

**PETITION FOR DECLARATORY STATEMENT BEFORE THE FLORIDA BUILDING
COMMISSION**

Company: Wesson Air Inc.
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DS 2020-059

Statutes, Agency Rules, Agency Order, and/or Code Section on which the Declaratory Statement is sought:

2020 Seventh Edition, Florida Building Code, Energy Conservation
R101.4.2

Background:

Wesson Air Inc is a Central Florida Air Conditioning contractor in the business of many forms of air conditioning. As a portion of that business we replace existing home air conditioning systems. With a typical system change-out we replace the thermostat with a programmable model.

For a few of our customers this is a hardship as they are not comfortable with the complexity of the programmable thermostat and they are home all day and do not wish to change temperatures. For these customers we would like to install non-programmable thermostats. However, FBC Energy Conservation R403.1.2 requires a programmable when replaced.

Specifically, Wesson Air is seeking clarification on FBC Energy Conservation R101.4.2 and does this code section exempt use of the Energy Conservation code for an Alteration in an existing building or residence.

“R101.4.2 Exempt Buildings –

Buildings exempt from the provisions of the FBC include existing buildings except those considered renovated buildings, changes of occupancy type or previously unconditioned buildings to which comfort conditioning is added. Exempt buildings include those specified in Sections R101.4.2.1 through R101.4.2.4.”

One of these standard installations would be a condo/ apartment/townhouse in a two – three story multi-family residence. Our change-out would average \$6000 and would be less than 30% the value of the residence.

QUESTION:

1. As a Residential < 3 stories with a HVAC change out less than 30% of the assessed value of the structure, would this be an alteration governed by the “Existing Building” code?
2. When replacing a HVAC system in this residence are we governed by FBC Energy Conservation or does R101.4.2 apply?
3. When replacing the thermostat as part of the change-out in this residence, is the thermostat required to be programmable?

Respectfully submitted,

Mark Wesson

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