

Summary of Amendment 1: Vote No on Solar “Choice”

Ballot Title: Rights of Electricity Consumers Regarding Solar Energy Choice

Actual Ballot Summary: 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.

Ballot Measure Explained – Short Story: Floridians already have the right to own solar equipment on their *own property* to generate electricity for their *own use*. The ability to create additional penalties for solar users in the name of reducing subsidies is a slippery slope with some very damaging potential misuses.

Supporters:

Nearly 75% of campaign contributions in support of Amendment 1 were provided by electric companies:

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| • Florida Power and Light | \$4.1 Million |
| • Duke Energy | \$3.9 Million |
| • Tampa Electric Company | \$2.1 Million |
| • Gulf Power Company | \$1.6 Million |

There are no media editorials supporting Amendment 1.

Opposition:

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| • League of Women Voters of Florida | • Conservatives for Energy Freedom | • Orlando Sentinel |
| • Democratic Environmental Caucus of Florida | • Florida Christian Coalition | • Gainesville Sun |
| • Capital Young Republicans | • Southern Alliance for Clean Energy | • Tampa Bay Times |
| • Libertarian Party of Florida | • Sierra Club | • Ocala Star Banner |
| • Green Party of Florida | • Earthjustice | • Bradenton Herald |
| • Florida Solar Energy Industry Association | • Mother Jones | • Sun Sentinel |
| | • Rolling Stone | • Miami Herald |
| | | • Palm Beach Post |

At least 7 newspaper editorials speak in opposition to Amendment 1. Tampa Bay Times called it an “attempt to block the private market for solar in Florida.”

Long Answer: Amendment 1 claims to strengthen the legal rights of homeowners who have solar panels by giving them the right to use solar on their property. However, Floridians already have the right to own or lease solar equipment on their own property to generate electricity for their own use, covered by the Florida Constitution and existing Florida statutes and regulations.

Amendment 1 supporters believe that non-solar users subsidize solar users in multiple ways. In billing for energy use, these supporters reason that when solar users pay less, they are not helping support the cost of infrastructure. They believe that non-solar users, in paying more, are subsidizing the solar users for the true



"Let the pro-solar energy consumers beware."

Masquerading as a pro-solar energy initiative, this proposed constitutional amendment, supported by some of Florida's major investor-owned electric utility companies, actually seeks to constitutionalize the status quo."

-Justice Pariente, Florida Supreme Court

cost of electricity. Amendment 1 seeks to end this unproven subsidy by allowing legislators to place larger fees onto solar users to supplant the difference.

What is not mentioned is that the free market already has a method for this, which is to separate the costs of the infrastructure (base fee) and consumption (usage fee), so that no matter how little energy is used, the costs of base infrastructure are shared fairly by all. Our utility has already done this. It's considered a best management practice.

Instead of best management practices, the writers of Amendment 1 seek to place in the Florida Constitution, the ability of local governments to make laws to create extra fees or take away solar benefits. The benefit most endangered is that of net metering.

By law, utility companies have to buy back surplus electricity generated from solar-powered homes. This practice, called net metering is one of the benefits to the upfront expense of solar installation. This decentralization of power production is a very good thing for all utility customers that live far away from their main power source. It's one of the goals of the City of Key West's Climate Action Plan.

Some utilities consider net metering a subsidy paid by non-solar customers and oppose it. Amendment 1 would allow utility-lobbied lawmakers to prohibit the use of net metering. Amendment 1 is yet another way that **Florida utilities would keep their monopoly on providing power.**

Amendment 1 only came about because it was introduced as a counter to a separate ballot proposal that sought to allow businesses to generate and sell up to two megawatts of power to customers on the same or neighboring properties.

In Florida, only electric utilities have the right to sell electricity to homeowners; you can buy or lease your own solar panels, but you can't arrange to buy power from a third-party solar contractor.

Florida is one of only 4 states that explicitly forbid third-party solar financing models and restrict direct electricity sales to utilities only. Georgia was the 5th state, but recently voted to allow 3rd party solar leasing because of the projected revenue the change would generate. Allowing solar companies to install solar panels on a home or business at no upfront cost and giving them the right to sell the solar power they generate, greatly opens up financing opportunities.

More than 90 percent of New Jersey's residential solar market is financed by third-party private companies. New York has more than 50 percent, and in California, Arizona and Colorado, 69 to 81 percent of installed distributed generation systems are third-party owned. Restricting energy sales to utilities only is a barrier.

Amendment 1 was written by the same utilities that oppose 3rd party solar leasing. Nearly 75% of campaign contributions in support of Amendment 1 were provided by electric companies.

In summary, under the guise of "protecting consumer rights," Amendment 1 would elevate the existing rights of our lawmakers to further regulate solar energy use and establish that regulatory power as a constitutional right in Florida.

If passed, Amendment 1 would allow utilities to argue that net metering is a "subsidy" for solar and that lawmakers have the authority to prohibit it.

It is important for voters to understand this Amendment. 82% of Florida voters said they would support changing the law to permit third-party ownership of solar, but a recent poll found that 73% of voters support Amendment 1 as written.