



On Tuesday, the Florida Supreme Court heard arguments for and against the language in a ballot sponsored by Floridians for Solar Choice to amend the Florida Constitution to reduce existing barriers to the sale of solar electricity by non-utility suppliers. Presently, Florida law provides that consumers may only purchase solar-generated electricity from utility companies. However, if the Court approves the ballot's proposed language, Floridians may be voting this fall on a constitutional amendment to allow property owners to generate up to 2 megawatts and sell solar electricity directly to adjacent homes or businesses. Many states currently allow the sale of solar electricity by non-utility suppliers. Florida is one of only four states that does not.

Opponents to the ballot focus mostly on two points. First, opponents argue that the language of the ballot is misleading. Pam Bondi, the Attorney General of the State of Florida, agrees that Florida needs a diverse energy portfolio. However, she takes issue with the proposed language because it is "unclear and misleading." In a press release, Bondi stated that "the ballot initiative, as written, will leave voters uninformed and consumers vulnerable."

Second, opponents argue that the ballot would not allow government regulation of the non-utility suppliers, which could raise health and safety concerns. Stephen Grimes, a former Supreme Court justice representing the Florida Electric Cooperatives Association, said "(t)he ballot summary fails to advise the voter that small solar providers can completely ignore health, safety and building code regulations. They didn't want the voters to know that." A lack of regulation of non-utility suppliers also means there would be no regulation of the rates charged to consumers.

If the Florida Supreme Court approves the wording, Floridians for Solar Choice would need to gather approximately 683,149 signatures before February 1, 2016 to get the proposal on the ballot. The ballot also could face competition from a recently proposed ballot sponsored by Consumers for Smart Solar. This second ballot would allow property owners to sell solar electricity to utilities and aims to assure that consumers are not subsidizing the cost of solar panels installed by other consumers. The second ballot would also need to gather the necessary signatures by February 1 in order to appear on the ballot. Since this second ballot seems to maintain the status quo, it is unlikely to satisfy the appetite of those Floridians hungry for change.

Perhaps the amendment proposed by Floridians for Solar Choice does not go far enough to protect consumers by including language to regulate rates and to impose health, safety, and building code regulations. But, as Justice Lewis noted on Tuesday, there is only so much that can be squeezed in due to the 75-word limit for the ballot. Regardless of whether or not the proposed amendment makes the ballot in November, Floridians for Solar Choice certainly has brought the discussion to the forefront so that Florida can take a step forward in solar energy.



**ALEXA GUEVARA**

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