



Shaping Tomorrow's
Built Environment Today

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Bjarne W. Olesen, Ph.D., R.
2017-2018 President

Reply to: International Centre for Indoor Environment and Energy
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April 17, 2018

Mr. J. Michael Huey, Esq.
Gray Robinson
301 South Bronough Street, Ste. 600
Tallahassee, FL 32301

RE: Case Number 17-6578RP
Florida Association of the American Institute of Architects (FAAIA)
vs.
Florida Building Commission (FBC)

Dear Mr. Huey:

As President of ASHRAE, I am writing in support of reversing the decision of the Administrative Law Judge relative to case number 17-6578RP, Florida Association of the American Institute of Architects (FAAIA) vs. Florida Building Commission (FBC). At issue in this case is whether proposed amendments to the Florida Administrative Code 61G20-2.002 “enlarge, modify, and/or contravene the cited provisions of law implemented, so as to render the proposed amendments invalid exercises of delegated legislative authority.” In short, two aspects of the proposed rule are being questioned. The first is that during the triennial update process, the Commission is only authorized to adopt portions of the most current updates to the Model Codes that are determined to be “needed to accommodate the specific needs of this state,” which FAAIA contends is not found in the 2017 law. The second is that, as part of the triennial update process, the rule only provides that “[t]he Commission shall select the model codes that will be used to conduct its review.” Administrative Law Judge Elizabeth W. McArthur issued her findings on February 15, 2018 in which she upheld the decision of the Florida Building Commission to enact the rules to which the FAAIA has objected.

ASHRAE, founded in 1894, is a global society advancing human well-being through sustainable technology for the built environment. The Society and its more than 56,000 members worldwide focus on building systems, energy efficiency, indoor air quality, refrigeration and sustainability. Through research, standards writing, publishing, certification and continuing education, ASHRAE shapes tomorrow’s built environment today.

A large part of our mission involves development of consensus-based standards from which some of the model building codes are developed. It is our belief that all of the codes, both



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residential and commercial, must be considered in the legislatively-mandated triennial review in order to build and maintain safe, resilient and efficient buildings. To overlook some of the model codes could result in less efficient buildings, which is costly for residents and building owners. The clear intent of this statute, which authorizes these administrative rules is for all of the model codes to receive a thorough triennial review.

It is our belief the statute is clear that all the model codes must at least be reviewed on a triennial basis. We support the position of FAAIA and would ask that the decision of the Administrative Law Judge be reversed.

I am happy to answer any questions or provide additional information if needed.

Sincerely yours,

Bjarne W. Olesen
President

cc: Vicki Long, FAAIA
Jeff Littleton, Executive Vice President - ASHRAE