

2019-04

A RESOLUTION OF THE FLORIDA LEAGUE OF CITIES INC., OPPOSING THE “RIGHT TO COMPETITIVE ENERGY MARKET FOR CUSTOMERS OF INVESTOR-OWNED UTILITIES; ALLOWING ENERGY CHOICE” INITIATIVE, WHICH PROPOSES AN AMENDMENT TO FLORIDA’S CONSTITUTION THAT, IF ADOPTED, WILL CRIPPLE LOCAL GOVERNMENT REVENUES, DIMINISH HOME RULE POWER AND IMPAIR EXISTING CONTRACTS.

WHEREAS, a special interest group called Citizens for Energy Choice is gathering signatures in support of an initiative petition to amend Florida’ Constitution titled “Right to Competitive Energy Market for Customers of Investor-Owned Utilities; Allowing Energy Choice” initiative; and

WHEREAS, this initiative would generally grant customers of investor-owned electric utilities the right to choose their electricity provider and to generate and sell electricity, require the Legislature to adopt laws providing wholesale and retail markets for electricity generation and supply, and limit investor-owned utilities to construction, operation and repair of electrical transmission and distribution systems; and

WHEREAS, the initiative is currently under review by the Florida Supreme Court to determine whether the initiative’s Ballot Title and Summary meets the requirements of law for placement on the 2020 general election ballot; and

WHEREAS, the Florida League of Cities, the Florida Association of Counties, the Florida Sheriffs Association, the Florida Police Benevolent Association, Audubon Florida, The Nature Conservancy, the Florida Chamber of Commerce, the Florida attorney general and many others have challenged the sufficiency of the Ballot Title and Summary of the initiative, contending the language violates the single-subject requirement of the Florida Constitution, and that it is vague and misleading to voters and, therefore, should be stricken from the ballot; and

WHEREAS, the Florida Supreme Court’s decision on the Ballot Title and Summary may not be rendered for several months and the outcome of that decision cannot be predicted; and

WHEREAS, initiative sponsors continue campaigning statewide to elicit support for the proposal and to gather sufficient signatures for the initiative to be placed on the 2020 general election ballot; and

WHEREAS, initiative sponsors fail to adequately inform Florida’s citizens of the true impact it will have on Florida, especially on Florida’s local governments; and

WHEREAS, if passed, the initiative would materially and adversely impact local government electric utility franchise fees, public service taxes and ad valorem taxes; and

WHEREAS, if passed, the initiative would strip local governments of their Home Rule powers to determine who provides electric utility service within their jurisdictions; and

WHEREAS, if passed, the initiative would abolish the basis for exclusive franchises for the generation and sale of electricity, which are contractual in nature and largely created by legislative acts of local governments; and

WHEREAS, the loss of these franchise agreements could result in the loss of over \$700 million in local government annual revenue; and

WHEREAS, if passed, the initiative would cause Florida's local governments to incur significant revenue losses from a diminution in public service tax revenues levied on the purchase of electricity within their jurisdictions and in ad valorem revenues from the divestiture of investor-owned utility assets; and

WHEREAS, if passed, the initiative would impair the contractual arrangements that numerous local governments have with investor-owned utilities to purchase and sell electricity to their citizens; and

WHEREAS, drastic changes to Florida's energy regulatory policy should be done legislatively, not through a constitutional amendment; and

WHEREAS, the Energy Choice Initiative is the wrong choice for Florida, as similar "deregulation" efforts have demonstrated in nearly every state that has tried it.

NOW, THEREFORE, BE IT RESOLVED BY THE FLORIDA LEAGUE OF CITIES, INC.:

Section 1. The Florida League of Cities, Inc. urges Floridians to be aware that the Energy Choice Initiative is deceptive and misleading.

Section 2. The Florida League of Cities, Inc., urges Florida's residents to not sign any petitions to support the Energy Choice Initiative.

Section 3. A copy of this resolution be provided to the membership of the Florida League of Cities, Inc., and other interested parties.

PASSED AND ADOPTED by the Florida League of Cities, Inc., in conference assembled at the League's 93rd Annual Conference, at the Orlando World Center Marriott, Orlando, Florida, this 17th Day of August 2019.

Leo E. Longworth, President
Florida League of Cities, Inc.

Commissioner, City of Bartow

ATTEST: _____
Michael Sittig, Executive Director
Florida League of Cities, Inc.

Submitted by: FLC Staff