

1                   A bill to be entitled  
2           An act relating to building construction and inspection;  
3           amending s. 120.541, F.S.; exempting rules that adopt  
4           federal standards and specified updates to the Florida  
5           Building Code and Florida Fire Prevention Code from a  
6           requirement that the Legislature ratify any rule that has  
7           an adverse impact or regulatory costs which exceed certain  
8           criteria; deleting an exemption for emergency rules and  
9           rules that adopt federal standards from a requirement that  
10          an agency's statement of a rule's estimated regulatory  
11          costs include an economic analysis of the rule's adverse  
12          impacts and regulatory costs; amending s. 255.252, F.S.;  
13          conforming provisions to changes made by the act; amending  
14          s. 255.253, F.S.; redefining the term "sustainable  
15          building rating" to include the International Green  
16          Construction Code; amending ss. 255.257 and 255.2575,  
17          F.S.; conforming provisions to changes made by the act;  
18          amending s. 527.06, F.S.; prohibiting the Department of  
19          Agriculture and Consumer Services and other state agencies  
20          from requiring compliance with certain national standards  
21          for liquefied petroleum gas tanks unless the department or  
22          agencies require compliance with a specified edition of  
23          the national standards; providing for conditional repeal;  
24          amending s. 553.74, F.S.; revising requirements for  
25          selecting a member of the Florida Building Commission;  
26          providing an effective date.

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

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Section 1. Subsection (4) of section 120.541, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.541 Statement of estimated regulatory costs.—

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2) (a), the rule shall be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.

(4) Subsection (3) ~~Paragraph (2) (a)~~ does not apply to the adoption of:

(a) emergency rules pursuant to s. 120.54(4) or the adoption of Federal standards pursuant to s. 120.54(6).

(b) Triennial updates to the Florida Building Code pursuant to s. 553.73(7) (a).

(c) Triennial updates to the Florida Fire Prevention Code pursuant to s. 633.0215(1).

Section 2. Subsections (3) and (4) of section 255.252, Florida Statutes, are amended to read:

255.252 Findings and intent.—

(3) In order for ~~that such~~ energy-efficiency and sustainable materials considerations to become a function of building design and a model for future application in the private sector, it is ~~shall be~~ the policy of the state that buildings constructed and financed by the state be designed and constructed to comply with a sustainable building rating ~~the~~

57 ~~United States Green Building Council (USGBC) Leadership in~~  
58 ~~Energy and Environmental Design (LEED) rating system, the Green~~  
59 ~~Building Initiative's Green Globes rating system, the Florida~~  
60 ~~Green Building Coalition standards, or a nationally recognized,~~  
61 ~~high-performance green building rating system as approved by the~~  
62 ~~department. It is further the policy of the state, if when~~  
63 ~~economically feasible, to retrofit existing state-owned~~  
64 ~~buildings in a manner that minimizes ~~which will minimize~~ the~~  
65 ~~consumption of energy used in the operation and maintenance of~~  
66 ~~such buildings.~~

67 (4) In addition to designing and constructing new  
68 buildings to be energy-efficient, it is ~~shall be~~ the policy of  
69 the state to operate and maintain state facilities in a manner  
70 that minimizes ~~which will minimize~~ energy consumption and  
71 maximizes ~~maximize~~ building sustainability, and to operate as  
72 ~~well as ensure that~~ facilities leased by the state ~~are operated~~  
73 so as to minimize energy use. It is further the policy of the  
74 state that the renovation of existing state facilities be in  
75 accordance with a sustainable building rating ~~the United States~~  
76 ~~Green Building Council (USGBC) Leadership in Energy and~~  
77 ~~Environmental Design (LEED) rating system, the Green Building~~  
78 ~~Initiative's Green Globes rating system, the Florida Green~~  
79 ~~Building Coalition standards, or a nationally recognized, high-~~  
80 ~~performance green building rating system as approved by the~~  
81 ~~department. State agencies are encouraged to consider shared~~  
82 ~~savings financing of such~~ energy-efficiency and conservation  
83 projects, using contracts that ~~which~~ split the resulting savings  
84 for a specified period of time between the state agency and the

85 private firm or cogeneration contracts and that ~~which~~ otherwise  
 86 permit the state to lower its net energy costs. Such energy  
 87 contracts may be funded from the operating budget.

88 Section 3. Subsection (7) of section 255.253, Florida  
 89 Statutes, is amended to read:

90 255.253 Definitions; ss. 255.251-255.258.—

91 (7) "Sustainable building rating" means a rating  
 92 established by the United States Green Building Council (USGBC)  
 93 Leadership in Energy and Environmental Design (LEED) rating  
 94 system, the International Green Construction Code (IGCC), the  
 95 Green Building Initiative's Green Globes rating system, the  
 96 Florida Green Building Coalition standards, or a nationally  
 97 recognized, high-performance green building rating system as  
 98 approved by the department.

99 Section 4. Subsection (4) of section 255.257, Florida  
 100 Statutes, is amended to read:

101 255.257 Energy management; buildings occupied by state  
 102 agencies.—

103 (4) ADOPTION OF STANDARDS.—

104 (a) All state agencies shall adopt a sustainable building  
 105 rating system ~~the United States Green Building Council (USGBC)~~  
 106 ~~Leadership in Energy and Environmental Design (LEED) rating~~  
 107 ~~system, the Green Building Initiative's Green Globes rating~~  
 108 ~~system, the Florida Green Building Coalition standards, or a~~  
 109 ~~nationally recognized, high-performance green building rating~~  
 110 ~~system as approved by the department~~ for all new buildings and  
 111 renovations to existing buildings.

112 (b) No state agency shall enter into new leasing

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113 agreements for office space that does not meet Energy Star  
114 building standards, except when ~~determined by~~ the appropriate  
115 state agency head determines that no other viable or cost-  
116 effective alternative exists.

117 (c) All state agencies shall develop energy conservation  
118 measures and guidelines for new and existing office space where  
119 state agencies occupy more than 5,000 square feet. These  
120 conservation measures shall focus on programs that may reduce  
121 energy consumption and, when established, provide a net  
122 reduction in occupancy costs.

123 Section 5. Subsection (2) of section 255.2575, Florida  
124 Statutes, is amended to read:

125 255.2575 Energy-efficient and sustainable buildings.—

126 (2) All county, municipal, school district, water  
127 management district, state university, community college, and  
128 ~~Florida~~ state court buildings shall be constructed to comply  
129 with a sustainable building rating system ~~meet the United States~~  
130 ~~Green Building Council (USGBC) Leadership in Energy and~~  
131 ~~Environmental Design (LEED) rating system, the Green Building~~  
132 ~~Initiative's Green Globes rating system, the Florida Green~~  
133 ~~Building Coalition standards, or a nationally recognized, high-~~  
134 ~~performance green building rating system as approved by the~~  
135 ~~Department of Management Services.~~ This section applies shall  
136 ~~apply~~ to all county, municipal, school district, water  
137 management district, state university, community college, and  
138 ~~Florida~~ state court buildings the architectural plans of which  
139 are commenced after July 1, 2008.

140 Section 6. Subsection (3) of section 527.06, Florida

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141 Statutes, is amended to read:

142 527.06 Rules.—

143 (3) (a) Rules in substantial conformity with the published  
144 standards of the National Fire Protection Association (NFPA) are  
145 ~~shall be~~ deemed to be in substantial conformity with the  
146 generally accepted standards of safety concerning the same  
147 subject matter.

148 (b) Notwithstanding any other law, the department or other  
149 state agency may not require compliance with the minimum  
150 separation distances of NFPA 58 for separation between a  
151 liquefied petroleum gas tank and a building, adjoining property  
152 line, other liquefied petroleum gas tank, or any source of  
153 ignition, except in compliance with the minimum separation  
154 distances of the 2011 edition of NFPA 58.

155 (c) If the department, the Florida Building Commission as  
156 part of the Florida Building Code, and the Office of the State  
157 Fire Marshal as part of the Florida Fire Prevention Code each  
158 adopt the minimum separation distances of the 2011 edition of  
159 NFPA 58 as rules, whether adopted by setting out the minimum  
160 separation distances in the text of the rules or through  
161 incorporation by reference, this subsection is repealed upon the  
162 last effective date of such rules.

163 Section 7. Paragraph (v) of subsection (1) of section  
164 553.74, Florida Statutes, is amended to read:

165 553.74 Florida Building Commission.—

166 (1) The Florida Building Commission is created and shall  
167 be located within the Department of Community Affairs for  
168 administrative purposes. Members shall be appointed by the

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169 Governor subject to confirmation by the Senate. The commission  
170 shall be composed of 25 members, consisting of the following:

171 (v) One member who is a representative of the green  
172 building industry and who is a third-party commission agent, a  
173 Florida board member of the United States Green Building Council  
174 or Green Building Initiative, a professional who is accredited  
175 under the International Green Construction Code (IGCC), or a  
176 professional who is accredited under Leadership in Energy and  
177 Environmental Design (LEED) ~~LEED-accredited professional.~~

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

183 Section 8. This act shall take effect July 1, 2011.