

1 A bill to be entitled
2 An act relating to green building construction; creating
3 s. 212.099, F.S.; providing a purpose; providing
4 definitions; providing for a sales tax credit for certain
5 building construction; creating s. 220.194, F.S.;
6 providing a purpose; providing definitions; providing for
7 a corporate income tax credit for certain building
8 construction; requiring the Department of Revenue to adopt
9 certain standards by rule; providing requirements;
10 requiring the department to issue initial credit
11 certificates under certain circumstances; providing
12 certificate requirements and limitations; requiring
13 taxpayers claiming credits to obtain eligibility
14 certificates; providing requirements; providing additional
15 certification requirements; authorizing the Chief
16 Financial Officer and the department to adopt rules;
17 requiring the Chief Financial Officer and the department
18 to submit a report to the Governor and the Legislature;
19 providing report requirements; providing duties of the
20 Chief Financial Officer; requiring the department to adopt
21 certification rules; amending s. 553.74, F.S.; providing
22 for an additional member of the Florida Building
23 Commission; creating part IX of ch. 553, F.S., consisting
24 of ss. 553.9991, 553.9993, and 553.9995, F.S.; creating
25 the Florida Green Building Act; providing legislative
26 findings; providing a legislative declaration; providing
27 definitions; requiring certain state-funded projects to be
28 constructed to meet certain energy and environmental

29 design rating systems; requiring certain public buildings
30 and educational facilities to be constructed to meet
31 certain energy and environmental design rating systems;
32 providing a legislative finding; requiring certain major
33 facility projects receiving state funding to be
34 constructed to meet certain energy and environmental
35 design rating standards; providing public agency
36 monitoring and reporting requirements; providing reporting
37 requirements for the department; requiring the department
38 to summarize certain reports and report to the
39 Legislature; specifying absence of liability for failing
40 to meet certain standards under certain circumstances;
41 exempting certain affordable housing projects; requiring
42 the Department of Community Affairs to develop a
43 sustainable building program for certain affordable
44 housing projects; providing requirements and limitations;
45 providing performance review requirements for the Office
46 of Program Policy Analysis and Government Accountability;
47 providing performance audit requirements; requiring
48 reports; creating the Florida Green Building Council in
49 the Department of Community Affairs; providing for
50 membership; providing for action by the council; providing
51 that members shall serve without compensation; providing
52 for per diem and travel expenses; providing for member
53 accountability to the Governor; providing for
54 investigation by the Governor of council actions or
55 members; providing for removal of council members under
56 certain circumstances; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 212.099, Florida Statutes, is created to read:

212.099 Florida Green Building sales tax refund program.--

(1) The purpose of this section is to encourage the development and construction of facilities using environmentally conscious building practices.

(2) The definitions provided in s. 220.194 apply to this section.

(3) A property owner may claim a refund against the tax imposed by this chapter paid during the building or renovation of a residential structure that does not qualify for the green building corporate income tax credit under s. 220.194. The property owner shall submit to the department proof of having paid the sales tax on items used in the construction or improvement of the property and proof of the property's compliance with applicable green building standards as specified in s. 220.194. The tax refund shall not exceed \$5,000 per property.

Section 2. Section 220.194, Florida Statutes, is created to read:

220.194 Florida Green Building corporate income tax credit.--

(1) The purpose of this section is to encourage the development and construction of facilities using environmentally conscious building practices.

85 (2) As used in this section:
 86 (a)1. "Allowable costs" means amounts properly chargeable
 87 to capital accounts, other than for land, that are paid or
 88 incurred on or after July 1, 2009, for:
 89 a. Construction or rehabilitation;
 90 b. Commissioning costs;
 91 c. Interest paid or incurred during the construction or
 92 rehabilitation period;
 93 d. Architectural, engineering, and other professional fees
 94 allocable to construction or rehabilitation;
 95 e. Closing costs for construction, rehabilitation, or
 96 mortgage loans;
 97 f. Recording taxes and filing fees incurred with respect
 98 to construction or rehabilitation; or
 99 g. Finishes and furnishings, consistent with the rules
 100 adopted by the Department of Business and Professional
 101 Regulation, for lighting, plumbing, electrical wiring, and
 102 ventilation.
 103 2. The term "allowable costs" does not include:
 104 a. The cost of telephone systems and computers, other than
 105 electrical wiring costs;
 106 b. Legal fees allocable to construction or rehabilitation;
 107 c. Site costs, including temporary electric wiring,
 108 scaffolding, demolition costs, and fencing and security
 109 facilities;
 110 d. Finishes or furnishings that are not consistent with
 111 the rules adopted by the Department of Business and Professional
 112 Regulation under this section; or

113 e. The cost of purchasing or installing fuel cells, wind
114 turbines, or photovoltaic modules.

115 (b) "Applicable green building" means a building that:

116 1. Achieves at least a silver rating according to the
117 United States Green Building Council's Leadership in Energy and
118 Environmental Design (LEED) Green Building rating system as
119 adopted by the Florida Green Building Council;

120 2. Achieves at least a Two Globes rating according to the
121 Green Globes Program as adopted by the Green Building
122 Initiative;

123 3. Achieves at least a comparable numeric rating according
124 to a nationally recognized, accepted, and appropriate numeric
125 sustainable development rating system, guideline, or standard;
126 or

127 4. Meets nationally recognized, consensus-based, and
128 accepted green building guidelines, standards, or systems
129 approved by the state.

130 (c) "Base building" means all areas of a building not
131 intended for occupancy by a tenant or owner, including the
132 structural components of the building, exterior walls, floors,
133 windows, roofs, foundations, chimneys and stacks, parking areas,
134 mechanical rooms and mechanical systems, and owner-controlled or
135 operated services spaces, sidewalks, main lobby, shafts and
136 vertical transportation mechanisms, stairways, and corridors.

137 (d) "Commissioning" means:

138 1. The testing and fine-tuning of heating, ventilating,
139 and air-conditioning systems and other systems to ensure proper
140 functioning and adherence to design criteria.

141 2. The preparation of system operation manuals and
 142 instruction of maintenance personnel.

143 (e) "Credit allowance year" means the later of:

144 1. The taxable year during which:

145 a. The property, construction, completion, or
 146 rehabilitation on which the credit allowed under this section is
 147 based is originally placed in service; or

148 b. A fuel cell, wind turbine, or photovoltaic module
 149 constitutes a qualifying alternate energy source and is fully
 150 operational; or

151 2. The earliest taxable year for which the credit may be
 152 claimed under the initial credit certificate issued under
 153 subsection (12).

154 (f) "Department" means the Department of Revenue.

155 (g) "Eligible building" means a building located in this
 156 state that:

157 1. Is a building used primarily for nonresidential
 158 purposes if the building contains at least 20,000 square feet of
 159 interior space;

160 2. Is a residential multifamily building with at least 12
 161 dwelling units that contains at least 20,000 square feet of
 162 interior space; or

163 3. Is any combination of buildings described in
 164 subparagraphs 1. and 2.

165 (h) "Fuel cell" means a device that produces electricity
 166 directly from hydrogen or hydrocarbon fuel through a
 167 noncombustive electrochemical process.

168 (i) "Green base building" means a base building that is

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169 part of an eligible building and meets the requirements set out
170 in paragraph (b).

171 (j) "Green tenant space" means tenant space in a building
172 if the building is an eligible building and the tenant space
173 meets the requirements of paragraph (b).

174 (k) "Green whole building" means a building for which the
175 base building is a green base building and all tenant space is
176 green tenant space.

177 (l) "Incremental cost of building-integrated photovoltaic
178 modules" means:

179 1. The cost of building-integrated photovoltaic modules
180 and any associated inverter, additional wiring or other
181 electrical equipment for the photovoltaic modules, or additional
182 mounting or structural materials, less the cost of spandrel
183 glass or other building material that would have been used if
184 building-integrated photovoltaic modules were not installed;

185 2. The incremental labor costs properly allocable to
186 onsite preparation, assembly, and original installation of
187 photovoltaic modules; and

188 3. The incremental costs of architectural and engineering
189 services and designs and plans directly related to the
190 construction or installation of photovoltaic modules.

191 (m) "Qualifying alternate energy sources" means building-
192 integrated and nonbuilding-integrated photovoltaic modules, wind
193 turbines, and fuel cells installed to serve a base building or
194 tenant space that:

195 1. Have the capability to monitor their actual power
196 output;

197 2. Are fully commissioned upon installation, and annually
 198 thereafter, to ensure that the systems meet the design
 199 specifications; and

200 3. In the case of wind turbines, meet any applicable noise
 201 ordinances.

202 (n) "Tenant improvements" means improvements that are
 203 necessary or appropriate to support or conduct the business of a
 204 tenant or occupying owner.

205 (o) "Tenant space" means the portion of a building
 206 intended for occupancy by a tenant or occupying owner.

207 (3) (a) A corporation may claim a credit against the tax
 208 imposed by this chapter as provided under this section for green
 209 buildings and green building components.

210 (b) If the credit authorized under this section exceeds
 211 the tax imposed by this chapter, any unused credit may be
 212 carried forward and applied for succeeding taxable years until
 213 the earlier of:

- 214 1. The full amount of the credit is used; or
- 215 2. The expiration of the 10th year after the taxable year
 216 for which the credit was allowed.

217 (c) For each of the credits authorized under subsections
 218 (4) - (9), the credit may not be allowed for any taxable year
 219 unless:

- 220 1. The taxpayer has obtained and filed an initial credit
 221 certificate and an eligibility certificate issued under
 222 subsection (12).

- 223 2. A certificate of occupancy for the building has been
 224 issued.

225 3. The property with respect to which the credit is
 226 claimed is in service during the taxable year.

227 (d) The total aggregate amount authorized for all credits
 228 under this section may not exceed the maximum set forth in the
 229 initial credit certificate obtained under subsection (12).

230 (e) In determining the amount of the credits under this
 231 section, a cost paid or incurred may not be the basis for more
 232 than one credit.

233 (4) (a) For the taxable year that is the credit allowance
 234 year, an owner or tenant may claim a credit in an amount equal
 235 to 8 percent of the allowable costs paid or incurred by the
 236 owner or tenant for the construction of a green whole building
 237 or the rehabilitation of a building that is not a green whole
 238 building to become a green whole building.

239 (b) The allowable costs used to determine the credit
 240 amount allowed under this subsection for a green whole building
 241 may not exceed in the aggregate:

- 242 1. An amount equal to \$120 per square foot for that
 243 portion of the building that comprises the base building; and
- 244 2. An amount equal to \$60 per square foot for that portion
 245 of the building that comprises the tenant space.

246 (5) (a) For the taxable year that is the credit allowance
 247 year, an owner may claim a credit in an amount equal to 6
 248 percent of the allowable costs paid or incurred by the owner for
 249 the construction of a green base building or the rehabilitation
 250 of a building that is not a green base building to become a
 251 green base building.

252 (b) The allowable costs used to determine the credit

253 amount allowed under this subsection for a green base building
254 may not exceed, in the aggregate, \$120 per square foot.

255 (6) (a) For the taxable year that is the credit allowance
256 year, an owner or tenant may claim a credit in an amount equal
257 to 6 percent of the allowable costs for tenant improvements paid
258 or incurred by the owner or tenant in the construction or
259 completion of green tenant space or the rehabilitation of tenant
260 space that is not green tenant space to become green tenant
261 space.

262 (b)1. The allowable costs used to determine the credit
263 amount allowed under this subsection for green tenant space may
264 not exceed, in the aggregate, \$60 per square foot.

265 2. If an owner and tenant each incur allowable costs for
266 tenant improvements under this subsection and the costs exceed
267 \$60 per square foot in the aggregate, the owner has priority as
268 to costs constituting the basis for the green tenant space
269 credit under this subsection.

270 (c) The credit under this subsection for green tenant
271 space may not be claimed by an owner of a building that occupies
272 less than 10,000 square feet of the building.

273 (d) The credit under this subsection for green tenant
274 space may not be claimed by a tenant that occupies less than
275 5,000 square feet.

276 (7) (a) For the taxable year that is the credit allowance
277 year, an owner or tenant may claim a credit in the amount
278 determined under this subsection for the installation of a fuel
279 cell that is a qualifying alternate energy source and is
280 installed to serve a green whole building, green base building,

281 or green tenant space.

282 (b) The amount of the credit authorized under this
 283 subsection is 30 percent of the sum of the capitalized costs
 284 paid or incurred by an owner or tenant with respect to each fuel
 285 cell installed, including the cost of the foundation or platform
 286 and the labor costs associated with installation.

287 (c) The costs used to determine the credit amount allowed
 288 under this subsection for installation of a fuel cell:

289 1. May not exceed \$1,000 per kilowatt of installed DC-
 290 rated capacity of the fuel cell; and

291 2. Shall be reduced by the amount of any federal, state,
 292 or local grant:

293 a. Received by the taxpayer and used for the purchase or
 294 installation of the fuel cell; and

295 b. Not included in the federal gross income of the
 296 taxpayer.

297 (8) (a) For the taxable year that is the credit allowance
 298 year, an owner or tenant may claim a credit in the amount
 299 determined under this subsection for the installation of
 300 photovoltaic modules that constitute a qualifying alternate
 301 energy source and are installed to serve a green whole building,
 302 green base building, or green tenant space.

303 (b) The amount of the credit allowed under this subsection
 304 is:

305 1. An amount equal to 20 percent of the incremental cost
 306 paid or incurred by an owner or tenant for building-integrated
 307 photovoltaic modules; and

308 2. An amount equal to 25 percent of the cost of

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309 nonbuilding-integrated photovoltaic modules, including the cost
310 of the foundation or platform and the labor costs associated
311 with installation.

312 (c) The costs used to determine the credit amount allowed
313 under this subsection for installation of photovoltaic modules:

314 1. May not exceed the product obtained by multiplying \$3
315 times the number of watts included in the DC-rated capacity of
316 the photovoltaic modules; and

317 2. Shall be reduced by the amount of any federal, state,
318 or local grant:

319 a. Received by the taxpayer and used for the purchase or
320 installation of the photovoltaic equipment; and

321 b. Not included in the federal gross income of the
322 taxpayer.

323 (9) (a) For the taxable year that is the credit allowance
324 year, an owner or tenant may claim a credit in the amount
325 determined under paragraph (b) for the installation of a wind
326 turbine that is a qualifying alternate energy source and is
327 installed to serve a green whole building, green base building,
328 or green tenant space.

329 (b) The amount of the credit authorized under this
330 subsection is 25 percent of the sum of the capitalized costs
331 paid or incurred by an owner or tenant with respect to each wind
332 turbine installed, including the cost of the foundation or
333 platform and the labor costs associated with installation.

334 (10) (a) By rule, the department shall adopt standards for
335 a building to qualify as a green base building eligible for the
336 tax credits under this section that are consistent with the

337 criteria for green base buildings set forth by the United States
 338 Green Building Council or other similar criteria.

339 (b) The rule adopted under this subsection shall provide
 340 that the energy use shall be no more than 65 percent for new
 341 construction of a base building, or 75 percent in the case of
 342 rehabilitation of a base building, of the energy use
 343 attributable to a reference building which meets the
 344 requirements of applicable energy efficiency standards.

345 (11) (a) By rule, the department shall adopt standards for
 346 tenant space to qualify as green tenant space eligible for the
 347 tax credits under this section that are consistent with the
 348 criteria for green tenant space set forth by the United States
 349 Green Building Council or other similar criteria.

350 (b) The rule adopted under this subsection shall provide
 351 that the energy use shall be no more than 65 percent for new
 352 construction, or 75 percent in the case of rehabilitation, of
 353 the energy use attributable to a reference building which meets
 354 the requirements of applicable energy efficiency standards.

355 (12) (a) 1. Upon application by a taxpayer, the department
 356 shall issue an initial credit certificate if the taxpayer has
 357 made a showing that the taxpayer is likely within a reasonable
 358 time to place in service property for which a credit under this
 359 section would be allowed.

360 2. The initial credit certificate issued under this
 361 paragraph:

362 a. Shall state the earliest taxable year for which the
 363 credit may be claimed and an expiration date; and

364 b. Shall apply only to property placed in service on or

365 before the expiration date.

366 3. To avoid unwarranted hardship, the department, in its
 367 discretion, may extend the expiration date stated under an
 368 initial credit certificate.

369 4. The initial credit certificate shall state the maximum
 370 amount of credit allowable in the aggregate for all credits
 371 allowed under this section.

372 5. The department may not issue initial credit
 373 certificates, in the aggregate, for more than \$25 million.

374 6. Except as provided in subparagraph 7., initial credit
 375 certificates shall be limited in their applicability. Credits in
 376 the aggregate, with respect to the following taxable years, may
 377 not be allowed for more than:

378 a. The sum of \$1 million for the tax year beginning in
 379 2009.

380 b. The sum of \$2 million for the tax year beginning in
 381 2010.

382 c. The sum of \$3 million for the tax year beginning in
 383 2011.

384 d. The sum of \$4 million for the tax year beginning in
 385 2012.

386 e. The sum of \$5 million for the tax year beginning in
 387 2013.

388 f. The sum of \$4 million for the tax year beginning in
 389 2014.

390 g. The sum of \$3 million for the tax year beginning in
 391 2015.

392 h. The sum of \$2 million for the tax year beginning in

393 2016.

394 i. The sum of \$1 million for the tax year beginning in
 395 2017.

396 7. As of the end of a calendar year, if certificates for
 397 credit amounts totaling less than the amount permitted with
 398 respect to taxable years beginning in that calendar year have
 399 been issued, the maximum amount that may be allowed for taxable
 400 years beginning in the subsequent calendar year shall be
 401 increased by the amount of the preceding year's shortfall.

402 8. The department may not issue an initial credit
 403 certificate after December 31, 2017.

404 9. On January 1, 2010, and each year thereafter, the
 405 department shall provide to the Chief Financial Officer a list
 406 of all taxpayers in the prior taxable year that have been issued
 407 an initial credit certificate and shall specify for each
 408 taxpayer the earliest taxable year for which the credit may be
 409 claimed and the maximum amount of the credit allowable in the
 410 aggregate for all credits allowed under this section.

411 (b)1. For each taxable year for which a taxpayer claims a
 412 credit under this section with respect to a green whole
 413 building, green base building, green tenant space, fuel cell,
 414 photovoltaic module, or wind turbine, the taxpayer shall obtain
 415 an eligibility certificate from an architect or professional
 416 engineer licensed to practice in this state.

417 2.a. An eligibility certificate issued under this
 418 paragraph shall consist of a certification, under the seal of
 419 the architect or engineer, that the property that is the basis
 420 for the credit that is claimed is in service and that:

421 (I) The building, base building, or tenant space with
 422 respect to which the credit is claimed is a green whole
 423 building, green base building, or green tenant space.

424 (II) Any fuel cell, photovoltaic module, or wind turbine
 425 with respect to which the credit is claimed constitutes a
 426 qualifying alternate energy source and is fully operational.

427 b. The certification under sub-sub-subparagraph a.(II):

428 (I) Shall be made in accordance with the rules adopted by
 429 the department under this section specifying the standards and
 430 guidelines for each credit under this section; and

431 (II) Shall set forth the specific findings on which the
 432 certification was based.

433 c. The taxpayer shall file the eligibility certificate and
 434 the associated initial credit certificate with the taxpayer's
 435 income tax return and shall file duplicate copies of the
 436 eligibility certificate with the department.

437 d. The eligibility certificate shall include:

438 (I) Sufficient information to identify each building or
 439 space; and

440 (II) Any other information that the department or the
 441 Chief Financial Officer requires by rule.

442 (c) If the department has reason to believe that an
 443 architect or professional engineer, in making any certification
 444 under this subsection, engaged in professional misconduct, the
 445 department shall inform the appropriate professional board of
 446 the suspected misconduct.

447 (d)1. The Chief Financial Officer and the department may
 448 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to

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449 carry out the provisions of this section.

450 2. Rules adopted under this section shall construe the
451 provisions of this section in such a manner as to encourage the
452 development of green whole buildings, green base buildings, and
453 green tenant space and to maintain high, but commercially
454 reasonable, standards for obtaining tax credits under this
455 section.

456 (e) On or before April 1, 2011, the Chief Financial
457 Officer and the department, jointly and in consultation with the
458 Department of Environmental Protection, shall submit to the
459 Governor, the President of the Senate, and the Speaker of the
460 House of Representatives a written report regarding:

461 1. The number of certifications and taxpayers claiming the
462 credit under this section;

463 2. The amount of the credits claimed;

464 3. The geographical distribution of the credits claimed;
465 and

466 4. Any other available information the department
467 determines to be meaningful and appropriate.

468 (f) The Chief Financial Officer shall ensure that the
469 information is presented and classified in a manner consistent
470 with the confidentiality of tax return information.

471 (13) On or before July 1, 2008, the department, in
472 consultation with the Department of Environmental Protection and
473 the Department of Natural Resources, shall adopt rules with
474 respect to the certification of green whole buildings, green
475 base buildings, and green tenant space that are consistent with
476 criteria set forth by the Florida Green Buildings Council or

477 other similar criteria for:

478 (a) Energy use;

479 (b) Appliance and heating, cooling, and hot water
 480 equipment standards;

481 (c) Air conditioning equipment, including chillers;

482 (d) Building materials, finishes, and furnishings;

483 (e) Stormwater runoff for new construction;

484 (f) Water conservation and efficiency; and

485 (g) Indoor air quality, in consultation with the
 486 Department of Health.

487 Section 3. Subsection (1) of section 553.74, Florida
 488 Statutes, is amended to read:

489 553.74 Florida Building Commission.--

490 (1) The Florida Building Commission is created and shall
 491 be located within the Department of Community Affairs for
 492 administrative purposes. Members shall be appointed by the
 493 Governor subject to confirmation by the Senate. The commission
 494 shall be composed of 24 ~~23~~ members, consisting of the following:

495 (a) One architect registered to practice in this state and
 496 actively engaged in the profession.

497 (b) One structural engineer registered to practice in this
 498 state and actively engaged in the profession.

499 (c) One air-conditioning or mechanical contractor
 500 certified to do business in this state and actively engaged in
 501 the profession.

502 (d) One electrical contractor certified to do business in
 503 this state and actively engaged in the profession.

- 504 (e) One member from fire protection engineering or
505 technology who is actively engaged in the profession.
- 506 (f) One general contractor certified to do business in
507 this state and actively engaged in the profession.
- 508 (g) One plumbing contractor licensed to do business in
509 this state and actively engaged in the profession.
- 510 (h) One roofing or sheet metal contractor certified to do
511 business in this state and actively engaged in the profession.
- 512 (i) One residential contractor licensed to do business in
513 this state and actively engaged in the profession.
- 514 (j) Three members who are municipal or district codes
515 enforcement officials, one of whom is also a fire official.
- 516 (k) One member who represents the Department of Financial
517 Services.
- 518 (l) One member who is a county codes enforcement official.
- 519 (m) One member of a Florida-based organization of persons
520 with disabilities or a nationally chartered organization of
521 persons with disabilities with chapters in this state.
- 522 (n) One member of the manufactured buildings industry who
523 is licensed to do business in this state and is actively engaged
524 in the industry.
- 525 (o) One mechanical or electrical engineer registered to
526 practice in this state and actively engaged in the profession.
- 527 (p) One member who is a representative of a municipality
528 or a charter county.
- 529 (q) One member of the building products manufacturing
530 industry who is authorized to do business in this state and is
531 actively engaged in the industry.

532 (r) One member who is a representative of the building
 533 owners and managers industry who is actively engaged in
 534 commercial building ownership or management.

535 (s) One member who is a representative of the insurance
 536 industry.

537 (t) One member who is a representative of public
 538 education.

539 (u) One member who is a representative of the green
 540 building industry and who is a third-party commissioning agent,
 541 a Florida board member for the United States Green Building
 542 Council or Green Building Initiative, or a LEED-accredited
 543 professional.

544 (v)~~(u)~~ One member who shall be the chair.

545
 546 Any person serving on the commission under paragraph (c) or
 547 paragraph (h) on October 1, 2003, and who has served less than
 548 two full terms is eligible for reappointment to the commission
 549 regardless of whether he or she meets the new qualification.

550 Section 4. Part IX of chapter 553, Florida Statutes,
 551 consisting of sections 553.9991, 553.9993, and 553.9995, is
 552 created to read:

553 PART IX

554 FLORIDA GREEN BUILDING CONSTRUCTION

555 553.9991 Florida Green Building Act.--

556 (1) SHORT TITLE.--This part may be cited as the "Florida
 557 Green Building Act."

558 (2) LEGISLATIVE FINDINGS; DECLARATION.--

559 (a) The Legislature finds that:

- 560 1. Energy costs are increasing.
- 561 2. Energy used in buildings contributes substantially to
 562 the problems of pollution and global warming.
- 563 3. Buildings can be built and renovated using high-
 564 performance methods that reduce energy costs, preserve the
 565 environment, and enhance quality of life.
- 566 4. Green building development addresses and minimizes
 567 numerous adverse impacts upon the health, safety, and welfare of
 568 social, natural, and built environments.
- 569 5. Green development will optimize the energy performance
 570 of buildings throughout the state, improve environmental quality
 571 in the state, protect and restore the state's natural resources
 572 by avoiding development of inappropriate building sites, reduce
 573 the burden on municipal water supply and treatment by reducing
 574 potable water consumption, and reduce waste generation and
 575 manage waste through recycling and diversion from landfill
 576 disposal.
- 577 (b) The Legislature declares that there is an important
 578 state interest in promoting the construction of energy-efficient
 579 and sustainable buildings. Government leadership is vital to
 580 demonstrate the state's commitment to energy and environmental
 581 conservation, saving taxpayers money, and raising public
 582 awareness of conscientious development.
- 583 (3) DEFINITIONS.--As used in this part, the term:
- 584 (a) "Council" means the United States Green Building
 585 Council.
- 586 (b) "Department" means the Department of Management
 587 Services.

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588 (c) "Green Globes Rating System" means the environmental
589 building rating system established by the initiative to
590 determine the level of a building's sustainability and energy
591 efficiency performance.

592 (d) "High-performance building" means a building designed
593 to achieve integrated systems design and construction so as to
594 significantly reduce or eliminate the negative impact of the
595 built environment.

596 (e) "Initiative" means the Green Building Initiative.

597 (f) "LEED" means the council's Leadership in Energy and
598 Environmental Design rating systems.

599 (g) "LEED silver standard" means the United States Green
600 Building Council's leadership in energy and environmental design
601 green building rating standard, referred to as the "silver
602 standard."

603 (h) "Major facility project" means:

604 1.a. A state-funded new construction building project
605 under which the building to be constructed is larger than 10,000
606 gross square feet;

607 b. A state-funded renovation project that involves more
608 than 50 percent of the replacement value of an existing facility
609 or a change in occupancy; or

610 c. A state-funded commercial interior tenant fit-out
611 project that is larger than 7,500 square feet of leasable area.

612 2. The term "major facility project" does not include:

613 a. Projects for which the department, public school
614 district, or other applicable agency and the design team

615 determine the LEED silver standard or a nationally recognized
 616 standard of an equivalent ranking to be not practicable; or
 617 b. Transmitter buildings; pumping stations; hospitals;
 618 research facilities primarily used for sponsored laboratory
 619 experimentation, laboratory research, or laboratory training in
 620 research methods; or other similar building types as determined
 621 by the department.

622 (i) "Public agency" means every state office, officer,
 623 board, commission, committee, bureau, department, and public
 624 higher education institution.

625 (j) "Sustainable building" means a building that is
 626 healthy and comfortable for its occupants and is economical to
 627 operate while conserving resources, including energy, water, raw
 628 materials, and land, and minimizing the generation of toxic
 629 materials and waste in its design, construction, landscaping,
 630 and operation.

631 (k) "Third-party commissioning agent" means a person
 632 accredited by the council or initiative with expertise in
 633 building system performance who analyzes, evaluates, and
 634 confirms the proper function and performance of a high-
 635 performance building and its systems, equipment, and indoor air
 636 quality. To qualify as a third-party commissioning agent, a
 637 person must not have participated in the original certification
 638 of the major facility project or renovation project.

639 (4) MAJOR FACILITY CONSTRUCTION.--All major facility
 640 projects funded with state moneys shall be constructed as a
 641 sustainable building meeting the council's LEED rating system,
 642 the initiative's Green Globes Rating System, or a nationally

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643 recognized, high-performance green building rating system as
644 approved by the department. This section applies to all major
645 facility projects for which the architectural plans started
646 after July 1, 2008.

647 553.9993 Public buildings; educational facilities.--

648 (1) The Legislature finds that public buildings and
649 educational facilities can be built and renovated using high-
650 performance methods that save money, improve workplace and
651 classroom performance, and make workers and students more
652 productive. High-performance public buildings and educational
653 facilities are proven to increase student test scores, reduce
654 worker absenteeism, and cut energy and utility costs.

655 (2)(a) All major facility projects of public agencies
656 receiving any funding in a state capital budget, or projects
657 financed through a financing contract, must be designed,
658 constructed, and certified to at least the LEED silver standard
659 or a nationally recognized standard of an equivalent ranking.
660 This paragraph applies to major facility projects that have not
661 entered the design phase prior to the effective date of this
662 part and to the extent appropriate LEED silver standards or
663 nationally recognized standards of an equivalent ranking exist
664 for that type of building or facility.

665 (b) All major facility projects of any entity other than a
666 public agency or public school district receiving any funding in
667 a state capital budget must be designed, constructed, and
668 certified to at least the LEED silver standard or an a
669 nationally recognized standard of an equivalent ranking. This
670 paragraph applies to major facility projects that have not

671 entered the grant application process prior to the effective
672 date of this part and to the extent appropriate LEED silver
673 standards or nationally recognized standards of an equivalent
674 ranking exist for that type of building or facility.

675 (c)1. Public agencies shall monitor and document ongoing
676 operating savings resulting from major facility projects
677 designed, constructed, and certified as required under this
678 section.

679 2. Public agencies shall report annually to the department
680 on major facility projects and operating savings.

681 (d) The department shall consolidate the reports required
682 in paragraph (c) into one report and report to the Governor, the
683 President of the Senate, and the Speaker of the House of
684 Representatives by September 1 of each even-numbered year
685 beginning in 2010 and ending in 2020. In its report, the
686 department shall also report on the implementation of this part,
687 including reasons why the LEED standard or a nationally
688 recognized standard of an equivalent ranking was not used. The
689 department shall make recommendations regarding the ongoing
690 implementation of this part, including a discussion of
691 incentives and disincentives related to implementing this part.

692 (3) A member of the design team or construction team may
693 not be held liable for the failure of a major facility project
694 to meet the LEED silver standard, or other LEED standard, or a
695 nationally recognized standard of an equivalent ranking
696 established for the project as long as a good faith attempt was
697 made to achieve the LEED or equivalent standard set for the
698 project.

699 (4) Except as provided in this section, affordable housing
 700 projects funded out of the state capital budget are exempt from
 701 the provisions of this part. On or before July 1, 2012, the
 702 Department of Community Affairs shall identify, implement, and
 703 apply a sustainable building program for affordable housing
 704 projects that receive housing trust fund funding in the state
 705 capital budget. The Department of Community Affairs shall not
 706 develop its own sustainable building standard, but shall work
 707 with stakeholders to adopt an existing sustainable building
 708 standard or criteria appropriate for affordable housing. Any
 709 application of the program to affordable housing, including any
 710 monitoring to track the performance of either sustainable
 711 features or energy standards or both, is the responsibility of
 712 the Department of Community Affairs. Beginning in 2013 and
 713 ending in 2020, the Department of Community Affairs shall report
 714 to the department as required under paragraph (2)(c).

715 (5)(a) The Office of Program Policy Analysis and
 716 Government Accountability, or a successor agency, shall conduct
 717 a performance review of the high-performance buildings program
 718 established under this part.

719 (b) The performance audit shall include, but not be
 720 limited to:

721 1. The identification of the costs of implementation of
 722 high-performance building standards in the design and
 723 construction of major facility projects subject to this part.

724 2. The identification of operating savings attributable to
 725 the implementation of high-performance building standards,

726 including, but not limited to, savings in energy, utility, and
727 maintenance costs.

728 3. The identification of any impacts of high-performance
729 buildings standards on worker productivity and student
730 performance.

731 4. An evaluation of the effectiveness of the high-
732 performance building standards established under this part and
733 recommendations for any changes in those standards that may be
734 supported by the office's findings.

735 (c) The office shall make a preliminary report of its
736 findings and recommendations on or before December 1, 2014, and
737 a final report on or before July 1, 2015.

738 553.9995 Florida Green Building Council.--

739 (1) The Florida Green Building Council is created and
740 shall be located within the Department of Community Affairs for
741 administrative purposes. The commission shall be composed of 15
742 members, consisting of:

743 (a) The Secretary of Community Affairs or the secretary's
744 designee.

745 (b) The Secretary of Management Services or the
746 secretary's designee.

747 (c) The Chief Financial Officer or the Chief Financial
748 Officer's designee.

749 (d) The Secretary of Environmental Protection or the
750 secretary's designee.

751 (e) The Commissioner of Agriculture or the commissioner's
752 designee.

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753 (f) The Secretary of Transportation or the secretary's
754 designee.

755 (g) The Commissioner of Education or the commissioner's
756 designee.

757 (h) The Chancellor of the State University System or the
758 chancellor's designee.

759 (i) Seven members who shall be appointed by the Governor
760 to represent environmental, business, and citizen interests, at
761 least one of whom shall have expertise in energy conservation or
762 green building design standards. The terms of members appointed
763 by the Governor shall be 2 years. The terms of appointed members
764 shall be staggered. At the end of a term, a member shall serve
765 until his or her successor is appointed and qualifies. A member
766 who is appointed after a term has begun shall serve only for the
767 remainder of that term and until a successor is appointed and
768 qualifies.

769 (2) The Governor shall appoint a chair from among the
770 council's membership and the chair shall serve at the pleasure
771 of the Governor.

772 (3) The council may act with an affirmative vote of eight
773 members.

774 (4) Any member who, during his or her term, ceases to meet
775 the qualifications for original appointment shall forfeit
776 membership on the council.

777 (5) Members of the council shall serve without
778 compensation but shall be entitled to reimbursement for per diem
779 and travel expenses as provided by s. 112.061.

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780 (6) Each appointed member is accountable to the Governor
781 for the proper performance of the duties of the office. The
782 Governor shall cause to be investigated any complaint or
783 unfavorable report received concerning an action of or any
784 member of the council and shall take appropriate action upon
785 receiving the results of such investigation. The Governor may
786 remove from office any appointed member for malfeasance,
787 misfeasance, neglect of duty, incompetence, permanent inability
788 to perform official duties, or pleading guilty or nolo
789 contendere to, or being found guilty of, a felony.

790 Section 5. This act shall take effect July 1, 2008.