

SUPREME COURT OF FLORIDA

Florida Rising, Inc. v. Florida Public Service Commission

No. SC2024-0485 · No. SC2024-0485 · Decided July 17, 2025

SUMMARY

The Supreme Court of Florida affirmed the Florida Public Service Commission's approval of a multi-party settlement establishing Florida Power & Light Company's base rates. The court held that the Commission's findings regarding the SolarTogether program, the settlement's overall public interest, and Florida Energy Efficiency and Conservation Act performance were supported by competent, substantial evidence and adequately explained. The court declined to substitute its judgment for the Commission's policy determinations.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Sasso, J.; Labarga, J.; Couriel, J.; Grosshans, J.; Canady, J.; Francis, J.; Muñiz, C.J.
JURISDICTION	Supreme Court of Florida
DECIDED	July 17, 2025
DOCKET	SC2024-0485
DISPOSITION	affirmed
PROCEDURAL POSTURE	Second appeal from the Florida Public Service Commission's approval of a multi-party settlement establishing Florida Power & Light Company's base rates. The Supreme Court previously remanded for an adequate explanation of why the settlement was in the public interest and directed the Commission to consider utility performance under FEECA. Florida Rising appealed the Commission's Supplemental Final Order issued on remand.
STANDARD OF REVIEW	The Commission's factual findings are reviewed for competent, substantial evidence. Its policy judgments are reviewed to determine whether they fall within the range of discretion delegated by the Legislature and whether the Commission articulated a reasoned explanation showing a rational connection between the facts found and the choice made. The Court may not substitute its judgment for the Commission's or reweigh the evidence.

PRECEDENTIAL VALUE	Published
PARTIES	Florida Rising, Inc., Environmental Confederation of Southwest Florida, League of United Latin American Citizens of Florida v. Florida Public Service Commission, Florida Power & Light Company

TOPICS

judicial review of agency action administrative law standard of review statutory interpretation
appellate procedure

PRACTICE AREAS

administrative law utility regulation appellate procedure statutory interpretation

QUESTIONS PRESENTED

1. Whether the Commission properly determined that the expansion of the SolarTogether program did not create an undue or unreasonable preference or advantage in violation of section 366.03, Florida Statutes.
2. Whether the Commission adequately explained why the settlement as a whole was in the public interest without independently resolving every individual component or objection.
3. Whether the Commission adequately considered FPL's performance under the Florida Energy Efficiency and Conservation Act as required by the Court's prior remand.

HOLDINGS

1. The Commission properly determined that the SolarTogether expansion did not create an undue or unreasonable preference or advantage prohibited by section 366.03, Florida Statutes.
2. The Commission adequately explained why the settlement as a whole was in the public interest and was not required to resolve every issue or settlement component independently.
3. The Commission properly evaluated FPL's FEECA performance to the extent practicable, as required by the prior remand.

KEY QUOTATIONS

"We accomplish that objective by evaluating whether the Commission articulated a reasoned explanation for its decision, one that includes a rational connection between the facts found and the choice made." (7-8)

"the Commission need not "resolve every issue independently" in its final order when it is reviewing a settlement agreement." (16)

"The preponderance of the evidence in this record demonstrates that the 2021 Settlement Agreement supports a multi-year rate plan, which in turn benefits customers and serves the public interest by providing long-term stability and predictability with respect to base rates." (20)

FACTUAL BACKGROUND

FPL and seven intervenors entered into a settlement permitting multiyear base-rate increases, expanded solar programs, a specified return on equity and equity-to-debt ratio, a reserve surplus amortization mechanism, and other rate and investment mechanisms. On remand from the first appeal, the Commission explained its approval of the settlement, including its conclusion that the SolarTogether expansion would benefit ratepayers and promote renewable energy. The Commission also explained how it considered FPL's performance under FEECA and concluded that the settlement was in the public interest and produced fair, just, and reasonable rates.

PROCEDURAL HISTORY

The Commission approved a settlement between FPL and intervenors concerning base-rate increases and related programs. In the first appeal, the Supreme Court held that the Commission had not adequately explained its reasoning and remanded for further explanation, also directing consideration of FEECA performance. On remand, the Commission denied a motion to reopen the evidentiary record, issued a Supplemental Final Order finding the settlement in the public interest, and left its prior orders intact. The Supreme Court affirmed the Final and Supplemental Final Orders.

DISPOSITION

affirmed

CASES CITED

- *Floridians Against Increased Rates, Inc. v. Clark*, 371 So. 3d 905 (Fla. 2023)
- *Sierra Club v. Brown*, 243 So. 3d 903 (Fla. 2018)
- *Gulf Coast Elec. Coop., Inc. v. Johnson*, 727 So. 2d 259 (Fla. 1999)
- *Citizens of State v. Pub. Serv. Comm'n*, 425 So. 2d 534 (Fla. 1982)
- *Utils. Operating Co. v. Mayo*, 204 So. 2d 321 (Fla. 1967)
- *Motor Vehicle Mfrs. Ass'n of U.S. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29 (1983)
- *Sec. & Exch. Comm'n v. Chenery Corp.*, 332 U.S. 194 (1947)
- *Fla. Power Corp. v. Mayo*, 203 So. 2d 614 (Fla. 1967)
- *Lewis v. Pub. Serv. Comm'n*, 463 So. 2d 227 (Fla. 1985)
- *City of Tallahassee v. Mann*, 411 So. 2d 162 (Fla. 1981)
- *Gulf Power Co. v. Bevis*, 296 So. 2d 482 (Fla. 1974)
- *City of Miami v. Fla. Pub. Serv. Comm'n*, 208 So. 2d 249 (Fla. 1968)
- *Fla. Indus. Power Users Grp. v. Brown*, 273 So. 3d 926 (Fla. 2019)
- *Citizens of State v. Fla. Pub. Serv. Comm'n*, 146 So. 3d 1143 (Fla. 2014)
- *Ryder Truck Lines, Inc. v. King*, 155 So. 2d 540 (Fla. 1963)
- *Florida v. United States*, 282 U.S. 194 (1931)