#)
- • [Tampa Bay Times, "As utilities embrace solar, critics accuse them of trying to monopolize the sun," March 4, 2016](#)
- • [Mother Jones, "Are Big Power Companies Pulling a Fast One on Florida Voters?" March 7, 2016](#)
- • [Tampa Bay Times, "Solar power, Gov. Rick Scott and Adam Putnam head list of top PACs in 2015," December 16, 2015](#)
- • [Florida Department of State, "Contributions Query Results," accessed December 14, 2015](#)
- • [Sun Sentinel, "Utilities-backed 'Smart Solar' group raises \\$235,000 in February," March 10, 2016](#)
- • [Florida Politics, "Consumers for Smart Solar spends nearly \\$268,000 in March," April 11, 2016](#)
- • [Florida Politics, "'Consumers for Smart Solar' initiative brings in more than \\$8.5 million in April," May 11, 2016](#)
- • [Flagler Live, "Group Backing Controversial Solar Amendment Raises \\$5.8 Million in April," May 11, 2016](#)
- • [Sunshine State News, "Consumers for Smart Solar Slows Down in Fundraising, Spends Millions in TV Buy," June 13, 2016](#)
- • *Note: These totals may include in-kind donations as well as cash donations.*
- • [Tampa Bay Times, "Editorial: Court should reject 'solar' amendment," March 10, 2016](#)
- • [Ocala Star Banner, "Editorial:Solar choice is no choice at all," April 2, 2016](#)
- • [Bradenton Herald, "A sensible, pro-consumer solar power amendment on Florida ballot," April 27, 2016](#)

- • [Sun Sentinel](#), "Be skeptical of 'Smart Solar' amendment," April 26, 2016
 - • [Orlando Sentinel](#), "Be wary of "smart solar" on ballot: Where we stand," May 3, 2016
 - • [Floridians for Solar Choice](#), "Floridians for Solar Choice Coalition Discusses Future of the Coalition and Opposition to Misleading Utility-Backed Petition," January 11, 2016
 - • [Florida Politics](#), "State Supreme Court allows oral argument for smart solar amendment," February 15, 2016
 - • [Florida Politics](#), "Supreme Court Reschedules Oral Argument for 'Smart Solar' Amendment," February 24, 2016
 - • [Tampa Bay Times](#), "Court indicates it's divided during arguments over solar amendment," March 7, 2016
 - • [Greenfield Reporter](#), "Florida voters will get a chance to vote this fall on a solar power initiative that has been placed on the ballot with the financial backing of the state's largest power companies," March 31, 2016
 - • [United States Census Bureau](#), "QuickFacts Beta," accessed March 24, 2015
 - • [Florida Department of State](#), "Election Results," accessed April 16, 2015
 - • [The American Presidency Project](#), "Presidential Elections Data," accessed March 24, 2015
41. • [United States Census Bureau](#), "Frequently Asked Questions," accessed April 21, 2014

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<http://www.motherjones.com/environment/2016/03/florida-solar-amendment-utility-companies-electricity>

Right_to_Solar_Energy_Choice_Initiative,_Amendment_1_(2016)

miamiherald.com (March 31, 2016):

Utility-funded solar power amendment approved for November ballot

By Michael AuslenHerald/Times Tallahassee Bureau

The Florida Supreme Court on Thursday approved a constitutional amendment backed by utility companies that would maintain the status quo in how solar energy is regulated.

It will appear on the ballot in November's election as "Amendment 1," and 60 percent of voters must approve it in order for it to go into effect.

Under the proposed amendment — called Consumers for Smart Solar — local and state regulators would maintain control over solar energy.

"We are pleased that the Supreme Court will allow the people of Florida to have a voice on our amendment to advance solar energy in the Sunshine State," Consumers for Smart Solar co-chair Dick Batchelor said in a written statement. "We look forward to making our case to the people of Florida — that we must advance solar energy — and do it the right way — a way that protects all consumers, whether they choose solar or not."

The solar issue has been a hot one.

The utility-backed group launched after another ballot item was proposed that would have allowed property owners to sign lease agreements with solar companies to finance and install equipment and to potentially sell excess power they generate to neighbors or the utility that services their area. That could have threatened monopolies held by the utilities.

That amendment — backed by Floridians for Solar Choice — failed to gather enough signatures to appear on the ballot. They're looking to 2018.

Floridians for Solar Choice was supported by many environmental groups as a way to encourage more alternative energy. Shortly after the Supreme Court's ruling on the utility-backed Consumers for Smart Solar, environmentalists started to voice their opposition.

"This amendment hoodwinks voters by giving the impression that it will encourage the use of rooftop solar when, in fact, it would do the opposite," said Earthjustice attorney David Guest. "If the Constitutional amendment passes, people who install rooftop solar could end up with higher utility bills than if they did not have solar."

A separate solar power constitutional amendment to give commercial property owners a tax break on solar panels will appear on the August primary ballot.

Back-up Information:

Fiscal Impact:

Recommendation:

