



**FLORIDA
BUILDING
COMMISSION**

"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

Florida Department of
Business &
Professional
Regulation

**FACILITATOR'S SUMMARY REPORT OF THE
JULY 20, 2016
ENERGY RATING INDEX WORKGROUP MEETING
GAINESVILLE, FLORIDA**

PROCESS DESIGN, CONSENSUS-BUILDING AND FACILITATION BY



CONSENSUS CENTER

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FLORIDA BUILDING COMMISSION
ENERGY RATING INDEX WORKGROUP
JULY 20, 2016 FACILITATOR’S MEETING SUMMARY REPORT

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FLORIDA BUILDING COMMISSION
ENERGY RATING INDEX WORKGROUP
JULY 20, 2016 FACILITATOR'S SUMMARY REPORT



**FLORIDA
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"STRONGER CODES THROUGH SCIENCE AND CONSENSUS"

OVERVIEW OF WORKGROUP'S KEY ACTIONS AND DECISIONS

WEDNESDAY, JULY 20, 2016

I. PROJECT OVERVIEW

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.

Section 34 of HB 535 requires that the Florida Building Commission shall adopt into the Florida Building Code, 5th Edition (2014) Energy Conservation, the following:

"Section 406 relating to the Alternative Performance Path, Energy Rating Index of the 2015 International Energy Conservation Code (IECC) may be used except as follows for Table R406.4 as an option for demonstrating compliance with the Florida Building Code, Energy Conservation. TABLE R406.4 MAXIMUM ENERGY RATING INDEX shall reflect the following energy rating index: for Climate

Zone 1, an index of 58; for Climate Zone 2, an index of 58. The Florida Building Commission shall continue its current adoption process of the 2015 IECC and determine by October 1, 2016, whether onsite renewable power generation may be used for compliance. 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."

II. WORKGROUP SCOPE, PURPOSE AND PROJECT WORKPLAN

The scope of the *Energy Rating Index Workgroup* is to identify and evaluate relevant issues and options regarding the use of onsite renewable power generation as an option for demonstrating compliance with the energy provisions of the Florida Building Code, Energy Conservation when using the Energy Rating Index (ERI) as an alternative compliance path. In addition, the Workgroup shall also recommend the duration for which onsite renewable power generation should be provided with credit toward the ERI score required to comply with the energy provisions of the Code. The Workgroup shall deliver their consensus recommendations to the Florida Building Commission in advance of the October 1, 2016 deadline established for the Commission to report back to the Florida Legislature.

(Attachment 3—Workgroup Workplan and Schedule)

III. MEETING SUMMARY AND OVERVIEW

At the July 20, 2016 meeting the Workgroup received an overview and briefing on the Workgroup's scope, purpose, and project workplan; a review of the Commission's decision-making procedures and polices including applicability of the Sunshine Law; and, informational presentations regarding the use of onsite renewable power generation from DBPR staff, and the Florida Solar Energy Center at UCF. In addition, as a component of public comment the Responsible Energy Code Alliance presented their perspective on key issues. The Workgroup reviewed and discussed the three key topical issues assigned to them by the Florida Building Commission pursuant to Section 34 of HB 535 as follows:

1. Whether onsite renewable power generation should be an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code).
2. The amount of time onsite renewable power generation can be used as an option for achieving compliance when using the ERI path.
3. The amount of onsite renewable power generation that can be credited toward the ERI score.

Specific actions included:

1. Voting unanimously, 18 – 0 in favor, to conceptually* support the use of onsite renewable power generation as an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code).
2. Voting unanimously, 18 – 0 in favor, to recommend that there not be a time stipulation for any approved 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, request that the Legislature clarify their intent in this regard, and recommend to the Legislature that there should not be any timeframes associated with this provision.
3. Voting unanimously, 18 – 0 in favor, to recommend, consistent with the Energy TAC's recommendation, that the Florida Building Commission defer action on proposed Energy Code

modification numbers 6727 and 6933 pending the Workgroup’s final recommendations to be delivered consistent with the Project Workplan (Attachment 3).

** Members agreed to support allowing the use of onsite renewable power generation as an option to achieve compliance when using the ERI path in concept, pending the Workgroup’s evaluation of how to implement this provision including discussion on the amount of onsite renewable power generation that can be credited toward the ERI score. Workgroup members retain the right to reserve their final vote on the issue until the last meeting of the Workgroup.*

Finally, Workgroup members agreed to send their proposed specific language options for addressing Workgroup issue number three (The amount of onsite renewable power generation that can be credited toward the ERI score) to Jeff Blair, Commission Facilitator, by close of business on Wednesday, August 3, 2016 for incorporation into an options evaluation worksheet. Members of the public were also invited to send specific options regarding issue number three. The Workgroup will evaluate all submitted options at their next meeting on August 17, 2016. Options should be sent to Jeff Blair in a word document format at: jblair@fsu.edu.

IV. WELCOME AND INTRODUCTIONS

Jeff Blair, Commission Facilitator, welcomed Workgroup members, staff and the public to the inaugural meeting of the *Energy Rating Index Workgroup*.

WORKGROUP MEMBER ATTENDANCE

The following Workgroup members attended the Wednesday, July 20, 2016 meeting:

Amador Barzaga, Steve Bassett, Joe Belcher, Kelly Smith Burk, Joe Cain, Brent Caldwell (alternate: Scott Ranck), Oscar Calleja, Jay Carlson, Amanda Hickman, Michael Kwart (alternate: Layla Phillips), Michael Power, Lorraine Aliso Ross, Jim Schock, Eric Stafford, Steve Strawn, Dennis Stroer, Lauren Westmorland, and Mark Zehnal.

(18 of 19 Workgroup members attended)

(Attachment 1—Workgroup Membership)

Absent Members:

Drew Smith.

DBPR STAFF PRESENT

Norman Bellamy, Jim Hammers, April Hammonds, Chris Howell, Mo Madani, Marlita Peters, and Jim Richmond.

PUBLIC PARTICIPATION

A list of public participants is included as “Attachment 4” of this Report.

(Attachment 4—Public Participation)

MEETING FACILITATION

The meeting was facilitated by Jeff Blair from the FCRC Consensus Center at Florida State University. Information at: <http://consensus.fsu.edu/>



CONSENSUS CENTER

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>

V. AGENDA REVIEW AND APPROVAL

The Workgroup voted unanimously, 17 - 0 in favor, to approve the agenda for the July 20, 2016 meeting as presented/posted. Following are the key agenda items approved for consideration:

- To Approve Regular Procedural Topics (Agenda and Procedural Guidelines)
- To Hear an Overview of Workgroup Charge and Scope
- To Receive Informational Presentations on Onsite Renewable Power Generation
- To Identify Issues and Options Regarding Onsite Renewable Power Generation
- To Discuss and Evaluate Level of Acceptability of Proposed Options
- To Consider Public Comment
- To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

Amendments to the Posted Agenda:

There were no amendments to the posted/presented Agenda.

(Attachment 2—July 20, 2016 Workgroup Agenda)

VI. REVIEW OF PROCEDURAL ISSUES

Jeff Blair reviewed the Workgroup's decision-making and procedural policies and procedures noting they are the same as the Commission's, including the applicability of the Sunshine Law, and answered member's questions. Jeff noted that the Commission's workgroups and committees function using a consensus based decision-making process. General consensus is a participatory process whereby, on matters of substance, the members strive for agreements which all of the members can accept, support, live with or agree not to oppose. *In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on a recommendation, and the Workgroup finds that 100% acceptance or support is not achievable, final decisions will require at least 75% favorable vote of all members present and voting.* This super majority decision rule underscores the importance of actively developing consensus throughout the process on substantive issues with the participation of all members and which all can live with. In instances where the Workgroup finds that even 75% acceptance or support is not achievable, publication of recommendations will include documentation of the differences and the options that were considered for which there is more than 50% support from the Workgroup.

Sunshine Law Requirements Applicability to Workgroup Members

April Hammonds, FBC Counsel, explained that Workgroup members are subject to the requirements of Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law (Section 286.011 F.S.), and may not discuss with each other, outside of properly noticed meetings, issues that may foreseeably come before the Workgroup for discussion.

VII. INFORMATIONAL PRESENTATIONS

Mo Madani, FBC Technical Manager, provided members with a presentation titled: *Energy Rating Index of the 5th Edition (2014) FBC, Energy Conservation Code*, and answered members' questions. In addition Mo noted that there were project relevant background documents linked to the Agenda including:

- Section 34 or HB 535.
- Status of proposed code modifications regarding onsite renewable power generation (#6727 and #6933).
- Chapter 4 Residential Energy Efficiency.

Rob Vieira, Florida Solar Energy Center, provided members with a presentation titled: *Methods and Economics of Achieving Florida's ERI Compliance*, and answered members' questions.

The complete presentations are available on the BCIS at the following URL:

http://www.floridabuilding.org/fbc/commission/FBC_0716/Energy_Rating_WG/Energy_Rating_Index_Workgroup_Agenda.htm.

There was an additional presentation titled: *10 Key Issues to Resolve Before Allowing On-Site Power to Count Toward Compliance in the IECC*, made by Eric Lacey of the Responsible Energy Code Alliance that provided their perspective on the issue. Jeff Blair noted that this was essentially public comment and should be considered with equal weight as all public comment and Workgroup discussion on the issue. Jeff noted that it would be up to the Workgroup to decide what the key issues are that should be considered in the context of addressing the three topical issues within the scope of the Workgroup.

VIII. KEY ISSUES FOR WORKGROUP EVALUATION

Jeff Blair reviewed the three key topical issues assigned to the Workgroup by the Florida Building Commission (page 4 of the Agenda Packet) pursuant to Section 34 of HB 535 as follows:

1. Whether onsite renewable power generation should be an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code).
2. The amount of time onsite renewable power generation can be used as an option for achieving compliance when using the ERI path.
3. The amount of onsite renewable power generation that can be credited toward the ERI score.

IX. DISCUSSION AND EVALUATION OF KEY ISSUES

Jeff Blair reviewed the process that the Workgroup would use to evaluate key issues. For each topical issue there was an opportunity for questions and answers, public comment, Workgroup discussion, and a Workgroup initial vote on the first two of the three key topical issues within the Workgroup's scope. Jeff

explained that no action of the Workgroup would be final until the final meeting when the Workgroup would be asked to vote on the Workgroup's package of consensus recommendations.

Following are the topics discussed and related Workgroup actions:

1. Whether onsite renewable power generation should be an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code).

Following extensive discussion, the Workgroup voted unanimously, 18 – 0 in favor, to conceptually* support the use of onsite renewable power generation as an option to achieve compliance when using the ERI path (counted toward the ERI score adopted into the Code).

** Members agreed to support allowing the use of onsite renewable power generation as an option to achieve compliance when using the ERI path in concept, pending the Workgroup's evaluation of how to implement this provision including discussion on the amount of onsite renewable power generation that can be credited toward the ERI score. Workgroup members retain the right to reserve their final vote on the issue until the last meeting of the Workgroup.*

2. The amount of time onsite renewable power generation can be used as an option for achieving compliance when using the ERI path.

Following extensive discussion, the Workgroup voted unanimously, 18 – 0 in favor, to recommend that there not be a time stipulation for any approved 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, request that the Legislature clarify their intent in this regard, and recommend to the Legislature that there should not be any timeframes associated with this provision.

3. The amount of onsite renewable power generation that can be credited toward the ERI score.

This issue was discussed extensively, and it was clarified that when using the ERI method for demonstrating compliance with the requirements of the Florida Building Code, Energy Conservation one would still have to meet the mandatory minimums (backstop requirements) provided in the 2009 IECC, and these requirements could not be traded off.

This issue will be evaluated at the August 17, 2016 Workgroup meeting. Workgroup members agreed to send their proposed specific language options for addressing Workgroup issue number three (The amount of onsite renewable power generation that can be credited toward the ERI score) to Jeff Blair, Commission Facilitator, by close of business on Wednesday, August 3, 2016 for incorporation into an options evaluation worksheet. Members of the public were also invited to send specific options regarding issue number three. The Workgroup will evaluate all submitted options at their next meeting on August 17, 2016. Options should be sent to Jeff Blair in a word document format at: jblair@fsu.edu.

Additional Workgroup Actions:

The Workgroup voted unanimously, 18 – 0 in favor, to recommend, consistent with the Energy TAC's recommendation, that the Florida Building Commission defer action on proposed Energy Code modification numbers 6727 and 6933 pending the Workgroup's final recommendations to be delivered consistent with the Project Workplan (Attachment 3).

X. GENERAL PUBLIC COMMENT

Members of the public were offered an opportunity to provide comment during each of the Workgroup's substantive discussion agenda items. Following is a summary of general public comment.

Public Comments:

There were no additional public comments offered.

XI. WORKGROUP MEMBER COMMENT AND ISSUES

Workgroup members were invited to offer any general comments to the Workgroup, or identify any issues or agenda items for the next Workgroup meeting.

Workgroup Member Comments:

There were no additional Workgroup member comments.

XII. NEXT WORKGROUP MEETING OVERVIEW AND ISSUES

The next Workgroup meeting is scheduled for August 17, 2016 in Ft. Lauderdale and will start at the conclusion of the Florida Building Commission's Plenary Session. The meeting will focus on the evaluation of options submitted regarding the amount of onsite renewable power generation that can be credited toward the ERI score. Options for consideration should be submitted by stakeholders to Jeff Blair by COB Wednesday, August 3, 2016. During the next meeting members will be asked to review and evaluate the proposed options that will be compiled and incorporated into an Options Evolution Worksheet which will be posted to the BCIS a minimum of seven days prior to the Workgroup's next meeting. Following discussion and refinement of options, members may be asked to do additional rankings of proposed options if requested by a Workgroup member. Members should be prepared to offer specific refinements to address their reservations. Once ranked, options with a 75% or greater number of 4's and 3's in proportion to 2's and 1's shall be considered consensus recommendations. The Workgroup's consensus recommendations will be submitted to the Commission for consideration pursuant to the Project Workplan (See Attachment 3).

ASSIGNMENTS

- Jeff Blair will draft a facilitator's summary report of the meeting.
- Workgroup members will send their proposed specific language options for addressing Workgroup issue number three (The amount of onsite renewable power generation that can be credited toward the ERI score) to Jeff Blair, Commission Facilitator, by close of business on Wednesday, August 3, 2016 for incorporation into an options evaluation worksheet. Options should be sent to Jeff Blair in a word document format at: jblair@fsu.edu.

ADJOURNMENT

The Facilitator thanked Workgroup members and the public for their attendance and participation, and following a unanimous vote in favor of adjournment, the meeting concluded at 3:21 P.M. on Wednesday, July 20, 2016.

ATTACHMENT 1
WORKGROUP MEMBERSHIP

WORKGROUP MEMBERSHIP	
MEMBER	AFFILIATION
1. Amador Barzaga	Mechanical Code Compliance and Training Office (Miami-Dade County)
2. Steve Bassett	Mechanical Engineers (<i>Commissioner</i>)
3. Joe Belcher	Homebuilders (Florida Homebuilders Association)
4. Kelly Smith Burk	State Energy Office (FDACS Office of Energy) (<i>Commissioner</i>)
5. Joe Cain	Solar Energy Industry (Solar Energy Industry Associates)
6. Brent Caldwell	Utilities (TECO) and (Energy TAC Member)
7. Oscar Calleja	Mechanical Contractors (<i>Commissioner</i>)
8. Jay Carlson	General Contractors (<i>Commissioner</i>)
9. Amanda Hickman	Large Scale Homebuilders (Leading Builders of America)
10. Michael Kwart	Building Product Manufacturers (Insulation Contractors Ass. of America)
11. Michael Power	Building Product Manufacturers (American Chemistry Council)
12. Lorraine Alliso Ross	Building Product Manufacturers (Dow)
13. Jim Schock	Building Officials (<i>Commissioner</i>)
14. Drew Smith	Green Building Industry (<i>Commissioner</i>)
15. Eric Stafford	Homebuilders (South Florida Builders Association)
16. Steve Strawn	Building Product Manufacturers (Windows)
17. Dennis Stroer	Energy Raters
18. Lauren Westmorland	Energy Advocates (Southeast Energy Efficiency Alliance)
19. Mark Zehnal	Roofing Contractors (Florida Roofing and Sheet Metal Association)
DBPR STAFF	
April Hammonds	FBC Legal Counsel
Mo Madani	Technical Manager
Jim Richmond	Executive Director
FACILITATOR	
Jeff Blair	FCRC Consensus Center at Florida State University



ATTACHMENT 2
JULY 20, 2016 MEETING AGENDA

FLORIDA BUILDING COMMISSION
ENERGY RATING INDEX WORKGROUP
JULY 20, 2016—MEETING I
HILTON UNIVERSITY OF FLORIDA CONFERENCE CENTER
1714 S.W. 34TH STREET—GAINESVILLE, FLORIDA

MEETING OBJECTIVES

- To Approve Regular Procedural Topics (Agenda and Procedural Guidelines)
- To Hear an Overview of Workgroup Charge and Scope
- To Receive Informational Presentations on Onsite Renewable Power Generation
- To Identify Issues and Options Regarding Onsite Renewable Power Generation
- To Discuss and Evaluate Level of Acceptability of Proposed Options
- To Consider Public Comment
- ✓ To Identify Needed Next Steps: Information, Assignments, and Agenda Items for Next Meeting

MEETING AGENDA—WEDNESDAY, JULY 20, 2016

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

8:30 AM	A.)	WELCOME AND INTRODUCTIONS
	B.)	AGENDA REVIEW AND APPROVAL (July 20, 2016)
	C.)	REVIEW OF COMMISSION’S WORKGROUP MEETING GUIDELINES, CONSENSUS-BUILDING AND DECISION-MAKING PROCESS, AND SUNSHINE REQUIREMENTS
	D.)	REVIEW OF ENERGY RATING INDEX WORKGROUP SCOPE AND PURPOSE
	E.)	INFORMATIONAL PRESENTATIONS REGARDING THE USE OF ONSITE RENEWABLE POWER GENERATION
<i>~12:30 PM</i>		LUNCH
	F.)	IDENTIFICATION OF ISSUES FOR EVALUATION REGARDING THE USE OF ONSITE RENEWABLE POWER GENERATION <ul style="list-style-type: none"> • Review of Initial Key Issues • Identification & Agreement on Key Issues for Workgroup Evaluation
	G.)	IDENTIFICATION, DISCUSSION AND EVALUATION OF OPTIONS IN TURN
	H.)	GENERAL PUBLIC COMMENT
	I.)	NEXT STEPS: AGENDA ITEMS, NEEDED INFORMATION, ASSIGNMENTS, DATE AND LOCATION
<i>~5:00 PM</i>	J.)	<i>ADJOURN</i>

ATTACHMENT 3
ENERGY RATING INDEX WORKGROUP WORKPLAN

OBJECTIVE: Discuss and provide recommendations to the Commission regarding the following:

- (a) Whether onsite renewable power generation may be used for compliance, and
- (b) Whether onsite renewable power generation may be used for a period longer than three years but not more than six consecutive years.

SCHEDULE:

Appoint Workgroup members (Completed)	7-1/ 2016
Request Energy TAC to defer discussion On mods 6727 & 6933 (ERI related -2017 code)	7/19/2016
Workgroup 1 st meeting (Gainesville) Program review - Presentations Identify Key topical issues for evaluation Identification, discussion and evaluation of options	7/20/2016
Workgroup 2 nd meeting (Ft. Lauderdale) Rank/prioritize key topical issues Formulate recommendations for action	8/17/2016
Workgroup 3 rd meeting (Conference call/Webinar) Finalize recommendations	9/1/2016
Energy TAC meeting (Conference call/Webinar) Review and accept ERI Workgroup recommendations	9/15/2016
Commission meeting (Conference call/Webinar) Take action on ERI Workgroup recommendations	9/25/2016
Post recommendations as approved by the Commission on website	9/28/2016
Energy TAC meeting (Conference call/Webinar) Review comments on mods 6727 & 6933	10/3/2016
Commission – October meeting Finalize action on mods 6727 & 6933	10/11/2016
Commence rulemaking under separate rule from the code rule to revise section 406 of the current Energy Code for consistency with the ERI Workgroup as approved by the Commission.	

