



**FLORIDA  
BUILDING  
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of  
**Business  
Professional  
Regulation**

**FACILITATOR'S SUMMARY REPORT OF THE  
SEPTEMBER 21, 2016  
TELECONFERENCE MEETING**

*TALLAHASSEE, FLORIDA*

**PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY**



**CONSENSUS CENTER**

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*This document is available in alternate formats upon request to DBPR, Codes & Standards,  
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**FLORIDA BUILDING COMMISSION**  
**SEPTEMBER 21, 2016 TELECONFERENCE MEETING SUMMARY REPORT**



## **OVERVIEW OF COMMISSION'S KEY ACTIONS AND DECISIONS**

### **WEDNESDAY, SEPTEMBER 21, 2016**

#### **OPENING AND MEETING ATTENDANCE**

The meeting was opened at 10:00 AM, and the following Commission members participated:

Dick Browdy (Chair), Steve Bassett, James Batts, Bob Boyer, Donald Brown, Kelly Smith Burk, Jay Carlson, David Compton, Nan Dean, Kevin Flanagan, Charles Frank, Shane Gerwig, David Gilson, Robert Hamberger, Darrell Phillips, Brad Schiffer, Jim Schock, Drew Smith, Jeff Stone and Brian Swope. [20 of 26 seated Commissioners participated]

#### *Absent Commissioners:*

Hamid Bahadori, Oscar Calleja, Richard Goff, Jeff Gross, Brian Langille, Frederick Schilling.

#### **DBPR Staff Present**

Nick Duval, Jim Hammers, April Hammonds, Chris Howell, Mo Madani, and Drew Winters.

#### **Public Present**

There were no public attending the teleconference meeting in person.

#### **Meeting Facilitation**

Commission meetings are facilitated by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



#### **PROJECT WEBPAGE**

Information on the Florida Building Commission project, including agenda packets, meeting reports, and related documents may be found at the Commission Webpage. Located at the following URL: <http://floridabuilding.org/c/default.aspx>

## **STATEMENT OF TELECONFERENCE PARTICIPATION PROCESS**

Jeff Blair reviewed the teleconference participation process with participants reminding them that it is important to keep their phones on mute to minimize background noise, not to put their phones on hold, and to wait until invited to speak to avoid confusion and chaos. Jeff emphasized that all participants will have ample time to speak on all agenda items. Participants were reminded to state their names each time they speak.

## **AGENDA REVIEW AND APPROVAL**

The Commission voted unanimously, 20 - 0 in favor, to approve the agenda for the September 21, 2016 teleconference rule adoption hearing meeting as presented/posted. Following are the key agenda items approved for consideration:

- To Approve the Agenda.
- To Receive and Consider Letter of Certification of Equivalence to DOE - Latest Draft of the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation to ASHRAE 90.1 -2013
- To Review and Approve the Recommendations of the Energy Rating Index Workgroup.
- To Hear Public Comment.

The agenda and relevant linked attachments are available at the following URL:

[http://www.floridabuilding.org/fbc/commission/FBC\\_0916/FBC\\_Agenda\\_9-21-16.htm](http://www.floridabuilding.org/fbc/commission/FBC_0916/FBC_Agenda_9-21-16.htm)

*(Attachment I—Agenda)*

## **MEETING SUMMARY AND OVERVIEW**

At the September 21, 2016 Telephonic Commission meeting the Commission voted to approve the certification letter linked to the Agenda, with authority for staff to make edits as needed and for Chairman Browdy to sign on behalf of the Commission, and to certify that the commercial building provisions of the proposed 6<sup>th</sup> Edition (2017) *Florida Building Code, Energy Conservation*, will meet the 2013 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1, as referenced by the 2015 *International Energy Conservation Code*, for buildings other than low-rise residential. In addition, the Commission voted to adopt the Energy Rating Index Workgroup's and Energy TAC's package of consensus recommendations; to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5<sup>th</sup> Edition (2014); and, to authorize the Chair to approve the report submitted to the Legislature pursuant to Section 34 of HB 535.

## **LETTER OF CERTIFICATION OF EQUIVALENCE TO DOE - LATEST DRAFT OF THE 6TH EDITION (2017) FLORIDA BUILDING CODE, ENERGY CONSERVATION TO ASHRAE 90.1 -2013**

Chairman Browdy indicated that with each update to the Florida Building Code, Energy Conservation, the Commission must certify to the Department of Energy (DOE) that the State's latest Code meets or exceeds the Federal energy requirements. The Chair noted that the Commission was ready to certify to the DOE that the State's latest draft of the commercial energy building code, the 6<sup>th</sup> Edition (2017), Florida Building Code, Energy Conservation, meets or exceeds the provisions of ASHRAE 90.1-2013 regarding building energy efficiency.

A technical analysis conducted by the University of Central Florida's Florida Solar Energy Center verified that Florida's 6<sup>th</sup> Edition (2017), Florida Building Code, Energy Conservation, meets or exceeds the Federal energy requirements. In addition, the Energy TAC met on September 12, 2016 to review FSEC's analysis and voted unanimously to recommend that the Commission certify to the Department of Energy that the 6<sup>th</sup> Edition (2017), Florida Building Code, Energy Conservation, meets the provisions of ASHRAE 90.1-2013 regarding building energy efficiency.

Following an opportunity for questions and answers, public comment and discussion, the Commission took the following action:

### ***Commission Actions:***

**MOTION**—The Commission voted unanimously, 20 – 0 in favor, to approve the certification letter linked to the Agenda, with authority for staff to make edits as needed and for Chairman Browdy to sign on behalf of the Commission, and to certify that the commercial building provisions of the proposed 6<sup>th</sup> Edition (2017) *Florida Building Code, Energy Conservation*, will meet the 2013 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1, as referenced by the 2015 *International Energy Conservation Code*, for buildings other than low-rise residential.

*(Attachment II—DOE Certification Letter)*

## **APPROVAL OF RECOMMENDATIONS OF THE ENERGY RATING INDEX WORKGROUP**

Chairman Browdy reminded the Commission that the 2016 Legislature through passage of HB 535 (Section 34) required the Commission to amend the Florida Building Code, 5th Edition (2014) Energy Conservation, to adopt into the Code Section 406 Alternative Performance Path, Energy Rating Index, in conformance with the provisions described in statute. At the June 8, 2016 meeting the Commission conducted a rule development workshop and adopted language to implement this provision.

In addition, Section 34 assigned the Commission with determining by October 1, 2016, whether onsite renewable power generation may be used as a compliance option when using the Energy Rating Index (ERI) alternative path for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation. The Commission must also determine whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years. In response to this Legislative assignment and based on the Energy TAC's recommendation, at the June 8, 2016 meeting the Commission voted to convene an Energy Rating

Index Workgroup, and to charge the Workgroup with developing consensus recommendations to the Commission pursuant to Section 34 of HB 535 regarding onsite renewable power generation.

The Energy Rating Index Workgroup met on July 20, 2016 and again on August 17, 2016 where they adopted a package of consensus recommendations to the Commission regarding the Energy Rating Index (ERI) alternative path for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation. In addition, the Commission's Energy TAC met on September 12, 2016 and voted to recommend that the Commission adopt the Workgroup's package of consensus recommendations.

Jeff Blair provided the Commission with an overview of the Energy Rating Index Workgroup's recommendations as follows:

1. That the use of onsite renewable power generation should be allowed as an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code).
2. That there should not be a time stipulation for the recommended ERI Code modification providing for the use of onsite renewable power generation. The Workgroup agreed that since the Legislation appeared to stipulate a timeframe of between 3 – 6 years that the Commission should request the maximum time of 6 years, further request that the Legislature clarify their intent in this regard, and recommend to the Legislature that there should not be any statutory timeframes associated with this provision, and that the ERI provision should be treated according to the same procedures for review that govern all code provisions utilizing the Commission's Code update cycle.
3. That the Code provision be adopted into the Florida Building Code for both the Florida Building Code, 5th Edition (2014) Energy Conservation, and the Florida Building Code, 6th Edition (2017) Energy Conservation.
4. That the specific code language should be as follows:

**R406.2 Mandatory requirements.** Compliance with this section requires that the provisions identified in Sections R401 through R404 labeled as "mandatory" and Section R403.5.3 of the 2015 *International Energy Conservation Code* be met. For buildings that do not utilize on-site renewable power production for compliance with this section, the building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table 402.1.1 or 402.1.3 of the 2009 *International Energy Conservation Code*. For buildings that utilize on-site renewable power production for compliance with this section, the building thermal envelope shall be greater than or equal to levels of efficiency and Solar Heat Gain Coefficient in Table R402.1.2 or Table R402.1.4 of the 2015 *International Energy Conservation Code*.

*Exception: Supply and return ducts not completely inside the building thermal envelope shall be insulated to a minimum of R-6.*

#### **R406.4 ERI-based compliance.**

The ERI for the *rated design* shall be determined in accordance with ANSI/RESNET/ICC 301-2014, including Addendum A-2015, and Compliance based on an ERI analysis requires that the *rated design* be shown to have an ERI less than or equal to the appropriate value listed in Table R406.4 ~~when compared to the *ERI reference design*.~~

Following an opportunity for questions and answers, public comment and discussion, the Commission took the following action:

***Commission Actions:***

**MOTION**—The Commission voted, 19 – 1 in favor, to adopt the Energy Rating Index Workgroup’s and Energy TAC’s package of consensus recommendations; to conduct a supplemental rule hearing on Rule 61G20-1.001 on October 13, 2016, regarding the inclusion of the recommended Code provisions into the Florida Building Code, 5<sup>th</sup> Edition (2014); and, to authorize the Chair to approve the report submitted to the Legislature pursuant to Section 34 of HB 535.

**GENERAL PUBLIC COMMENT**

Members of the public were offered an opportunity to provide comment during each of the Commission’s substantive discussion agenda items. In addition, Chairman Browdy invited members of the public to address the Commission on any issues under the Commission’s purview.

*There were no general public comments offered.*

**ADJOURN**

The Chair thanked Commission members, staff and the public for their participation, and following a second roll call confirming a quorum (all 20 were present), adjourned the meeting at 10:22 AM on Wednesday, September 21, 2016 following an unanimous vote of 20 – 0 in favor of adjournment.

**ATTACHMENT I**  
**MEETING AGENDA**

**FLORIDA BUILDING COMMISSION**  
**CONFERENCE CALL/WEBINAR**  
**SEPTEMBER 21, 2016**  
**TALLAHASSEE, FLORIDA**  
**CALL-IN NUMBER: 1 866 899 4679; CODE: 298-341-661**  
**WEB PARTICIPATION URL: <https://global.gotomeeting.com/join/298341661>**

***MEETING OBJECTIVES***

- To Approve the Agenda
- To Receive and Consider Letter of Certification of Equivalence to DOE - latest draft of the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation to ASHRAE 90.1 -2013
- To Review and approve the recommendations of the Energy Rating Index Workgroup.
- To Hear Public Comment

***MEETING AGENDA—SEPTEMBER 21, 2016***

*All Agenda Times—including Adjournment—are Approximate and Subject to Change*

<b>10:00 a.m.</b>	<b>1.)</b>	<b>Welcome and Opening, Roll Call</b>
	<b>2.)</b>	<b>Review and Approval of Meeting Agenda</b>
	<b>3.)</b>	<b>Letter of Certification of Equivalence to DOE - latest draft of the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation to ASHRAE 90.1 -2013 (this certification is due by September 26, 2016.)</b>
	<b>4.)</b>	<b>Approval of recommendations of the Energy Rating Index Workgroup.</b>
	<b>5.)</b>	<b>Public Comment</b>
	<b>6.)</b>	<i>Adjourn</i>

**ATTACHMENT II**  
**DOE CERTIFICATION LETTER**

September 21, 2016

ATTN: Building Energy Codes Program  
Office of Energy Efficiency and Renewable Energy, EE-2J  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585-0121

To Whom It May Concern:

Title III of the Energy Conservation and Production Act, as amended (42 U.S.C. 6831-6837), requires states to certify to the U.S. Department of Energy (DOE) that they have reviewed the energy provisions of their building code, held public hearings and made a determination as to whether their code meets or exceeds the national code within two years of federal notice. In the May 15, 2014, edition of the Federal Register (Federal Register Number 2014-11218), the U.S. Department of Energy noticed that the 2013 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1 would achieve greater energy efficiency in buildings than the 2010 edition.

The Florida Building Commission, which has statutory authority to administer the *Florida Building Code* (s. 553.72(3), *Florida Statutes*), met on September 21, 2016, and voted to certify that the commercial building provisions of the proposed 6<sup>th</sup> Edition (2017) *Florida Building Code, Energy Conservation*, will meet the 2013 edition of the *Energy Standard for Buildings, Except Low-Rise Residential Buildings*, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)/ Illuminating Engineering Society of North America (IESNA) Standard 90.1, as referenced by the 2015 *International Energy Conservation Code*, for buildings other than low-rise residential.

Florida has been working since August 2013, toward producing the 6<sup>th</sup> Edition (2017) *Florida Building Code, Energy Conservation*, which will utilize the 2015 *International Energy Conservation Code*, including reference to the 2013 ASHRAE/IESNA Standard 90.1, *Energy Standard for Buildings, Except Low-Rise Residential Buildings, as its base document*. A triennial code change cycle has produced a variety of approved energy code changes, which have undergone significant public review. That effort has resulted in a document that clearly reflects the 2015 IECC as its model. A code change meeting was held on August 16, 2016, in Ft. Lauderdale, Florida, to accept public input regarding the modifications “supplement” to the model code (2015 International Codes) approved by the Florida Building Commission’s Technical Advisory Committees. The combination of the “supplement” modifications approved on August 16, 2016 and foundation code “2015 I-Code” will become the next edition of the *Florida Building Code*. This edition will take effect on December 31, 2017 to allow time for publication, training and dissemination (see attached draft supplement to the 2015 IECC).

Finally, analysis by the Florida Solar Energy Center (FSEC–CR-2019-16), which included qualitative assessment of the proposed code modifications impact on energy efficiency of commercial buildings in the State of Florida and quantitative analysis of the code modifications impact using simulation, shows that when all building types are considered, the proposed 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation beats ASHRAE 90.1-2013 by a minute percentage of .02%. As a result, one may justifiably conclude that the 6<sup>th</sup> Edition (2017) Florida Building Code, Energy Conservation for commercial buildings meets ASHRAE 90.1-2013 considering Florida as a whole (see attached FSEC-CR-2019-16).

Should you have questions regarding the Commission’s findings, please contact Mo Madani, Planning Manager with the Florida Department of Business and Professional Regulation (850) 717-1825, [mo.madani@myfloridalicense.com](mailto:mo.madani@myfloridalicense.com).