

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.

27
28 Be It Enacted by the Legislature of the State of Florida:

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

33 120.541 Statement of estimated regulatory costs.—

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

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

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

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

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

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

50 255.252 Findings and intent.—

51 (3) In order for ~~that such~~ energy-efficiency and
52 sustainable materials considerations to become a function of
53 building design and a model for future application in the
54 private sector, it is ~~shall be~~ the policy of the state that
55 buildings constructed and financed by the state be designed and
56 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

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

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

255.253 Definitions; ss. 255.251-255.258.—

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

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

255.257 Energy management; buildings occupied by state agencies.—

(4) ADOPTION OF STANDARDS.—

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

(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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Statutes, is amended to read:

527.06 Rules.—

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

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

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

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

553.74 Florida Building Commission.—

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

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

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

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

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