

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Education Pre-K - 12 Committee

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BILL: CS/SB 2136

INTRODUCER: Committee on Education Pre-K - 12 and Senator Constantine

SUBJECT: Green Schools Pilot Project/Education

DATE: April 11, 2007

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	<b>Fav/CS</b>
2.			EP	
3.			EF	
4.				
5.				
6.				

## I. Summary:

The bill establishes the Green Schools Pilot Project for selected school districts to comply with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) silver-level or higher building certification standards in the building of one complete school in the selected districts. The bill requires the Department of Education (DOE), in consultation with the Florida Energy Office, to establish an application process for the pilot project. The bill provides selection criteria and requires the State Board of Education (SBE) to select three school districts to participate in the pilot project.

Each participating school district must commit to building at least one green school. For Fiscal Year 2007-2008, the bill appropriates \$3.5 million in General Revenue to the DOE to cover the additional costs associated with building a green school that meets LEED certification standards. The bill provides for the retention of undisbursed funds and the return of funds for a school that fails to meet the certification standards within 1 year after its completion.

This bill creates section 1013.441 of the Florida Statutes.

## II. Present Situation:

Current law requires the SBE to adopt rules authorizing state and local officials to cooperate in establishing and maintaining educational facilities.<sup>1</sup> The law also encourages school districts, community colleges, and state universities to implement energy conservation measures for

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<sup>1</sup> s. 1013.02, F.S.; Rule 6A-2.0010, F.A.C., provides for the state uniform building code for public educational facilities construction. See also <http://www.firn.edu/doe/edfacil/sref.htm>.

reducing energy consumption and costs.<sup>2</sup> These entities are encouraged to improve facilities' indoor air quality and improve energy efficiency and may contract with energy performance contractors to assist in meeting these goals.<sup>3</sup> Educational facilities must be constructed using low energy use designs, solar energy, or waste heat recovery systems.<sup>4</sup>

The USGBC is a national nonprofit building industry organization that promotes environmentally friendly building practices. The USGBC consists of 7,500 member organizations and 75 regional chapters. The core purpose of the organization is to transform the way buildings and communities are designed, built and operated, enabling an environmentally and socially responsible, healthy, and prosperous environment that improves the quality of life.<sup>5</sup> There are four USGBC chapters in Florida.<sup>6</sup>

The LEED building rating system was developed by the USGBC. According to the organization, it is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings.<sup>7</sup> The rating system measures a building's environmental performance in five categories:

- Sustainable site development;
- Water savings;
- Energy efficiency;
- Materials selection, and
- Indoor environmental quality.

Each category consists of various subtopics. Each subtopic is assigned a point value. A building is rated based on its total number of points and assigned one of four progressive certification levels: "certified," "silver," "gold," and "platinum."<sup>8</sup> The LEED for Schools rating system addresses issues such as classroom acoustics, master planning, and mold prevention in K-12 schools.<sup>9</sup>

### III. Effect of Proposed Changes:

The bill establishes the Green Schools Pilot Project for selected school districts to build one complete school to LEED silver-level or higher building certification standards. The bill requires the DOE, in consultation with the Florida Energy Office,<sup>10</sup> to establish an application process for

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<sup>2</sup> s. 1013.23, F.S.

<sup>3</sup> *Id.*

<sup>4</sup> s. 1013.44, F.S.

<sup>5</sup> U.S. Green Building Council, About USGBC available at <http://www.usgbc.org/DisplayPage.aspx?CategoryID=1>.

<sup>6</sup> U.S. Green Building Council, Chapters available at <http://www.usgbc.org/Chapters/ChapterList.aspx?CMSPageID=&190&CategoryID=24&>.

<sup>7</sup> U.S. Green Building Council, Leadership in Energy and Environmental Design available at <http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>.

<sup>8</sup> <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=227>

<sup>9</sup> <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1586> and see LEED for Schools for New Construction and Renovation available at <http://www.usgbc.org/ShowFile.aspx?DocumentID=1753>

<sup>10</sup> The Florida Energy Office is located within the Department of Environmental Protection. See <http://www.dep.state.fl.us/energy/about.htm>, [http://www.dep.state.fl.us/energy/reports/files/energy\\_leadership\\_report.pdf](http://www.dep.state.fl.us/energy/reports/files/energy_leadership_report.pdf), and ss. 526.144(5) and 570.954(3), F.S.

the pilot project by August 1, 2007. The bill requires the SBE to select three school districts for participation in the pilot project by January 1, 2008. The bill establishes minimum selection criteria. One school district must be selected from each of the following:

- A county with a population of one million or more residents;
- A county with a population 250,000 to 999,999 residents; and
- A county with a population of less than 250,000 residents.

To the extent feasible, selected school districts must represent geographically different regions of the state.

The bill requires each of the three participating school districts to commit to building at least one green school that meets the LEED silver-level or higher certification standards. The bill is silent on the deadline for initiating the construction of the first school. Additionally, the bill infers, but does not specify the duration of the pilot project as 3 years.

Each participating district must submit a report on the effects that green schools have on student health and performance, operational costs, energy consumption, and the environment. This report must be submitted to the Governor and legislative leadership by July 1 of the third year that a green school has been in full operation. Additionally, districts must annually provide expenditure reports for DOE's review.

The effective date of the bill is July 1, 2007.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

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**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill provides for three school districts to participate in the pilot project. For Fiscal Year 2007-2008, the bill appropriates \$3.5 million in General Revenue to the DOE to cover the additional costs associated with building a green school that meets LEED silver-level or higher building certification standards. The bill provides that undisbursed funds must be retained by the DOE for project-related costs. Districts must return funds to the DOE if they were improperly spent or received for a school that failed to meet LEED certification standards within 1 year after its completion.

Initial construction costs for green schools may be higher than the costs to build schools using traditional methods.<sup>11</sup> However, a green school's increased energy efficiency and reduced energy consumption may result in long term operational cost savings to school districts.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>11</sup> See Gregory Kats, Capital-E, *Greening America's Schools: Costs and Benefits*, October 2006, available at <http://www.cap-e.com/publications/default.cfm> See also Gregory Kats, Capital-E, *The Costs and Financial Benefits of Green Buildings, A Report to California's Sustainable Building Task Force*, October 2003, available at <http://www.cap-e.com/ewebeditpro/items/O59F3259.pdf>.

<sup>12</sup> *Id.*

## **VIII. Summary of Amendments:**

None.

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