



Delivering Creative Life Safety Solutions

May 25, 2021

Mr. Drew Smith, Chair

Energy Technical Advisory Committee & Mechanical Technical Advisory Committee
Florida Building Commission
2601 Blair Stone Road
Tallahassee FL 32399

Re: DS-2021-023. 7th Edition {2020} Florida Energy Conservation Code, Building Thermal Envelope, Section C402 and 2020 Florida Mechanical Code, Natural Ventilation, Section 402.

Dear Chairman Smith and Committee Members:

SLS is a code consulting firm with its principal offices located in Coral Gables Florida. We are writing the advisory committee to oppose the summary position being taken by the proponent and to support the position shown in the staff analysis in the Petition for the DS.

A review of the applicable codes used in the State of Florida expressly permit the use of natural ventilation for these conditions and circumstances. Rendering any position that would disallow use of natural ventilation as currently permitted in the Florida Energy Conservation Code and Florida Mechanical Code would be in direct contradiction to what the Florida codes allow. The petitioner has included the applicable sections from the Energy Conservation Code (C403.2.6) and Mechanical Code (401.2). These sections permit use of natural ventilation techniques in all occupancies except for ambulatory care facilities and Group I-2 occupancies.

There is requisite coordination and correlation between the Florida Building Code, the Florida Mechanical Code, and the Florida Energy Conservation Code on this issue.

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While the additional backup information implies that changes in later editions of the base documents that the Florida codes are derived from may have revised these provisions, those are not the regulatory documents that are legally adopted in the state at present, nor would there be grounds to enforce them. Of equal concern is an Informal Interpretation Report (Number 7947) letter from the Building Officials Association of Florida (BOAF) that is on letterhead showing the seals of BOAF and the Florida Department of Business and Professional Regulation. Like the DS that has been filed recently, this "interpretation" implies a preference or recommendation for mechanical ventilation. It is not an interpretation since it notes that the only option is mechanical ventilation. This completely contradicts what the legally adopted codes permit and in essence is code enforcement by fiat action.

This approach would seem to put the code official more in the role of a designer, specifically the Registered Design Professional (RDP) and is outside the scope of the responsibility provisions of code administrators per Title XXXII, Section 468.604 of the 2020 Florida Statutes. The RDP would normally have the task of choosing between code allowed design options.

It is our recommendation that the response to the DS shown in the staff analysis be supported by the commission members. It is also our recommendation that steps be taken to rescind the BOAF interpretation report previously mentioned as it is inconsistent with the binding code requirements. The role of code officials is critical in protecting public health and safety, and their role cannot be overstated nor their authority. However, it is equally important that those individuals charged with designing and installing systems and features associated with the built environment can do so in accordance with legally permitted criteria. Until, or if the Florida code provisions are changed to exclude natural ventilation for certain circumstances, the option to utilize it should continue to be acceptable by the design community.

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Very Truly Yours,
SLS Consulting, Inc.

A handwritten signature in black ink that reads 'Michael Sheehan'. The signature is fluid and cursive, with a prominent 'M' and 'S'.

Michael Sheehan, P.E.
Principal

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