

# Florida Green Development Designation Standard of the Florida Green Building Coalition, Inc.

January 2005

## 1. GENERAL PROVISIONS

- 1.1 **Purpose.** The provisions of this document are intended to establish a voluntary, state-wide standard for Green Development Designation. This enhances the goal of achieving uniform and meaningful green development designations for Florida.
- 1.2 **Scope.** These standards apply to Green Development Designations 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 Green Development Designation applies to the horizontal planning, design and development of the land. Other green standards (Homes, Commercial, Schools) apply to individually permitted parcels and building construction.

## 2. OPERATING PRINCIPLES

- 2.1 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.
- 2.2 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.).
- 2.3 A list of qualifying improvement features and their respective Credit Points shall be maintained by the Florida Green Building Coalition, Inc. 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.
- 2.4 The Credit Point features list (Schedule A) shall be organized into categories. A minimum may be required by category, as well as a minimum overall. A maximum by category may also apply so as to spread the effort among various development features. In order to retain the strictness over time, the overall points available, 600, and maximum category totals earned towards designation, 400, shall not increase; and points needed to qualify, 200, shall not decrease. If new measures are to be considered, then existing measures must be reduced in value or eliminated.
- 2.5 For each development that qualifies for the Green Development Designation, written certification, fully disclosing all the features that qualify the development, shall be provided to any purchasers or local officials upon request. Failure of a developer to disclose this information will be grounds for removal of the designation.

### 3. **DEFINITIONS AND 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, Inc. (FGBC)* – A Florida non-profit corporation with open membership whose primary mission is to develop and maintain Green Designation Standards for Florida and to promote cost-effective, sustainable improvements in the built environment.

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

*Project Evaluator* – An individual assigned by the Florida Green Building Coalition, Inc. 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.

### 4. **CERTIFICATION PROCESS**

- 4.1 An application for green designation given in Schedule A shall be completed by the development team and the full fee paid for at the time of application, or alternatively, a non-refundable deposit and pre-submittal form can be submitted with the balance of documentation and fee paid later.
- 4.2 A project evaluator shall be assigned by FGBC after receiving an application and fee.
- 4.3 The project evaluator will answer questions regarding necessary submittal documents and verify that all necessary materials, as specified in Schedule A and the reference guide for the applied for points, have been received. The project evaluator is to simply be the evaluator for FGBC, and a reference regarding any interpretation of the standards, not a consultant for the design team.
- 4.4 The project evaluator shall verify the correct points earned based on information received and any other verification. Verification will often require a trip to the development site.
- 4.5 The project evaluator shall forward the verified schedule A and any calculations and documentation to FGBC for archiving.
- 4.6 The Florida Green Building Coalition, Inc. 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.
- 4.7 Certification of a Florida Green Development Designation shall be provided in writing and accomplished in accordance with the provisions of this Standard.
- 4.8 Each Florida Green Development Designation certificate shall include the following:
  - 8.1 The seal of the Florida Green Building Coalition, Inc.;
  - 8.2 The name of the development and the developer;
  - 8.3 The city or county where the development is located;

- 8.4 The signature and typed or printed name of the project evaluator;
- 8.5 The date the certification was completed; and
- 8.6 The statement: "This certification is provided by the Florida Green Building Coalition, Inc. Any questions, comments, or complaints regarding the green designation of this development may be directed to the Florida Green Building Coalition, Inc."

4.9 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 (engineers, landscape architects, etc.).

## 5. **SELECTION OF FGBC PROJECT EVALUATOR**

- 5.1 Any organization or individual wishing to serve as a project evaluator may request to do so by completing an application..
- 5.2 At a minimum, the following information shall be required of and kept on file for each applicant for accreditation as a FGBC project evaluator:
  - 2.1 Full name of applicant
  - 2.2 Social security or (for corporations) federal ID number of applicant
  - 2.3 Permanent mailing address, phone number and, if applicable, e-mail and web page address(es) of applicant
  - 2.4 Occupation (primary source of income) of applicant
  - 2.5 Employer and length of employment of applicant
  - 2.6 Statement of applicant's qualifications for reviewing the breadth of criteria given in Schedule A and the reference guide.
  - 2.7 Agreement to report each certified Green Development to the Florida Green Building Coalition and to uphold the provisions of this Standard including the no-financial interest agreement (section 4.9 above).
- 5.3 Any project evaluator must be an FGBC member in good standing (membership fees up to date) or an employee of an organization that is an FGBC member in good standing.
- 5.4 The executive committee of the FGBC shall contract or assign an organization or person to receive applications. That organization or individual will then assign an appropriate project evaluator from the available list of project evaluators.
- 5.5 A cost for evaluation services rendered shall be negotiated between FGBC and the project evaluator or their organization.
- 5.6 FGBC reserves the right to have their own staff, staff working for FGBC under contract, or qualified volunteers assigned as project evaluators and has the right to select the evaluator of their choice for any given project.

## 6. **BASIS FOR QUALIFICATION**

- 6.1 Each development shall qualify as described in schedule A and the reference guide and each item receiving credit shall be verified by the project evaluator.
- 6.2 Appropriate Standard.  
Applicants may comply with the standard in effect when they applied, or if the standard has been revised prior to certification, they may comply with the new standard (see Section 8 below).

## 7. **STANDARDS DOCUMENTS**

The following documents are part of these standards and shall be made available on a public web site.:

- 7.1 Schedule A (also referred to as the Green Development Designation Standard Checklist):
  - 1.1 Schedule A shall include a list of credit features and the maximum points that may be possible for some developments to achieve for that feature.
  - 1.2 Schedule A shall include a location for an applicant to indicate the number of points they believe they have earned for any credit feature.
  - 1.3 Schedule A shall include a location for the applicant to total the estimated earned points.
  - 1.4 Schedule A shall include a certification application form. At a minimum the applicant must include:
    - (4)1 The name of the development
    - (4)2 The developer(s)
    - (4)3 The pertinent development team members (engineers, planners, etc.)
    - (4)4 The street address, phone, fax, and email address of the developers
    - (4)5 The legal description of the development property
    - (4)6 A signature of the applicant
  - 1.5 Schedule A must include the application fee and indicate accepted channels for payment.
- 7.2 Reference Guide
  - 2.1 The reference guide shall serve the purpose of providing details as to how to earn points as well as provide informative information as to how to develop using environmentally-friendly methods.
  - 2.2 The reference guide shall at a minimum include each possible credit item and a description as to how to earn points.
  - 2.3 Every attempt shall be made to describe how the points will be earned such that they can be objectively evaluated.
  - 2.4 The reference guide will include what, if any, documentation is required to earn points for a given item..
  - 2.5 The reference guide shall make every attempt to include descriptions of environmental benefits associated with each item or category of credit items.
  - 2.6 The reference guide shall make every attempt to include examples of Florida developments that have incorporated features that have met, or would likely meet (for older developments used as examples) at least part of the credit points for a given item, if the details and associated graphic materials of such an example are made available. In the case of photographs, photo credit and copyright releases will need to be obtained prior to use.
  - 2.7 FGBC shall reserve the right to determine if only one example or more than one example is used to illustrate a given credit item in the reference guide.
- 7.3 Modification Form
  - A form used for revision of this standard shall include the following fields:
    - 3.1 Name, address, contact information and affiliation of proponent
    - 3.2 Full description of change requested
    - 3.3 Specific language desired
    - 3.4 Technical basis or justification for change
    - 3.5 Recommended number of credit points for any credit point changes or additions
    - 3.6 Justification for recommended number of credit points

## 8. **REVISION PROCEDURES FOR THE GREEN DEVELOPMENT STANDARD**

- 8.1 Suggested revisions shall be submitted to the Florida Green Building Coalition, Inc. using a form available at the FloridaGreenBuilding.org web site as described in Section 7.3..
- 1.1 Applications shall be compiled and circulated to the Florida Green Building Coalition Green Developments Committee, past applicants, and project evaluators for comments. The comment period shall be at least thirty days.
  - 1.2 Following the public comment period, each application and its public comments shall be reviewed by the Florida Green Building Coalition Green Developments Committee, which will make written consensus recommendations to the Board of Directors for suggested revisions to the standard along with the original applications.
  - 1.3 The Board of Directors of the Florida Green Building Coalition, Inc. shall adopt, adopt with modification, or reject each application for change.
- 8.2 Revision Cycle for the Green Development Designation Standard:
- 2.1 Periodic review. At least triennially, the provisions set forth in these Green Development Designation Standards shall be reviewed by the Standards Committee of the Florida Green Building Coalition, Inc. 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.
  - 2.2 All applications for revision shall be disposed of on an annual cycle such that applications received prior to the last working day of June 15 are included in the application review cycle that concludes no later than September 15.
  - 2.3 The Board shall approve any changes to the standard by the last day of October in any year in which it is to be revised.
  - 2.4 Any new standard shall be in placed on the web site (along with the current standard) no later than November 15.
  - 2.5 The effective date of any new Green Development Designation Standards shall be January 1. Only those proposals to change these Green Development Designation Standards that are received on or prior to June 15 shall be considered for the revisions to these Green Development Designation Standards that may become effective on January 1 of the following year.
  - 2.6 The reference guide text, graphics and examples may be updated at anytime by FGBC; so long as they are of a clarifying nature.

## 9. **SUSPENSION OR REVOCATION OF FGBC GREEN DESIGNATION**

The Florida Green Building Coalition, Inc. may suspend or revoke the green designation from a development, requesting all reference to being so designated be removed from all marketing and educational materials and/or other suspension/revoking actions.

- 9.1 For Failure to Correct Deficiencies.
- If the Florida Green Building Coalition, Inc. determines at any time that a FGBC certified green development has failed to adhere to the procedures and activities listed in the standard for those items whereby they 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.

- 1.1 In the event that the deficiencies have not been remedied, the Florida Green Building Coalition, Inc. 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.
  - 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, Inc. may have their accreditation revoked in any of the following circumstances:
- 2.1 Upon determination by the Florida Green Building Coalition, Inc. that a FGBC developer has acted in such a manner as to impair the objectivity or integrity of the accrediting program or harm the reputation of the Florida Green Building Coalition, Inc. including, but not limited to submission of false information to the Florida Green Building Coalition, Inc. or failure to submit to the Florida Green Building Coalition, Inc. any material information required to be submitted in connection with obtaining or maintaining accreditation; knowingly or negligently issuing certifications that fail to meet all of the certification criteria; or misrepresentation by the developer in advertising or promotional materials of its accreditation status in general or with respect to any service provided by the developer.
- 9.3 Suspension/Revocation Due Process  
The Florida Green Building Coalition, Inc. shall comply with the following due process procedures in considering any suspension or revocation actions against a developer.
- 3.1 Notice  
The Florida Green Building Coalition, Inc. 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 FGBC developer of the entire basis and justification for the proposed action.
  - 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, Inc. 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, Inc. may, at its discretion, suspend/revoke the accreditation of the respondent effective immediately upon written notification to the respondent.
  - 3.3 Hearing  
If the respondent files a timely response contesting the proposed suspension/revocation and requests a hearing, the Florida Green Building Coalition, Inc. 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.

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.

3.5 No Ex Parte Communication

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

### 10.2 Appeal

2.1 In the event that an accreditation application was not approved or the accreditation 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, Inc..

2.2 In the event that a FGBC developer accreditation 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, Inc..

2.3 An appeal shall be in writing and sent by certified mail or other method which provides evidence of delivery to the Chairperson of the Florida Green Building Coalition, Inc. and shall specify the basis for the appeal.

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, Inc. shall, not later than 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.