

FGBC



FLORIDA GREEN  
BUILDING COALITION

*Setting the Standards for Green Building in Florida*

# Florida Green Development Designation Standard



STANDARDS & POLICIES



# Florida Green Development Designation Standard

## *Standards & Policies*

### **Version 8**

Effective January 2012

*Revised 5/10/13*

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# Florida Green Development Designation Standard

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## 1. GENERAL PROVISIONS

**Purpose.** The provisions of this document are intended to establish a voluntary, statewide standard for certified Green Development Designation. This enhances the goal of achieving uniform and meaningful sustainable land use and green development designations for Florida.

**Scope.** These standards apply to land development projects located in Florida. The developments could be mixed-use, commercial, residential, campus-type, or any other type that involves change of Florida land area. The Florida Green Development Designation applies to the horizontal planning, design, and development of the land. Other green standards are available for individually permitted parcels and building construction of single- and multi-family residential, commercial, and high-rise residential projects.)

## 2. OFFICIAL DOCUMENTS

The official documents of the Florida Green Development Designation Standard shall be made available to the public as downloadable electronic files from the Florida Green Building Coalition website, and include:

- a. The "Checklist" shall assign credit points for green criteria of this Standard and shall be the official application for certification.
- b. The "Reference Guide" shall provide information on green building practices, details on how to earn credit points for complying with the Standard, and required documentation submittals for credit points.
- c. The "Standards & Policies" document shall describe the policies of the Florida Green Development Designation Standard.
- d. The "Modification Request Form" shall allow for submission of proposed changes to the Standard.

### 2.1 Checklist:

- 2.1.1 The Checklist shall include a list of credit features and the maximum achievable points possible for that feature.
- 2.1.2 The Checklist shall include a location for the applicant to total the estimated earned points.
- 2.1.3 The Checklist shall include a certification application form. At a minimum the application must include:
  - The name of the development
  - The developer(s)
  - The pertinent development team members (engineers, planners, etc.)
  - The street address, phone, fax, email and website addresses of the developers



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- The legal description of the development property
  - A signature of the applicant
- 2.1.4 The Checklist must include the application fee and indicate accepted channels for payment.
- 2.2 Reference Guide:
- 2.2.1 The Reference Guide shall provide information regarding the procedures for earning points and developing environmentally friendly methods.
  - 2.2.2 The Reference Guide shall, at a minimum, include each possible credit item and the procedure for earning points for that item.
  - 2.2.3 Every attempt shall be made to describe how the points will be earned so that they can be objectively evaluated.
  - 2.2.4 The Reference Guide will include documentation requirements for earning points for a given item.
  - 2.2.5 The Reference Guide shall make every attempt to include descriptions of environmental benefits associated with each item or category of credit items.
  - 2.2.6 The Reference Guide shall make every attempt to include examples of Florida developments that have incorporated features that have met, or would likely meet at least part of the credit points for a given item.
- 2.3 Standards & Policies (this document)
- 2.4 Modification Request Form:  
The Modification Request Form, which allows submission of proposed changes to the Standard, shall include the following fields:
- 2.4.1 Name, address, contact information and affiliation of the submitter
  - 2.4.2 Full description of change requested
  - 2.4.3 Specific language desired
  - 2.4.4 Technical basis or justification for change
  - 2.4.5 Recommended number of credit points for any credit point changes or additions
  - 2.4.6 Justification for recommended number of credit points

### 3. OPERATING PRINCIPLES

- 3.1 Qualification shall not circumvent any local or other jurisdictional laws, unless so allowed by the jurisdictional body as an incentive for complying with this standard.
- 3.2 Credit points are gained through measures that benefit the environment. The basis for the weighting of points shall be environmental benefit; however, it is understood that in some cases the weighting, by necessity, is subjective due to the various types of environmental benefit incurred (water vs. air pollution; tree protection; etc.).
- 3.3 A list of qualifying improvement features and their respective credit points shall be maintained by the Florida Green Building Coalition such that the credit point list is open to new features through a regular, technical and public review and acceptance process that is defined by this standard.



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- 3.4 The credit point features list (Checklist) shall be organized into categories. A minimum may be required for each category, as well as a minimum overall project total. A maximum allowed for each category may also apply to ensure a comprehensive environmental benefit from the various development features. In order to retain the strictness over time, the overall points available, 250, and allowable maximum category totals earned towards designation, 200, shall not increase; and points needed to qualify, 100, shall not decrease. If new measures are to be considered, then existing measures must be reduced in value or eliminated.
- 3.5 For each development that qualifies for the Green Development Designation, written certification, fully disclosing all the features that qualify the development, shall be provided by the developer to any purchasers or local officials upon request. Failure of a developer to disclose this information will be grounds for removal of the designation.

#### 4. DEFINITIONS & ACRONYMS

*Credit Points* - Qualification points assigned to features that improve the environmental impact of the development process or improve the environmental impact of future activities in the development relative to typical new Florida developments.

*Florida Green Building Coalition (FGBC)* - A Florida non-profit corporation with open membership whose primary mission is to develop, maintain, and administer green certification standards for Florida and to promote cost-effective, sustainable improvements in the built environment.

*Green Development* - A land development process that incorporates multiple environmental, ecological and sustainability features (e.g., conservation of resources, green utilities, pedestrian-oriented circulation) that reduce the environmental degradation significantly when compared with a development that just minimally meets state and local regulations.

*Designated Professional* – An individual who is authorized by the project owner to coordinate project information with the FGBC Project Evaluator and who shall collect, organize, review, and submit all documents required by the Standard in order to achieve certification.

*Project Evaluator* - An individual assigned by the Florida Green Building Coalition to evaluate a development with respect to the criteria contained in this Standard for the purposes of certifying that the qualifications for a Florida Green Development Designation have been achieved.

#### 5. CERTIFICATION PROCESS

- 5.1 A Project Registration Form (available in the Checklist) and the appropriate non-refundable deposit shall be submitted to FGBC by the Designated Professional.



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- 5.2 A Project Evaluator shall be assigned by FGBC after receiving the Project Registration Form or Final Application Form and appropriate fee.
- 5.3 The Project Evaluator role is to assist with interpretation of the standard, answer questions regarding submittal, and verify that all required information and documentation specified in the Checklist and Reference Guide for the credit points requested have been received. The Project Evaluator is the evaluator for FGBC, and a technical resource for the Designated Professional regarding any interpretation of the standards. The Project Evaluator is not a consultant for the design team.
- 5.4 The Final Application Form for green designation (available in the Checklist), with the required documentation and fee shall be submitted within three (3) years of the project registration with FGBC. Projects not submitting the Final Application within three (3) years of registration shall be determined abandoned and not eligible for certification review.
- 5.5 A Final Application submitted using a previous version of the Standard is subject to the fee structure stated in the current version of the Standard in effect at the time the Final Application is submitted to FGBC for review.
- 5.6 The Project Evaluator shall verify the correct points earned based on information received and other verification deemed necessary. Verification shall require a site inspection.
- 5.7 Final applications shall be deemed non-compliant and expire if the Designated Professional or development team have been non-responsive to pending questions or requested documentation by the Project Evaluator for a period of six (6) months.
- 5.8 Upon completion of the project review, the Project Evaluator shall forward the verified Checklist with final score, photographs, any calculations, and all documentation to FGBC for archiving. The Project Evaluator shall also provide a summary of the project's green achievements.
- 5.9 Certification of a Florida Green Development Designation shall be provided in writing and accomplished in accordance with the provisions of this Standard.
- 5.10 Each Florida Green Development Designation certificate shall include the following:
  - 5.10.1 The seal of the Florida Green Building Coalition;
  - 5.10.2 The name of the development and the developer;
  - 5.10.3 The city or county where the development is located;
  - 5.10.4 The signature and typed or printed name of the Project Evaluator;
  - 5.10.5 The date the certification was completed
- 5.11 Each Florida Green Development Designation certification shall include a disclosure stating that the Project Evaluator had no financial interest in the project or current contracts/obligations with any member or organization of the development team.



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- 5.12 In the event an FGBC Certified Green Development would like to upgrade its certification status, add, or modify credits, the development may do so by providing the appropriate documentation for each credit and submitting the appropriate fee. A Project Evaluator shall be assigned (or reassigned) to verify the additional credits submitted for the project.
- 5.13 Certification will also include verification at three to five years after being certified. This may include a site visit. Should any follow-through not be implemented, FGBC may revoke the designation as indicated under Section 9 of this standard.
- 5.14 The Florida Green Building Coalition shall uphold the standard including, if need be, denying certification of applicants for failure to meet the minimum requirements of the Standard. Failure to comply with the Standard shall not be grounds for any refund of the application fee to the applicant.

## 6. SELECTION OF FGBC PROJECT EVALUATOR

- 6.1 Any organization or individual that would like to serve as a Project Evaluator may request to do so by submitting the required information to FGBC.
- 6.2 At a minimum, the following information shall be required of and kept on file for each applicant for accreditation as an FGBC Project Evaluator:
  - 6.2.1 Full name of applicant
  - 6.2.2 Permanent mailing address, phone number and email of applicant
  - 6.2.3 Occupation (primary source of income) of applicant
  - 6.2.4 Employer and length of employment of applicant
  - 6.2.5 Statement of applicant's qualifications for reviewing the breadth of criteria contained in the Standard
  - 6.2.6 Agreement to report each certified Florida Green Development to the Florida Green Building Coalition and to uphold the provisions of this Standard including the no-financial interest disclosure (Section 5.11 above)
- 6.3 Any Project Evaluator must be an FGBC member in good standing (membership fees paid up to date) and must actively participate in 75 percent of the meetings of the FGBC Land Development Standard Committee.
- 6.4 The Florida Green Building Coalition shall assign a Project Evaluator from the list of qualified Project Evaluators.
- 6.5 The cost for evaluation services rendered shall be negotiated between FGBC and the Project Evaluator or their organization.
- 6.6 FGBC reserves the right to have its own staff, staff working for FGBC under contract, or qualified volunteers assigned as Project Evaluators and it has the right to select the evaluator of its choice for any given project.



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### 7. BASIS FOR QUALIFICATION

- 7.1 Each development shall qualify as described in the Checklist and the Reference Guide, and each item receiving credit shall be verified by the Project Evaluator.
- 7.2 **Appropriate Standard**  
The Standard version in effect at the time of project registration determines the applicable version of the Standard that shall be used. Any project may elect to use a more recent version of the Standard, which is in effect at the time of final submittal.

### 8. REVISION PROCESS FOR THE FLORIDA GREEN DEVELOPMENT STANDARD

- 8.1 **Revision Cycle**
- 8.1.1 **Periodic Review**  
At least triennially, the provisions set forth in these Green Development Standards shall be reviewed by the Standards Committee of the Florida Green Building Coalition in collaboration with other stakeholders. At a minimum, this review shall include consideration and evaluation of changes in the law, technological innovations, and comments and requests received from interested parties.
- 8.2 **Annual Revision Cycle**
- 8.2.1 The annual revision cycle is:
- June 30 - Last date to accept public modification requests for review
  - August 31 - Last date for review and approval of all modification requests by the FGBC Green Development Standard Committee
  - October 31 – Last date for FGBC Board review and approval of proposed new version
  - November 30 - Last date for posting revised standard on the FGBC website
  - January 1 - Effective date of revised standard
- 8.2.2 All modification requests shall be disposed of annually according to the annual revision cycle.
- 8.2.3 The Board of Directors of the Florida Green Building Coalition may revise the FGBC Green Development Designation Standard at any time according to Section 8.3
- 8.3 **Revision Procedures**
- 8.3.1 Interested parties may submit a modification request to Florida Green Building Coalition on the official "Modification Request Form" available from the FGBC website.
- 8.3.2 Modification Requests shall be reviewed by the FGBC Green Development Standard Committee for consensus recommendation.
- 8.3.3 The proposed revised standard documents shall be posted on the FGBC website for a 30-day public comment period with notification to the general membership.
- 8.3.4 Following the public comment period, each public comment received shall be reviewed by the Florida Green Building Coalition Green Land Development Committee for consensus recommendation.





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- 8.3.5 Public comment modification requests receiving two-thirds majority support from the FGBC Green Development Standard Committee shall be incorporated into a set of revised Florida Green Development Standard documents.
- 8.3.6 The proposed final version of the revised Standard documents shall be submitted to the FGBC Board of Directors for review.
- 8.3.7 The Board of Directors of the Florida Green Building Coalition shall adopt, adopt with modification, or reject the proposed revised Standard.
- 8.3.8 The official Standard documents may be updated at any time by FGBC so long as the changes are of a clarifying nature.

## 9. SUSPENSION OR REVOCATION OF THE FLORIDA GREEN DEVELOPMENT DESIGNATION

The Florida Green Building Coalition may suspend or revoke the green designation from a development; may request that all references to the designation be removed from all marketing and educational materials; and may impose other suspension/revoking actions.

### 9.1 For Failure to Correct Deficiencies

If the Florida Green Building Coalition determines at any time that an FGBC certified Green Development has failed to adhere to the procedures and activities listed in the Standard for those items whereby the project earned credit points, the FGBC will notify the developer of the specified deficiencies and shall require that specific corrective action, set forth in the notification, be taken not later than 30 calendar days after the date set forth in such notification.

- 9.1.1 In the event that the deficiencies are not remedied, the Florida Green Building Coalition shall have the authority to immediately begin the process of revoking the certification by issuance of a Notice of Suspension Proceedings. The notice may be appealed in accordance with procedures set forth herein.
- 9.1.2 In the event that the specified deficiencies are not corrected within the application period set forth in the Notice of Suspension, a Notice of Revocation Proceeding shall be issued by the Florida Green Building Coalition. Such Revocation Proceeding shall follow the due process procedures contained herein. The Notice of Revocation may be appealed in accordance with the procedures set forth herein.

### 9.2 For Cause

Any FGBC green development certified by the Florida Green Building Coalition may have its certification revoked in any of the following circumstances:

- 9.2.1 Upon determination by the Florida Green Building Coalition that the developer has acted in such a manner as to impair the objectivity or integrity of the certifying program or harm the reputation of the Florida Green Building Coalition, including, but not limited to submission of false information to the Florida Green Building Coalition or failure to submit to the Florida Green Building Coalition any material information required to be submitted in connection with obtaining or maintaining certification; knowingly or negligently issuing certifications that fail to meet all of the certification criteria; or misrepresentation by the developer in advertising or



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promotional materials of its certification status in general or with respect to any service provided by the developer.

### 9.3 Suspension/Revocation Due Process

The Florida Green Building Coalition shall comply with the following due process procedures in considering any suspension or revocation actions against a developer.

#### 9.3.1 Notice

The Florida Green Building Coalition may, at its discretion, initiate a proposed suspension or revocation action against a developer by providing the developer written notice of the proposed action sent by certified mail, return receipt requested, to the last known address of the developer. Such notice shall inform the developer of the entire basis and justification for the proposed action.

#### 9.3.2 Contest of Proposed Suspension/Revocation

A respondent may contest a proposed suspension/revocation by filing a response with the Florida Green Building Coalition within 30 days of receipt of the notice. The response shall contain all pertinent and substantive information and argument that is in contradiction to the proposed suspension/revocation, including identification of all disputed materials and facts. If the respondent fails to file said response within the allotted time, the Florida Green Building Coalition may, at its discretion, suspend/ revoke the certification of the project effective immediately upon written notification to the respondent.

#### 9.3.3 Hearing

If the respondent files a timely response contesting the proposed suspension/revocation and requests a hearing, the Florida Green Building Coalition will appoint an independent, unbiased, and qualified hearing officer and issue a decision on the proposed suspension/revocation. The hearing officer will review the notice of suspension/revocation and the respondent's contest. If the hearing officer finds that the respondent's contest has raised substantiated and valid factual argument to the contrary of the proposed suspension/revocation, the respondent shall be afforded an opportunity to participate in an open and public hearing, and to submit additional documentary evidence, and rebuttal argument to any material contained in the original notice of suspension/revocation or developed during the course of the hearing officer's investigation. The notice shall be provided to the respondent by written notice by certified mail, return receipt requested, to the last known address of the respondent at a minimum of 120 days before the scheduled hearing.

#### 9.3.4 Hearing Officer's Decision

The hearing officer shall issue a written decision on the proposed suspension/revocation that is based on all the information contained in the hearing record, including statements of the factual and legal basis of the decision. If the hearing officer decides to impose suspension or revocation, the decision must include findings regarding all disputed materials, and justification for all findings. A suspension/revocation decision by the hearing officer shall take effect upon the issuance of the hearing officer's decision and the written notification of such decision to the respondent.

#### 9.3.5 No Ex Parte Communication



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No ex parte communication between the parties and the hearing officer shall be allowed.

### 10. APPEALS PROCEDURES FOR SUSPENSION OR REVOCATION

#### 10.1 Notification

The Florida Green Building Coalition shall notify the developer and the Florida Green Building Coalition Board of Directors of any and all disciplinary actions. Additionally, the Florida Green Building Coalition shall clearly notify the developer of all procedures and rights to remedy.

#### 10.2 Appeal

- 10.2.1 In the event that a certification application was not approved or the certification has been suspended, the developer shall have the right, for a period of 30 calendar days after the date of notice, to appeal to the Florida Green Building Coalition.
- 10.2.2 In the event that an FGBC developer certification is suspended following the expiration of the period to appeal a suspension, in the absence of an appeal having been taken, the developer shall have the right, at its election, for a period of 30 calendar days after the date of issue of a Notice of Suspension, to appeal to the Florida Green Building Coalition.
- 10.2.3 An appeal shall be in writing and sent by certified mail or other method that provides evidence of delivery to the Executive Director of the Florida Green Building Coalition and shall specify the basis for the appeal.
- 10.2.4 The appellant developer may, at the time of noticing its appeal, request in writing, a hearing. In such an event, the Florida Green Building Coalition shall, not later than seven (7) calendar days after the filing of the notice of appeal, appoint a hearing officer and notify the appellant developer of the date of the hearing, which shall be held as expeditiously as possible, but not later than 30 calendar days after the receipt of the notice of appeal.