

Harvey Ruvin
CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



CLERK OF THE BOARD OF COUNTY COMMISSIONERS
STEPHEN P. CLARK CENTER
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Miami, FL 33128-1983
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January 3, 2017

Ms. Lisa Polak Edgar
Commissioner
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

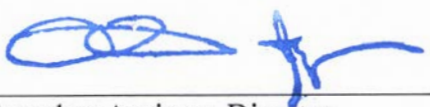
Dear Commissioner Edgar:

A copy of Resolution No. R-1220-16 adopted on December 20, 2016 is provided to you at the request of the Miami-Dade County Board of County Commissioners.

If you have any questions or need additional information, please contact this office.

Respectfully yours,

HARVEY RUVIN, Clerk
Circuit and County Courts

By: 

Christopher Agrippa, Director
Clerk of the Board Division

CA/ocv
Attachment



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MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners


DATE: December 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation, and the Florida Public Service Commission to adopt rules, to allow governmental entities to use energy generated from one governmental property for the benefit of other non-contiguous properties owned by the same governmental entity or to require that governmental entities receive the market rate for energy produced at their facilities

Resolution No. R-1220-16

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams *for*
County Attorney

APW/cp

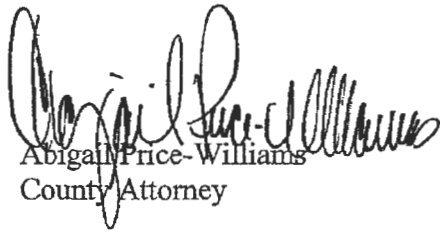


MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 20, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
12-20-16

RESOLUTION NO. R-1220-16

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION, AND THE FLORIDA PUBLIC SERVICE COMMISSION TO ADOPT RULES, TO ALLOW GOVERNMENTAL ENTITIES TO USE ENERGY GENERATED FROM ONE GOVERNMENTAL PROPERTY FOR THE BENEFIT OF OTHER NON-CONTIGUOUS PROPERTIES OWNED BY THE SAME GOVERNMENTAL ENTITY OR TO REQUIRE THAT GOVERNMENTAL ENTITIES RECEIVE THE MARKET RATE FOR ENERGY PRODUCED AT THEIR FACILITIES

WHEREAS, solar energy is an alternative for producing electricity that may be more environmentally-responsible and more economical and safe, as compared with other energy sources such as nuclear or fossil fuels; and

WHEREAS, another way of producing energy is through a “waste-to-energy” facility, which is defined under section 403.7061, Florida Statutes, as a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result; and

WHEREAS, Miami-Dade County has a County-owned waste-to-energy facility, which generates more energy than can be used onsite at the facility; and

WHEREAS, similarly, for County properties that have solar panels, the County may generate more solar energy than can be used onsite; and

WHEREAS, as a result of various Florida statutes and administrative rules, County facilities can sell excess County-generated energy to a utility, but the County currently receives less than market rates for such excess energy; and

WHEREAS, similarly, because of various Florida statutes and administrative rules, the County has not been able to transfer its excess energy generated at one County-owned property for use at another, non-contiguous County property; and

WHEREAS, for example, for solar energy, pursuant to Section 366.91, Florida Statutes, and Rule 25-6.065 of the Florida Administrative Code, property owners may install solar panels on their property and may use the solar energy generated for onsite purposes, but a property owner cannot transfer the extra solar energy generated at one property for use on a one-for-one basis at another non-contiguous property; and

WHEREAS, similarly, for waste-to-energy facilities owned by local governments, there are various administrative rules which govern the sale of such energy, including but not limited to Rules 25-17.0832, 25-17.250, and 25-22.701 of the Florida Administrative Code, and these rules provide for a standard contract with utilities as well as the method of calculating the price to be paid for energy produced at waste-to-energy facilities; and

WHEREAS, if governmental entities such as Miami-Dade County were allowed to transfer any extra energy generated by one governmental property for use at another non-contiguous governmental property, it could result in significant energy cost savings and may have environmental benefits; and

WHEREAS, if governmental entities such as Miami-Dade County received the market rate for the excess energy generated by County properties, that could also result in cost savings to the County and may have environmental benefits; and

WHEREAS, Section 366.051, Florida Statutes already provides that “Public utilities shall provide transmission or distribution service to enable a retail customer to transmit electrical power generated by the customer at one location to the customer’s facilities at another location, if the commission finds that the provision of this service, and the charges, terms and other conditions associated with the provision of this service, are not likely to result in higher cost electrical service to the utility’s general body of retail and wholesale customers or adversely affect the adequacy or reliability of electric service to all customers;” and

WHEREAS, consistent with the policy already in Section 366.051, Florida Statutes, this Board wishes to urge the Florida Legislature and the Florida Public Service Commission to adopt or amend statutes and rules, respectively, to allow governmental entities to directly transfer energy generated at one governmentally-owned property for use at other non-contiguous properties owned by the same governmental entity, or provide for the governmental entity to receive the market rate for the energy generated by its facilities,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby:

Section 1. Urges the Florida Legislature to amend the existing laws related to energy, such as Sections 366.051 and 366.91, Florida Statutes, to allow governmental entities to transfer energy generated at one property to other non-contiguous properties owned by the same governmental entity, or to provide that governmental entities shall receive the market rate for the energy generated by their facilities.

Section 2. Urges the Florida Public Service Commission to adopt or amend the necessary administrative rules, such as Rules 25-6.065, 25-17.0832, 25-17.250, and 25-22.701 of the Florida Administrative Code, in order to carry out the policy outlined in Section 1.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Commissioners of the Florida Public Service Commission.

Section 4. Directs the County's state lobbyists to advocate for the action set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Jean Monestime, Chairman		aye
	Esteban L. Bovo, Jr., Vice Chairman		aye
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Sally A. Heyman	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of December, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "ASR", written over a horizontal line.

Abbie Schwaderer Raurell

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)


SS:

I, **HARVEY RUVIN**, Clerk of the Circuit and County Courts, in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said county, **DO HEREBY CERTIFY** that the above and foregoing is a true and correct copy of Resolution No. R-1220-16 adopted by the Miami-Dade County Board of County Commissioners, at its meeting of December 20, 2016, as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 3rd day of January, A.D., 2017.



HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: 

Deputy Clerk