

LOCAL INITIATIVES AND REQUIREMENTS TO ADDRESS CLIMATE CHANGE AND SUSTAINABILITY



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The Basic Legal Framework as Applied to Local Governments



Recent Florida GHG/Climate Change Legislation



- SB 888 (2006) created a new Section in Chapter 377, F.S., "Florida Renewable Energy Technologies and Energy Efficiency Act", development of renewable energy technologies, Florida Energy Commission, tax credits/incentives for renewable energy development, matching grants.
- 2007: Florida signs Multistate compact for National Climate Registry: States participate under established protocols and reporting procedures to assure consistency between climate programs.
- Executive Orders 2007:
 - EO 07-126: "Leadership by Example: Immediate Actions to Reduce Greenhouse (State actions, buildings and vehicles)
 - EO 07-127: "Immediate Actions to Reduce Greenhouse Gas Emissions within Florida" (Max emission levels for GHGs and targeted reductions by 2050)
 - EO 07-128: "Florida Governor's Action Team on Energy and Climate Change"
- 2007: CS/HB 7123: Florida Legislature directed the Florida Building Commission to develop the model Green Building Ordinance.

Florida Climate Change/Greenhouse Requirements



- July 13, 2007, DEP initiated three rulemaking projects reducing greenhouse gas (GHG) emissions from electric utilities (Rule 62-285.300, F.A.C.), adopting the California motor vehicle emissions standards (Rule 62-285.400, F.A.C.), and developing a diesel idle reduction standard (Rule 62-285.420, F.A.C.).
- 2008: HB 7135 create 50% more energy efficient buildings by 2015 and **state policy that all state (and other government) constructed buildings** shall comply with LEED (or other nationally recognized standards), created Florida Green Grants program, provided authority to amend State Comprehensive Plan (Chapter 187, F.S.) to include energy and climate change policies, Florida Climate Protection Act (Section 403.44, F.S.) on reporting to Climate Change Registry and rulemaking for cap and trade system.
- 2008: Link between land use and transportation is made: HB/697, amends “Growth Management Act” Section 163.3177(6)(a), F.S.: Comprehensive Plan elements shall include greenhouse gas reduction strategies.

Energy Conservation and Sustainable Buildings Act



- As applied to local governments HB 7135 amended Section 255.2575(2), F.S.
- **All county, municipal, school district, water management district, state university, community college, and Florida state court buildings shall be constructed** to meet:
 - The United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system,
 - The Green Building Initiative's Green Globes rating system,
 - The Florida Green Building Coalition standards, or
 - A nationally recognized, high-performance green building rating system as approved by the Department of Management Services.

This section shall apply to all county, municipal, school district, water management district, state university, community college, and Florida state court buildings the **architectural plans of which are commenced after July 1, 2008.**

Florida Energy and Climate Commission



- HB 7135 also created the Florida Energy & Climate Commission within the Executive Office of the Governor (from the Florida Energy Commission) and is the primary organization for state energy and climate change programs and policies. Their role is to address:
 - American Recovery and Reinvestment Act 2009
 - Grants, Solar Rebates & Incentives * Florida Green Governments Grant Act
 - Energy & Climate Change Policy

Florida Grants and Incentives Rulemaking



- Florida Energy & Climate Commission will award grants to help local governments, including municipalities, counties, and school districts, develop and implement "green" government programs identify and put into place cost-efficient solutions that reduce greenhouse gas emissions, improve quality of life, and strengthen the state's economy".
- Rule 27N-2.100, F.A.C. to “establish procedures for execution of the Florida Green Government Grants Act”, rule development initiated February 2009. It will include: “requirements governing the application process, review, award, and administration of grants awarded pursuant to the Florida Green Government Grants Act” (last workshop March 2009).
- Florida Residential Retrofit program is to quickly develop a program to retrofit Florida’s pool of older homes to become more energy efficient and to lay the ground work for a long term market-based program that offers a whole-house approach for reducing energy use

Comp Plan Requirements Being Enforced



- HB 697 revisions
- Local governments must comply with new requirements no later than due date of EAR based amendments
- Land development regulations must be consistent with Comp Plan (revisions within one year).

DCA, “You’ve Been ORC’d!”



- After 2008, wide ranging consistency w/ HB 697
- Rulemaking on 9J-5, F.A.C. to achieve some consistency and guidance for local governments
- Tampa, Hillsborough County, Plant City: Objection! HB 697 not fulfilled with recommendations to include data and analysis and goals, objectives and policies
- Amendments inconsistent with provisions of Chapter 187, F.S. (State Comprehensive Plan)

An Example in Compliance (Broward County)



- Housing policies promoted which use energy conservation principles
- Support housing policies with multi-modal focus
- Encourage developers to comply with green certification standards
- Energy conservation education program
- Land Use Element policies for smart growth to discourage sprawl and reduce GHGs
- Focus on redevelopment and new policies for green certification standards

Broward: Model Comp Plan Concepts



- Refocus transportation policies on density along corridors, coordination with MPO, additional Tri-Rail stops
- Policies to promote “NatureScape Broward” their existing program utilizing native and low impact landscapes
- Policy to develop a county-wide Climate Change program to mitigate AND adapt to the consequences of Climate Change
- Water conservation and reuse
- Refocus and add policies in Transportation Element to reduce GHGs through a new “Energy Efficiency” Section
- Broward potentially developing and adopting Climate Change Element
 - Model Climate Change Mitigation / Adaption Element of Comp Plan (SFRPC was going to.... TCRPC adding Energy Element)

Local Governments: How Green do you Want to Be?



What is the “Green” Goal?



- Just comply with regulatory requirements or design a “sustainability policy”? Determine the best mix to achieve the vision or goal.
- Determine a vision or goal for the community’s “sustainability policy” and complete an assessment of what is feasible within the municipality in terms of staffing and budgets.
- Review the models and programs that exist and tailor the policy to the community’s vision or goal.
- Research available funding options.

The Components: “Green Initiatives”, Rating Systems/Programs & Codes



Green or Sustainability Initiatives

- Sustainability initiatives of a government or business to address many factors:
 - Construction
 - Operations (Energy, Recycling & Water)
- Basis for initiative may be motivated by profit (marketing), reduction of cost, social consciousness, regulation, stakeholder pressures

Rating systems

- A third-party certification program / accepted “benchmark” for design, construction and operation of green buildings (LEED, FGBC, NAHB Green Home, GBI)
- Most rating systems are applicable across a range of building types and can be applied to both new building projects and existing buildings.

Components of Green Plans, cont.



Green Building Codes

- Generally more focused on design and construction
- Reduction of regulatory fees
- Processing application faster
- Offering rebates for businesses
- Waiver of mitigation or impact fees
- Creation of new “awards” program

Green Government Initiatives



- **International Council for Local Environmental Initiatives/”Local Governments for Sustainability”**. (Started in 1990 (more than 200 local governments from 43 countries) / Cities for Climate Protection program . (Voluntary commitment to develop a community wide Local Action Plan towards reducing greenhouse gas emissions). Computer software and resources.
- **“EPA Green Communities Program”** (Web-based toolkit and planning guide that provides tools and information to help communities become more sustainable. The toolkit is structured around a 5-step approach for communities to use in developing a community wide action agenda).
- **US Council of Mayors Climate Protection Agreement** (300 mayors nationwide. The agreement is a voluntary commitment to address climate change, improve local environmental quality, and reduce energy consumption).
- **Florida Green Building Coalition Green Local Government Standard** (Designates Green Cities and Green Counties for outstanding environmental stewardship).

