

BCAB

Building Code Advisory Board of Palm Beach County

DS 2018-072

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

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Statute(s), Agency Rule(s), Agency Order(s) and/or Code Section(s) on which the Declaratory Statement is sought:

Sixth Edition (2017) Florida Building Code, Energy Conservation
Portions of Chapters R1, R4, R5, C1 and C4

Background:

The Palm Beach County Building Code Advisory Board (BCAB) was established by a Special Act of the Florida Legislature originally in 1974, and most recently amended in 2001. The Board was created to advise the Palm Beach County Commission and other local governments in Palm Beach County regarding the uniform implementation, interpretation, and enforcement of the Florida Building Code. This advisory capacity provides the 39 incorporated municipalities within Palm Beach County with the most current and relevant code interpretations and rulings.

The 2010 Florida Building Code included the first separate volume dedicated to energy efficiency, the Energy Conservation volume (FECC). Since its adoption, there has been a lot of confusion concerning the applicability of the Energy Code requirements with respect to *replacement fenestrations*. Some code officials interpreted that *replacement fenestrations* are exempt from the Energy Code unless the entire scope of work constitutes a *renovated building*; while others felt the intent of the Code was that even one *replacement fenestration* should comply. The 2014 FECC attempted to clarify the issue by including *replacement fenestration* in the list of "Building systems and components" for which thermal efficiency standards are set. The 2017 FECC attempted to clarify the issue further by creating a new chapter to deal solely with requirements for existing buildings, *Chapter 5 - Existing Buildings*. Unfortunately, there are still varying interpretations regarding the applicability of these standards to replacement fenestrations on structures not classified as *renovated buildings*.

On behalf of all the municipalities of Palm Beach County, BCAB is seeking clarification on certain sections of the Sixth Edition (2017) Florida Building Code, Energy Conservation (FECC). BCAB will use Florida Building Commission guidance to facilitate official, yet non-binding, Advisory Notices to promote uniformity within Palm Beach County and thereby resolve the differences of interpretation currently in effect.

Specifically, BCAB is seeking clarification on the following classifications, scopes and requirements of the Florida Energy Conservation Code for both Residential and Commercial buildings.

CHAPTER 1 – SCOPE AND ADMINISTRATION

Exempt Buildings

R101.4.2 (C101.4.2) Exempt buildings. Buildings exempt from the provisions of the *Florida Building Code, Energy Conservation*, 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.

Applicability of General vs Specific requirements

R101.4 (C101.4) Applicability. Where, in any specific case, different sections of this code specify different materials, methods of Construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

Alternative Materials, Methods, Designs

R102.1 (C102.1) General. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. The *code official* shall be permitted to approve an alternative material, design or method of construction where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code.

CHAPTER 2 – DEFINITIONS

R202 Alteration Any construction, retrofit or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a building, electrical, gas, mechanical or plumbing system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

R202 Renovated Building A residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure.

CHAPTER 4 – RESIDENTIAL ENERGY EFFICIENCY

R405.5.3.4 Maximum fenestration SHGC. The Proposed Design must have either an area-weighted average maximum fenestration SHGC of 0.50 or a window area-weighted average overhang depth of 4.0 feet or greater (all conditioned space windows must be included in the calculation). The area-weighted average maximum fenestration SHGC permitted using tradeoffs from Section R405 in Climate Zones 1 through 3 shall be 0.50.

CHAPTER 5 – EXISTING BUILDINGS

Existing Buildings

R501.1 (C501.1) Scope. The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing buildings and structures.

R501.1.1 Additions, alterations, or repairs: General. Additions, alterations, or repairs to an existing building, building system or portion thereof shall comply with Section R502, R503 or R504. Unaltered portions of the existing building or building supply system shall not be required to comply with this code.

Building Systems and Components

R501.7 (C501.7) Building systems and components. Thermal efficiency standards are set for the following building systems and components where new products are installed or replaced in existing buildings, and for which a permit must be obtained. New products shall meet the minimum efficiencies allowed by this code for the following systems and components: Heating, ventilating or air-conditioning systems; Service water or pool heating systems; Lighting systems; and Replacement fenestration.

Replacement Fenestrations

R503.1.1.1 (C401.2.1) Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC as provided in Table R402.1.2 (C402.4).

Questions

1. A customer has applied to replace all the windows in his home, which was constructed in 1990. The estimated cost of the replacement windows is less than 30% of the assessed value of the structure.
 - a. Does Section 501.7 of the Energy Conservation Volume require the replacement windows to meet the solar heat gain coefficient listed in Table R402.2.1.2 of the Florida Energy Conservation Volume?
 - b. Does Section 101.4.2 exempt the replacement windows since they don't exceed 30% of the assessed value of the structure?
2. A customer has applied to replace a window in his home, which was constructed in 1990. The estimated cost of the replacement window is less than 30% of the assessed value of the structure.
 - a. Does Section 501.7 of the Energy Conservation Volume require the replacement window to meet the solar heat gain coefficient listed in Table R402.2.1.2 of the Florida Energy Conservation Volume?
 - b. Does Section 101.4.2 exempt the replacement window since they don't exceed 30% of the assessed value of the structure?

For Building Code Advisory Board of Palm Beach County,



Greg Miller, Chair