

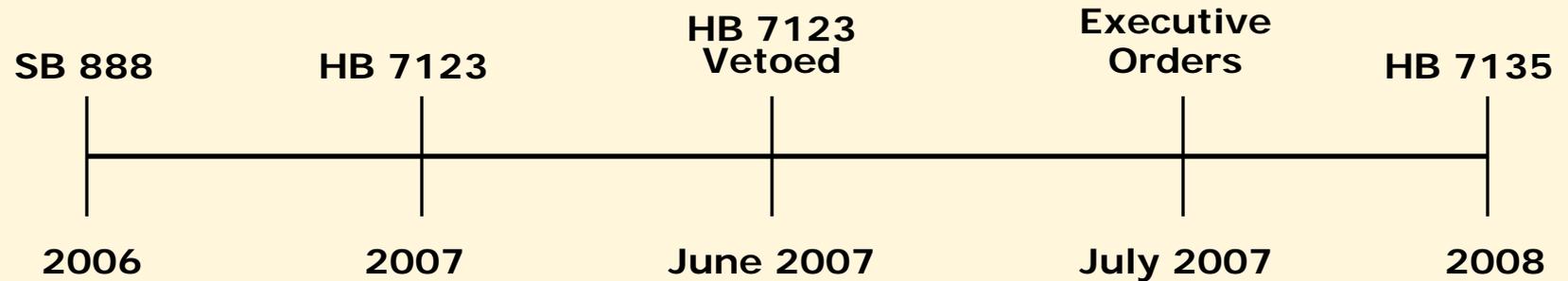
Holland+Knight

THE IMPACT OF FLORIDA'S NEW ENERGY BILL

A LEGAL ANALYSIS OF HB 7135

State Background

The Recent Evolution of Florida's Energy Policy



The Executive Orders

- **EO 07-126.** Directed state government to “lead by example” in energy conservation and efficiency.
- **EO 07-127.**
 - Directed FDEP to adopt the California Motor Vehicle Tailpipe Emission Standards.
 - Directed DCA to adopt rules to increase energy efficiency for new building construction and consumer products.
 - Directed FDEP to adopt rules for aggressive GHG reductions in the utility sector.
 - Requested FPSC to adopt rules requiring that at least 20% of the utility’s electricity sales must come from renewables
- **EO 07-128.** Created the Energy and Climate Change Action Team

Fundamental Objective of Executive Orders

- Mitigate the risk of climate change by reducing carbon emissions from power plants, automobiles and other major emitters.

HB 7135

- A Legislative response to the Governor's Executive Orders.

A Deliberate Approach

Cost Concerns
Debatable Premise
+ Potential Federal Preemption
"Go Slow"

A Legal Framework to Reduce Carbon Emissions in a Deliberate and Cost Effective Manner

- Directs the FPSC to establish a regulatory structure to reduce demand for electricity and move electric utilities away from fossil fuel power plants to renewable energy. *[Bruce May]*
- Sets the stage for FDEP to cap GHG emissions from electric utilities. *[Larry Curtin]*
- Provides economic incentives and tax benefits to encourage the development of renewable energy. *[Jim Ervin]*
- Attempts to reduce consumer demand for electricity through high efficiency building codes and appliance standards. *[Fred Dudley]*
- Uses the State's purchasing power to incentivize carbon neutral behavior and other Green practices. *[Karen Walker]*
- Establishes new transportation policies to encourage energy independence and Green practices. *[Mia McKown]*
- Establishes energy efficient recycling goals and solid waste management policies for the State. *[Larry Sellers]*

Role of the FPSC in Reducing Carbon Emissions from the Electric Sector

- A New Look at Renewables & Energy Efficiency.

A Renewable Portfolio Approach to Reducing Carbon Emissions

- **Objective**: Reducing carbon emissions from electric utility sector by switching a percentage of Florida electric generation from fossil fuels to renewable sources.

Traditional RPS Policy

- Establishes a minimum level of electricity sales that must come from renewable generation by a specific date.

Florida's New RPS Policy

- HB 7135 does not establish minimum renewable levels, nor does it establish RPS compliance deadlines.
- FPSC is required to make those policy decisions at least initially in consultation with FDEP and FECC.
- In setting minimum renewable levels, the bill requires the FPSC to provide for trading of RECs.

Florida's New RPS Policy (cont'd)

- IOUs given 3 options to meet minimum renewable levels -
 1. Generate renewable energy itself and keep the associated RECs.
 2. Procure renewable energy bundled with RECs from other sources.
 3. Purchase RECs sold separately.
- To count toward the RPS threshold renewable energy must be produced in Florida.
- Draft RPS rule must be presented to legislative leadership by February 1, 2009, and cannot take effect until ratified by the Legislature.

A Broad Definition of Renewable Energy

“Renewable energy” means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations.

§366.91(2)(b), Florida Statutes.

Expanded Definition for Biomass

"Biomass" means a power source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, waste, byproducts, or products from agricultural and orchard crops, waste or co-products from livestock and poultry operations, waste or byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

§366.91(2)(a), Florida Statutes.

A Renewed Emphasis on Energy Efficiency

- **Objective**: Reduce carbon emission in electric utility sector by reducing consumer demand for electricity.
- FPSC to adopt rules to encourage to develop “demand-side renewable energy systems” which must:
 - be located on a customer's premises;
 - generate thermal or electric energy using Florida renewable energy resources;
 - be primarily intended to offset all or part of the customer's electricity requirements; &
 - not exceed 2 megawatts.

Renewed Emphasis on Energy Efficiency (cont'd)

- Gives the FPSC additional direction on establishing conservation and energy efficiency goals for IOUs.
- Authorizes the FPSC to look beyond the RIM Test in screening utility conservation measures for purposes of cost-effectiveness.
- Gives FPSC general authority to provide financial rewards for IOUs that exceed conservation goals and to impose financial penalties on those that fail.
- Provides FPSC specific authority to allow an IOU an additional ROE of up to 50 basis points if its energy efficiency and conservation efforts significantly reduce projected load growth.
- Authorizes the FPSC to develop a “shared-savings” incentive program.
- Requires the FPSC to prepare a study on “utility revenue decoupling”.

Florida Climate Protection Act (to be codified at s. 403.44, Florida Statutes)

- “The Legislature finds that it is in the best interest of the state to document, to the greatest extent practicable, greenhouse gas emissions and to pursue a market-based emissions abatement program, such as cap and trade, to address greenhouse gas emissions reductions.”

Florida Climate Protection Act (cont'd)

The Act contains two requirements:

1. A major emitter is required to use The Climate Registry for purposes of emission registration and reporting.
2. The Department of Environmental Protection is required to establish the methodologies, reporting periods and reporting systems that are to be used when major emitters report to The Climate Registry.

Florida Climate Protection Act (cont'd)

- “Greenhouse gas” is defined to mean carbon dioxide, methane, nitrous oxide, and fluorinated gases such as hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.
- A “major emitter” is defined to mean an electric utility regulated under Chapter 403, Florida Statutes.

Florida Climate Protection Act (cont'd)

- The Act authorizes, but does not require, FDEP to adopt rules for a cap-and-trade regulatory program to reduce GHG emissions from major emitters.
- The Act requires consultation with the Florida Energy and Climate Commission and the Florida Public Service Commission and permits consultation with the Governor's Action Team for Energy and Climate Change.
- The FDEP is not permitted to adopt the rules until after January 1, 2010, and the rules will not become effective until ratified by the Legislature.

Florida Climate Protection Act (cont'd)

- The rules that are adopted must contain the following:
 1. Statewide limit or cap on the amount of GHG emissions by major emitters.
 2. The methods for allocating the cap among the major emitters.
 3. The methodology for issuing emissions allowances.
 4. The relationship between the allowances and the amount of GHG emissions they represent.
 5. The length of allowance periods, the time period for accounting for emissions and the surrender of allowances equal to emissions.

Florida Climate Protection Act (cont'd)

6. The timeline of allowances from initiation of the program through 2050.
7. The process for trading, including a registry, tracking, or accounting system for the trades.
8. Costs containment mechanisms to reduce the costs, including:
 - a. Allowing major emitters to borrow allowances from future time periods.
 - b. Allowing banking of GHG reductions in the current year to be used in future years.
 - c. Allowing the purchase of offsets from other entities producing verifiable reductions.
 - d. Providing a safety valve to control costs.

Florida Climate Protection Act (cont'd)

9. Provide a process to allow FDEP to exercise its authority to discourage leakage of GHG emissions to neighboring states.
10. Provide for trial period on trading prior to full implementation of a trading system.

Florida Climate Protection Act (cont'd)

- The Act requires that the following factors be considered in recommending a cap-and-trade system:
 1. Overall cost effectiveness of the system in combination with other policies for meeting standards.
 2. Minimizing administrative burden to the state and to regulated entities.
 3. The impacts on electricity prices for consumers.
 4. Benefits to the economy for early adoption of a cap-and-trade system under federal law or international compacts.

Florida Climate Protection Act (cont'd)

5. Benefits to the state economy associated with the trading system.
6. Potential effects on leakage if economic activity relocates out of state.
7. Effectiveness of the combination of measures in meeting the identified target.
8. Implications for near term periods of long term targets specified in the overall policy.
9. Overall cost and benefit of cap-and-trade to the economy.
10. Methods to moderate impact on low income consumers.

Florida Climate Protection Act (cont'd)

11. The consistency of the program with other state and federal efforts.
12. Feasibility and cost effectiveness of extending the program among emitting activities and sinks in the state.
13. Evaluation of the conditions under which the trading system should be linked to other states or countries and how that might be affected by potential inclusion of a safety valve in the rule.

Florida Climate Protection Act (cont'd)

- The Act requires the proposed rules be submitted to the Florida Energy and Climate Commission which will review and submit a report to the Governor, President of the Senate, Speaker of the House and FDEP.
- The report is to address the same factors just discussed for the cap-and-trade program and the following:
 1. Timing changes in the external environment that may spur reevaluation of the Florida program, such as proposals by other states of implementation of a federal program.

Florida Climate Protection Act (cont'd)

2. Conditions and options for eliminating the Florida program if a federal program were to supplant it.
3. The need for regular reevaluation of progress of other emitting regions and whether emissions are being abated in a commensurate manner.
4. Details on broadening the system to include more emitting activities and sinks in Florida, and the conditions that would need to be met to do this.

Potential Issues

- Can Florida effectively prohibit the use of certain fuels for electricity generation?
- If the program is completely implemented, will it have any effect?
- Is there a basis for focusing only on the utility industry?
- Does the regulation of “leakage” raise federal constitutional issues?
- Is there a more cost effective alternative?
- Can a cap-and-trade system be effective for Florida only?

Economic Incentives for Renewables & Energy Efficiency

- Renewable Energy Source Property Tax Exemption
- Renewable Energy Technologies Investment Income Tax Credit
- Renewable Energy Production Income Tax Credit
- Renewable Energy Technologies Machinery, Equipment and Materials Sales Tax Exemption
- Solar Energy Systems Sales Tax Exemption
- Other Incentives

Renewable Energy Source Property Tax Exemption (s. 196.175, F.S.)

- Exemption equal to the original cost of the device (including installation costs)
- Limited to 10 years
- Applies only to devices installed after January 1, 2009
- Exemption is pro-rated if the device was operative for less than 12 months during the prior year

Renewable Energy Source Property Tax Exemption (s. 196.175, F.S.) (cont.)

- "Renewable energy source device" means any of the following equipment which, when installed in connection with a dwelling unit or other structure, collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits: solar energy collectors; storage tanks and other storage systems (excluding swimming pools used as storage tanks); rock beds; thermostats and other control devices; heat exchange devices; pumps and fans; roof ponds; freestanding thermal containers; pipes, ducts, refrigerant handling systems, and other equipment used to interconnect such systems (however, conventional backup systems of any type are not included in this definition); windmills; wind-driven generators; power conditioning and storage devices that use wind energy to generate electricity or mechanical forms of energy; and, pipes and other equipment used to transmit hot geothermal water to a dwelling or structure from a geothermal deposit.

Renewable Energy Technologies Income Tax Credit (s. 220.192, F.S.)

- Tax years beginning on or after January 1, 2007
- Credit against either the corporate income tax or the franchise tax
- Credit equal to the taxpayer's "eligible costs"
- Available beginning January 1, 2007 & ending December 31, 2010

Renewable Energy Technologies Income Tax Credit (s. 220.192, F.S.) (cont.)

"Eligible costs" are defined as:

- Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs, up to a limit of \$3 million per state fiscal year for all taxpayers, incurred in connection with an investment in **hydrogen-powered vehicles and hydrogen vehicle fueling stations** in the state.
- Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs, up to a limit of \$1.5 million per state fiscal year for all taxpayers (and limited to a maximum of \$12,000 per fuel cell), incurred in connection with an investment in **commercial stationary hydrogen fuel cells** in the state.
- Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs, up to a limit of \$6.5 million per state fiscal year for all taxpayers, incurred in connection with an investment in the production, storage, and distribution of **biodiesel and ethanol** in the state. Includes gasoline fueling station pump retrofits for ethanol.

Renewable Energy Technologies Income Tax Credit (s. 220.192, F.S.) (cont.)

- Eligibility application submitted to the Florida Energy and Climate Commission.
- Once eligibility is determined, the credit can then be claimed on the taxpayer's corporate income or franchise tax return.
- Credit can be transferred to third parties for tax years beginning on or after January 1, 2009 & transfers must first be certified by the Department of Revenue.

Renewable Energy Production Income Tax Credit (s. 220.193, F.S.)

- Available for electricity produced and sold between January 1, 2007, and June 30, 2010.
- Electricity must be generated from renewable energy.
- Renewable energy is defined as electricity produced from hydrogen, biomass, solar energy, geothermal energy, wind energy, ocean energy, waste heat, or hydroelectric power.
- Credit is equal to one cent (\$0.01) for each additional kilowatt hour.
- Electricity must be produced by a new or expanded renewable energy facility.

Renewable Energy Production Income Tax Credit (s. 220.193, F.S.) (cont.)

- "New" facility is a facility that is placed in service after May 1, 2006.
- New facility receives credit for the facility's total output of electricity sold to third parties.
- An "expanded" facility is a facility that increases its production of electricity after May 1, 2006 by 5% as compared to its calendar 2005 production.
- Expanded facility receives credit only to the extent of the increase in production as compared to 2005 and is also limited to electricity that is sold to third parties.

Renewable Energy Production Income Tax Credit (s. 220.193, F.S.) (cont.)

- Applications due February 1 of the year following the year for which the credit is being claimed.
- Unused credits may be carried forward for up to five tax years.
- Credits may be sold or transferred in units of not less than 25% of the remaining credit.
- "Sold" includes internally used.
- Credit passes through disregarded entities to owners/members.

Renewable Energy Technologies Sales Tax Exemption (s. 212.08(7)(ccc), F.S.)

- Applies to purchases of:
 - ❖ *Hydrogen-powered vehicles, materials incorporated into hydrogen powered vehicles, and hydrogen-fueling stations*, up to a limit of \$2 million in tax each state fiscal year for all taxpayers.
 - ❖ *Commercial stationary hydrogen fuel cells*, up to a limit of \$1 million in tax each state fiscal year for all taxpayers.

Renewable Energy Technologies Sales Tax Exemption (s. 212.08(7)(ccc), F.S.) (cont.)

- ❖ *Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-100), including fueling infrastructure, transportation, and storage, up to a limit of \$1 million in tax each state fiscal year for all taxpayers. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify for the exemption.*

Renewable Energy Technologies Sales Tax Exemption (s. 212.08(7)(ccc), F.S.) (cont.)

- Available July 1, 2006 through June 30, 2010.
- Exemptions are available only by way of a refund of taxes previously paid.
- Claimant must first submit an application to the Florida Energy and Climate Commission to determine eligibility.
- Following eligibility determination, refund claim is filed with the Department of Revenue.
- Qualified items are only eligible for exemption once.

Solar Energy Systems Sales Tax Exemption (s. 212.08(7)(hh), F.S.)

- Applies to purchases of solar energy systems and any components of such systems.
- "Solar energy system" means "the equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incidental solar energy for water heating, space heating and cooling, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity."
- Specific listing of exempt items has been developed by the Florida Solar Energy Center.

Other Incentives

Innovation Incentives Program

- Originally available to research and development and "innovation" business projects.
- Amended by HB 7135 to also make grants available for "alternative and renewable energy" projects.
- In order to qualify for a grant, the project must:
 1. Demonstrate a plan for significant collaboration with an institution of higher learning.
 2. Provide the State, at a minimum, with a break-even return on investment within a 20-year period.
 3. Include matching funds provided by the applicant or other available sources (requirement can be waived based on merits of project).

Other Incentives (cont'd)

Innovation Incentives Program (cont'd)

4. Be located in Florida.
5. Provided jobs that will pay an estimated annual wage of at least 130 percent of the average private-sector wage (requirement can be waived based on merits).
6. Meet one of the following criteria:
 - a. Result in the creation of at least 35 direct, new jobs at the project.
 - b. Have an activity or product that uses feedstock or other raw materials grown or produced in Florida.
 - c. Have a cumulative investment of at least \$50 million within a 5-year period.

Other Incentives (cont'd)

Innovation Incentives Program (cont'd)

- d. Address the feasibility of the project based on pilot projects, laboratory tests, scientific modeling or engineering or chemical modeling.
 - e. Include innovative technology.
 - f. Include production potential and the extent to which the project will generate energy from a renewable resource that has substantial long term production potential.
 - g. Include and address energy efficiency.
 - h. Include project management.
- Proposals evaluated by Enterprise Florida and the FECC. Approval by OTTED.
 - No pre-determined grant amounts.

Other Incentives (cont'd)

Florida Solar Energy System Incentives Program

- Makes available the following subsidies for the purchase and installation of solar equipment for homes and businesses:
 - Solar thermal swimming pool heaters are eligible for a \$100 rebate per system.
 - Solar domestic water heaters are eligible for a \$500 rebate per system. Commercial solar water heating systems are eligible for a rebate of \$15 per 1,000 BTUs, with a maximum rebate amount of \$5,000.
 - Photovoltaic systems of 2 kilowatts or larger can qualify for a rebate based on the manufacturer's power output rating of the system. The amount is \$4 per watt, with a residential cap of \$20,000 and a \$100,000 cap for commercial, publicly owned or private nonprofit organizations.

Other Incentives (cont'd)

Florida Solar Energy System Incentives Program (continued)

- Funded \$5 million for FY 08/09.
- More than \$3 million is already committed to 1,700 consumers on the waiting list -- leaving \$2 million for the remainder of the year.
- Likely the State will continue using the waiting list already established on a first-come, first-served basis

Other Incentives (cont'd)

Florida Green Government Grants Act

- Provides Florida Energy & Climate Commission to award grants for local government green programs.
- “Green standards” to be determined by FECC.
- Goals specified as reducing GHGs & strengthen Florida’s economy.
- Commission to adopt rules pursuant to Chapter 120 to administer grants to local governments.
- No funding.

Other Incentives (cont'd)

Woody Biomass Economic Study

- Requires DEP & DACS to conduct economic impact study for woody biomass fuel incentives.
- Result of Action Team on Energy and Climate Change report.
- Results due by March 1, 2010.

"Green Recognition" Program

- Requires FDEP, DOE & private sector to develop green recognition program.
- Encourages public/private funding.

Renewable Energy and Energy Efficient Technologies Grants Program

- Originally established as the Renewable Energy Technologies Grants Program.
- Amended by HB 7135 to add "Energy Efficient" Technologies to the Program.
- Also amended to be administered by the FECC rather than the FDEP.
- Matching grants for demonstration, commercialization, research and development projects relating to renewable energy and energy efficiency technologies.
- Grant funds are available to Florida municipalities and county governments, established for-profit companies licensed to do business in Florida, universities and colleges in Florida, utilities located and operating within Florida, not-for-profit organizations, and State of Florida agencies.

The Impact on the Building and Construction Industries

Restrictions on Use of Real Property

- Lifts condo restrictions
- Removes three-story limit

The Impact on the Building and Construction Industries (cont'd)

"Green" Construction Requirements

- State Owned or Leased Buildings
 - Design, construction & renovation rating system requirement
 - Energy Star requirements
 - DMS compilation of projects
- Other Public Buildings
 - Design, construction & renovation rating system requirement

The Impact on the Building and Construction Industries (cont'd)

Solar Energy System Incentives Program

- Plumbing contractors – solar thermal system
- State-licensed roofers – hybrid thermal roof

The Impact on the Building and Construction Industries (cont'd)

Florida Building Standards and Commission

- ❑ FBC to adopt International Energy Conservation Code (IECC).
- ❑ Schedule increases in building energy efficiency.
- ❑ FBC's options/elements to meet increased energy performance goals.
- ❑ Requires FBC rule for cost-effectiveness test.

The Impact on the Building and Construction Industries (cont'd)

Florida Building Standards & Commission (cont'd)

- ❑ Appliance minimum requirements
 - ❑ Natural gas pool heaters – no constantly burning pilot
 - ❑ Heat pump pool heaters – coefficient of performance at low temperature of 4.0 or higher
 - ❑ Gas-fired & oil-fired pool heaters – 78% thermal efficiency
 - ❑ All pool heaters – on/off switch mounted outside heater
 - ❑ Pool pump motor type requirements
 - ❑ Residential pool pumps & motors with 1 HP or more speeds requirement
 - ❑ Portable electric spas – standby maximum power

Impact on State Contracts

State Climate Change Leadership by Example and the Green Vendor Advantage

- Florida Climate-Friendly Preferred Products List
- “Green Lodging” required for state agencies, effective July 1, 2008
- Compliance with minimum vehicle maintenance schedules
- Purchase or lease of new vehicles with the greatest fuel efficiency for a given class
- Use of ethanol & biodiesel blended fuels, when available

Impact on State Contracts

State Fuel Use Analysis

- Florida Department of Management Services (“DMS”), in coordination with the Florida Department of Transportation (“FDOT”) is to conduct an analysis of fuel additives and biofuels used at FDOT’s central fueling facilities.
- Other state agencies encouraged to analyze and report to DMS their transportation fuel usage, including types and percentages of fuel consumed.

Impact on State Contracts

Energy Conservation & Government Facilities

- Consideration of agency's telecommuting program in annual report to DMS to be used in facility planning
- Use of deferred payment commodity contracts and the state's Deferred Payment Purchase Program to finance costs of energy, water and wastewater efficiency conservation measures for up to 20 years

Impact on State Contracts

Energy Conservation & Government Facilities (cont'd)

- Expansion of Florida's Guaranteed Performance Savings Contracting Act, section 489.145, Florida Statutes, to include water and wastewater performance savings contracting
- Greater involvement of CFO & DMS in approving guaranteed energy, water and wastewater performance contracts and verifying cost savings

Impact on State Transportation

HOV Lanes & Hybrids

- Hybrids permitted to use HOV lanes despite occupancy
 - Compliance with federal minimum fuel economy standards
 - Hybrid/low emission vehicle eligibility determined by U.S. EPA rule
- HOV vehicle toll exemption
- DHSMV discretion to issue and/or discontinue HOV decals

Impact on State Transportation – Florida Renewable Fuel Standard Act

- On and after December 31, 2010, all gasoline sold or offered for sale by a terminal supplier, importer, blender or wholesaler must contain minimum 10% agriculturally-derived ethanol fuel. This is driven by the Energy Independence & Security Act of 2007.

Impact on State Transportation – Florida Renewable Fuel Standard Act (continued)

- Exemptions:
 - Aircraft fuel;
 - Fuel sold for use in boats/watercraft;
 - Fuel used in collector vehicles, off road vehicles, motorcycles or small engines;
 - Fuel sold to a blender;
 - Fuel unable to comply due to EPA requirements;
 - Fuel transferred between terminals;
 - Certain exports;
 - Fuel otherwise exempt per Chapter 206, Florida Statutes;
 - Fuel for railroad locomotives; and
 - Fuel for equipment covered by warranty that would be voided by Fuel Act.

Impact on State Transportation – Florida Renewable Fuel Standard Act (continued)

- Waivers:
 - Price of ethanol
 - State of Emergency
- Application for extension with FDACS
- Enforcement
 - First time offenders
 - Repeat offenders

Impact on State Transportation – Florida Renewable Fuel Standard Act (continued)

- FDACS rulemaking
- Requires FECC conducted study on fuel and GHG connection
 - Due by December 31, 2010

Transportation and Land Use

- Each MPO is encouraged to integrate sustainable development and GHG emissions reductions in transportation and land use planning strategies.

Land Use Planning: CS/HB 697

- Requires future land use element of local comprehensive plan to include energy-efficient land use patterns and GHG reduction strategies.
- Requires a traffic/circulation element of a local comprehensive plan to incorporate transportation strategies to reduce GHG emissions.
- Requires the land use map to identify energy conservation.

Land Use Planning: CS/HB 697 (continued)

- Requires home element of a local comprehensive plan to include energy efficiency in the design and construction of new housing and the use of renewable energy resources.
- Requires each unit of local government within an urbanized area to amend the transportation element of a local comprehensive plan to incorporate transportation strategies addressing reduction in GHG emissions.

Solid Waste Issues: Recycling & Waste Reduction

- Encourages regional solutions to capture and reuse methane gas from landfills and wastewater treatment facilities.
- Establishes long-term recycling goal of 75%.
- Requires FDEP to analyze certain recyclable materials and preempts local regulation.
- Requires each county to develop and implement a plan to achieve a goal to compost organic materials.
- Provides opportunities for public input and private businesses.

Regional Solutions to Methane Capture

- Encourages regional solutions to capture and reuse methane gas from landfills and wastewater treatment facilities.
- FDEP to provide planning guidelines and technical assistance.
- State law encourages local governments to contract with private companies.

Recycling and Waste Reduction

- Establishes a long-term goal for reducing solid waste through state and local recycling efforts: By 2020 a statewide average reduction of 75% of solid waste that was disposed of in 2007.
- FDEP to develop a comprehensive recycling program by January 1, 2010.
- May not be implemented until approved by Legislature.
- Program to be developed with public input.
- Opportunities for private businesses.

Recyclable Materials

- FDEP to undertake analysis of need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags.
- FDEP Report with conclusions and recommendations due to Legislature by February 1, 2010.
- Until Legislature adopts FDEP recommendations, no local government may enact regulation of auxiliary containers, wrappings, or disposable plastic bags.
- Analysis to include input from stakeholders.

Composting Organic Materials

- Each county is to develop and implement a plan to achieve a goal to compost organic materials that otherwise would be disposed of in landfills by July 1, 2010.
- Goal must provide that up to 10% and no less than 5% of organic materials be composted within the county and cities within the county.
- FDEP may modify goal if impracticable.
- Plan is to encourage partnership with the private sector, thus providing opportunities for private businesses.

The Future of Florida's Energy Policy

Presented by: Jeremy Susac



Additional Questions Or Comments

