

## II. POLICY FRAMEWORK

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## Policy Framework

In response to growing worldwide concern over the critical issue of climate change, legislative action is being developed from the local to the global level. As the Broward County Board of County Commissioners (Board) is moving forward to develop a Climate Change Report for Broward County government operations, the Florida Legislature and U.S. Congress are considering dramatic changes in energy policies and climate change initiatives to reduce greenhouse gas (GHG) emissions on national and state fronts. Governments on all continents are focusing efforts on this critical issue.

The following represents local, state, federal, and global policies driving government actions to reduce GHG emissions.

### **Broward County**

The Board has long recognized that climate change is a critical issue for the State of Florida and Broward County, and the County has demonstrated support for mitigating the impacts of climate change through local actions and advocacy on the State and Federal levels. Almost a decade ago, Broward County worked with the Florida Energy 2020 Study Commission and advocated to the Governor and Legislature to adopt strong measures and legislation to reduce GHG emissions to lessen the impacts of global warming. In 2006, the County supported and helped to influence the State's first legislation (SB 888) that requires the development of a statewide Climate Change Action Plan. In 2008, the County worked with members of the Florida Energy Commission to make recommendations on legislation that furthers the County's goals and subsequently advocated for the passage of strong energy/ climate change legislation during the 2008 Legislative Session.

In January of 2008, the Board adopted State and Federal legislative policies and proposals that urge the 2008 Legislature and the U.S. Congress to adopt laws which promote climate change initiatives and energy efficiency. Climate change policies approved by the Board are as follows:

#### State: Energy/Climate Change Policy/Proposal

*"Support a State comprehensive Climate Change Action Plan, energy policies, and other initiatives to reduce carbon dioxide and other components in the atmosphere which will help to provide solutions for present and future generations, including ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity. Additionally, support establishing state funding sources to assist local governments to develop and implement necessary climate change initiatives."*

#### Federal: Climate Change

*"The Broward County Board of County Commissioners recognizes that greenhouse gas emissions and other human-generated pollution are having a negative impact on our environment. The Broward County Board of County Commissioners supports energy policies, and other initiatives to reduce carbon dioxide and other atmospheric temperature altering compounds in the atmosphere in order to provide solutions to human-caused climate change. The underlying goal of this is to preserve ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic growth and prosperity for present and future generations. Additionally, the Board supports establishing federal funding sources to assist local governments to develop and implement Climate Change Action Plans and associated climate change initiatives."*

Broward County's 2007/2008 efforts to reduce climate change on a Federal and State level include advocating to Congress and the Florida Legislature for stronger laws which reduce GHG emissions and for other climate change initiatives. Broward County is working with coalitions such as the National Association of County Organizations, the

Florida Association of Counties, and counties such as Orange and Miami-Dade to help influence climate change initiatives and energy policies.

The Board recently adopted Resolution 2007-391 (see **Exhibit A**), which is the catalyst for the County's current effort to develop a Broward County Government Operations Climate Change Action Plan.

### **State of Florida**

In 2006, the Legislature passed SB 888, *Energy*, which became the State of Florida's first real attempt to address climate change. In accordance with this legislation, Florida Senate and House leaders appointed a panel of nine members to the Florida Energy Commission (FEC) who were charged with recommending to the Florida Legislature the best ways to secure Florida's energy future. On December 20, 2007, the FEC finalized the *2007 Florida Energy Commission Report to the Florida Legislature*. This report, which includes recommendations to be considered for new laws, was released to the public on January 1, 2008.

At the end of the 2007 Legislative Session, on May 8, 2007, Governor Crist executed the multi-state compact for the National Climate Registry. This action will enable Florida to participate in climate change initiatives with 29 other states. The Registry establishes a set of common protocols and reporting procedures that will ensure consistency between climate programs implemented by states to establish high levels of environmental integrity in emissions accounting, reporting, and verification. The Governor later signed onto the "Partnership on Global Climate Change Action between the United Kingdom, the Republic of Germany, and the State of Florida."

On July 13, 2007 at the *Serve to Preserve Florida Summit on Climate Change*, Governor Crist signed Executive Orders 07-126, 127 and 128. The following represents the directives of the Executive Orders and resulting actions taken to implement these Orders.

**Executive Order 07-126** sets targets for state agencies under the direction of the Governor and requires that state agencies take certain steps to implement the targeted reductions. Targets established include reducing GHG emissions from current levels (FY07) by 10% by 2012, 25% by 2017, and 40% by 2025. This Executive Order does not mandate standards for county governments.

**Executive Order 07-127** requires that: 1) the Department of Environmental Protection consider adopting rules and standards to reduce GHGs by electric utilities, adopt the California vehicle emission reduction standards, and establish statewide diesel idle reduction standards; 2) the Department of Community Affairs consider adopting rules and standards to revise the Florida Energy Code and Florida Energy Conservation Standards; and 3) the Public Service Commission consider adopting rules and standards to require utilities to increase production of electricity from renewable sources, reduce costs for connecting solar and other renewable technologies to Florida's power grid, and set standards that will allow residential and commercial customers to generate energy from outside renewable technologies.

**Executive Order 07-128** creates the Florida Governor's Action Team on Energy and Climate Change and requires the development of a statewide Climate Change Action Plan that will achieve or exceed the targets set in Executive Order 07-127, and establishes a timetable for the Team to return recommendations to the Governor.

During the 2008 Legislative Session, the Florida Legislature passed HB 7135, landmark legislation that builds on the policy framework established in Executive Orders 07-126, 07-127, 07-128 and moves Florida a step closer to mitigating greenhouse gasses, becoming energy independent, and adapting to the consequences of climate change. Of significance to local governments, the bill establishes the *"Florida Energy Conservation and Sustainability Buildings Act"* that is intended to create 50% more energy efficient buildings by 2015 and establishes a state policy that all state constructed buildings shall comply with LEED rating system (or other nationally recognized standards).

## Federal

The U.S. Congress is considering dramatic and far-reaching legislation to address climate change and energy issues and recently Congress passed, and the President approved significant energy legislation that contains the first increase in fuel economy standards since 1974. On December 19, 2007, energy and climate change took center stage in Washington, DC when President Bush signed into law the *Energy Independence and Security Act of 2007*.

There are many federal bills currently under consideration. Provisions considered in most proposed bills relate to GHG emissions targets, an emissions tracking and monitoring system, a cap and trade system administered by the U.S. Environmental Protection Agency (U.S. EPA), and renewable fuel standards. Of significance to local governments is the policy discussion related to state and local authority to regulate GHG emissions. Among the fundamental components of current legislation is to preserve or not to preserve the ability of states and localities to enact more stringent GHG reduction standards than the federal government.

The most significant bill moving through Congress, and one that may have far reaching policy and environmental impacts, is the Climate Security Act. It requires mandatory GHG emissions' standards and represents a departure from long standing U.S. policy to oppose mandatory caps similar to those set in the Kyoto agreement.

## Climate Change Initiatives

In February 2007, the United Nations Intergovernmental Panel on Climate Change (IPCC) concluded that the evidence of climate change is "unequivocal" and there is a 90% probability that human activities have contributed to the climate change to date. Additionally, the IPCC concluded that if annual GHG emissions remain at today's levels, carbon dioxide concentrations will double by 2050. The IPCC also concluded that "global warming is significantly affecting our planet and is projected to cause severe impacts."

On December 3, 2007, the United Nations International Climate Change Conference 2007 opened two weeks of meetings in Bali, Indonesia with the goals of developing a work plan for a new international agreement to take effect after the Kyoto Protocol expires in 2012 and setting deadlines for a new agreement, which charts the course for a new negotiating process to be concluded by 2009.

It is well recognized that if there is not a reversal in the expansion of greenhouse gasses by 2015, the negative impacts of climate change will hit home. According to Rajendrar Pachauri, the head of the IPCC, "What we do in the next two or three years will determine our future." While the issue of climate change is now at the forefront world wide, decisions of policy makers at all levels of government will now play a critical role to shape and implement public climate change policies and these decisions may someday determine the fate of the planet as we know it today.