

<b>FILED</b>	
Department of Business and Professional Regulation	
Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	<b>4/6/2017</b>
File #	

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

Date: 4/6/2017

Company: HVAC Designs Inc., 7701 W Hanna Avenue, Tampa Florida 33615

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**DS 2017-018**

No fax machine.

Legal Representative: Neil Fimbel – concerned US citizen - same contact info above

**Declaratory statement is sought for code section:**

5<sup>th</sup> Edition Florida Energy Conservation Code **R101.4.3**, paragraph one, and **Form R402-2014**

This code section sets the “applicability” for new building envelope components and new systems to comply with the Florida Energy Conservation Code as related to new construction. This code section also shows that unaltered existing envelope components and existing systems (that are lawfully and safely installed) are not required to comply with the energy code. The energy code offers two energy compliance methods, R402 prescriptive method and R405 performance method.

The R402 prescriptive form General Instructions (page one of form R402-2014) requires the user to fill in all “applicable” items for new components - to be listed in the “to be installed” column on the form.

I am in the process of performing an energy calculation for a client who plans to construct a one room addition attached to his existing home late summer 2017. As an energy rater performing energy calculations on a daily basis, I am very familiar with each method of energy compliance. The existing hvac equipment capacity has been verified by Manual J 8<sup>th</sup> edition to be the correct size, capable of conditioning both the existing home and the new addition when combined. The existing attic mounted air handler and existing duct is to remain unaltered, and the scope of hvac work is to add new ducts to serve the new room addition. The newly installed ducts serving this room addition are subject to comply with the Florida Energy Conservation Code – along with any new building envelope components.

Preliminary energy calculations show this addition does not pass the R405 energy compliance method utilizing the existing 13 seer hvac equipment when modeling just the new construction portion, scoring “FAIL” 122 energy performance index. This addition when combined with the existing home also fails the R405 energy compliance method scoring “FAIL” 125 points (FSEC energy software files .enb available through Neil Fimbel listed above). This addition easily passes the R402 energy prescriptive method when listing only the new components as instructed on the form R402 and FSEC energy rater training class – provided the existing air handler location is not considered as a new “to be installed”

item. If the form R402 term “not allowed in attic” applies to the existing air handler, there would be no method of energy compliance available for this new addition!

**The Problem:** The administrative section R101.4.3 of the Florida Energy Conservation Code and Section M1202.1 of the Existing Building code both indicate that existing components of the building are exempt from energy code compliance **BUT** the energy compliance form R402, page two, “Air Conditioning Systems air handling unit”, center column indicates “air handler not allowed in attic”. The R402 form does not indicate if this applies only to new air handlers **or** if the “air handler not allowed in attic” can also be applied to existing unaltered air handlers that are located in an attic space. This conflict creates a “gray” area in the code.

**The fix:** R402 form was intended to read “**new** air handlers not allowed in attic” when using the R402 compliance method – then the R402 form would match the intent of the written code sections R101.4.3 and M1202.1. This would give home owners a compliance method for small additions that re-use unaltered hvac systems regardless of the existing air handler mounting location.

**Questions:**

(1) The code book section R101.4.3 states that only the new construction building components and new building systems are subject to comply with the Florida Energy Conservation Code.

***Does the energy code section R101.4.3 apply to any existing unaltered building components and/or unaltered systems, especially reused attic mounted air handlers that remain unaltered?***

(2) The prescriptive energy form R402-2014; page one, general instructions, note 1, “fill in all the applicable spaces of the to be installed column”

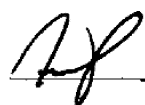
***Can any portion of this R402 form be applied to existing unaltered building envelope components or existing unaltered building systems, especially reused attic mounted air handlers that remain unaltered?***

(3) The prescriptive energy form R402-2014; page two, Building Component row “Air Distribution System air handling unit”, “Installed Values column” – the word “Location”.

***Can the air handler location “installed value” column be applied to a reused attic mounted air handler that remains unaltered?***

Neil Fimbel, concerned US citizen, thanks you for your consideration of this important issue.

To be filed by May 1<sup>st</sup> 2017, up for review in June 2017.



BERS 959

4/6/2017