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BALLOT INITIATIVES - FLORIDA

In re Advisory Opinion to Atty. Gen. re Limits or Prevents Barriers to Local Solar Electricity Supply

Supreme Court of Florida - October 22, 2015 - So.3d - 2015 WL 6387952

The Attorney General of Florida petitioned for an advisory opinion as to the validity of a citizen initiative amendment to the state constitution and the corresponding financial impact statement submitted by the financial impact estimating conference.

The Supreme Court of Florida held that:

- Proposed citizen initiative amendment complied with single subject requirement;
- Proposed citizen initiative amendment complied with ballot title and summary requirement; and
- Financial impact statement accompanying amendment complied with constitutional requirements.

Proposed citizen initiative amendment to state constitution regarding limitations on local solar electricity supply complied with the single subject requirement of the state constitution. Although the proposed amendment contained a number of provisions, some dealing with economic barriers to supply of solar electricity and others dealing with government regulation with respect to rates, service, or territory, various provisions were all directly connected to the amendment's purpose of removing legal and regulatory barriers to local solar electricity suppliers who sought to supply and sell up to 2 megawatts of solar generated electricity to purchasers on the same or contiguous property to the supplier, and there was no indication that amendment would have interfered with state's energy policy.

Proposed citizen initiative amendment to state constitution regarding limitations on local solar electricity supply complied with statutory ballot title and summary requirements, where title and summary clearly and unambiguously informed the voter that the amendment would prevent government and electric utilities from imposing regulatory barriers to supplying local solar electricity up to 2 megawatts to customers at the same or contiguous property, and summary explained that the regulations which would be limited or prevented included government regulation of local solar electricity suppliers' rates, service and territory, and unfavorable electricity rates, charges, or terms of service.

Financial impact statement accompanying proposed citizen initiative amendment to state constitution regarding limitations on local solar electricity supply complied with requirements of the state constitution, where statement was 62 words in length, statement addressed only estimate increase or decrease in revenue and costs to state and local governments, statement clearly and unambiguously stated that there would be decreased revenues for state and local governments and that the fees may have offset a portion of any increased costs, and statement clearly and unambiguously explained that timing and magnitude of decreased revenues could not be determined because of various technological and economic factors.

