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CRC ACTION

Commissioner .
Comm: UNFAV .
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) POLICY DECLARATION. The people of the State of Florida
declare it to be the policy of this State that its wholesale and
retail electricity markets be open and competitive so that
electricity customers are afforded meaningful choices among
different electricity providers, and that economic and
regulatory burdens be minimized so as to promote a wide variety



887772

11 of choices for electricity customers in open and competitive
12 wholesale and retail electricity markets. The Legislature shall
13 liberally construe this section to achieve these purposes.

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

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

33 (1) establish open and competitive wholesale and retail
34 electricity markets, the goal of which will be to (i) lower
35 electricity prices for all types of electricity customers, (ii)
36 inspire innovation in electricity generation, delivery, and
37 service, and (iii) lead to a better customer service experience
38 for electricity customers, and

39 (2) implement protections that entitle electricity



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

51 (3) Nothing in this section, however, shall be construed
52 to affect the existing rights or duties of electric
53 cooperatives, municipally-owned electric utilities, or their
54 customers in any way, except that electric cooperatives and
55 municipally-owned electric utilities may freely participate in a
56 competitive wholesale market and may choose to participate, at
57 their discretion, in an optional competitive retail electricity
58 market.

59 (4) Upon enactment of any law by the Legislature pursuant
60 to this section, all laws, regulations, orders or other
61 provisions which conflict with this section shall be void.

62 (d) MUNICIPAL IMPACT OFFSET. Notwithstanding Article VII,
63 Section 1(a) and Article VII, Section 9(a), a municipality or a
64 county may levy any tax, assessment, fee, or charge to offset
65 any fiscal impact to the municipality or county related to the
66 exercise of any right pursuant to this section.

67 (e) CONSENT TO JURISDICTION. Before engaging in the sale of
68 electricity a provider of electricity service shall enter into



887772

69 an agreement with the Florida Public Service Commission that
70 specifies the provider's consent to the jurisdiction of the
71 state and municipal and county governments within the state, and
72 which shall provide for enforcement by the state, municipal and
73 county governments within the state. The agreement shall
74 include an acknowledgement that the point of sale of any
75 transaction between an electricity customer and a provider of
76 electricity service shall be deemed to occur at the geographical
77 location where the electricity is consumed.

78 (f)EXCEPTIONS. Nothing in this section shall be construed
79 to invalidate this State's public policies on renewable energy,
80 energy efficiency, and environmental protection, or to limit the
81 Legislature's and the executive branch's ability to impose such
82 policies on participants in competitive electricity markets.
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