



BROWARD COUNTY

# Board of Rules & Appeals

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<http://www.broward.org/codeappeals.htm>

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## BOARD OF RULES AND APPEALS

JANUARY 8, 2015

### MEETING MINUTES

#### Call to order:

Chair Ron Burr called a published meeting of the Broward County Board of Rules and Appeals to order at 7:18 p.m.

#### Roll Call

Gregg D'Attile  
Gary Elzweig  
Steve Feller  
Shalanda Giles Nelson  
Allan Kozich  
Dan Lavrich  
Jeff Lucas  
Dave Rice  
Dave Tringo  
Ken Wynn  
Ron Burr - Chair

After the roll call, the presence of a Quorum was announced by Chair Ron Burr.

The Chair asked that the Board observe a moment of silence to remember Board member, Don Zimmer, who passed away in December.

#### Approval of Minutes

Mr. Kozich made a motion to approve the November 13, 2014 meeting minutes. The motion was seconded, and the minutes were approved as submitted.

### CONSENT AGENDA

1. Certifications – Staff Recommended

A MOTION WAS MADE BY MR. KOZICH TO APPROVE THE ITEM. THE MOTION WAS SECONDED BY MR. ELZWEIG.

THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.

### REGULAR AGENDA

2. **Revised Broward County Amendments to the Administrative Provisions of Chapter One of the Florida Building Code, section 104, relating to Certification Standards for Building Officials, Assistant Building Officials, Plans Examiners and Inspectors**

Bill Dumbaugh, Chief Code Compliance Officer – Structural, addressed the Board. Mr. Dumbaugh referred to the Certification Review, a Committee which Board member, Allan Kozich has chaired for the last year and a half. We have been trying to work out ways to let more people come in to our profession without totally giving away the Broward County Certification requirements.

Mr. Dumbaugh went to on to review all the changes the committee is recommending. The committee is asking for an immediate effective date. There is a listing in the agenda of the entire record of the motions. We are recommending that you have the specific objection to any one of the issues that I am going to bring up to approve it, first I will review changes in Chapter one of the Florida Building Code, then the changes to the certification applications, and it is recommended there be a separate vote on these two items – 1 for the rule and 1 for the form.

Mr. Elzweig suggested the citing the executive summary rather than voicing every item, as they are numerous. Mr. Tringo commented that if everyone concurs and the Chair approves, let's use the executive summary, Mr. Kozich also agreed. The Chair agreed as this is the pleasure of the Board. Mr. Dumbaugh proceeded, the major changes were the chief and plans examiner separate applications will allow the required experience to be combined, and the experience required for most positions, chiefs has been lowered from 10 years to 8 years, plans examiner has been reduced from 10 years to 7 years, within the combined experience, the requirement of 1 year experience as a plans examiner to qualify as a chief, we've added the journeyman classification to be eligible for the position to be inspector and mechanical, electrical and plumbing discipline, person must be a certified journeyman for not less than 5 years, and shall have no less than 7 years practical experience in the discipline requested, but also would have to qualify for and pass the journeyman's exam and pass the masters within 2 years. We've added Class B licensure to be certified as a mechanical inspector that would be a limited inspector whose inspector duties be restricted to only what he or she is certified to perform. We've allowed for all Florida school board experience to be accepted in mechanical, electrical and plumbing disciplines, and allow for 1 year of school board experience to be accepted in the structural discipline, and that is because in the structural discipline the school board is limited in the occupancies that they inspect. Changes in the application form include individuals that have an active certificate of competency are now required to provide staff with a list of all active and expired permits when initially applying for certification. The staff is now authorized to request additional information to verify employment or experience for reviewing the application for certification. Mr. Dumbaugh referred to some minor changes that were made – we cleaned up the language throughout for all the disciplines for clarity. We created a new code section for the plans examiners in all disciplines. We have renumbered many of the existing code sections so the plans examiners would fit, and we removed the word "architect" from mechanical, electrical and plumbing discipline. The word "architect" was only written in the exception for the certification by BCIB. It was not included anywhere else in the qualifying requirements. Mr. Dumbaugh noted that architects are not specialized by discipline the way that engineers are.

Mr. Dumbaugh clarified the fact that no one is grandfathered in – they must have 1 year of experience as a plan’s examiner to become a chief inspector. That concluded Mr. Dumbaugh’s presentation.

The Chair opened the meeting up for public comment.

John Cosmo – Electrical Inspector for the City of Parkland addressed the Board – question about plans examiner requirements, status quo provision, as of now you can move laterally. Mr. Elzweig said that if they are certified for that function, they are certified.

Mr. Cosmo referred to the current rule which says anyone who is certified now, or has been certified in the last 6 months as a plans examiner, and one the rule change for building officials, section 104.1.3.2 under the new rule, a chief inspector may be elevated to a Building Official if you are a chief inspector for 10 years with 5 years in the high velocity construction, or if you have been certified as a chief for 5 years, you don’t need to prove construction experience. Someone who is a chief (on page 6), under the new language you are removing the inspection qualification criteria that is currently in place, so you can challenge someone’s construction experience. Mr. Elzweig addressed this item, stating that the building code administrator, is by definition an administrator. That’s the way it is defined in the state statutes. Mr. Elzweig continue, “I don’t see how removing inspections has been an impediment to getting certified as a building code administrator. If it comes up, it will come back in front of this board at some point”.

The public hearing was closed.

Mr. Lucas asked Mr. Dumbaugh to address the grandfathering issue. Mr. Dumbaugh stated that “the grandfathering issue was never discussed at the committee meeting, however, my opinion, I would say no, somebody should be a plans examiner for a year before they’ve been a chief, they should have had to do plans for a year, and it should never have been allowed the way it was. I am opposed to grandfathering. We are not forcing anyone out of a current positon.”

The Director asked for the Board Attorney’s opinion. Mr. Cramer stated that these questions come up in the private section often. Can’t find anything in the plans where you are guaranteed to be grandfathered in. The city is free, as long it is not arbitrary or capricious, a municipality can change the rules, and I would direct the Board’s attention to the preface to Section One of the Florida Building Code, certain defining conditions local governments may amend requirements to be more stringent than the code, the building code must be adopted by local ordinances, and it goes on. The fact of the matter is I believe we are authorized to change this to a year. There is no obligation anywhere for a building code to say you are grandfathered in. It’s not some privilege. Board members Allan Kozich and Gary Elzweig concurred.

**A MOTION WAS MADE BY MR. TRINGO TO APPROVE THE RULES. THE MOTION WAS SECONDED BY MR. ELZWEIG.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**A MOTION WAS MADE BY MR. ELZWEIG TO APPROVE THE APPLICATION FORM. THE**

**MOTION WAS SECONDED BY MR. LAVRICH.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**3. Proposed Board Policy #15-01 Entitled “Prequalification for employment for companies seeking to provide plans examiners and/or inspectors, who are not sponsored by City or County Building Departments**

Staff Mr. Bill Dumbaugh, Chief Structural Code Compliance Officer, addressed the amendment, and referred to policy #15-01 on page 3. This item came about because of a complaint filed by a private contractor who didn't have his people certified, and felt he was at a disadvantage. This is a vehicle that a private contractor can use to get some of his personnel pre-qualified by the Board of Rules and Appeals; the service will be limited to inspectors and plans examiners, it is not available for chiefs or building officials. The way it works is the company owner or duly authorized representative would submit an application for an employee, just like a building official does now. BORA staff will review, then the application will be held on file until such time as the owner or qualified representative notifies BORA in writing of initial assignment to a jurisdiction. Along with that letter a signed conflict of interest statement must be submitted to the Board of Rules and Appeals. Once we receive the letter and conflict of interest statement, staff will review, check the status of the applicant's certification, and if everything is in order, a temporary certification will be issued. These individuals will be treated like every other inspector is in Broward County. The application will then be sent to the Board at the next meeting just as it is done now. The pre-qualified approval will last until the next re-certification for BORA certified individuals. If the individual is not assigned to a municipality by then, the pre-qualification will expire, and they will need to re-apply. This process will be open to any private inspection company that provides at least 2 disciplines of inspection. There will be a fee of \$200 connected to the process, but the fee will be reduced to \$100 if the application is received within the second year of the re-certification process. If the Board approved this process, they will be issued a temporary certification electronically. Mr. DiPietro added that the effective date would be January 20, 2015.

The Public Hearing was opened, having no speakers, the Public Hearing was closed.

**A MOTION WAS MADE BY MR. ELZWEIG TO ACCEPT THE BOARD POLICY AS AMENDED AND THE MOTION WAS SECONDED BY MR. FELLER.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 – 0.**

**4. Payment to United Services Training Corp. Relating to Medical Gas Training for Inspectors.**

Otto Vinas – Chief Plumbing Code Compliance Officer addressed the Board. Mr. Vinas stated that new NFPA rules came out January 1<sup>st</sup>, and we have contracted with Michael Hadley, from United Service Training Corp. We currently have 30 people signed up for the class, and we wanted to bring this before the Board to justify the cost for the training. Medical gas is changing dramatically, and we have not had a class since 2005. Mr. Vinas continued that we would like to make some minor changes under additional information, instead of constant, the word should be consistent, and the word contract should be contracted.

The Board pays for all inspectors who wish to attend. The price is consistent with the rates that BORA has been paying for these services.

Mr. DiPietro stated that for 4 hours, we pay Joe Belcher \$375 an hour. Mr. Hadley has agreed to match that price. We are paying \$1,500. Although we are not going to purchase the books; they will be available for purchase. Mr. DiPietro said we expect close to 40 inspectors. The books will be available, they are not making a profit from the books. The cost for the books is \$134.

Mr. DiPietro added that we are proposing to pick up the whole cost of the training class, and noted that we have it in our budget to pay.

The Public Hearing was opened.

Pete Beaudoin from Calvin Giordano and Associates addressed the Board. Mr. Beaudoin thanked the Board for making the effort and for offering the class.

John Travers, Building Official for the City of Fort Lauderdale addressed the Board. Mr. Travers directed his question to Staff member, Otto Vinas, and inquired as to whether in addition to the book, will there be any handouts. Mr. Vinas replied that the instructor, Mr. Michael Hadley, will have a handout available.

The Public Hearing was closed.

**MR. LAVRICH MADE A MOTION TO ACCEPT THE RECOMMENDATION AS STATED AND MR. ELZWEIG SECONDED THE MOTION.**

**THE MOTION PASSED UNANIMOUSLY WITH A VOTE OF 11 - 0.**

MR. TRINGO MADE A MOTION THAT EACH CITY BE PROVIDED ONE BOOK. HAVING NO SECOND, THE MOTION DIED.

## **5. Director's Report**

Mr. DiPietro addressed the Board. The Ad-Hoc Building Permit Form Committee will be meeting on January 13<sup>th</sup>. The Board directed that we follow-up on a County Task Force suggestion that we look at uniform building permit application that would be mandated throughout the County. There will be 20 building officials on the committee that Ron set up along with 3 Board members. That meeting will take place on the 13<sup>th</sup> of this month.

As you know the new building code is going into effect on or near June 30. We will be working on bringing updates to Chapter One to the Board, and we are going through legal evaluation and we will be bringing forward changes to Chapter One. We are going to bring back our water recycling amendments that you passed in March 2012. We need to re-adopt them for the new building code. That is a preview of what BORA is working on in the next few months.

The Chair opened the meeting for public comments.

Mr. Beaudoin stated that as far as the inspector's certification, the Board members have had a lot of meetings, and there has been plenty of opportunities for inspectors to come forward and give their opinions or to voice their displeasure. There has been a lot of input regarding the inspector requirements. Mr. Beaudoin thanked the Board for all of their efforts.

The Chair closed the meeting for public comment.

10. **Board Nominations and Elections of 2015 Chair and Vice-Chair, Effective January 2015**

**MR. ELZWEIG NOMINATED MR. LUCAS AND MRS. GILES NELSON SECONDED THE MOTION. MR. LUCAS TOLD THE BOARD THAT HE WAS UNABLE TO FULFILL THE REQUIREMENTS THIS YEAR.**

**MR. FELLER NOMINATED MR. BURR TO SERVE A SECOND TERM AND MR. LUCAS TO SERVE AS VICE CHAIR, AND MRS. GILES NELSON SECONDED THE MOTION.**

**THE MOTION PASSED UNANIMOUSLY.**

Having no further business to go before the Board, the meeting adjourned at 8:02 p.m.

A handwritten signature in black ink, appearing to read "Ron Burr", with a long horizontal flourish extending to the right.

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Ron Burr – Chair