



513104

CRC ACTION

Commissioner .  
Comm: WD .  
01/16/2018 .  
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The Committee on General Provisions (Heuchan) recommended the following:

**CRC Amendment**

Delete everything after the enacting clause  
and insert:

A new section is added to Article X of the State  
Constitution to read:

ARTICLE X  
MISCELLANEOUS

(a) POLICY DECLARATION. The people of the State of Florida



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11 declare it to be the policy of this State that its wholesale and  
12 retail electricity markets be open and competitive so that  
13 electricity customers are afforded meaningful choices among  
14 different electricity providers, and that economic and  
15 regulatory burdens be minimized so as to promote a wide variety  
16 of choices for electricity customers in open and competitive  
17 wholesale and retail electricity markets. The Legislature shall  
18 liberally construe this section to achieve these purposes.

19 (b) RIGHTS OF ELECTRICITY CUSTOMERS. Effective upon the  
20 dates set forth in subsection (c), and subject to the exceptions  
21 set forth in subsection (d), every person, business, association  
22 of persons or businesses (regardless of organizational status),  
23 nonprofit organization, state agency, political subdivision, or  
24 any other entity in Florida that receives electric service  
25 (referred to in this section as "electricity customers") has the  
26 right to choose their electricity provider, including, but not  
27 limited to, selecting from multiple providers in a competitive  
28 retail electricity market, or by producing electricity for  
29 themselves or in association with others, and shall not be  
30 forced to purchase electricity service from one provider. Except  
31 as provided for by subsection (d), nothing in this section shall  
32 be construed as limiting the right of electricity customers to  
33 sell, trade or otherwise dispose of electricity.

34 (c) IMPLEMENTATION. The Legislature shall adopt  
35 comprehensive legislation to implement this section in a manner  
36 consistent with its broad purposes and stated terms, which shall  
37 take effect January 1, 2023, which shall:

38 (1) establish open and competitive wholesale and retail  
39 electricity markets, the goal of which will be to (i) lower



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40 electricity prices for all types of electricity customers, (ii)  
41 inspire innovation in electricity generation, delivery, and  
42 service, and (iii) lead to a better customer service experience  
43 for electricity customers, and

44 (2) implement protections that entitle electricity  
45 customers to safe, reliable, and competitively priced  
46 electricity, including but not limited to provisions that are  
47 designed to (i) ensure lower costs to all types of electricity  
48 customers, (ii) provide for the recovery of all net, verifiable,  
49 and non-mitigable stranded generation costs by electric  
50 utilities, (iii) assist low-income and fixed-income electricity  
51 customers, as well as veterans and senior citizens, in obtaining  
52 safe and reliable electricity service at affordable rates, (iv)  
53 protect against service disconnections and deceptive or unfair  
54 practices, and (v) prohibit the granting of either monopolies or  
55 exclusive franchises for the generation and sale of electricity,  
56 and

57 (3) provide the authority to enable counties and  
58 municipalities to replace revenues previously realized through  
59 existing franchise agreements through any lawful means. Nothing  
60 in this section, however, shall be construed to affect the  
61 existing rights or duties of electric cooperatives, municipally-  
62 owned electric utilities, or their customers in any way, except  
63 that electric cooperatives and municipally-owned electric  
64 utilities may freely participate in a competitive wholesale  
65 market and may choose to participate, at their discretion, in an  
66 optional competitive retail electricity market.

67 (4) Upon enactment of any law by the Legislature pursuant  
68 to this section, all laws, regulations, orders or other



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69 provisions which conflict with this section shall be void.  
70 (d)EXCEPTIONS. Nothing in this section shall be construed  
71 to invalidate this State's public policies on renewable energy,  
72 energy efficiency, and environmental protection, or to limit the  
73 Legislature's and the executive branch's ability to impose such  
74 policies on participants in competitive electricity markets.