

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for rate increase by Florida ) DOCKET NO. 20210015-EI  
Power & Light Company )  
\_\_\_\_\_ )

**AMENDED PETITION TO INTERVENE BY FLORIDA RISING**

Pursuant to sections 120.569, 120.57, Florida Statutes, and Rule 28-106.205, Florida Administrative Code, Florida Rising, Inc., through its undersigned counsel, hereby files this amended petition for leave to intervene in the above captioned proceedings, and in support thereof states:

**I. AGENCY AFFECTED**

1. The name and address of the agency affected by this petition is:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**II. IDENTIFICATION OF THE INTERVENORS AND THEIR COUNSEL**

2. The name and address of Petitioner is:

Florida Rising, Inc.  
10800 Biscayne Blvd.,  
Suite 1050  
Miami, FL 33161

3. The names and addresses of counsel for Petitioner, authorized to receive all notices, pleadings, and other communications in this docket are:

Bradley Marshall  
Jordan Luebke  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, Florida 32301  
(850) 681-0031 (tel)  
(850) 681-0020 (fax)  
bmarshall@earthjustice.org  
jluebke@earthjustice.org

### III. RECEIPT OF NOTICE OF AGENCY'S PROPOSED ACTION

4. Petitioner received notice of the Florida Public Service Commission's ("Commission") action through a search of the open dockets on the Commission's website.

### IV. THE INTERVENOR'S SUBSTANTIAL INTERESTS

5. Florida Rising has thousands of members in Florida Power & Light Company's ("FPL's") service territory that are FPL customers that will face higher electricity rates and thus higher bills to pay for FPL's unneeded investments in fossil-fuel infrastructure. Florida Rising is a membership-based organization dedicated, under their articles of incorporation, to building "broader multiracial movements with individuals from historically marginalized communities to seize power and govern to advance social, economic, and racial justice." At issue in this proceeding is determining "fair, just, and reasonable rates." *See, e.g.*, § 366.06(1), Fla. Stat. "Just" is defined by Black's Law Dictionary as "legally right; lawful; equitable." Black's Law Dictionary (11th ed. 2019). The directive to make fair, just, and reasonable rates therefore includes the concept of ensuring equitable rates. In turn, "equitable" is defined as "Just, consistent with principles of justice and right." *Id.* Black's Law Dictionary defines "justice" as "1. The fair treatment of people" or "2. The quality of being *fair* or *reasonable*," *id.* (emphasis added), and Merriam-Webster similarly defines it as "the quality of being just, impartial, or fair."<sup>1</sup> In the context used in Florida Rising's mission and the statute, "just" and "justice" have virtually the same meaning, with "justice" being a noun and "just" being an adjective. "Economic" is defined as "of, relating to, or based on the production, distribution, and consumption of goods and services."<sup>2</sup> Therefore, said differently, Florida Rising's mission

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/justice> (second definition).

<sup>2</sup> <https://www.merriam-webster.com/dictionary/economic>.

includes fighting for and ensuring that its members receive fair, just, and reasonable (from the definition of “justice”) costs of services (from the definition of “economic”). Electric rates, at issue in this proceeding, are the cost of electricity service. Ensuring “fair, just, and reasonable rates,” as at issue in this rate-setting proceeding, is therefore not only within Florida Rising’s general scope of interest and activity, it virtually meets the dictionary definition of Florida Rising’s mission of fighting for economic justice for its members. Other than an explicit organizational mission to fight for “fair, just, and reasonable rates”—verbatim—it is hard to imagine a more germane organizational mission for the interests implicated in this proceeding than one aiming to ensure “economic justice” for its members.

6. Beyond advocating for economic equity, which will be a key issue in FPL’s rate case, deciding fair, just, and reasonable rates, Florida Rising is also committed to climate justice and pushing for a regenerative future and a just transition that puts frontline communities as the center of energy policy, disaster response, food policy, and all climate change initiatives. At issue in this proceeding are a number of fossil-fuel investments that FPL will be seeking to add to the rate base. A substantial number of Florida Rising’s members live in FPL’s service area and are customers receiving electricity service from FPL and will be substantially affected by the outcome of this proceeding as FPL ratepayers.

7. In furtherance of the mission of Florida Rising, Florida Rising and its members have participated in several dockets before the Commission, most recently by presenting comments in Docket No. 202000181-EU, *In re: Proposed amendment of Rule 25-17.0021, F.A.C., Goals for Electric Utilities*. Florida Rising and its members, on behalf of their

predecessor organizations,<sup>3</sup> have advocated for years before the Commission, including by presenting or filing comments in Docket No. 20190018-EG, *In re: Commission review of numeric conservation goals (Florida Power & Light Company)*, and Docket No. 20200219-EI, *In re: Petition to initiate emergency rulemaking to prevent electric utility shutoffs, by League of United Latin American Citizens, Zoraida Santana, and Jesse Moody*.

8. Florida Rising, Inc. is itself a customer of FPL. Florida Rising is therefore facing higher rates (and higher electricity bills) as a result of this proceeding. Therefore, Florida Rising Inc.'s substantial interests are impacted by any rate hike. An example of Florida Rising's electricity bills from FPL is attached as Exhibit A.<sup>4</sup>

#### **V. STATEMENT OF AFFECTED INTERESTS**

9. In the above-captioned proceeding, the Commission will determine whether to grant FPL's petition to raise its rates and whether to allow FPL to recover funds – and profits – for its investments in fossil-fuel infrastructure that have never been reviewed by the Commission. The proposed rate increase will result in substantial bill increases to Florida Rising's members. The proposed rate hike will further increase the energy burden already suffered by low-income customers in FPL's territory, and will negatively impact Florida Rising's members in FPL's service territory.

10. The substantial interest of members of Florida Rising are affected in this case because the Commission's order will determine the rates their members pay in FPL's service

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<sup>3</sup> Florida Rising was recently formed through the merger of New Florida Majority and Organize Florida.

<sup>4</sup> New Florida Majority was formally renamed Florida Rising, Inc. during the merger with Organize Florida. Exhibit B. Although this has not yet been reflected in the bill from FPL to Florida Rising, which is to "New Florida Majority," legally, New Florida Majority is Florida Rising, Inc. Exhibit B.

territory. Thus, the Commission's order will directly affect the mission of Florida Rising members and their pecuniary interests. The substantial interests of Florida Rising, Inc., are also implicated in this proceeding as Florida Rising is a customer of FPL, and FPL is seeking to increase rates which will increase the electricity bill of Florida Rising, Inc.

11. As ratepayers, Florida Rising, Inc. and Florida Rising's members are affected by the construction of unneeded power plants that FPL will be seeking to recover investments for through this proceeding. Florida Rising believes that before the Commission decides if any of these investments have been prudent, FPL should be required to meaningfully evaluate alternatives such as energy efficiency, cost-effective renewable energy, demand-side management and conservation – strategies that are grossly underutilized in Florida's energy portfolio – and that the Commission and the interested public should have the opportunity to examine and provide testimony on FPL's evaluation of these strategies. Failure to require a rigorous assessment of such strategies will result in unnecessary premiums for fossil fuel generation for Florida's ratepayers, including Florida Rising, Inc. and Florida Rising's members.

12. Moreover, Florida Rising and its members rely on these proceedings to provide the Commission with expert testimony and opinion about the value and prudence of the investments FPL has been making in fossil-fuel infrastructure.

13. These are the type of interests this proceeding is designed to protect because the purpose of this case coincides with the substantial interests of Florida Rising and its members. *Ameristeel Corp. v. Clark*, 691 So.2d 473 (Fla. 1997); *Agrico Chemical Co. v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2d DCA 1981), *reh. denied*, 415 So.2d 1359 (Fla. 1982); *Florida Home Builders Ass 'n v. Department of Labor and Employment Security*, 412 So.2d 351, 353-54 (Fla. 1982).

14. Florida Rising is authorized to represent its interests and the interests of its members in legal actions, including formal administrative actions such as this. The subject matter of this docket is well within the scope of interest of Florida Rising, and the relief requested is the type of relief appropriate for the organizations to receive on behalf of its members. The rights and interests Florida Rising, and its members cannot be adequately represented by any other party in this docket, and intervention will not unduly delay or prejudice the rights of other parties.

15. Florida Rising's mission to pursue economic justice on behalf of its members—ensuring that the electricity rates they will ultimately pay are fair, reasonable, and just—is an interest for which the Commission has consistently granted associational standing to organizations representing their members in rate base proceedings. In recent rate proceedings, on the basis of potential financial impacts to organizations' members, this Commission has correctly recognized the associational standing of many organizations, including, but not limited to: the AARP;<sup>5</sup> Florida Retail Federation;<sup>6</sup> South Florida Hospital and Healthcare Association;<sup>7</sup> Federal Executive Agencies;<sup>8</sup> Florida Industrial Power Users Group;<sup>9</sup> and the League of Women Voters of Florida.<sup>10</sup>

16. However, Florida Rising notes that the stated missions of these previously admitted organizations run the gamut from specific to non-existent:

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<sup>5</sup> *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 160021-EI, Order No. PSC-16-0180-PCO-EI at 3 (Fla. P.S.C. May 4, 2016).

<sup>6</sup> *Id.*, Order No. PSC-16-0181-PCO-EI at 3 (Fla. P.S.C. May 4, 2016).

<sup>7</sup> *Id.*, Order No. PSC-16-0158-PCO-EI at 2 (Fla. P.S.C. May 4, 2016).

<sup>8</sup> *Id.*, Order No. PSC-16-0157-PCO-EI at 2 (Fla. P.S.C. April 21, 2016).

<sup>9</sup> *Id.*, Order No. PSC-16-0132-PCO-EI at 2 (Fla. P.S.C. April 4, 2016).

<sup>10</sup> *Petition for rate increase by Gulf Power Company*, Docket No. 160186-EI, Order No. PSC-16-0585-PCO-EI at 3 (Fla. P.S.C. Dec. 30, 2016).

- a. AARP’s mission statement is “to empower people to choose how they live as they age.”<sup>11</sup>
- b. Florida Retail Federation “advocates for public policies that benefit Florida families by supporting Florida’s retail industry.”<sup>12</sup>
- c. The South Florida Hospital and Healthcare Association’s “mission is to improve the efficient delivery of quality healthcare services to our communities by championing collaboration and communication among leaders across the healthcare continuum.”
- d. Federal Executive Agencies “consist of certain agencies . . . which have offices, facilities, and/or installations in the service area of [FPL] and purchase electrical utility service from FPL,”<sup>13</sup> and thus, though admitted as a single entity, has no official organizational mission.
- e. Florida Industrial Power Users Group, as “an ad hoc association consisting of industrial users of electricity in Florida,” is not incorporated as a legal entity and does not have a mission statement, but has been admitted to rate proceedings before the Commission to ensure its members have “reasonably-priced electricity in order to compete in their respective markets.”<sup>14</sup>

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<sup>11</sup> AARP, *About AARP*, <https://www.aarp.org/about-aarp/> (last visited Mar. 26, 2021).

<sup>12</sup> Florida Retail Federation, *About* <http://www.frf.org/index.php/about> (last visited Mar. 26, 2021).

<sup>13</sup> *In re: Petition for rate increase by Florida Power & Light Company*, Docket No. 160021-EI, Federal Executive Agencies’ Petition to Intervene at 1-2 (Apr. 4, 2016).

<sup>14</sup> *Id.*, Florida Industrial Power Users Group Petition to Intervene at 2 (Mar. 11, 2016).

- f. League of Women Voters of Florida “is a nonpartisan political organization encouraging informed and active participation in government, working to increase understanding of major policy issues, and advocating for legislative changes and policies for the public good.”<sup>15</sup>

17. In granting intervention to each of these organizations on the basis of economic impacts to their affected members, this Commission has ruled that none of the above missions were too broad, too unrelated, or too nonexistent, to confer associational standing in a rate case.

18. The only notable difference between the missions of these organizations and Florida Rising is that Florida Rising’s organizational mission contains an expressed racial justice component.

19. Florida Rising, Inc. meets the three-prong standing test from *Florida Home Builders*, in that 1) a substantial number of Florida Rising’s members will be substantially affected by the Commission’s decision in this docket; 2) the subject matter of this proceeding is within Florida Rising’s general scope of interest and activity (i.e., fair and just reasonable rates and Florida Rising’s interest in advocating for economic justice for its members); and 3) the relief requested is of a type appropriate for Florida Rising to receive on behalf of its members (i.e., fairer and more just rates).

20. As another basis for standing Florida Rising also meets the two-prong standing test set forth in *Agrico* in that 1) Florida Rising, Inc. will itself face higher electricity bills due to the proposed FPL rate increase (injury in fact of sufficient immediacy) as a customer of FPL, and 2) the injury is of a type the proceeding is designed to protect (i.e., from unfair and unjust rates).

21. Florida Rising’s intervention is timely. R. 28-106.205, F.A.C.

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<sup>15</sup> League of Women Voters of Florida, <https://lwvfl.org/> (last visited Mar. 26, 2021).

## **VI. STATEMENT OF DISPUTED ISSUES OF FACT**

22. Florida Rising cannot at this time provide a complete statement of disputed issues of fact as discovery has not been completed. It is expected that disputed issues of fact include, but are not limited to, the following:

- a. Whether FPL's proposed return on equity is reasonable.
- b. Whether FPL's quality of service warrants a performance incentive increasing the return on equity.
- c. Whether FPL's proposed equity to debt ratio is reasonable.
- d. Whether FPL's continued investments in fossil-fuel infrastructure are prudent.
- e. Whether the other investments FPL seeks to recover have been prudent.
- f. Whether FPL's requested rate increase is fair, just, and reasonable.
- g. Whether FPL has proven any financial need for rate relief.
- h. Whether FPL's projected revenues and forecasts are appropriate.

## **VII. STATEMENT OF ULTIMATE FACT**

23. Florida Rising cannot at this time provide a complete statement of ultimate facts to be proven because discovery has not been completed. Florida Rising's allegations of ultimate facts include, but are not limited to, that FPL's requested rate increase is unjust, unreasonable, and unjustly discriminatory, and includes recovery for investments in fossil-fuel infrastructure and other infrastructure that were not prudent.

## **VIII. STATUTES AND RULES THAT REQUIRE THE RELIEF REQUESTED**

24. The rules and statutes that entitle Florida Rising to intervene and participate in this case include, but are not limited to, the following:

- a. § 120.569, Fla. Stat.;
- b. § 120.57, Fla. Stat.;
- c. §§ 366.03-06, Fla. Stat.;
- d. R. 28-106.201, F.A.C.; and
- e. R. 28-106.205, F.A.C.

**IX. CONSULTATION WITH OTHER PARTIES**

31. Pursuant to Rule 28-106.204(3), F.A.C., Florida Rising has conferred with counsel for FPL and for the Office of Public Counsel (“OPC”) regarding this petition, as well as the other potential parties that have petitioned to intervene but have not yet been granted intervention. OPC, Southern Alliance for Clean Energy, the Federal Executive Agencies, and the Florida Retail Federation advised that they take no position on this amended petition. FPL advised that it takes no position on this petition pending review of the amended petition. As of the time of filing, FIPUG has not indicated their position.

**X. RELIEF SOUGHT**

32. WHEREFORE, Florida Rising respectfully requests that the Commission enter an order granting it leave to intervene in the above-styled docket as a full party, and further requests parties to provide the undersigned with all pleadings, testimony, evidence, and discovery filed in said docket.

RESPECTFULLY SUBMITTED this 29th day of March, 2021.

/s/ Bradley Marshall  
Florida Bar No. 0098008  
bmarshall@earthjustice.org  
Jordan Luebke  
Florida Bar No. 1015603  
jluebke@earthjustice.org  
Earthjustice  
111 S. Martin Luther King Jr. Blvd.

Tallahassee, Florida 32301  
(850) 681-0031  
(850) 681-0020 (facsimile)

*Counsel for Florida Rising*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy and correct copy of the foregoing was served on this 29th day of March, 2021, via electronic mail on:

Thomas A. Jernigan Holly L. Buchanan Robert J. Friedman Arnold Braxton Ebony M. Payton 139 Barnes Drive, Suite 1 Tyndall Air Force Base thomas.jernigan.3@us.af.mil holly.buchanan.1@us.af.mil robert.friedman.5@us.af.mil arnold.braxton@us.af.mil ebony.payton.ctr@us.af.mil ULFSC.Tyndall@us.af.mil	R. Wade Litchfield John T. Burnett Russell Badders Maria Jose Moncada Ken Rubin Joel T. baker Florida Power & Light Co. 700 Universe Blvd. Juno Beach, FL 33408-0420 wade.litchfield@fpl.com john.t.burnett@fpl.com russell.badders@nexteraenergy.com maria.moncada@fpl.com ken.rubin@fpl.com joel.baker@fpl.com
Jon C. Moyle, Jr. Karen A. Putnal Moyle Law Firm, P.A. 118 North Gadsden St. Tallahassee, FL 32301 jmoyle@moylelaw.com kputnal@moylelaw.com mqualls@moylelaw.com	Parry A. Christensen Charles Rehwinkel Office of Public Counsel c/o The Florida Legislature 111 W. Madison Street, Room 812 Tallahassee, FL 32399-1400 christensen.patty@leg.state.fl.us rehwinkel.charles@leg.state.fl.us
Biana Lherisson Jennifer Crawford Shaw Stiller Suzanne Brownless Florida Public Service Commission Office of the General Counsel 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850 blheriss@psc.state.fl.us jcrawfor@psc.state.fl.us sstiller@psc.state.fl.us sbrownle@psc.state.fl.us	James W. Brew Laura Wynn Baker Joseph R. Briscar Stone Mattheis Xenopoulos & Brew, PC 1025 Thomas Jefferson St., NW Suite 800 West Washington, D.C. 20007 jbrew@smxblaw.com lwb@smxblaw.com jrb@smxblaw.com

<p>Kenneth Hoffman 134 West Jefferson St. Tallahassee, FL 32301-1713 ken.hoffman@fpl.com</p>	<p>George Cavros 120 E. Oakland Park Blvd., Suite 105 Fort Lauderdale, FL 33334 george@cavros-law.com</p>
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DATED this 29th day of March 2021.

/s/ Bradley Marshall  
Attorney

# Exhibit A



**Electric Bill Statement**

**For:** Feb 18, 2021 to Mar 19, 2021 (29 days)

**Statement Date:** Mar 19, 2021

**Account Number:** 03553-25101

**Service Address:**

1142 W SUNRISE BLVD  
FORT LAUDERDALE, FL 33311

**NEW FLORIDA MAJORITY,**  
Here's what you owe for this billing period.

**CURRENT BILL**

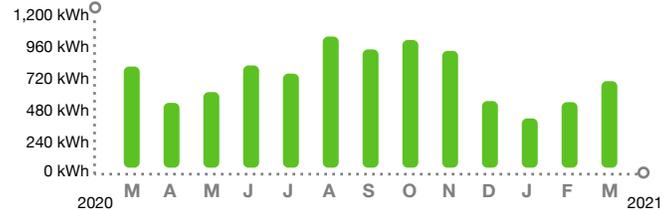
**\$94.75**

TOTAL AMOUNT YOU OWE

**Apr 9, 2021**

NEW CHARGES DUE BY

**ENERGY USAGE HISTORY**



**KEEP IN MIND**

- Payments received after April 09, 2021 are considered late; a late payment charge, the greater of \$5.00 or 1.5% of your past due balance will apply. Your account may also be billed a deposit adjustment.

**BILL SUMMARY**

Amount of your last bill	74.89
Payments received	-74.89
Balance before new charges	0.00
<b>Total new charges</b>	<b>94.75</b>
<b>Total amount you owe</b>	<b>\$94.75</b>

(See page 2 for bill details.)

FPL has asked the Florida Public Service Commission for a rate adjustment to fuel charges. Learn more: [FPL.com/Rates](http://FPL.com/Rates).

Customer Service: (954) 581-5668  
Outside Florida: 1-800-226-3545

Report Power Outages: 1-800-4OUTAGE (468-8243)  
Hearing/Speech Impaired: 711 (Relay Service)



/ 27

7114035532510115749000000

NEW FLORIDA MAJORITY  
10800 BISCAYNE BLVD STE 1050  
MIAMI FL 33161-7566

The amount enclosed includes the following donation:

**FPL Care To Share:** \_\_\_\_\_

Please request changes at FPL.com. Notes on this bill will not be detected.

Make check payable to FPL in U.S. funds and mail along with this coupon to:

FPL  
GENERAL MAIL FACILITY  
MIAMI FL 33188-0001

Visit [FPL.com/PayBill](http://FPL.com/PayBill) for ways to pay.

03553-25101

ACCOUNT NUMBER

\$94.75

TOTAL AMOUNT YOU OWE

Apr 9, 2021

NEW CHARGES DUE BY

\$

AMOUNT ENCLOSED



### BILL DETAILS

Amount of your last bill	74.89
Payment received - Thank you	-74.89
Balance before new charges	\$0.00

#### New Charges

Rate: GS-1 GENERAL SVC NON-DEMAND / BUSINESS	
Customer charge:	\$10.61
Non-fuel: (\$0.065570 per kWh)	\$46.69
Fuel: (\$0.024490 per kWh)	\$17.44
Electric service amount	74.74
Gross receipts tax	1.92
Franchise charge	4.72
Utility tax	6.89
Florida sales tax	5.66
Discretionary sales surtax	0.82
Taxes and charges	20.01
Total new charges	\$94.75
<b>Total amount you owe</b>	<b>\$94.75</b>

### METER SUMMARY

Meter reading - Meter KL27734. Next meter reading Apr 20, 2021.

Usage Type	Current	-	Previous	=	Usage
kWh used	73463		72751		712

### ENERGY USAGE COMPARISON

	This Month	Last Month	Last Year
Service to	Mar 19, 2021	Feb 18, 2021	Mar 19, 2020
kWh Used	712	539	832
Service days	29	29	29
kWh/day	24	18	28
Amount	\$94.75	\$74.89	\$105.15

### We're here to help

If you're experiencing hardship as a result of the coronavirus (COVID-19) and need help with your bill, there are resources available.

[Learn more >](#)

### Help your neighbors

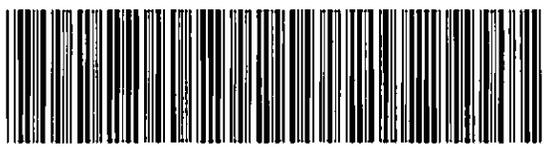
Contribute to Care to Share and help a neighbor in need during this challenging time.

[Donate today >](#)

When you pay by check, you authorize FPL to process your payment electronically or as a draft. If your payment is processed electronically, your checking account may be debited on the same day we receive the check and your check will not be returned with your checking account statement. FPL does not agree to any restrictions, conditions or endorsements placed on any bill statement or payments such as check, money order or other forms of payment. We will process the payment as if these restrictions or conditions do not exist.

## Exhibit B

N09000002056



900357105179

(Requestor's Name)

(Address)

(Address)

(City/State/Zip/Phone #)

PICK-UP     WAIT     MAIL

(Business Entity Name)

(Document Number)

Certified Copies \_\_\_\_\_ Certificates of Status \_\_\_\_\_

Special Instructions to Filing Officer:

Office Use Only

2021 JAN - 6 PM 3:39  
2021 JAN - 7 AM 8:54  
SECRETARY OF STATE  
HARRISBURG PA

JAN 13 2021

# CT CORP

3458 Lakeshore Drive, Tallahassee, FL 32312  
850-656-4724

Date: 01/04/2021

Acc#120160000072

*eric DW*

Name:	New Florida Majority, Inc.
Document #:	
Order #:	13425762

Certified Copy of Arts & Amend:	<input type="checkbox"/>		
Plain Copy:	<input type="checkbox"/>		
Certificate of Good Standing:	<input type="checkbox"/>		
	<input type="checkbox"/>		
Apostille/Notarial Certification:	<input type="checkbox"/>	Country of Destination:	
		Number of Certs:	

Filing: <input checked="" type="checkbox"/>	Certified: <input checked="" type="checkbox"/>
	Plain: <input type="checkbox"/>
	COGS: <input type="checkbox"/>

Availability _____
Document _____
Examiner _____
Updater _____
Verifier _____
W.P. Verifier _____
Ref# _____

Amount: \$ **43.75**

Thank you!





FLORIDA DEPARTMENT OF STATE  
Division of Corporations

January 5, 2021

CT

**CORRECTED**  
**Please Allow For**  
**Same File Date**

SUBJECT: NEW FLORIDA MAJORITY, INC.  
Ref. Number: N09000002056

We have received your document for NEW FLORIDA MAJORITY, INC. and your check(s) totaling \$. However, the enclosed document has not been filed and is being returned for the following correction(s):

The date of signing cannot be prior to the date of adoption.

Please return your document, along with a copy of this letter, within 60 days or your filing will be considered abandoned.

If you have any questions concerning the filing of your document, please call (850) 245-6050.

Terri J Schroeder  
Regulatory Specialist III

Letter Number: 321A00000153

RECEIVED  
2021 JAN 11 PM 1:22



ARTICLES OF RESTATEMENT  
AMENDING AND RESTATING THE ARTICLES OF INCORPORATION  
OF  
NEW FLORIDA MAJORITY, INC.

*to be known as*

FLORIDA RISING, INC.

Under the provisions of Chapter 617 of Florida Statutes (Florida Not for Profit Corporations Act), New Florida Majority, Inc., a Florida not for profit corporation, hereby applies for a Certificate of Restated Articles of Incorporation and for that purpose submits the statement below:

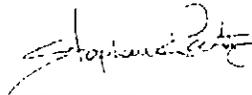
- FIRST: The name of the Corporation is Florida Rising, Inc.
- SECOND: The text of the Amended and Restated Articles of Incorporation is attached hereto.
- THIRD: The Amended and Restated Articles of Incorporation supersede the original Articles of Incorporation and all amendments to them.
- FOURTH: The Amended and Restated Articles of Incorporation contain amendments. The Corporation does not have members with voting rights with respect to the amendments. The Corporation's Board of Directors adopted the amendments on January 7, 2021.

FLORIDA RISING, INC.

*I submit this document and affirm that the facts stated herein are true. I am aware that the false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S.*

January 8, 2021

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephanie Porta, Co-Executive Director

*I submit this document and affirm that the facts stated herein are true. I am aware that the false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s.817.155, F.S.*

01/08/2021

\_\_\_\_\_  
Date



\_\_\_\_\_  
Andrea Mercado, Co-Executive Director

RESTATED  
ARTICLES OF INCORPORATION OF  
FLORIDA RISING, INC.

The name of the corporation is Florida Rising, Inc. (the "**Corporation**").

The Corporation hereby adopts these Restated Articles of Incorporation (these "**Articles**") as follows:

**FIRST**  
**(NAME)**

The name of the Corporation is Florida Rising, Inc.

**SECOND**  
**(PRINCIPAL**  
**OFFICE)**

The principal office and the mailing address of the Corporation is:

10800 Biscayne Boulevard, Suite 1050  
Miami, FL, 33161

**THIRD**  
**(PURPOSES)**

The Corporation is organized and shall be operated exclusively for the promotion of social welfare within the meaning of Section 501(c)(4) of the Internal Revenue Code of 1986, as amended (the "**Code**"). Within the limitations established by the preceding sentence, the Corporation is organized and shall be operated primarily to build broader multiracial movements with individuals from historically marginalized communities to seize power and govern to advance social, economic, and racial justice.

**FOURTH**  
**(ELECTION OF**  
**DIRECTORS)**

The manner in which directors are elected or appointed is as provided for in the bylaws.

**FIFTH**  
**(REGISTERED**  
**AGENT)**

The name and Florida street address of the registered agent is:

Andrea Mercado  
10800 Biscayne Boulevard, Suite 1050  
Miami, FL, 33161

**SIXTH**  
**(DISSOLUTION)**

The Corporation may be dissolved in accordance with the laws of the State of Florida. Any plan of dissolution of the Corporation shall provide that (a) all liabilities and obligations of the Corporation shall be paid and discharged, or adequate provisions be made therefor; (b) assets held by the Corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution, shall be returned, transferred, or conveyed in accordance with such requirements; and (c) assets received and held by the Corporation and subject to limitations permitting their use only for charitable, religious, educational, or similar purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution, and any remaining

assets of the Corporation shall be transferred or conveyed, in such proportions as the Board of Directors of the Corporation shall determine, in accordance with such limitations and to one or more organizations which are exempt from federal income taxation pursuant to Code Section 501(c)(3) or 501(c)(4), or to a State or the United States or any political subdivision or agency of the foregoing for exclusively public purposes.

**SEVENTH**  
**(TAX-EXEMPTION**  
**REQUIREMENTS)**

No part of the net earnings of the Corporation shall inure to the benefit of or be distributed to any director, employee, or other individual, partnership, estate, trust, or corporation having a personal or private interest in the corporation. Compensation for services actually rendered and reimbursement for expenses actually incurred in attending to the affairs of the corporation shall be limited to reasonable amounts.

The Corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of or in opposition to any candidate for public office to an extent that would disqualify it for tax exemption under Code Section 501(c)(4).

Notwithstanding any other provision of these Articles or of any Bylaws adopted thereunder, the Corporation shall not take any action not permitted to be carried on by an organization exempt from Federal income tax under Code Section 501(c)(4) or by any other laws then applicable to the Corporation.

**EIGHTH**  
**(BYLAWS)**

The Bylaws of the Corporation shall specify whether the Corporation has members; the composition of the membership, if any; the members' voting rights, powers, and duties, if any; the time and place of member meetings; and such other regulations relating to the members as desired.

**NINTH**  
**(NO PERSONAL**  
**LIABILITY)**

The officers and directors of the Corporation shall not be personally liable for the payment of any debts or obligations of the Corporation, nor shall any property of any officer or director be subject to the payment of the debts or obligations of the Corporation.

**TENTH**  
**(AMENDMENTS)**

These Articles may be amended as set forth in the Bylaws of the Corporation.

**ELEVENTH**  
**(ARTICLE**  
**CONSOLIDATION)**

These adopted restated Articles supersede the original articles of incorporation and all amendments to them.

**TWELFTH**  
**(ADOPTION)**

These restated articles of incorporation were adopted by the board of directors. The amendments do not require member approval.

**THIRTEENTH**  
**(EFFECTIVE**  
**DATE)**

These Amended and Restated Articles of Incorporation shall be effective when filed with the Department of State.

**Acceptance of Duties of Registered Agent**

*Having been named as registered agent to accept service of process for the above stated corporation at the place designated in these Articles of Incorporation, I am familiar with and accept the appointment as registered agent and agree to act in this capacity.*

A handwritten signature in black ink, appearing to read 'Andrea Mercado', written over a horizontal line.

Andrea Mercado, Registered Agent