

**STATE OF FLORIDA
BUILDING COMMISSION**

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| FILED | |
| Department of Business and Professional Regulation | |
| Deputy Agency Clerk | |
| CLERK | Brandon Nichols |
| Date | 2/25/2014 |
| File # | 2014-01203 |

In the Matter of

TEMPERATURE SYSTEMS,
INCORPORATED

Petitioner.

DS 2013-092

DECLARATORY STATEMENT

The foregoing proceeding came before the Florida Building Commission (Commission) by a Petition from Scott Greenberg, President of Temperature Systems, Incorporated (Petitioner), which was received November 5, 2013. Based on the statements in the petition, the material subsequently submitted and the subsequent request by the Petitioner, the Commission states the following:

Findings of Fact

1. The petition is filed pursuant to, and must conform to the requirements of Rule 28-105.002, Florida Administrative Code (F.A.C.).
2. Petitioner is an air conditioning contractor and president of Temperature Systems, Incorporated.
3. Petitioner is in the process of a total residential air conditioner system change out, replacing existing equipment with new equipment. The existing duct system will not be replaced. Petitioner is using a Design Star heat load calculation for heat load calculations, as presently required by Section 104.7.1.2, Florida Building Code, Energy Conservation (2010).
4. Petitioner seeks clarification of certain provisions of new legislation in HB 269 as it revises sections 553.901 and 553.912, Florida Statutes, (2012) concerning section 101.4.7,

Florida Building Code, Energy Conservation (2010) regarding air conditioning systems in residential applications.

5. Petitioner requests answers to the following questions:

(1) Does HB 269 overturn the code requirements [in section 101.4.7.1.2] for heat load calculations [for total equipment replacement]?

(2) Is the Design star heat load calculation program an approved method for existing residential change outs? And is it approved for all brands of a/c units, (presently used for Rheem and Carrier)? If it is an approved method is its acceptance to be statewide (all building departments), can a local building department not allow it if ruled accepted?

(3) Does HB269 overturn the code requirements for duct sealing as stated in 101.4.7.1.1? Is the duct dealing certification/ form still required for existing residential change outs?

Conclusions of Law

6. The Commission has the specific statutory authority pursuant to Section 553.775(3)(a), Florida Statutes (2012) to interpret the provisions of the Florida Building Code (the code) by entering a declaratory statement.

7. HB 269 states in relevant part: "It is the intent of the Legislature that all replacement air-conditioning systems in residential applications be installed using energy-saving, quality installation procedures, including, but not limited to, equipment sizing analysis and duct inspection. **Notwithstanding this section, existing heating and cooling equipment in residential applications need not meet the minimum equipment efficiencies, including system sizing and duct sealing.**" (emphasis added)

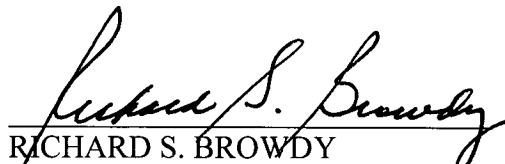
8. Section 101.4.7.1.1, Florida Building Code, Energy Conservation (2010) states: "At the time of the total replacement of HVAC evaporators and condensing units, all accessible (a minimum of 30 inches (762 mm) clearance) joints and seams in the air distribution system shall be inspected and sealed where needed using reinforced mastic or code approved equivalent and shall include a signed certification by the contractor that is attached to the air handler unit stipulating that this work has been accomplished."

9. In response to Petitioner's first question, the answer is yes, HB 269 preempts system sizing for replacement of existing equipment.

10. In response to Petitioner's second question, the answer is that the code does not approve specific calculation methods. Such approval is reserved for the code official of the authority having jurisdiction. The code official has the authority to reject a given sizing calculation program, and the acceptance of a given sizing calculation program is not statewide.

11. In response to Petitioner's third question, the answer is yes, if the duct system itself is not replaced, HB 269 overturns the code requirements for duct sealing as stated in section 101.4.7.1.1, and therefore, no, the duct dealing certification/ form would not be required.

DONE AND ORDERED this 21st day of February, 2014 in Jacksonville,
Duval County, State of Florida.


RICHARD S. BROWDY
Chair, Florida Building Commission

NOTICE OF RIGHT TO APPEAL

Petitioner and all other interested parties are hereby advised of their right to seek judicial review of this Order in accordance with Section 120.68(2)(a), Florida Statutes, and Florida Rules of Appellate Procedure 9.110(a) and 9.030(b)(1)(C). To initiate an appeal, a Notice of Appeal must be filed with Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000 and with the appropriate District Court of Appeal not later than thirty (30) days after this Order is filed with the Clerk of the Department of Business and Professional Regulation. A Notice of Appeal filed with the District Court of Appeal shall be accompanied by the filing fee specified by Section 35.22(3), Florida Statutes.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been filed with the undersigned and furnished by U. S. Mail to the persons listed below this 25th day of February, 2014.



Agency Clerk's Office
Department of Business and Professional Regulation
& Florida Building Commission
1940 North Monroe Street
Tallahassee, Florida 32399-1000

Via U.S. Mail

Temperature Systems, Incorporated
c/o: Scott Greenberg
13110 SW 8th Street
Davie, Florida 33325

Via Inter-Office or Email Delivery

Mo Madani, Planning Manager
Codes and Standards Section
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399
Mo.Madani@myfloridalicense.com

Marjorie Holladay
Joint Administrative Procedures Committee
Pepper Building, Room 680
Tallahassee, FL 32399-1300

petition for declaratory statement before the florida building commision

company. Temperature systems inc. cac045884,cmc1249899,cfc1427652,cvc56778
address 13110 sw 8 th st davie fla 33325

name/representative **Scott p. Greenberg** . Motion for standing
title president ,state certified a/c contractor (former cilb member 2011)
ph.954-370-7436

DS 2013-092

STATUE SECTION 553.912 553.901/ REVISIONS BY HB 269.

BACKGROUND : I am an a/c contractor,i am in the process of a total exsisting residential change out,. We are using a Design star(heat load calucation) for our load calculations, as presently required by FBC 104.7.1.2 .according to 101.4.6.1.1 I will complete duct sealing form and attach it to the new airhandler.

HB269

It is the intent of the legislature that all **REPLACEMENT** air-conditioning systems in residential applications be installed using energy saving,quality installallation procedures,**notwithstanding** this section,**EXSISTING** heating and cooling eqiptment applications **NEED NOT MEET** the minimum eqiptment efficiencies,including **SYSTEM SIZING AND DUCT SEALING**.

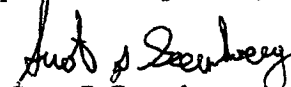
CLEARIFICATION OF STATUE 553.912./HB269 (fbc101.4.7.1.2/ 101.4.6.1.1

Questions:1.section 101.4.7.1.2 Does HB 269 overturn the code requirements for heat load calculations?(101.4.7.1.2)

2.Is the Design star heat load calculation program an approved method, for exsisting residential change outs? and is it approved for all brands of a/c units,(presently used for Rheem and Carrier).If it is an approved method is its acceptance to be statewide(all building depts)?can a local building dept not allow it if ruled accepted

3.Does HB269 overturn the code requirements for duct sealing as stated in 101.4.6.1.1?
Is the duct sealing certification/ form still be required for exsisting residential change outs

petitioner respectfully requests the commision rule on above questions.thankyou.


Scott P.Greenberg