

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 849 Building Construction and Inspection  
**SPONSOR(S):** Business & Consumer Affairs Subcommittee, Davis and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/CS/HB 396

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Consumer Affairs Subcommittee	12 Y, 0 N, As CS	Creamer	Creamer
2) Rulemaking & Regulation Subcommittee		Miller	Rubottom
3) Government Operations Appropriations Subcommittee			
4) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill deletes references to the specified energy efficiency and sustainable materials rating standards, and redefines the term “sustainable building rating” to include the International Green Construction Code (IGCC). Specifically, these sections substitute references to the individual green code ratings with the term “sustainable building rating.”

The bill also revises the membership of the 25-member commission by expanding the qualifications for the participating member who is a representative of the green building industry, to include “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).”

The bill has no fiscal impact.

The bill has an effective date of July 1, 2011.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **International Green Construction Code (IGCC)**

##### Current Situation

The International Green Construction Code (IGCC) establishes baseline green and sustainability “regulations for new and existing traditional and high-performance buildings related to energy conservation, water efficiency, building owner responsibilities, site impacts, building waste, and materials and other considerations.” The IGCC is sponsored and endorsed by the International Code Council (ICC), the American Institute of Architects, ASTM International, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the U.S. Green Building Council (USGBC), and the Illuminating Engineering Society (IES).<sup>1</sup>

The ICC recently revealed the latest version of the IGCC, Public Version 2.0, in December of 2010.<sup>2</sup> The ICC provides that the new code complements existing rating systems and guidelines by providing minimum baseline requirements along with a “jurisdictional electives” section of the code that allows jurisdictions to customize the codes beyond its baseline provisions. The IGCC acts as a model code that becomes law after it is adopted by the state or local government entity that governs construction standards. Previously, Rhode Island adopted the IGCC, Public Version 1.0, as part of the Rhode Island Green Buildings Act in 2010. The new Act “applies to any public project that is owned, leased or controlled by the State of Rhode Island.”<sup>3</sup> The City of Richland, WA, previously adopted the IGCC, Public Version 1.0, as a non-mandatory document for commercial buildings.<sup>4</sup>

##### Proposed Changes

The bill amends s. 255.253, F.S., to redefine the term “sustainable building rating” and include the International Green Construction Code (IGCC). The bill does not specify which version of the IGCC which version of the IGCC is incorporated into the statute.

#### **Florida Building Commission**

##### Current Situation

The Florida Building Commission (commission) is established in ch. 553, F.S., within the Department of Community Affairs (DCA) and consists of 25 members that are appointed by the Governor and confirmed by the Senate.<sup>5</sup> The Commission is responsible for adopting and enforcing the Florida Building Code as a single, unified state building code used to provide effective and reasonable protection for the public safety, health and welfare.<sup>6</sup> The commission is required to update the code triennially based upon the “code development cycle of the national model building codes.”<sup>7</sup>

The commission is authorized to adopt general administrative rules,<sup>8</sup> issue binding code interpretations<sup>9</sup> and must use the rule adoption procedures of s. 120.536(1) and 120.54, F.S., to approve amendments to the building code.<sup>10</sup>

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<sup>1</sup> <http://www.iccsafe.org/cs/IGCC/Pages/PublicVersionDevelopment.aspx>. (Last visited on 3/31/2011).

<sup>2</sup> <http://www.iccsafe.org/CS/IGCC/Pages/IGCCDownloadV2.aspx>. (Last visited on 3/31/2011).

<sup>3</sup> <http://bcap-ocean.org/code-information/rhode-island-green-buildings-act>. (Last visited on 3/31/2011).

<sup>4</sup> August 11, 2010, ICC news release at <http://www.iccsafe.org/newsroom/Pages/eNews.aspx>. (Last visited 3/31/2011).

<sup>5</sup> s. 553.74, F.S.

<sup>6</sup> s. 553.72(1), F.S.

<sup>7</sup> s. 553.73(7)(a), F.S.

<sup>8</sup> s. 553.76(1), F.S.

<sup>9</sup> s. 553.775, F.S.

## Proposed Changes

The bill amends s. 553.74(1)(v), F.S., revising the membership of the 25-member the Florida Building Commission. The language expands the qualifications for the participating member who is a representative of the green building industry, to include “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)”.

### B. SECTION DIRECTORY:

Section 1: Amends s. 255.252(3) & 255.252(4), F.S., to make technical changes in the present language and to substitute the defined phrase “sustainable building rating” for separate references to four different rating systems.

Section 2: Amends s. 255.253(7), F.S., to incorporate the IGCC as an additional green building rating system which may be approved by the Department of Management Services.

Section 3: Amends s. 255.257(4), F.S., to substitute the defined phrase “sustainable building rating” for separate references to four different rating systems.

Section 4: Amends s. 255.2575(2) to substitute the defined phrase “sustainable building rating” for separate references to four different rating systems.

Section 5: Amends s. 553.74(1)(v), F.S., to provide additional alternative accreditations for the one member of the Florida Building Commission who is a representative of the green building industry.

Section 6: Provides an effective date of July 1, 2011.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

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<sup>10</sup> The triennial update of the entire Building Code must be adopted through statutory rulemaking. s. 553.73(1)(a), 553.73(7)(a), F.S. Technical amendments are authorized under s. 553.73(3), F.S.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that the counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

No additional rulemaking authority is required to implement the provisions of the bill.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

The bill provides for inclusion of the International Green Construction Code (IGCC) as an alternative rating standard for public buildings. The bill does not specify which of the available versions of the IGCC is referenced in the amendments.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**