



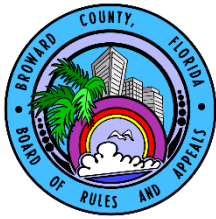
## **BROWARD COUNTY BOARD OF RULES AND APPEALS**

Florida Building Code 7<sup>th</sup> Edition Formal Interpretations (2020)  
Effective Date: December 31, 2020

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### **Building Code Formal Interpretations**

1. Mechanical Code 602.2.1 Materials Exposed within Plenums
2. Attachments of Ductwork to Air Handling Equipment
3. Insulation Requirements for Condensate Drains
4. Solar Assisted Air Conditioning Systems
5. Installation of 100% Wireless Network Low Voltage Alarm Systems
6. Retrofits required pursuant to Florida Building Code Existing Building Section 706.8
7. Residential Clothes Washing Machines Drains
8. Recessed Ceiling Air Handlers
9. Windows Replacement
10. Ceiling Grid Support for Light Fixtures
11. Interpretation of 7th Edition (2020) Florida Building Code Mechanical: 301.15;  
Building: 453.25.4.3.1, 453.25.4.3.2, 1609.1.1 Ex. 8; Fuel Gas: 301.10.  
Mechanical equipment wind resistance.
12. Permit requirements for Florida Building Code, Plumbing Appendix F
13. Smoke Control System testing in existing buildings undergoing Level 2 alterations
14. Acceptable testing methods for Smoke Control Systems
15. Duct sizing calculations
16. Acceptable documents for the attachment of mechanical equipment during replacement
17. Alteration of existing smoke evacuation or smoke control systems
18. Direct venting of solid fuel pizza ovens
19. Replacement of air conditioning (A/C) systems in flood hazard areas
20. Storm Drainage Sizing Conversion Charts
21. Required Signatures on the Broward County Uniform Building Permit Application
22. Swimming Pool Safety Inspections
23. Building Permit Valuations
24. Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights FBC Existing  
Building, Alteration Level I
25. Typographical Errors in the FBC 7th Edition (2020) Test Protocols for High Velocity Hurricane  
Zone, RAS 127 Tables



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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### **Board Attorney**

Charles M. Kramer, Esq.

### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

**Date:** July 14, 2020

**To:** Broward County Code Officials and interested parties

**From:** Kenneth Castronovo, Chief Electrical Code Compliance Officer

**Subject:** Broward County Formal Interpretation updates for the 2020 Florida Building Code, 7<sup>th</sup> Edition

Every three years the Florida Building Code is renewed and updated. For our formal interpretations to be current with the new Florida Building Code, we have inserted selected code section updates from the new code that affect our existing code references to our formal interpretations. We have also reviewed formal interpretations that are no longer relevant, and we have removed them from our list. Staff along with BORA Committee Chairpersons make the necessary changes and present the changes to the Board of Rules and Appeals for approval. The current list was approved by the Board on July 9, 2020. There is one formal interpretation that was not ready to be updated at the time of this letter and will be updated as soon as possible. The effective date for the updated formal interpretation's is December 31, 2020.

Respectfully,

A handwritten signature in dark ink, appearing to read "Kenneth Castronovo", is written over a faint, larger version of the same signature in the background.

Kenneth Castronovo  
Chief Electrical Code Compliance Officer, BORA



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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#1)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Mechanical Code 602.2.1 Materials Exposed within Plenums

This portion of the Interpretation concerns the residential portion of R-2 occupancies.

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved the following Formal Interpretation.

Section 602.2.1 of the 7th Edition (2020) Florida Mechanical Code requires materials exposed within plenums to be noncombustible or shall have a flame spread index of not more than 25 and a smoke-developed index of not more than 50 when tested in accordance with ASTM E 84-2013A.

CPVC Flowguard Gold Pipe, SDR11 was tested by Southwest Research Institute using a modified ASTM E-84 test methodology in the following sizes:

0.5-inch (nominal) Water Filled CPVC Pipe:	SwRI Project No. 01.04017.01.301b [1]
2.0-inch (nominal) Water Filled CPVC Pipe:	SwRI Project No. 01.04017.01.301c [1]
0.5-inch (nominal) Empty CPVC Pipe:	SwRI Project No. 01.10083.01.158e
0.75-inch (nominal) Empty CPVC Pipe:	SwRI Project No. 01.10083.01.158f [1]

All four Modified ASTM E-84 Tests showed flame spread indices of not more than 25 and smoke-developed indices of not more than 50.

### **Formal Interpretation:**

By accepting these four Modified ASTM-E 84 Tests, the Broward County Board of Rules and Appeals approved the use of CPVC Flowguard Gold Pipe, SDR11 installed in Mechanical Closets and Mechanical Equipment/Appliance Rooms used as plenums in the residential portion of R-2 Occupancies. Approval is limited to 0.5-inch (nominal) thru 2-inch (nominal) water filled CPVC and 0.5-inch (nominal) and 0.75-inch (nominal) empty CPVC pipe.

At its meeting of September 11, 2008, the above Interpretation was expanded to include the following language which applies to both commercial and residential occupancies:

CPVC piping may be accepted for use in plenums in instances where the manufacturers have tested their product with an approved testing agency to an acceptable alternate method to ASTM E-84 – “Standard Test Method for Surface Burning Characteristics of Building Materials”. Evidence must be submitted to the Authority Having Jurisdiction (AHJ) that the piping has a flame spread index of not more than 25 and a smoke developed index of not more than 50 when tested in general accordance with ASTM E-84, 2009 Edition, Pipe can be tested empty or water filled and in various pipe diameters.

**EFFECTIVE DATE:** October 20, 2005  
**RE-ISSUED DATE:** July 9, 2020  
**EFFECTIVE DATE:** December 31, 2020

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Fire Service Professional

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#### **Board Administrative Director**

James DiPietro



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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#2)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Attachments of Ductwork to Air Handling Equipment

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of Section 603.9, Florida Mechanical Code, 7th edition (2020) and section 1601.4.1, FBC, Residential, 7th edition (2020).

These sections state attachment of rigid fibrous glass duct work to air-handling equipment shall be by mechanical attachment and attachment shall be by mechanical fasteners. These sections further define mechanical attachments for air distribution systems as screws, rivets, welds, interlocking joints crimped and rolled, staples, twist in (screw attachment, and compression systems created by bend tabs or screw tabs and flanges or by clinching straps.

Broward County has a long successful history of using UL181 A/P listed pressure-sensitive aluminum foil tape and UL 181 A/M glass fabric and mastic for attaching rigid fibrous glass duct board to cleaned sheet metal equipment flanges in residential applications. North American Insulation Manufacturers Association (NAIMA) is listed in the Reference Standards and Organizations sections of the FMC and FRC. NAIMA's Fibrous Glass Residential Duct Construction Standard states "Connections of fibrous glass duct board to carefully cleaned sheet metal equipment flanges may be made with UL A/P listed pressure-sensitive aluminum foil tape."

#### ***Formal Interpretation:***

The use of UL 181 A/P listed pressure sensitive aluminum tape or UL 181 A/M glass fabric and mastic are acceptable methods of attaching rigid fibrous glass duct work to cleaned sheet metal equipment flanges in residential applications.

EFFECTIVE DATE: October 20, 2005  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#3)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Insulation Requirements for Condensate Drains

### 2020 Voting Members

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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following Sections of the 7th Edition (2020), Florida Building Code, Mechanical 307.2.1; Residential M1411, and 1206.11; Energy Conservation C403.2.10, and R403.4. See attached code sections.

Questions have been raised about the code requirement to insulate condensate drains that were installed vertically or at an angle (pitched).

All condensate drain lines are required to have a slope to ensure proper drainage and therefore are not perfectly horizontal. The code does not address the insulation of condensate drains lines that are installed vertical or at an angle (pitched). It appears the intent of the code was to apply to condensate piping which is installed in a relatively horizontal manner.

#### ***Formal Interpretation:***

All primarily horizontal condensate drains pipes within unconditioned areas shall be insulated to prevent condensation from forming on the exterior of the drain pipe. Only primary condensate drain lines within unconditioned areas installed in a relatively horizontal manner are required to be insulated.

EFFECTIVE DATE: October 20, 2005  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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Page 1 of 1 F.I. #3





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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#4)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Solar Assisted Air Conditioning Systems

### 2020 Voting Members

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Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following 7th Edition (2020) Florida Building Codes:

1. FBC, Mechanical Section 301.7 - Listed and Labeled,
2. FBC, Residential Section M1302.1 - Listed and Labeled,
3. FBC, Energy Conservation, Sections C403.2.3 and table R405.5.2.(1) HVAC equipment performance requirements.
4. FBC, 7th Edition (2020) FBC Broward County Administrative Provisions, Section 104.32. Alternative materials, design and methods of construction and equipment.

The Board concurred with the Building Code Advisory Board of Palm Beach County Technical Advisory (attached) issued on 12/13/11.

#### ***Formal Interpretation:***

The above sections are applicable to “solar assisted air conditioning systems” (a conventional air conditioning system with a solar heat collector placed between the compressor and the condensing coils) and such systems must obtain certification or successfully pass testing by State of Florida or a nationally recognized testing or certification agency prior to permitting.

**EFFECTIVE DATE:** September 14, 2012  
**RE-ISSUED DATE:** July 9, 2020  
**EFFECTIVE DATE:** December 31, 2020

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# BCAB

Building Code Advisory Board of Palm Beach County

## TECHNICAL ADVISORY

Issued on 12-13-11  
by Building Code Advisory Board

**Subject:** Solar-Assisted Air Conditioning System

This technical advisory is established as a "Public Awareness Notice" concerning a "Solar-Assisted A/C System" that modifies a factory matched air conditioning equipment system and that has been advertised recently in Palm Beach County. The creator of this hybrid system is promoting it, using several unsubstantiated claims regarding AHRI Certification, UL Listing, and dramatically improved SEER efficiency ratings.

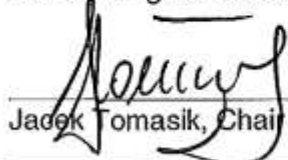
This system should not be confused with other tested and certified air conditioning systems that incorporate solar photovoltaic panels into the electrical portion of their system. Unlike those designs, the "Solar-Assisted" portion of this system involves re-routing the refrigerant line up to the roof, and through a solar collector which is intended to "super heat" the gas prior to routing the line back to the condenser coil. There are many technical concerns with this design theory that prompted months of research by BCAB staff, the details of which are beyond the scope of this advisory.

However, there is specific information pertinent to the claims involving AHRI Certification, UL Listing, limitations on the pressures and approvals of solar panels, and dramatic increases in SEER efficiency that are worth noting:

- 1) Air Conditioning, Heating, and Refrigeration Institute communications (attached – BCAB letter available on request)
- 2) Florida Solar Energy Center communications (attached)
- 3) Manufacturers – the original equipment manufacturers of the Air Condensing Units that were contacted by BCAB staff, stated that their warranties and the UL Listing of their equipment would be voided by this type of field alteration.

It is the duty and the responsibility of the building official to ensure that products are properly installed in accordance with the manufacturer's instructions, certifications, and their listings. Installation of a system, that is not in compliance with listing and installation standards can lead to problems and invalidation of the warranty for the customer. When alternate materials, technologies, or designs are being proposed, it is incumbent on the applicant to provide enough information to substantiate the proposed alternative will comply with the code. The building official can request testing or other type of documentation when insufficient evidence is submitted at time of permitting. This firm has not demonstrated their claims with thorough and reliable science, engineering, testing, or demonstrated field applications. Due to the several above cited issues, and the extraordinary time spent by BCAB staff in the analysis of submitted materials that failed to substantiate the code-compliance of the hybrid system; the recommendation of the Board is that this system must obtain certification or successfully pass testing by a State of Florida or nationally recognized testing or certification agency, prior to permitting.

For Building Code Advisory Board



Jacek Tomasiak, Chair

The Building Code Advisory Board of Palm Beach County was created by a Special Act of the Florida Legislature, at the request of the building code enforcement and construction industries. The purpose of the Board is to advise the Board of County Commissioners and local governments concerning the adoption of building codes and their enforcement throughout the County. The Act also granted Palm Beach County special powers concerning building codes, in the interest of the public's health, safety and general welfare.

2300 North Jog Road • West Palm Beach, Florida 33411-2741 • 561-233-5101 • FAX 561-233-5020

**From:** Nanjundaram, Sunil [mailto:SNanjundaram@ahrinet.org]  
**Sent:** Wednesday, September 28, 2011 1:14 PM  
**To:** Bob Boyer  
**Cc:** Amrane, Karim; Tritsis, Bill  
**Subject:** AHRI Response to BCAB letter

Dear Bob Boyer,

Thank you for calling me in reference to the letter sent by Mr. Jacek Tomasiak. I will do my best to respond to your questions via this email.

I must begin by stating that currently it is not within the scope of any AHRI standard to test equipment with solar panels as accessories. Thus, AHRI does not have the ability to test and rate this equipment at this time and any claims of AHRI Certification, of products such as this, are invalid. I have attached the letter sent to Sedna Aire USA from AHRI to further detail to BCAB that AHRI will take action against any manufacturer that makes the same invalid claims.

**Concerns 1-5 and 7** cannot be answered by AHRI as we do not design the equipment and therefore cannot provide adequate response to you.

**Concern 6.** No, as I noted above, AHRI does not have a standard for testing equipment with solar collectors as accessories. This is critical to AHRI's response to the BCAB.

**Concern 8.** No, as the original product has been modified, the firm adapting the equipment with the solar collector would have to join AHRI and test this equipment as an Original Equipment Manufacturer (OEM), not as a PBM.

Should you have any questions, please do not hesitate to contact me.

Best Regards,

**Sunil Nanjundaram**  
Director, Certification Programs

Air-Conditioning, Heating, and Refrigeration Institute  
2111 Wilson Blvd., Ste. 500, Arlington, Virginia 22201 USA  
Tel: 703-600-0329 / Fax: 703-562-1942 / E-mail: [snanjundaram@ahrinet.org](mailto:snanjundaram@ahrinet.org)  
Check out our website at: <http://www.ahrinet.org>

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Air-Conditioning, Heating,  
and Refrigeration Institute

2111 Wilson Boulevard, Suite 500  
Arlington, VA 22201 USA  
www.ahri.net.org

PH 703.524.0800  
FX 703.528.3815

September 7, 2011

Mr. Jim Hammond  
Sedna Aire USA  
440 NW 19<sup>th</sup> Street  
Homestead, FL 33030

Re: Unauthorized Claim of AHRI Certification

Dear Mr. Hammond:

The Air-Conditioning, Heating, and Refrigeration Institute (AHRI) demands that your company immediately cease and desist from making any and all claims that the performance of its solar air conditioning products has been certified by AHRI, as exemplified by the enclosed promotional piece published by your company. In order for your company to claim AHRI certification it must be a participant in an AHRI certification program and have a signed license agreement with AHRI. Your company neither is an AHRI certification program participant nor has it been licensed by AHRI to use the AHRI name or registered AHRI certification mark. It is no defense to say that the "base" product has been certified by AHRI. Your company's claims of AHRI certification are misleading to the public, damaging to AHRI's reputation and must stop immediately. Please reply within 15 days detailing the actions taken by your company to comply fully with this demand.

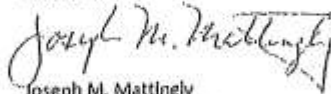
Also please be advised that the performance claims your company has been making to the public regarding its solar air conditioning products are in violation of federal law and subject to very substantial monetary penalties administered by the Federal Trade Commission (FTC). Federal law requires that any representations made to the public about the energy use or energy efficiency of products whose energy use is regulated under the federal Energy Policy and Conservation Act (EPCA) must be based on the use of efficiency test procedures prescribed by the U.S. Department of Energy (DOE) and must fairly disclose the results of such testing. See 42 U.S.C. § 6293(c). Residential central air conditioners and heat pumps are federally regulated products covered by EPCA. The efficiency test procedures prescribed by DOE for residential central air conditioners and heat pumps do not provide or account for the application of solar panels to the refrigeration cycle in residential central air conditioning. Therefore, your company has no legal basis upon which to make the efficiency rating claims it has been making to the public.

The enclosed promotional piece published by your company also claims that your company's solar air conditioning products are Energy Star approved. You should be aware that claims of Energy Star qualification may only be made by companies that have signed a license agreement with the U.S. Environmental Protection Agency (EPA) to use the Energy Star name or logo.

Mr. Jim Hammond  
Sedna Aire USA  
September 7, 2011  
Page 2

AHRI strongly supports federal and local laws and policies aimed to protect the public from unsubstantiated product performance claims and AHRI's certification programs serve that purpose. AHRI therefore plans to notify DOE, the FTC, EPA, and the Florida Attorney General of your company's activities.

Sincerely,

A handwritten signature in cursive script, reading "Joseph M. Mattingly".

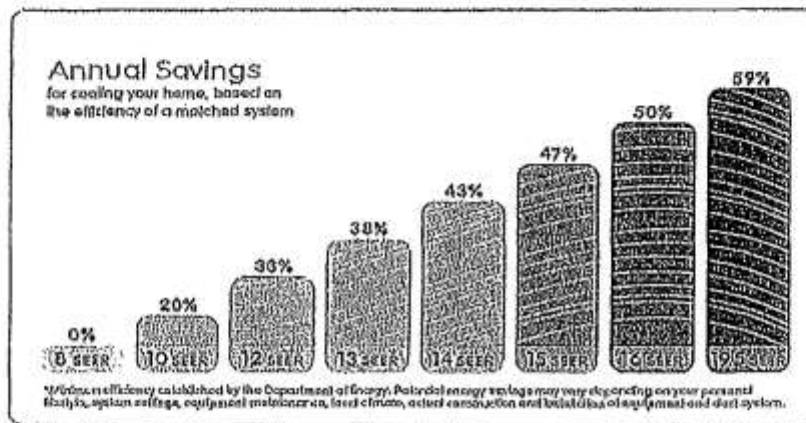
Joseph M. Mattingly  
Secretary and General Counsel

Enclosure

# Solar Air Conditioning by Sedna Aire USA

*Solar Air Conditioning can save you lots of MONEY!*

All Sedna Aire USA products start out with a 16 SEER rating before applying solar technology and grow to as much as 32 SEER...the amount of growth is dependent upon the energy supplied by your locations environment... In a sunny climate with temperatures of 85°F and above you should be well above 24 SEER!



*Air conditioning using solar energy...cutting edge technology for the 21<sup>st</sup> Century!*

How does a *Sedna Aire* solar air conditioner work?

The solar collector super heats the refrigerant changing the thermodynamic process of the refrigerant and reduces the required work of the compression operation of the compressor. This then lowers the required electrical consumption, reduces the running time of the entire system and maintains a more comfortable conditioned space.

By "Super Heating" the refrigerant with the aid of the Solar Collector, we are able to increase the temperature difference between the condenser coil and the ambient temperature. By creating this difference, *Sedna Aire* is able to utilize the entire coil face at the condenser which allows for a better heat exchange throughout the entire system.

With a greater heat exchange, *Sedna Aire* is able to not only reduce the temperature in the conditioned space but also maintain better humidity control which makes the space more

comfortable at a higher temperature...In addition your air conditioning unit doesn't run as long and cycles less.

*Tested and certified...Energy Star, EcoLogic approved, AHRI & UL certified!*

A S.E.E.R. (Seasonal Energy Efficiency Rating) is the rating and performance standards that have been developed by the U.S. government and equipment manufacturer's to produce an energy consumption rating that is easy to understand by consumers. It has a universal formula and conditioning that can be applied to all units and compensates for varying weather conditions.

ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency.

AHRI administers the heating, ventilation, air conditioning and commercial refrigeration (HVACR) industry's performance certification programs for heating and cooling equipment and components. Manufacturers who have had their product performance claims tested and certified by AHRI can apply one of the association's families of certification marks.

*Sedna Aire USA products are environment friendly, ecologic and made in the USA!*

Solar energy is not only clean energy but it is free energy!

ecoLogic™ is your sign of an environmentally friendly, high-efficiency heating and cooling product.

Only the most energy-efficient, most environmentally responsible units receive the ecoLogic seal of quality.

How does a heating or cooling product earn the ecoLogic name? To qualify, products must meet the following criteria:

Rated as an Energy Star® product for efficiency.

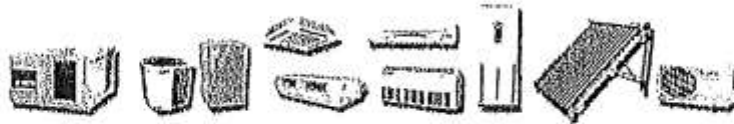
Use non-ozone-depleting refrigerant, such as R-410A, in cooling products.

Include multi-stage, variable-speed compressors for optimal indoor comfort and efficiency.

Feature "smart" control boards or diagnostic controls for total indoor air quality.

Incorporate noise-reducing features.

Green-Energy-Products.com 305.251.9630 - 800.639.8796 [info@green-energy-products.com](mailto:info@green-energy-products.com)



**From:** Ann.Stanton@dca.state.fl.us [mailto:Ann.Stanton@dca.state.fl.us]  
**Sent:** Friday, September 16, 2011 11:34 AM  
**To:** Bob Boyer  
**Subject:** FW: Solar Cool Permit Issues

----- Forwarded by Ann Stanton/DCA/FLEOC on 09/16/2011 11:33 AM -----

Philip Falrey <pfalrey@fsoc.ucf.edu> To: Ann.Stanton@dca.state.fl.us  
09/16/2011 10:49 AM cc: Robin Vieira <robin@fsoc.ucf.edu>  
Subject Re: Fw: Solar Cool Permit Issues

Ann,

We have seen this proposed system before; it is described here:  
<http://www.sednaaireusa.com/How%20it%20works.htm>. It does not work. In fact, it will decrease the efficiency of the air conditioner on which it is installed. In fact, one could make a cogent argument that if this concept were incorporated into a minimum efficiency air conditioner it would no longer meet the minimum federal standard for the manufacture and sale of air conditioner systems. The issue is that we want to extract heat from the loop between the compressor and condenser, not add heat to it- they have it exactly backward!

Philip

On 9/16/2011 10:29 AM, Ann.Stanton@dca.state.fl.us wrote:

Philip: Does one of your people want to respond on this issue? I'd appreciate it.  
Ann

----- Forwarded by Ann Stanton/DCA/FLEOC on 09/16/2011 10:28 AM -----

Bob Boyer  
<BBOYER@pbccgov.org> To: "Ann.Stanton@dca.state.fl.us" <Ann.Stanton@dca.state.fl.us>  
09/16/2011 10:18 AM cc: Rebecca Caldwell <rcaldwel@pbccgov.org>, Richard Gathright  
<rgathright@pbccgov.org>, Michael Fox <Mfox@pbccgov.org>  
Subject FW: Solar Cool Permit Issues

Good Morning Ann,

I am forwarding ongoing correspondence that we are having with a solar contractor on the proposed field modification of a AC system. The contractor is proposing to install a thermal solar collector in the hot gas loop between the compressor and the condenser. We would be very interested in hearing your opinion and thoughts on this proposed installation. We have sent a letter to AHRI which I have attached also requesting input on the proposed installation. Thank you for your time in considering and responding to our questions.

Regards,  
Bob







# BROWARD COUNTY BOARD OF RULES AND APPEALS

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#5)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Installation of 100% Wireless Network Low Voltage Alarm Systems

### 2020 Voting Members

#### **Chair**

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Structural Engineer

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Mechanical Contractor  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. John Sims,  
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Mr. Abbas H. Zackria, CSI  
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Mechanical Engineer

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Fire Service Professional

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Mr. William Flett,  
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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation regarding 100% Wireless Network Low Voltage Alarm Systems, as follows:

#### ***Formal Interpretation:***

Installation of 100% wireless network low voltage alarm systems, and ancillary components or equipment attached to such a system, including, but not limited to home-automation equipment, thermostats, and video cameras does not require a permit. This interpretation does not apply to the installation or replacement of a fire alarm if a plan review is required.

EFFECTIVE DATE: January 14, 2014  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#6)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Retrofits required pursuant to Florida Building Code Existing Building Section 706.8

A handwritten signature in blue ink, likely belonging to James DiPietro, the Administrative Director.

### 2020 Voting Members

#### **Chair**

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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved that anchors no less than 1/8" by 1" steel strap nailed with 3- 16D nails installed in accordance with previous additions of the South Florida Building Code shall be deemed to comply with the minimum uplift capacity of 500 pounds as specified in the Florida Building Code Existing Building Manual Section 706.8 for roof to wall connections for site-built single-family residential structures.

**EFFECTIVE DATE:** May 9, 2014  
**RE-ISSUED DATE:** July 9, 2020  
**EFFECTIVE DATE:** December 31, 2020

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Page 1 of 1 F.I. #6



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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#7)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Residential Clothes Washing Machines Drains.

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the Florida Building Code 7th Edition (2020), Residential Section P2718.1.

The interpretation is to clarify the use of a minimum 2-inch sanitary piping to drain clothes washing machines. The FBC, Residential Section P2718.1 is silent on the issue. The Board agrees with the Building Officials Association of Florida Informal Interpretations 4939 and 6501.

#### ***Formal Interpretation:***

FBC Residential Section P2718.1: The automatic clothes washing machine fixture drain shall connect to a branch drain or drainage stack a minimum of 2 inches in diameter.

EFFECTIVE DATE: January 10, 2014  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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Page 1 of 1 F.I. #7



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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#8)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Recessed Ceiling Air Handlers

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
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Mr. John Sims,  
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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following 6th Edition (2017) Florida Building Codes:

1. FBC, Energy Conservation, Sections C501.7 and R501.7.
2. 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.
  - Exceptions:
3. Replacement equipment that would require extensive
4. Revisions to other systems, equipment or elements of a building where such replacement is a like-for-like replacement, such as through-the-wall condensing units and PTACs, chillers and cooling towers in confined spaced.

### ***Formal Interpretation:***

The replacement of existing Recessed Ceiling Air Handlers that will require the alteration of building walls; as determined by the Building Official or his or her representative, qualifies under the exception 4 to the FBC Energy Conservation 6th Edition section C501.7 and R501.7. As consequence this application needs not meet the minimum SEER required in Section C303.2.3 and Table R405.5.2(1) of said Code as long as the replacement is a "like for like" as stated in the above Exception.

EFFECTIVE DATE: June 30, 2015  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#9)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Windows Replacement

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
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Mechanical Engineer

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Fire Service Professional

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Mr. David Tringo,  
Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved the following interpretation.

When windows are replaced they may be exempt from the *Florida Building Code-Energy Conservation, 7<sup>th</sup> Edition (2020)*.

In the *Florida Building Code-Energy Conservation, 7<sup>th</sup> Edition (2020)*, C101.4.2 and R101.4.2 state: "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 ..."

"Renovated Buildings" is defined in C202 and R202 of the *Florida Building Code-Energy Conservation, 7<sup>th</sup> Edition (2020)* as: "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."

#### ***Formal Interpretation:***

Considering these sections, replacement of windows (including any other renovation that may be going on) in an existing building that does not exceed 30 percent of the assessed value of the structure must comply with the requirements of the *Florida Building Code, Existing Building* but they do not need to comply with the *Florida Building Code, Energy Conservation*.

EFFECTIVE DATE: July 9, 2015  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#10)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Ceiling Grid Support for Light Fixtures

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

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Fire Service Professional

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Mr. David Tringo,  
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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

Per NEC 410.36, when lighting fixtures are installed in acoustical ceiling grids, they must be securely fastened to the grid. The FBC 5<sup>th</sup> Edition Section 808.1 requires ceiling grids to be installed as per ASTM C635 and ASTM C636. ASTM C635 is the standard for manufacturer's grid design. ASTM C635 Section 4 explains grid strength types such as light, medium and heavy duty and it also describes the allowable load to be applied to each grid type. ASTM C635 4.3 states the manufacturer is responsible for the design of the specified system. ASTM C636 explains the standard installation requirements. ASTM C636 Section 2.7 specifies the installation of lay in light fixtures in a grid ceiling. Depending on the load and the type of grid ceiling that is being used, there are three ways to support a lay in light fixture:

1. By fastening it to the grid per fixture manufacturer's instruction, NEC 410.36(B) and ASTM C636 2.7.1 where installing a light fixture does not compromise the design or strength of the ceiling.
2. By adding additional hanger wires on the grid at the four corners of the grid within 6" of the fixtures where it is determined that more support is needed to support additional loads per ASTM C636 2.7.2.
3. Per ASTM C2636 2.7.2, by independently supporting the fixtures from the grid where the weight of the fixture is determined to be too great for the selected grid to meet the deflection requirement.

### ***Formal Interpretation:***

A support detail shall be provided on the Ceiling Grid Plan Pages indicating the method of support of lay-in light fixtures, ceiling fans, ventilator fans, and other ceiling mounted equipment or fixtures based on the lay-in ceiling system manufacturer's load capabilities for the selected grid used. The detail shall be provided by the design Professional or the manufacturer.

EFFECTIVE DATE: March 10, 2016  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#11)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Interpretation of 7th Edition (2020) Florida Building Code Mechanical: 301.15; Building: 453.25.4.3.1, 453.25.4.3.2, 1609.1.1 Ex. 8; Fuel Gas: 301.10. Mechanical equipment wind resistance.

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

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Master Electrician  
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Consumer Advocate  
Mr. Abbas H. Zackria, CSI  
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Mechanical Engineer

#### **Vacant**

Representative Disabled Community  
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Fire Service Professional

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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following Exception to above sections:

Wind resistance. Mechanical equipment, appliances and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in accordance with the Florida Building Code, Building.

Exception: Exposed mechanical equipment or appliances fastened to a roof or installed in the ground in compliance with the code using rated stands, platforms, curbs, slabs, walls, or other means are deemed to comply with the winds resistance requirements of the 2007 Florida Building Code, as amended. Further support or enclosure of mechanical equipment or appliances is not required by a state or local official having authority to enforce the Florida Building Code.

### ***Formal Interpretation:***

1. Mechanical equipment or appliances themselves, are not required to demonstrate compliance with the wind load requirements of the Florida Building Code and no other shielding, sheltering, or reinforcement of the equipment of appliance is required.
2. Notwithstanding Item 1 above, the mechanical equipment or appliances shall be adequately anchored to the rated stands, platforms, curbs, slabs, walls, or other means of support to resist the wind loads of the 2007 Florida Building Code.

EFFECTIVE DATE: September 9, 2016  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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Page 1 of 1 F.I. #11



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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#12)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Permit requirements for Florida Building Code, Plumbing Appendix F

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

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Electrical Engineer

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Master Plumber  
Mr. Gregg D'Attila,  
Mechanical Contractor  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. John Sims,  
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Mr. Dennis A. Ulmer  
Consumer Advocate  
Mr. Abbas H. Zackria, CSI  
Architect  
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Mechanical Engineer

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Fire Service Professional

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Mr. David Tringo,  
Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the Florida Building Code 7<sup>th</sup> Edition (2020), Plumbing Appendix F Part 1 B.1 Permits required and B.2 Exceptions.

The interpretation is to clarify that a permit is not required for the installation of irrigation for golf courses.

#### ***Formal Interpretation:***

FBC, Plumbing Appendix F Part 1: A permit is not required for the installation of irrigation systems for golf courses Per Part 1 A.3 Scope.

EFFECTIVE DATE: May 12, 2017  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#13)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Smoke Control System testing in existing buildings undergoing Level 2 alterations

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- FBC Existing Buildings SECTION 503 ALTERATIONS, 503.21 General.
- FBC Existing Buildings 801.2 Alteration Level 1 Compliance.
- FBC Existing Buildings 701.2 Conformance.
- FMC 513.3 Special inspection and test requirements.
- FMC 513.18 Acceptance testing.
- FMC 513.19 System acceptance.
- FBC 909.3 Special inspection and test requirements.

### ***Formal Interpretation:***

In existing buildings undergoing Level 2 alterations, including tenant improvements, the Engineer of Record shall state if testing of the existing Smoke Control System is required and the type of test to be performed.

**EFFECTIVE DATE:** May 12, 2017  
**RE-ISSUED DATE:** July 9, 2020  
**EFFECTIVE DATE:** December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#14)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Acceptable testing methods for Smoke Control Systems

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
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Structural Engineer

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Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- FMC 513.3 Special inspection and test requirements
- FMC 513.18 Acceptance testing
- FMC 513.19 System acceptance
- FBC 909.3 Special inspection and test requirements

#### ***Formal Interpretation:***

As part of the procedures and methods to be used in testing a Smoke Control System, the Engineer of Record shall be able to use any measurable and certifiable method of generating smoke, including smoke generating machines.

EFFECTIVE DATE: May 12, 2017  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#15)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Duct sizing calculations

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
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Structural Engineer

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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- FMC 603.2 Duct sizing.
- FBC Residential M1601.1 Duct design.

#### ***Formal Interpretation:***

Duct sizing calculations are not necessary to be submitted to the Authority Having Jurisdiction as part of the permitting process, if the design document showing duct sizes, is signed and sealed by the Engineer of Record or signed by the Mechanical or Air Condition Contractor, as allowed by Florida Statutes 471 and 489.

EFFECTIVE DATE: May 12, 2017  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#16)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Acceptable documents for the attachment of mechanical equipment during replacement

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
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#### **Vice-Chair**

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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- 105.3.1.5-3 of Broward County Administrative Provisions.

#### ***Formal Interpretation:***

For the replacement of an existing mechanical system, where the work does not require altering a structural part of the building, or for work on a residential one-family, two-family, three-family or four-family structure, the Authority Having Jurisdiction shall accept documents from the following sources:

1. Original signed and sealed engineered drawings.
2. Miami Dade Notice of Acceptance, complete sets of copies.
3. Florida Product Approval, complete sets of copies.
4. Equipment manufacturer's anchoring details, showing compliance with the wind speeds as provided by FBC 1620 for Broward County.

For commercial replacements where the work does not require altering a structural part of the building, the Authority Having Jurisdiction shall accept documents from the following sources:

1. Original signed and sealed engineered drawings.
2. Miami Dade Notice of Acceptance, complete sets of copies.
3. Florida Product Approval, complete sets of copies.

EFFECTIVE DATE: May 12, 2017  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#17)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Alteration of existing smoke evacuation or smoke control systems

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

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Architect  
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Mechanical Engineer

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Mr. Sergio Pellecer  
Fire Service Professional

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Mr. David Tringo,  
Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- FBC Existing Building, Chapter 14 Performance Compliance Methods
- FBC Building Chapter 4, Special detailed requirements based on use and occupancy
- FBC Building, Section 909 Smoke Control Systems

#### ***Formal Interpretation:***

The alteration of an existing smoke evacuation or smoke control system, including elimination; is possible, if all the following is provided and demonstrated to the Authority Having Jurisdiction for review, rejection for just cause, or acceptance:

1. A comprehensive evaluation of the building's life safety, fire safety, means of egress, general safety, etc. is performed by a registered architect and/or engineer, in accordance with Chapter 14 Performance Compliance Methods of the 2017 Florida Building Code - Existing Building, Sixth Edition.
2. The result of the alteration or elimination is to maintain or increase the degree of public safety, health and general welfare in existing buildings or structures. The alteration can include the upgrade of existing safety systems and or building safety fixtures; and or the installation of additional safety systems and or building safety fixtures in the building or structure.
3. Any proposed work is permitted and inspected, in accordance with Florida Building Code 6th Edition (2017), Chapter 1, Administration — Broward County.
4. Smoke control systems currently required by the FBC or FFPC shall not be eliminated.

EFFECTIVE DATE: June 15, 2018  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#18)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Direct venting of solid fuel pizza ovens

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

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Fire Service Professional

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Master Plumber  
Mr. David Tringo,  
Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- Florida Mechanical Code, SECTION 507 “COMMERCIAL KITCHEN HOODS”
- Broward County Administrative Provisions for the 2017 FBC (6th Edition) Section 104.32 “Alternative materials, design and methods of construction and equipment”

#### ***Formal Interpretation:***

The installation of solid fuel or combination gas and solid fuel pizza ovens without a Type 1 (grease) hood using direct venting as allowed in NFPA 96-2017 is acceptable if the oven is listed to be vented directly. The venting system shall be constructed and installed per the listing conditions of the oven and of the duct or chimney used for venting. This applies to ovens listed with natural draft or forced draft venting.

EFFECTIVE DATE: May 10, 2019  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

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# BROWARD COUNTY BOARD OF RULES AND APPEALS

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#19)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Replacement of air conditioning (A/C) systems in flood hazard areas

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

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Mr. William Flett,  
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#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following FBC 7th Edition (2020) sections:

- Florida Building Code, 7th Edition (2020) - Existing Building 503.1, 503.2, 701.3 and Chapter 2.
- Florida Building Code, 7th Edition (2020) - Building 1612.
- Florida Building Code, 7th Edition (2020) - Residential 322.

#### ***Formal Interpretation:***

An air conditioning (A/C) replacement by itself, does not constitute a substantial improvement as defined by the 2020 Florida Building Code - Existing Building, Seventh Edition, Chapter 2-Definitions, unless performed in conjunction with another alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started.

**EFFECTIVE DATE:** September 13, 2019  
**RE-ISSUED DATE:** July 9, 2020  
**EFFECTIVE DATE:** December 31, 2020

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#20)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Storm Drainage Sizing Conversion Charts

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

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Electrical Engineer

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#### **Vacant**

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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an advisory opinion as to approving storm drainage sizing conversion charts from gallons per minute to square footage from FBC, Plumbing Tables 1106.2, 1106.3 and 1106.6.

#### ***Formal Interpretation:***

Storm drainage conversion charts provided by Broward County Board of Rules and Appeals, Tables 1106.2, 1106.3 and 1106.6, shall be approved as an alternate design for professional designers.

**EFFECTIVE DATE:** December 31, 2020

#### **ATTACHMENTS:**

- Table 1106.2
- Table 1106.3
- Table 1106.6

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**TABLE 1106.2 – BROWARD  
STORM DRAIN PIPE SIZING**

PIPE SIZE (inches)	VERTICAL DRAIN	CAPACITY (sq. ft. @ 5" per hour rainfall)			
		SLOPE OF HORIZONTAL DRAIN			
		1/16 inch per foot	1/8 inch per foot	1/4 inch per foot	1/2 inch per foot
2	654	288	423	596	846
3	1,673	750	1,058	1,519	2,134
4	3,461	1,557	2,212	3,134	4,442
5	5,980	2,250	3,173	4,500	6,365
6	10,346	4,673	6,615	9,365	13,250
8	21,480	9,711	13,730	19,423	27,480
10	39,423	17,827	25,212	35,673	50,442
12	62,923	28,461	40,250	56,923	80,519
15	106,596	48,230	68,192	96,461	136,404

EFFECTIVE DATE: September 13, 2019  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: January 1, 2021



## **BROWARD COUNTY BOARD OF RULES AND APPEALS**

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**TABLE 1106.3 – BROWARD  
VERTICAL LEADER SIZING**

<b>SIZE OF LEADER (inches)</b>	<b>CAPACITY (sq. ft. @ 5" per hour rainfall)</b>
2	577
2 x 2	577
1 ½ x 2 ½	577
2 ½	1,038
2 ½ x 2 ½	1,038
3	1,769
2 x 4	1,769
2 ½ x 3	1,769
4	3,692
3 x 4 ¼	3,692
3 ½ x 4	3,692
5	6,923
4 x 5	6,923
4 ½ x 4 ½	6,923
6	10,827
5 x 6	10,827
5 ½ x 5 ½	10,827
8	23,231
6 x 8	23,231

EFFECTIVE DATE: September 13, 2019  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: January 1, 2021



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**TABLE 1106.6 – BROWARD  
HORIZONTAL GUTTER SIZING**

<b>GUTTER DIMENSIONS (inches)</b>	<b>SLOPE (inch per foot)</b>	<b>CAPACITY (sq. ft. @ 5" per hour rainfall)</b>
1 ½ x 2 ½	¼	500
1 ½ x 2 ½	½	769
4	⅛	750
2 ¼ x 3	¼	1,058
2 ¼ x 3	½	1,673
5	⅛	1,423
4 x 2 ½	¼	2,038
3 x 3 ½	½	3,000
6	⅛	2,115
3 x 5	¼	3,019
3 x 5	½	4,327
8	1/16	3,308
8	⅛	4,750
4 ½ x 6	¼	6,692
4 ½ x 6	½	9,500
10	1/16	6,365
10	⅛	9,077
5 x 8	¼	12,519
4 x 10	½	20,288

EFFECTIVE DATE: September 13, 2019  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: January 1, 2021



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#21)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Required Signatures on the Broward County Uniform Building Permit Application

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

Mr. Stephen E. Bailey, P.E.  
Electrical Engineer

Mr. John Famularo,  
Roofing Contractor  
Mrs. Shalanda Giles Nelson,  
General Contractor  
Mr. Daniel Rourke  
Master Plumber  
Mr. Gregg D'Attille,  
Mechanical Contractor  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. John Sims,  
Master Electrician  
Mr. Dennis A. Ulmer  
Consumer Advocate  
Mr. Abbas H. Zackria, CSI  
Architect  
Mr. Robert A. Kamm, P.E.  
Mechanical Engineer

#### **Vacant**

Representative Disabled Community  
Mr. Sergio Pellecer  
Fire Service Professional

### 2020 Alternate Board Members

Mr. Jeff Falkanger  
Architect  
Mr. Steven Feller, P.E.  
Mechanical Engineer  
Mr. Alberto Fernandez,  
General Contractor  
Mr. Robert Taylor  
Fire Service  
Mr. Gary Elzweig, P.E., F.ASCE  
Structural Engineer  
Mr. David Rice, P.E.  
Electrical Engineer  
Mr. James Terry,  
Master Plumber  
Mr. David Tringo,  
Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved the Board approved an interpretation based on an advisory opinion as to the requirements for owner signature on permit application.

The opinion from Charles Kramer, General Counsel to the Board of Rules and Appeals was dated on August 7, 2019.

### ***Formal Interpretation:***

An Owner's signature is not required on a Broward County Building Permit Application as further established and determined under the Florida Building Code and the Florida Statutes.

The fact that the actual permit application form provides signature space for both a Contractor and an Owner or Owner's Agent does not determine that multiple signatures are required. An Owner may sign when acting in the capacity of an Owner as Contractor, or the Owner's duly appointed Agent may sign on behalf of an Owner who has given that Agent proper authority.

Alternatively, a Contractor may sign solely and independently from either an Owner or Owner's Agent for the purpose of applying for a building permit.

EFFECTIVE DATE: November 15, 2019  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020

**\*\*\* PLEASE POST AT YOUR PERMIT COUNTER \*\*\***

**Page 1 of 11 F.I. #21**

### **ATTACHMENTS:**

- Broward County Uniform Building Permit Application
- Advisory Opinion from Charles Kramer, Esq.

# BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: ☐ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Other \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Date: \_\_\_\_\_

1	Job Address: _____	Unit: _____	City: _____
	Tax Folio No.: _____	Flood Zn: _____	BFE: _____
	Floor Area: _____	Job Value: _____	
	Building Use: _____	Construction Type: _____	Occupancy Group: _____
	Present Use: _____	Proposed Used: _____	
	Description of Work: _____		
<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Revision <input type="checkbox"/> Other: _____			
Legal Description: _____ <input type="checkbox"/> Attachment			

2	Property Owner: _____	Phone: _____	Email: _____
	Owner's Address: _____	City: _____	State: _____ Zip: _____

3	Contracting Co.: _____	Phone: _____	Email: _____
	Company Address: _____	City: _____	State: _____ Zip: _____
	Qualifier's Name: _____	Owner-Builder: <input type="checkbox"/>	License Number: _____

4	Architect/Engineer's Name: _____	Phone: _____	Email: _____
	Architect/Engineer's Address: _____	City: _____	State: _____ Zip: _____
	Bonding Company: _____		
	Bonding Company Address: _____	City: _____	State: _____ Zip: _____
	Fee Simple Titleholder's name (if other than owner): _____		
	Fee Simple Titleholder's Address (If other than owner): _____	City: _____	State: _____ Zip: _____
	Mortgage Lender's Name: _____		
	Mortgage Lender's Address: _____	City: _____	State: _____ Zip: _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

**OWNER'S AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.**

X \_\_\_\_\_  
Signature of Property Owner or Agent

STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
(Type / Print Property Owner or Agent Name)

X \_\_\_\_\_  
Signature of Qualifier

STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
(Type / Print Qualifier's Name)

NOTARY'S SIGNATURE as to Owner or Agent's Signature

Notary Name \_\_\_\_\_  
(Print, Type or Stamp Notary's Name)

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

NOTARY'S SIGNATURE as to Qualifier's Signature

Notary Name \_\_\_\_\_  
(Print, Type or Stamp Notary's Name)

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ Permit Officer Issue Date: \_\_\_\_\_ Code in Effect: \_\_\_\_\_

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.

Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.



MARK S. MUCCI, P.A.  
*Certified Civil Mediator*

5561 NORTH UNIVERSITY DRIVE, SUITE 102  
CORAL SPRINGS, FLORIDA 33067

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*Also Admitted in Michigan*

TELEPHONE (954) 323-1023  
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WILLIAM H. BENSON  
(1929-2013)

BRIAN ABELOW

CHARLES M. KRAMER  
OF COUNSEL  
*Board Certified in Construction Law*

MATTHEW D. COHEN  
*Senior Associate*  
*Also Admitted in New York*

October 31, 2019

### **ADVISORY OPINION AS TO REQUIREMENT FOR OWNER SIGNATURE ON PERMIT APPLICATION**

A question has arisen with respect to procedural differences in the permit application process amongst various municipalities in Broward County.

#### **ISSUE**

More specifically, the Board of Rules and Appeals has learned that some municipalities within Broward County are requiring the Owner's signature on the uniform permit application prior to acceptance. Other municipalities do not require an Owner's signature and will accept permit applications and documents from the Contractor.

#### **RULE**

##### **I. Florida Building Code Sec 105.3.0.1, 105.3.0.3, and 105.3.0.2.**

##### **A. We would first note that FBC Sec 105.3.0.1 states:**

105.3.0.1 Qualification of Applicant. Application for permit will be accepted from **owner, qualified persons or firms, or authorized agents. (Emphasis added).**

The use of the word "shall" determines mandatory compliance, the use of the word "may" determines permissive or permitted action See Brooks v. Anastasia Mosquito Control Dist., 148 So.2d 64 (Fla. 1st DCA 1963). Likewise, the use of the word "or" determines the right to discretion in election of action. See Celistics, LLC v. Gonzalez, 922 So.3d 824 (Fla. 3d DCA 2009). Absent

“magic words” of exclusivity such as “must” or “shall”, the language is permissive thus determining the right to make an election.

Inasmuch as the word “and” is not contained between “owner” and “qualified person” the lack of the conjunctive determines that there is no mandatory requirement for dual signatures.

B Furthermore, the use of the word “or” following the term “qualified persons” determines that the signature is not solely confined to an owner or builder but may be an otherwise qualified person or authorized agent. This is further confirmed by 105.3.0.3 which states:

105.3.0.3 Attesting of Application: The permit application shall be signed in a space provided, before an officer duly qualified to administer oaths, **by the owner, qualified person or firm, or authorized agents.** (Emphasis added).

Again, it is clear from the Florida Building Code (Broward County edition) that the signature on the permit application may be from any of the persons or party(ies) listed. There is also no language which determines that multiple signatures are required.

C. We have also reviewed FBC Sec 105.3.0.2 which states *inter alia*:

**105.3.0.2 Application Form.** Each application for a permit, shall be submitted with the required fee, and filed with the Building Department on the Broward County Uniform Building Permit Application (effective April 1, 2016) furnished for that purpose (see Appendix A of the Broward County Administrative Provisions). The application shall describe the property on which the proposed work is to be done, and shall include both the legal description and more commonly known address. The application shall also show the use or occupancy of the building or structure; shall be accompanied by plans and/or specifications as required hereafter; shall state the value of the proposed work; as specified in Section 109, shall give such other information as reasonably may be required by the Building Official to describe the proposed work; and shall be attested by the qualified applicant. **The Permit Application shall be inscribed with the application date and the Edition of the Code in effect, and comply with the requirements of Section 713.135 and (6) of the Florida Statutes.**

In so saying, sec 105.3.0.2 creates causal nexus and mandatory review of Florida Building Code sections 105.3.0.2 and 3 and Florida Statutes Sec 713.135(5) and (6) a.

## ANALYSIS

### II. Florida Statutes Section 713.135 (5) and (6)a

Florida Building Code Sec 105.3.0.2 requires conformance of section 105 with statutes 713. The question arises as to possible conflict between FBC Sec 105.3.0.1, 105.3.0.3 and Florida Statutes sec 713.135(5) and 713.135(6) a.

A. A review of 713.135.5 determines that it is not applicable to the question as to Owners signatures for the reason that nowhere does it require an Owners signature- only Owner information. More specifically the Statute specifies:

In addition to any other information required by the authority issuing the permit, each building permit application must contain:

- (a) The name and address of the owner of the real property;
- (b) The name and address of the contractor;
- (c) A description sufficient to identify the real property to be improved;  
and
- (d) The number or identifying symbol assigned to the building permit by the issuing authority, which number or symbol must be affixed to the application by the issuing authority.

All of the items required under F.S. Sec 713.135.5 pertain solely to *identification* of the Owner. *Nowhere is it required that an Owner signature be supplied.*

B. With respect to 713.135.6(a), the Statute provides a form template which includes an "Owner Affidavit." The problem with this is that the statute requires an application in "***substantially the following form***" so that the title of the document is not necessarily dispositive of the contents of the document. More to the point, the form template contains a signature line for "**Owner or Agent including Contractor.**"

If the Owner is not the applicant, and the applicant is responsible for performing the work, then it is the sworn statement of the party performing the work that it shall be performed in accordance with the code. This comports with the "substantially the same form" requirements but with the Agent or Contractor attesting to code compliance.

### III. Form over substance arguments are rejected

Although F.S. 713.135(6)(a) provides a template of an “Owner’s Affidavit”, the Affidavit itself states *inter alia*:

#### OWNER’S AFFIDAVIT:

I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

...

(Signature of Owner or Agent)  
(including contractor)

We cannot place form over substance when examining the template of the Affidavit set forth under FS Sec 713.135. The fact that it is called an “Owners Affidavit” does not mean that it requires an Owner’s signature or an Owner’s attestation. The Affidavit specifically contemplates a signature by the “Owner, or Agent including Contractor.”

This principle is well established un the Florida courts. More specifically:

[T]he trial court may not merely rely on the title of the document. With respect to the characterization of motions, Florida courts place substance over form. In other words,

“if the motion is mislabeled, the court will look to the substance of the motion, not the label.” Indus. Affiliates, Ltd. v. Testa, 770 So.2d 202, 204 n. 1 (Fla. 3d DCA 2000). *See also* Fire & Cas. Ins. Co. of Conn. v. Sealey, 810 So.2d 988, 992 (Fla. 1st DCA 2002) (“We agree that the true nature of a motion must be determined by its content and not by the label the moving party has used to describe it.”).

### IV. Contractor as Owner’s Agent

We further note the signature line of the “Owner’s Affidavit” and in particular the wording “Signature of Owner or Agent including Contractor”. The straightforward interpretation and plain meaning rule under statutory interpretation is that either the Owner or the Agent may sign “including the Contractor.” Note that the Code does not state “Owner or Agent **and** Contractor” it states “Owner **or** Agent **including** Contractor.”

This does not mean that multiple signatures are required. The plain language rule determines that the Contractor may sign as the Owner's Agent in his/her capacity as Contractor. A second signature by the Contractor is not required.

The Florida courts recognize the status of a Contractor acting in the capacity of an Owner's Agent. See Price vs. J.P. Guerry & Sons, 133, Fla. 754 (Fla. 1933) ( "Where building contractor agreed to furnish materials and complete two bungalows at a stated price under contract... contractor merely acted as owner's agent in the purchase of materials, and owner, who knew of purchases made by contractor was primarily liable, for purchase price of materials for which materialmen claimed liens under statutes." ). See also Roberts v. Lesser, 96 So. 2d 222 (Fla. 1957) (Subcontractor's suit to foreclose mechanics' lien against property improved allegedly at request of contractor acting as owner's agent.)

**V. Failure to be included under "any other information required" under 713.135**

The question has been raised as to the broad requirement provision contained in F.S. Sec. 713.135 wherein is stated:

**In addition to any other information required by the authority issuing the permit, each building permit application must contain:**

...

The question posed is whether or not the words "In addition to any other information required" provides for a degree of autonomy over statutes and compliance with the codes.

We would first note that the permit application is the "**Broward County Uniform Building Permit Application**." The uniformity of the document is meant to determine exactly that, the application is uniform and the intention is that it be interpreted uniformly.

In this specific case, if a local municipality were to unilaterally implement changes to the Permit Application process, it will have the effect of altering an administrative portion of the Building Code thus creating a "second" set of Building Code requirements" specific to that municipality. This is not permissible under Special Act 71-575 and further constitutes the creation of a conflicting amendment to law and forbidden under common law. As noted in Palm Beach County Canvassing Bd. v. Harris, 772 So. 2d 1273 (Fla 2007):

Where two laws are in conflict, courts should adopt an interpretation that harmonizes the laws, for the legislature is presumed to have intended that both laws are to operate co-extensively and have the fullest possible effect.

Palm Beach v. Harris at 1287.

The courts have further stated:

It is presumed that laws are passed with knowledge of all prior laws already on books, and that legislature neither intended to keep contradictory enactments in force nor to repeal prior law without express intention to do so; courts have duty to adopt scheme of statutory construction which harmonizes and reconciles statutes and to find reasonable field of operation that will preserve force and effect of each.

*See* Floyd v. Bentley, 496 So.2d 862, 865 (Fla 2d DCA 1986). *See also* Woodgate Development Corp. v. Hamilton Inv. Trust, 351 So.2d 14 (Fla 1977).

#### **VI. Municipality amendments restricted under Florida Statutes Sec 553.73(4)a**

Local municipality amendments are restricted under Florida Statutes Sec 553.73 (4)a, which states *inter alia*:

(4)(a) ...

Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of this paragraph. Local amendments shall be more stringent than the minimum standards described herein and shall be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this paragraph for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

Thus, a local administrative amendment must strengthen the code in some fashion but only as established county wide through the Broward County Board of Rules and Appeals. As previously noted, uniformity in the Code requires uniformity in its administration and application.

#### **VII. Creation of the Florida Building Code and the Authority of the Governing Body**

In 1996, the Florida Building Code Study Commission was appointed to review the system of over 400 local jurisdictions and state agencies with building code responsibilities. One of the most important issue was compliance. The Building Commission recommendations called for



strengthened compliance through greater predictability and accountability in the building code system. The 1998 Legislature adopted the Study Commission's recommendations and amended Chapter 553, Florida Statutes, Building Construction Standards to create a single minimum standard building code that is enforced by local governments. In so saying, safety, uniformity and accountability are recognized as critical elements of the Florida Building Code.

**a. Florida Statutes Section 553.71**

The Florida Statutes 553.71 states *inter alia*:

...

(5) "Local enforcement agency" means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

F.S. Sec 553.71(5)

**b. Florida Statutes Sec 633.208(3)(a)**

The use of the word enforcement referring to building departments and municipalities is critical where the Florida Statutes Sections 633.208(3)(a) makes the distinction between enforcement and governing bodies. More specifically:

...

(3)(a) The local governing body shall determine, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, if there is a need to strengthen the requirements of the minimum firesafety code adopted by such governing body. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the minimum firesafety code for the protection of life and property or justify requirements that meet special situations arising from historic, geographic, or unusual conditions.

F.S. §633.208 (3)(a)

Local building departments are "local enforcement agency[ies]" as statutorily indicated while the governing body, is the Broward County Board of Rules and Appeals.

**c. The authority of the Board of Rules and Appeals as governing body.**

The authority of the Board of Rules and Appeals was affirmed in the express provision of an Opinion rendered by the Attorney General of the State of Florida to this Board on August 21, 2018 wherein was stated:

With regard to requirements for Certificates of Competency, which are found within the Florida Building Code, Broward County Amendments, this office is unable to comment. Section 16.01 (3), Florida Statutes (2018), authorizes the Attorney General to render an opinion "on any question of law relating to the official duties of the requesting officer." **This authority, however, does not extend to the interpretation of local codes and ordinances.**

In so saying, the interpretation of local codes and ordinances is the province of the Board of Rules and Appeals. See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter.

**VIII. Input from the Florida Building Commission**

In response to inquiry from the Board of Rules and Appeals, the Florida Building Commission has declined comment citing the August 21, 2018 Opinion of the Florida Attorney General which it adopts with respect to the provision addressing interpretation of local administrative amendments.

***THIS SPACE INTENTIONALLY LEFT BLANK***

## CONCLUSION

For the reasons set forth above, it is the determination of the General Counsel to the Broward County Board of Rules and Appeals that an Owner's signature is not required on a Broward County Building Permit Application as further established and determined under the Florida Building Code and the Florida Statutes.

The fact that the actual permit application form provides signature space for both a Contractor and an Owner or Owner's Agent does not determine that two (2) or three (3) signatures are required. An Owner may sign when acting in the capacity of an Owner as Contractor, or the Owner's duly appointed Agent may sign on behalf of an Owner who has given that Agent proper authority. Alternatively, a Contractor may sign solely and independently from either an Owner or Owner's Agent for the purpose of applying for a building permit.



**Charles M. Kramer, Esq.**

**General Counsel to the Broward County  
Board of Rules and Appeals**  
Florida Bar Board Certified  
Construction Lawyer  
5561 University Drive, Suite 103  
Coral Springs FL 33067  
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[ckramer@bmwlawyers.net](mailto:ckramer@bmwlawyers.net)



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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[broward.org/CodeAppeals](http://broward.org/CodeAppeals)

## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#22)

**DATE:** July 9, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Swimming Pool Safety Inspections

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

Mr. Stephen E. Bailey, P.E.  
Electrical Engineer

Mr. John Famularo,  
Roofing Contractor  
Mrs. Shalanda Giles Nelson,  
General Contractor  
Mr. Daniel Rourke  
Master Plumber  
Mr. Gregg D'Atile,  
Mechanical Contractor  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. John Sims,  
Master Electrician  
Mr. Dennis A. Ulmer  
Consumer Advocate  
Mr. Abbas H. Zackria, CSI  
Architect  
Mr. Robert A. Kamm, P.E.  
Mechanical Engineer

#### **Vacant**

Representative Disabled Community  
Mr. Sergio Pellecer  
Fire Service Professional

### 2020 Alternate Board Members

Mr. Jeff Falkanger  
Architect  
Mr. Steven Feller, P.E.  
Mechanical Engineer  
Mr. Alberto Fernandez,  
General Contractor  
Mr. Robert Taylor  
Fire Service  
Mr. Gary Elzweig, P.E., F.ASCE  
Structural Engineer  
Mr. David Rice, P.E.  
Electrical Engineer  
Mr. James Terry,  
Master Plumber  
Mr. David Tringo,  
Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

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The Residential Swimming Pool Safety Act, Chapter 515 of the Florida Statutes requires minimum safety requirements for all newly constructed swimming pools. Florida Statute 515.27 for residential swimming pools has a list of required safety options of which one is to be chosen from. Section 515.29 (1)(a) through (e) requires a selection of safety options to safely protect someone from drowning when an unauthorized person enters the pool. The statute does not state who would enforce this law, only that it must be done. Chapter One of the Broward County Florida Building Code Section 110.3, A (Building) #26 states that the child barrier be inspected prior to the pool being filled with water. It is clear that section 110.3, A #26, (3) states that the child barrier inspection is to be carried out by the Structural Inspector. The section then states that the pool is to be filled with water after the Final Electrical Inspection. The final pool inspection is to be carried out only by the Structural Inspector.

A Joint Electrical/Structural Committee Meeting conducted on September 9<sup>th</sup>, 2019 to discuss the above issue. Both Electrical and Structural Committee members voted in favor of the Florida building code as it is written.

### ***Formal Interpretation:***

All Swimming Pool Safety Act Inspections shall be performed by BORA Certified Structural Inspectors per section FBC Section 110.3, A, #26.

EFFECTIVE DATE: November 14, 2019  
RE-ISSUED DATE: July 9, 2020  
EFFECTIVE DATE: December 31, 2020  
REVISED DATE: January 14, 2021

\*\*\* PLEASE POST AT YOUR PERMIT COUNTER \*\*\*



# BROWARD COUNTY BOARD OF RULES AND APPEALS

1 N. University Drive, Suite 3500B  
Plantation, FL 33324

Phone: 954-765-4500  
Fax: 954-765-4504

[broward.org/CodeAppeals](http://broward.org/CodeAppeals)

## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#23)

**DATE:** September 10, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Building Permit Valuations

### 2020 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

Mr. Stephen E. Bailey, P.E.  
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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of September 10, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following sections of Chapter 1, "Broward County Amendments" to the 7th Edition (2020) Florida Building Code.

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

**109.3.1** The Building Official may require an estimate of the cost utilizing RS Means, copies of signed contract and/or other descriptive data as a basis for determining the permit fee.

#### ***Formal Interpretation:***

The Broward County Board of Rules and Appeals interprets Sections 109.3 and 109.3.1 to state the Building Official must first determine a permit application is underestimated before the applicant can be required to provide a detailed validation of the valuation of the work to meet the approval of the Building Official. Therefore, the Building Official must have a reasonable basis for his or her determination that the valuation is underestimated and may not require a detailed estimate or contract attached to the permit application at the time of submittal.

EFFECTIVE DATE: December 31, 2020

**\*\*\* PLEASE POST AT YOUR PERMIT COUNTER \*\*\***



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#24)

**DATE:** September 10, 2020  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights  
FBC Existing Building, Alteration Level I

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P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

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Fire Service Professional

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Master Electrician  
Mr. William Flett,  
Roofing Contractor

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its meeting of September 10, 2020, the Board approved an interpretation of Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights, for detached one and two family dwellings, and multiple single family dwellings, (townhouses) with common roof height < 30 feet.

1. A Florida Professional Engineer or Architect may modify the buck or fasteners as specified in a Notice of Acceptance. Such modification must be documented with a signed and sealed letter or drawing.
2. To obtain the required design pressure for a specific opening at a specific site, an individual must utilize one of the following and submit documentation as indicated.
  - a) A site-specific plan (signed and sealed) by a Florida Professional Engineer or Architect, indicating the location of all retro openings and the required design pressures.
  - b) A site-specific plan (not sealed) indicating the location of all retro openings accompanied by a worst-case design pressure chart (signed and sealed) prepared by a Florida P.E. or Architect.
  - c) A site-specific plan (not sealed) indicating the location of all openings and indicating the required design pressures based on the Broward County Fenestration Voluntary Wind Load Chart. (see attached chart).
3. Buildings with a (height) > 30 feet or more shall have a site-specific design (signed and sealed) by a Florida Professional Engineer or Architect, indicating the location of all retro openings and the required design pressures for each opening.

NOTE: Generic charts, graphs alone, etc. are not acceptable for buildings above 30 feet.

EFFECTIVE DATE: September 12, 2012  
RE-ISSUED: October 12, 2017  
EFFECTIVE DATE: December 31, 2020

\*\*\* PLEASE POST AT YOUR PERMIT COUNTER \*\*\*



## Broward County Fenestration Voluntary Wind Load Chart\*

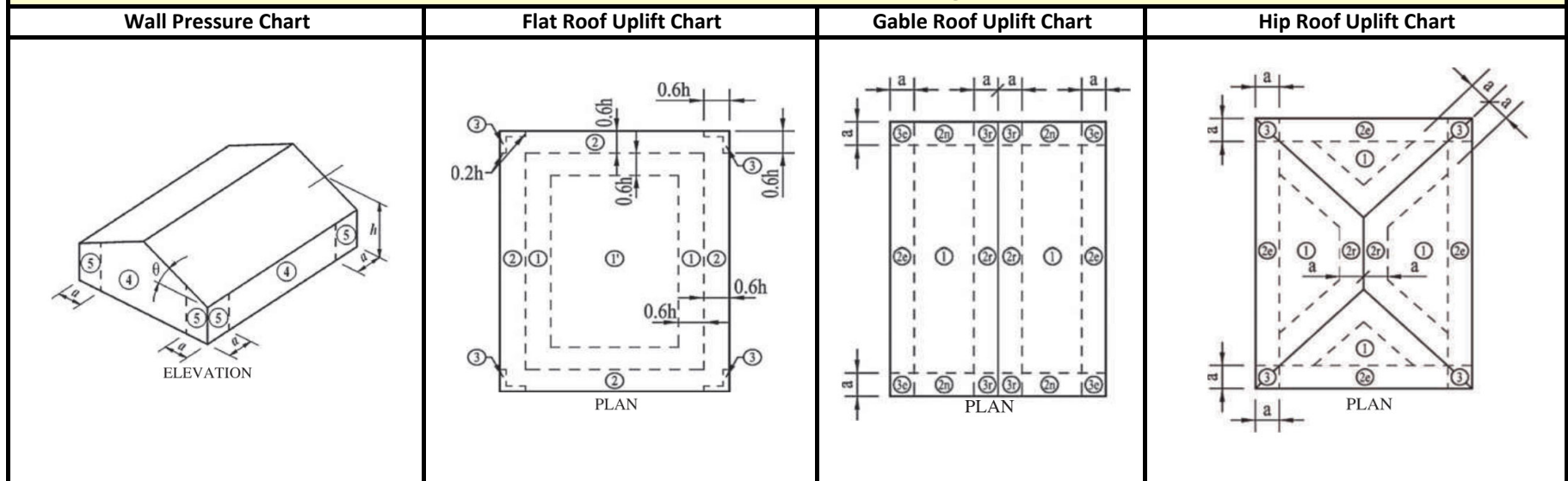
Per ASCE 7-16 Part 1 and FBC (2020) for Retrofitting in Accordance with Formal Interpretation #24

For Detached One-and Two family dwellings and Multiple Single-Family Dwellings (Townhouses) with Mean Roof Height  $\leq 30$  feet

Wind 170 mph (3-second gust) / Exposure C\*\* /  $K_d = 0.85$  /  $K_{zt} = 1.0$  / Pressures are in PSF / Not for use in Coastal (Exposure 'D' areas)

\* Using Allowable Stress Design methodology ( $P = 0.6w$ ) / \*\* Exposure C or D shall be determined according to ASCE 7-16 Section 26.7 (Exposure Categories)

### Roof and Wall Zone Chart Diagrams



Instructions on how to use these Charts: Determine Mean Roof Height,  $h$ , which is top of roof for flat roofs or the mean roof height for pitched roofs. Find your least horizontal dimension for your building, not including a overhang if it occurs. Calculate the value of,  $a$ , = 10% of least horizontal dimension or  $0.4 \cdot h$ , whichever is smaller, but not less than either 4% of least horizontal dimension or 3 feet. If your roof height is less than 30 feet, but not exactly 15, 20, or 25 feet, you will need to go to the next higher roof height. If your Mean Roof Height is higher than 30 feet, these charts do not apply. Review the diagram which illustrate the wall and roof zones and determine the wind zone in which the component is located. Determine the tributary area of the component. If the tributary area falls in between values, use the value of the smaller tributary area. Select the positive and negative wind pressures corresponding to the wall or roof zone where your component is located. Door pressures shown are for the most common door sizes and are worst case for heights  $\leq 30$  Feet.

Wall Pressure For All Roof Types													Garage/Door Pressures			
Mean Roof Height	15 Ft						20 Ft						<= 30 Ft			
Tributary Area	10	20	35	50	100	500	10	20	35	50	100	500	Effective Wind Area		Positive	Negative
Wall Positive Pressure	38.0	36.2	34.9	34.0	32.3	28.3	40.3	38.5	37.0	36.1	34.3	30.1	Width	Height		
Zone 4 Negative Pressure	-41.2	-39.5	-38.1	-37.2	-35.5	-31.5	-43.7	-41.9	-40.5	-39.5	-37.7	-33.5	8	8	38.6	-48.2
Zone 5 Negative Pressure	-50.8	-47.4	-44.6	-42.9	-39.5	-31.5	-54.0	-50.4	-47.4	-45.6	-41.9	-33.5	10	10	37.4	-45.7
Mean Roof Height	25 Ft						30 Ft						14	14	35.4	-41.8
Tributary Area	10	20	35	50	100	500	10	20	35	50	100	500	9	7	38.7	-48.3
Wall Positive Pressure	42.3	40.4	38.8	37.8	35.9	31.5	43.9	41.9	40.3	39.3	37.3	32.8	16	7	37.0	-45.0
Zone 4 Negative Pressure	-45.8	-43.9	-42.4	-41.4	-39.5	-35.1	-47.6	-45.7	-44.1	-43.1	-41.1	-36.5	3	7	41.8	-54.6
Zone 5 Negative Pressure	-56.6	-52.8	-49.7	-47.8	-43.9	-35.1	-58.8	-54.7	-51.7	-49.6	-45.7	-36.5	6	7	39.8	-50.6

## SIMPLIFIED ROOF UPLIFT CHART FOR ROOFING APPLICATIONS

This simplified chart represents the worst case wind pressures for the various roof slopes and heights. This chart is based on a Tributary Area = 10 SF which is required for roofing applications. If the roof height is less than 30 feet, but not exactly 15, 20, or 25 feet, you will need to go to the next higher roof height. If your roof height is higher than 30 feet, these charts do not apply. Refer to Roof Chart Diagrams on Page 1 for Roof Zone Locations

### Mean Roof Height = 15 Feet

Flat Roof		Gable Roof 1.51 to 4:12			Gable Roof 4.1 to 6:12		Gable Roof 6.1: to 12:12		Hip Roof 1.51 to 4:12			Hip Roof 4.1 to 6:12	
Positive*	15.4/38.0		Positive	23.2	Positive	23.2	Positive	34.7		Positive	28.3	Positive	28.3
Zone		Zone	Roof	Overhang	Roof	Overhang	Roof	Overhang	Zone	Roof	Overhang	Roof	Overhang
1	-60.5	1, 2e	-70.1	-80.4	-54.0	-64.3	-63.7	-83.6	1	-63.7	-74.0	-50.8	-60.8
1'	-34.8	2n & 2r	-102	-113	-86.2	-96.5	-70.1	-90.1	2e	-89.4	-99.7	-70.1	-79.0
2	-79.8	3e	-102	-132	-86.2	-116	-86.7	-107	2r	-83.0	-93.3	-70.1	-79.0
3*	-109	3r	-122	-151	-102	-128	-70.1	-90.1	3	-89.4	-119	-70.1	-95.3

### Mean Roof Height = 20 Feet

Flat Roof		Gable Roof 1.51 to 4:12			Gable Roof 4.1 to 6:12		Gable Roof 6.1: to 12:12		Hip Roof 1.51 to 4:12			Hip Roof 4.1 to 6:12	
Positive*	16.4/40.3		Positive	24.6	Positive	24.6	Positive	36.9		Positive	30.1	Positive	30.1
Zone		Zone	Roof	Overhang	Roof	Overhang	Roof	Overhang	Zone	Roof	Overhang	Roof	Overhang
1	-64.2	1, 2e	-74.5	-85.4	-57.4	-68.3	-67.7	-88.9	1	-67.6	-78.6	-54.0	-64.6
1'	-36.9	2n & 2r	-109	-120	-91.5	-102	-74.5	-95.7	2e	-95.0	-106	-74.5	-84.0
2	-84.8	3e	-109	-140	-91.5	-123	-92.1	-113	2r	-88.1	-99.1	-74.5	-84.0
3*	-116	3r	-129	-161	-108	-136	-74.5	-95.7	3	-95.0	-126	-74.5	-101

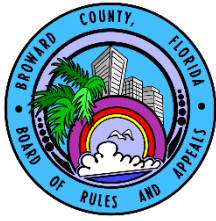
### Mean Roof Height = 25 Feet

Flat Roof		Gable Roof 1.51 to 4:12			Gable Roof 4.1 to 6:12		Gable Roof 6.1: to 12:12		Hip Roof 1.51 to 4:12			Hip Roof 4.1 to 6:12	
Positive*	17.2/42.3		Positive	25.8	Positive	25.8	Positive	38.7		Positive	31.5	Positive	31.5
Zone		Zone	Roof	Overhang	Roof	Overhang	Roof	Overhang	Zone	Roof	Overhang	Roof	Overhang
1	-67.3	1, 2e	-78.1	-89.5	-60.2	-71.6	-70.9	-93.1	1	-70.9	-82.4	-58.6	-67.7
1'	-38.7	2n & 2r	-114	-125	-96	-107	-78.1	-100	2e	-99.6	-111	-78.1	-88.0
2	-88.8	3e	-114	-147	-96	-129	-96.6	-119	2r	-92.4	-104	-78.1	-88.0
3*	-121	3r	-135	-168	-113	-143	-78.1	-100	3	-99.6	-133	-78.1	-106

### Mean Roof Height = 30 Feet

Flat Roof		Gable Roof 1.51 to 4:12			Gable Roof 4.1 to 6:12		Gable Roof 6.1: to 12:12		Hip Roof 1.51 to 4:12			Hip Roof 4.1 to 6:12	
Positive*	17.9/43.9		Positive	26.8	Positive	26.8	Positive	40.2		Positive	32.8	Positive	32.8
Zone		Zone	Roof	Overhang	Roof	Overhang	Roof	Overhang	Zone	Roof	Overhang	Roof	Overhang
1	-70.0	1, 2e	-81.1	-93.1	-62.6	-74.5	-73.7	-96.8	1	-73.7	-85.6	-58.8	-70.4
1'	-40.2	2n & 2r	-118	-130	-99.8	-112	-81.1	-104	2e	-103	-115	-81.1	-91.4
2	-92.3	3e	-118	-153	-99.8	-134	-100	-123	2r	-96.0	-108	-81.1	-91.4
3*	-126	3r	-141	-175	-118	-148	-81.1	-104	3	-103	-138	-81.1	-110

\* If Parapet >= 3 Ft occurs around entire building use the same Zone 2 pressure for Zone 3 and use the higher positive pressure shown



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Structural Engineer

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James DiPietro

—ESTABLISHED 1971—

## **Typographical Errors in the FBC 7th Edition (2020) Test Protocols for High Velocity Hurricane Zone, RAS 127 Tables.**

### **FORMAL INTERPRETATION (#25)**

**DATE:** February 11<sup>th</sup>, 2021

**TO:** All Building Officials in Broward County

**FROM:** James DiPietro, Administrative Director

A handwritten signature in black ink, appearing to read "James DiPietro".

**SUBJECT:** Interpretation of Typographical Errors in FBC Test Protocols for High Velocity Hurricane Zone, RAS 127 Tables

At their meeting of February 11<sup>th</sup>, 2021, the Board discussed a request for interpretation on whether corrections to typographical errors in the Florida Building Code Test Protocols for High Velocity Hurricane Zone, Roofing Application Standard 127 (RAS 127) meet the minimum requirements of the Code and can be used throughout Broward County.

During transmission of referenced data to the Florida Building Commission, a glitch occurred causing the final values which are published in the current Code to include typographical errors in four of the published RAS 127 tables.

Upon discussion, the Board agreed and interpreted that **“The corrected Tables meet the minimum requirements of the Code and can be used throughout Broward County.”**

Attached are the corrected Tables. Tables 3, 6 and 12 now reflect the correct roof wind zones. Table 8 now reflects the correctly calculated values.

Building Officials are requested to post and distribute this information widely, as appropriate, to ensure that the construction industry and design professionals are aware of the interpretation of the referenced RAS 127 Tables.

Issued: February 11<sup>th</sup>, 2021

Effective Date: February 11<sup>th</sup>, 2021

\*\*\*\*\*PLEASE POST AT YOUR PERMIT COUNTER\*\*\*\*\*

<b>TABLE 3 — GABLE ROOFS</b> <b>MINIMUM ASD DESIGN WIND UPLIFT PRESSURES IN PSF FOR ROOF SLOPE –</b> <b>&gt;6:12 to ≤12:12 RISK CATEGORY II EXPOSURE CATEGORY “C”</b>			
Roof Mean Height	Roof Pressure Zones		
	1, 2e and 2r	2n and 2r3r	3e
≤15'	-67	-74	-115
>15 to ≤20'	-71	-78	-122
>20' to ≤25'	-74	-82	-127
>25' to ≤30'	-78	-85	-132
>30 to ≤35'	-80	-88	-137
>35 to ≤40'	-82	-91	-141
>40' to ≤45'	-85	-93	-146
>45' to ≤50'	-86	-95	-147
>50' to ≤55'	-88	-97	-151
>55' to ≤60'	-89	-98	-153

<b>TABLE 6 — GABLE ROOFS</b> <b>MINIMUM ASD DESIGN WIND UPLIFT PRESSURES IN PSF FOR ROOF SLOPE -</b> <b>&gt;6:12 to ≤12:12 RISK CATEGORY II EXPOSURE CATEGORY “D”</b>			
Roof Mean Height	Roof Pressure Zones		
	1, 2e and 2r	2n and 2r3r	3e
≤15'	-82	-90	-140
>15 to ≤20'	-86	-94	-146
>20' to ≤25'	-87	-98	-151
>25' to ≤30'	-92	-101	-157
>30 to ≤35'	-94	-103	-161
>35 to ≤40'	-97	-106	-165
>40' to ≤45'	-99	-109	-168
>45' to ≤50'	-101	-111	-172
>50' to ≤55'	-102	-112	-174
>55' to ≤60'	-104	-114	-177

<b>TABLE 8 — HIP ROOFS</b> <b>MINIMUM ASD DESIGN WIND UPLIFT PRESSURES IN PSF FOR ROOF SLOPE –</b> <b>&gt;4:12 to ≤6:12 RISK CATEGORY II EXPOSURE CATEGORY “C”</b>			
Roof Mean Height	Roof Pressure Zones		
	1	2e, 2r and 3	3
≤15'	-71 -54	-91 -74	-111
>15 to ≤20'	-75 -57	-97 -78	-118
>20' to ≤25'	-79 -59	-101 -82	-124
>25' to ≤30'	-82 -62	-105 -85	-129
>30 to ≤35'	-84 -64	-109 -88	-133
>35 to ≤40'	-87 -66	-112 -90	-137
>40' to ≤45'	-89 -67	-114 -92	-140
>45' to ≤50'	-91 -69	-117 -95	-143
>50' to ≤55'	-93 -70	-120 -97	-146
>55' to ≤60'	-94 -72	-122 -99	-149

<b>TABLE 12 — HIP ROOFS</b> <b>MINIMUM ASD DESIGN WIND UPLIFT PRESSURES IN PSF FOR ROOF SLOPE -</b> <b>&gt;6:12 to ≤12:12 RISK CATEGORY II EXPOSURE CATEGORY “D”</b>				
Roof Mean Height	Roof Pressure Zones			
	1	2r2e	2e2r	3
≤15'	-69	-119	-123	-156
>15 to ≤20'	-73	-124	-129	-163
>20' to ≤25'	-75	-129	-133	-169
>25' to ≤30'	-78	-134	-138	-175
>30 to ≤35'	-80	-137	-142	-180
>35 to ≤40'	-82	-141	-145	-184
>40' to ≤45'	-84	-143	-148	-188
>45' to ≤50'	-85	-146	-151	-192
>50' to ≤55'	-87	-149	-154	-195
>55' to ≤60'	-88	-151	-156	-198