

Broward County Board of Rules and Appeals Meeting Agenda

August 8, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1613509441>

Meeting ID: 161 350 9441

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES – June 13, 2024, Board Meeting

V. PUBLIC COMMENT (Except public hearing items on this agenda)
Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

BROWARD SHERIFF'S OFFICE FIRE RESCUE

Barbosa, Moses, Fire Plans Examiner

CITY OF CORAL SPRINGS/PARKLAND

Schermerhorn, William, Fire Inspector

CITY OF FORT LAUDERDALE

Casey, Tyron, Fire Plans Examiner

Delano, David S., Plumbing Plans Examiner

Nesmith, Stephen L., Structural Inspector (Limited) (120-Day Temporary)

Perusi, Tracy, Fire Plans Examiner

CITY OF MARGATE

Schepers, Todd, Assistant Building Official

CITY OF MIRAMAR

Robinson, Miles, Fire Inspector

CITY OF NORTH LAUDERDALE

Hournbuckle, Chase (Provisional)

CITY OF OAKLAND PARK

Fernandez, Patricia D., Chief Structural Inspector

CITY OF PEMBROKE PINES

Diaz, Gregorio, Assistant Building Official

CITY OF TAMARAC

Joseph, Rolle, Assistant Building Official

Palacios, Otoniel, Building Official

COUNTYWIDE

De La Fe, Gustavo, Structural Inspector

McGinness, James P., Structural Inspector

McGinness, James P., Structural Plans Examiner

VII. REGULAR AGENDA

- 1. Update to Board Policy #05-05, Building Safety Inspection Program**
 - a. Staff Report
 - b. Board Questions
 - c. Board Action

- 2. First Reading of Amendments to Chapter 1, Section 110.15, Building Safety Inspection Program, Florida Building Code, 8th Edition (2023)**
 - a. Staff Report
 - b. Board Questions
 - c. Board Action

- 3. Fiscal Year 2025 Budget (October 1, 2024 - September 30, 2025)**
 - a. Staff Report
 - b. Board Questions
 - c. Board Action

- 4. Director's Report**

- 5. Attorney's Report**

- 6. Committee Reports**

- 7. General Board Member Discussion**

- 8. Adjournment**

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (FS Sec.286.0105).

Members: If you cannot attend the meeting, please get in touch with Dr. Barbosa at 954-931-2393 between 6:00 PM and 7:00 PM.

June 13, 2024
Board Meeting Minutes

Broward County Board of Rules and Appeals Meeting Minutes

June 13, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1619716988>

Meeting ID: 161 971 6988

I. CALL MEETING TO ORDER

Chairman D'Attile called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 PM.

II. ROLL CALL

Gregg D'Attile, Chairman
Ron Burr, Vice Chairman
John Famularo
Steven Feller
R. Art Kamm
Daniel Lavrich
Sergio Pellecer
Daniel Rourke
Robert Taylor
David Tringo
Dennis Ulmer
Abbas Zackria

III. APPROVAL OF AGENDA

Mr. Lavrich made a motion, and Mr. Feller seconded the motion to approve the agenda as posted. The motion was carried out by a unanimous vote of 12-0.

IV. APPROVAL OF MINUTES – May 9, 2024, Board Meeting

Mr. Ulmer asked that the title be corrected to minutes instead of agenda. Mr. Lavrich made a motion, and Mr. Feller seconded the motion to approve the May 9, 2024, minutes, as corrected. The motion was carried out by a unanimous vote of 12-0.

V. PUBLIC COMMENT (Except public hearing items on this agenda) - none

Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

CITY OF COCONUT CREEK

Almas, Marcelo D., Chief Structural Inspector

TOWN OF DAVIE

Brower, James, Electrical Plans Examiner (Provisional)

CITY OF DEERFIELD BEACH

Kalil, Jefferson D., Structural Inspector (120-Day Temporary)

Leathead, Jean-Pierre, Structural Inspector (120-Day Temporary)

CITY OF FORT LAUDERDALE

Gebbia, Andrew, Structural Inspector (Provisional)

CITY OF HOLLYWOOD

Gutierrez, Christian, Fire Inspector

CITY OF MIRAMAR

Hilton, Adam P., Assistant Building Official
Montpellier, Matthew, Fire Inspector

CITY OF PARKLAND

Sarmiento, Fabio, Structural Inspector (120-Day Temporary)

CITY OF POMPANO BEACH

Caristo, Joseph C., Jr., Structural Inspector (120-Day Temporary)

COUNTYWIDE

Alexander, Diko, Plumbing Plans Examiner
Da Silva, Vitorino, Structural Plans Examiner
De Armas, Arttie, Structural Plans Examiner
Margulies, Jaime A., Structural Inspector
Margulies, Jaime A., Structural Plans Examiner
Mark, Preston G., Structural Plans Examiner

Mr. Zackria made a motion, and Mr. Tringo seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 12-0.

VII. REGULAR AGENDA

1. Update to Board Policy 05-01, Committee Guidelines

a. Staff Report

Dr. Ana Barbosa, Administrative Director, reminded the Board that at last month's meeting, they requested a more in-depth look at the proposed changes for Board Policy 05-01, Standing Committees and Appointment Guidelines. Policy 05-01 is one of three remaining in staff's review of all policies. The goal is to have uniformity and eliminate committees that have not met in a number of years. Instead, ad hoc committees would be formed to address any issues. The recommendations were as follows: The Mechanical/Smoke Control Committee would be renamed to the Mechanical Committee. The Roofing and Structural Committees would be combined. Board members would occupy their specific discipline on committees and continue to serve as committee chairs. Also included is a membership list by name and category.

Although he did not object to eliminating some, Mr. Lavrich questioned why the committees' makeup was being changed. Whether Board members would be on the committees regardless of discipline is unclear. Also, it is not specified that committees would be chaired by a Board member. He strongly opposed combining the structural and roofing committees. In her review of the Board policies, Dr. Barbosa indicated there was a need to update all policies. For example, there was a requirement for committees to meet once a year, and in the past two years, only a handful have met. There would also be more ad hoc committees as they have a purpose and timeline to get things done. Initially, there was some thought that a Board member serving on a committee could not vote as a committee member and as a Board member on the same issue. With the Board Attorney's ruling that a Board member could vote in both capacities, she moved forward in improving the policy in general. She felt that having committee membership be discipline-specific adds value. Also, having the Consumer Advocate and Representative of the Disabled Community represent very specific populations would add value to committees that only look at technical aspects. She did not consult the committee chairs because their positions and the number of committees they serve are unchanged. Also, incorporating the alternates is valuable.

Mr. Lavrich pointed out that the proposed language does not require Board members to serve on committees. He wanted to table the item and appoint an ad hoc committee to study this more carefully. He suggested that the ad hoc committee consist of past board and committee chairs. He did not see anything wrong with the current committee composition.

b. Board Questions

c. Board Action

Mr. Lavrich made a motion, and Mr. Feller seconded the motion to table this item and appoint an ad hoc committee.

Mr. Lavrich volunteered to chair or serve on the ad hoc committee.

In response to Chairman D'Attile, Dr. Barbosa indicated that nothing in Chapter 1 or the Charter addresses the committee subject.

Mr. Burr commented that the committees are an essential part of this Board, and he agreed with Mr. Lavrich's proposal.

The motion was carried out by a vote of 11-1, with Mr. Pellecer voting no.

Mr. Burr made a motion, and Mr. Feller seconded the motion to appoint Mr. Lavrich as chairman of the ad hoc committee to study the committee issue just discussed and appoint people to the ad hoc committee within the next thirty days. The motion was carried out by a unanimous vote of 12-0.

2. Director's Report

Dr. Ana Barbosa referred to Senate Bill 382, which would not require continuing education units (CEUs) for individuals in a discipline for ten years or more. Based on the Board Attorney's opinion, the Board of Rules and Appeals will continue to require CEUs.

Dr. Barbosa referred to the local licensing legislative bill, indicating that enforcement has been extended for a year.

Dr. Barbosa provided an overview of continuing education classes being conducted by the code compliance staff as well as an update on the Building Safety Inspection Program.

In response to Chairman D'Attile, Dr. Barbosa indicated that the next open discussion would be in August.

3. Attorney's Report

Mr. Charles Kramer noted an active case filing but felt it best not to discuss it in this public forum.

4. Committee Reports

5. General Board Member Discussion

6. Adjournment

The meeting adjourned at 7:38 PM.

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (FS Sec.286.0105).

Members: If you cannot attend the meeting, please get in touch with Dr. Barbosa at 954-931-2393 between 6:00 PM and 7:00 PM.

DRAFT

Consent Agenda

Consent Agenda: Item 1

BROWARD SHERIFF'S OFFICE FIRE RESCUE

Barbosa, Moses, Fire Plans Examiner

CITY OF CORAL SPRINGS/PARKLAND

Schermerhorn, William, Fire Inspector

CITY OF FORT LAUDERDALE

Casey, Tyron, Fire Plans Examiner

Delano, David S., Plumbing Plans Examiner

Nesmith, Stephen L., Structural Inspector (Limited) (120-Day Temporary)

Perusi, Tracy, Fire Plans Examiner

CITY OF MARGATE

Schepers, Todd, Assistant Building Official

CITY OF MIRAMAR

Robinson, Miles, Fire Inspector

CITY OF NORTH LAUDERDALE

Hournbuckle, Chase (Provisional)

CITY OF OAKLAND PARK

Fernandez, Patricia D., Chief Structural Inspector

CITY OF PEMBROKE PINES

Diaz, Gregorio, Assistant Building Official

CITY OF TAMARAC

Joseph, Rolle, Assistant Building Official

Palacios, Otoniel, Building Official

COUNTYWIDE

De La Fe, Gustavo, Structural Inspector

McGinness, James P., Structural Inspector

McGinness, James P., Structural Plans Examiner

Regular Agenda

Regular Agenda: Item 1



Broward County Board of Rules and Appeals

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

broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Administrative Director

DATE: August 8, 2024

RE: Update to Board Policy #05-05, Building Safety Inspection Program

Recommendation

It is recommended that the Board of Rules and Appeals adopt, by vote, the revised Board Policy 05-05, Broward County Building Safety Inspection Program.

Reasons

Our Building Safety Inspection Program has been revised to be consistent with the requirements of Florida law and Chapter 18 of the Florida Building Code, Existing Building. The proposed code language is based on the 2024 Legislature Session (HB 267, HB 535, HB 1021, and SB 1526) and the proposed Chapter 18, Minimum Requirements for the Mandatory Milestone Inspection, of the 2023 FBC - Existing Building and Other Glitches.

Additional Information

Revised Board Policy 05-05 is attached. ~~Stricken through~~ text is language deleted. Underscored text is new or revised language.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. Barbosa", written over a white background.

Dr. Ana C. Barbosa

Broward County Board of Rules and Appeals Policy #05-05

Subject: Broward County Board of Rules and Appeals – Building Safety Inspection Program

I. GENERAL:

- A. Section 110.15 of the Broward County Administrative Provisions of the Florida Building Code has established a **Building Safety Inspection Program**.
- B. The procedures established herein are the basic guidelines for the Building Safety Inspection Program.
- C. The following buildings or structures are exempt from this program:
 - 1. US Government Buildings
 - 2. State of Florida Buildings
 - 3. Buildings built on sovereign tribal lands.
 - 4. School buildings under the jurisdiction of the Broward County School Board.
 - 5. ~~One and Two Family Dwellings~~
Single-family, two-family, three-family and four-family dwellings with three or fewer habitable stories above ground.
 - 6. Fee simple Townhouses as defined in the Florida Building Code.
 - 7. Minor structures, defined as buildings or structures in any occupancy group having a gross floor building area of less than three thousand five hundred (3,500) square feet.
 - 8. Railroads and ancillary facilities associated with the railroad.
- D. All buildings or structures that have performed a Building Safety Inspection under the prior program (“40 Year Building Safety Inspection Program”) are deemed compliant with F.S.553.899 and ~~are now on the Florida Building Code, Existing Building (Chapter 18).~~ The subsequent Building Safety Inspections are due every ten ~~(10) year intervals~~ years from the year the initial Building Safety Inspection was required.
- E. ~~The Building Safety Inspection Program shall serve as compliance for both phase one and phase two milestone inspection requirements for buildings or structures that must perform a phase one and phase two milestone inspection as defined under Florida Statutes, Section 553.899 and the Florida Building Code, Existing Building (Chapter 18).~~ the Building Safety Inspection shall serve as compliance for both milestone inspection requirements.
- F. If an owner of a building fails to ensure that the Building Safety Inspection is completed, the Building Official may file a complaint with the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes documenting such failure.
- G. Improvements to the original building should be inspected based on the code at the time of permitting unless specified by the National Electrical Code.
- H. The purpose of the Building Safety Inspection Program is not intended to determine if the condition of an existing building is in compliance with the current edition of the Florida Building Code.

II. DEFINITIONS:

- A. **Threshold Building:** ~~shall be defined as any~~ Any building that is greater than three stories or 50 feet in height or which has an assembly occupancy classification as defined in the Florida Building Code that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons or as otherwise defined by section 553.71, Florida Statutes, which may be amended from time to time.

- B. Minor Buildings or Structures:** ~~for the purpose of this program, shall be defined as buildings~~ Buildings or structures in any occupancy group having a ~~gross floor~~ building area of less than 3,500 sq. ft.
1. Any building or structure, regardless of size, which houses, covers, stores, or maintains any support features, materials, or equipment necessary for the operation of all or part of the primary structure, or operation of any feature located upon the real property, shall not be considered a minor building or structure and shall be subject to inspection as otherwise set forth herein.
 2. Structures to be included in the Building Safety Inspection Program are elevated decks, balconies, docks, and seawalls if attached to or supporting any structure. Parking garages, guardrails, and as such, are not exempt from this program.
- C. Building Safety Inspection:** ~~means a~~ A structural and electrical inspection of a building or structure by a Florida licensed professional authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the building or structure. And, to the extent reasonably possible, determine the general condition of the building or structure as it affects its safety, including a determination of any necessary maintenance, repair, or replacement of any structural or electrical component.
- D. Substantial Structural Deterioration:** ~~means substantial~~ Substantial structural distress that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the Florida licensed professional performing the Building Safety Inspection determines that such surface imperfections are a sign of substantial structural deterioration.
- E. Florida Licensed Professional:** ~~means an~~ An Engineer or Architect licensed under Florida Statute 471 or 481.
- F. Building Area:** The total square footage of a building including exterior walls.

III. BUILDING SAFETY INSPECTION PROGRAM SCOPE:

- A. Inspection Procedures** shall conform to the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals titled "General Considerations & Guidelines for Building Safety Inspections," which are included in this policy.
1. The Building Official shall notify the owner(s), association, or their duly authorized representative(s), of all buildings and structures requiring inspection under these guidelines. And, to retain all the necessary documentation to confirm compliance as set forth herein.
 2. The inspecting professional shall have a right of entry into all areas necessary to comply with this program.
 3. The owner or association shall be responsible for all costs associated with the inspection and any resulting required repairs and ~~or~~ modifications.
- B. Inspection Schedule:**
1. All buildings and structures shall be inspected in the manner described herein, where such buildings or structures reach ~~twenty five (25)~~ years of age or older, based on the date that the certificate of occupancy was issued and as determined by the Building Official, who shall at such time issue a **Notice of Required Inspection** to the building owner or association.
 2. ~~Subsequent Building Safety Inspections shall be required at ten (10) year intervals from the year the building or structure reaches 30 years or 25 years of age (as applicable).~~ The subsequent Building Safety Inspections are due every ten years from the year the initial Building Safety Inspection was required, regardless of when the previous inspection report for the building or structure was finalized or filed.
- C. Notices of Required Inspection:**
1. By June of each year, BORA will provide each local jurisdiction with a list of buildings and structures due for inspection.
 2. From June through August, the Building Official shall notify the building owner or association by certified mail return receipt that their properties are due for inspection.
 3. Notwithstanding the foregoing, the failure by a building official to provide a **Notice of Required Inspection** ~~or Advance Courtesy Notices~~ shall not affect a building owner's or association's requirement to timely

procure the required inspection and any necessary repairs, provide a written report and certification of a building or structure.

D. Qualifications of Inspectors:

1. If the building or structure is not a “Threshold Building” as defined by the Florida Building Code, required reports shall be prepared by a Florida licensed Professional qualified by training and experience in the specific technical field involved in the inspection and report.
2. If the building or structure is a “Threshold Building” as defined herein, then:
 - a. The structural portion of such report shall be prepared by a Florida-licensed professional in the State of Florida specializing in structural engineering and licensed as a Special Inspector under F.S. 471 and 481.
3. Any person responsible for removing electrical equipment covers for the purpose of allowing inspections related to this program shall be familiar with the requirements of NFPA 70E and OSHA 1910 by verification with a certificate of completion.
4. The Electrical Safety Inspection report form shall be completed by a qualified Florida-licensed professional specializing in electrical design.

E. Reporting Procedures:

1. Within ~~ninety (90)~~ 180 days of receiving the **Notice of Required Building Safety Inspection**, the owner or association must complete the Building Safety Inspection. The Florida licensed professional shall issue a written report, including the Broward County Board of Rules and Appeals Structural and Electrical Safety Inspection report forms, to the Building Official and the owner or association. The report will state that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe, for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals or will indicate the types of repairs necessary to be undertaken.
2. The inspection report shall, at a minimum, meet all the following criteria:
 - a. Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
 - b. In addition to a detailed written narrative report, the completed BORA Structural and Electrical Safety Inspection report forms shall be submitted as part of the report.
 - c. Color photos with sufficient resolution shall be included with the reports to adequately convey typical conditions observed, particularly where defects have been found.
 - d. Indicate the manner and type of inspection forming the basis for the inspection report.
 - e. Identify any substantial structural deterioration or electrical deficiencies within a reasonable professional probability based on the scope of the inspection. Describe the extent of such deterioration and/or deficiencies and identify any ~~recommended~~ repairs for such issues.
 - f. State whether any unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
 - g. Recommend remedial or preventive repair for any items that are damaged but do not have substantial structural deterioration and/or deficiencies.
 - h. Identify and describe any items requiring further inspection.
3. If the building inspected is a condominium or cooperative, the association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, delivered by United States mail, personal delivery or electronic transmission to unit owners who previously consented to receive notice by electronic transmission. Post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property and ~~must~~ publish the full report and inspector-prepared summary on the association’s website if the association is required to have a website.
4. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

F. Duty to Report:

Any Florida licensed professional who performs an inspection of an existing building or structure has a duty to report to the owner, association, and the Building Official any findings that, if left unaddressed, would endanger life or property no later than ten days after informing the appropriate parties of such findings. However, if such a professional finds that there are conditions in the building or structure causing an actual or immediate danger of the failure or collapse of the building or structure or if there is a health hazard, windstorm hazard, fire hazard, or any other life safety hazard, such professional shall report such conditions **immediately** to the building owner or association, and to the Building Official within 24 hours of the time of discovery. In addition to assessing any fines or penalties provided by Broward County or the municipality, the Building Official shall report any violations of this provision to the appropriate licensing agency, regulatory board, and professional organization of such engineer or architect.

G. Required Repairs or Modifications:

1. In the event that repairs or modifications are found to be necessary as a result of the Building Safety Inspection, the owner shall have a total of 180 days from the date of the Building Safety Inspection report unless otherwise specified by the Building Official in accordance with Florida Building Code Section 110.15 (Florida Building Code, Broward County Amendments), in which to complete required repairs and correct the structural and electrical deficiencies. All applicable Building Code requirements shall be followed with all applicable permits obtained. The Florida Existing Building Code will specify whether the repairs or modifications can be made under the code in effect when the building was originally permitted or the code currently in effect. If an owner or association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration and/or electrical deficiencies identified in the inspection report within the required timeframe, the structure may be deemed to be unsafe and unfit for occupation. Such findings shall be reviewed by the Building Official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate.
2. When any electrical or structural repairs or modifications are required, the responsible licensed professional who has performed the Building Safety Inspection and issued the report shall provide the building owner, association, and the Building Official with a signed and sealed letter indicating whether the building or structure may continue to be safely occupied while the building or structure is undergoing repairs. Such a letter shall be valid for no more than 180 days. A new letter shall be issued if repairs or modifications remain ongoing.
3. Once a permit is obtained for all necessary repairs or modifications from the local building department, which has jurisdiction, the Florida Building Code shall govern time restraints for such permits or in accordance with a more restrictive timeframe as directed by the design professional.
4. For deficiencies that cannot be corrected within 180 days, the time frame may be extended when a time frame is specified by the responsible licensed professional and approved by the Building Official. Such extensions shall be contingent on maintaining an active building permit as specified in the Florida Building Code Section 405.3.2 Florida Building Code, Broward County Amendments, Section 105.3.2.
5. The Building Official may issue an extension of not more than 60 days to submit a Building Safety Inspection report or to obtain any necessary permits upon a written extension request from a licensed professional qualified as stated herein for the type of building or structure in question. Such request shall contain a signed and sealed statement from the professional that the building may continue to be occupied while undergoing the Building Safety Inspection.
6. Once all required repairs, whether structural or electrical or both, have been completed, the responsible licensed professional who has performed the safety inspection and issued the report shall re-inspect the areas noted on the original report and shall provide the building owner, association, and building official an amended report with a signed and sealed letter stating that all of the required repairs and corrections have been completed and that the building or structure is acceptable for continued use under the present occupancy. The building owner or responsible professional shall submit that letter to the Building Official.

H. Violations:

1. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

2. If an owner or association of a building or structure fails to timely submit the Building Safety Inspection report to the Building Official or seek an extension request in accordance with the above, the Building Official shall elect the choice of either a Special Magistrate or Code Enforcement Board as set forth under Florida Statutes, Section 162, et. al., to conduct a hearing to address such failure. In the event an owner fails to comply with the repair and modification requirements as determined from the Building Safety Inspection report as set forth herein, the structure may be deemed to be unsafe and unfit for occupation. Such findings shall be reviewed by the Building Official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate.
3. The Building Official may revoke, at any time, a Building Safety Inspection report if the Building Official determines that the written inspection report contains any misrepresentation of the actual conditions of the building or structure.

General Considerations & Guidelines for Building Safety Inspections Part of Broward County BORA Policy #05-05

I. SCOPE OF STRUCTURAL INSPECTION

The **fundamental purpose** of the required Building Safety Inspection and report is to confirm in a reasonable fashion that the building or structure under consideration is safe for continued use under its present occupancy. As implied by the title of this document, this is a recommended procedure, and under no circumstances are these minimum recommendations intended to supplant proper professional judgment.

Such inspection shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material, or assembly of a building or structure which affects the safety of such building or structure~~or~~ and which supports any dead, live, or wind load.

In general, unless there is obvious overloading or significant deterioration of important structural elements, there is little need to verify the original design. It is obvious that this has been time-tested if still offering satisfactory performance. Rather, it is important that the effects of time with respect to the degradation of the original construction materials be evaluated. It will rarely be possible to visually examine all concealed construction, nor should such be generally necessary. However, a sufficient number of typical structural members should be examined to permit reasonable conclusions to be drawn.

Visual Examination will, in most cases, be considered adequate when executed systematically. The visual examination must be conducted throughout all habitable and non-habitable areas of the building, as deemed necessary, by the inspecting professional to establish compliance. Surface imperfections such as cracks, distortion, sagging, excessive deflections, significant misalignment, signs of leakage, and peeling of finishes should be viewed critically as indications of possible difficulty.

Testing Procedures and quantitative analysis will not generally be required for structural members or systems except for such cases where visual examination has revealed such need, or where apparent loading conditions may be critical.

Manual Procedures such as chipping small areas of concrete and surface finishes for closer examinations are encouraged in preference to sampling and~~or~~ testing where visual examination alone is deemed insufficient. Generally, unfinished areas of buildings, such as utility spaces, maintenance areas, stairwells, and elevator shafts, should be utilized for such purposes. In some cases, to be held to a minimum, ceilings or other construction finishes may have to be opened for selective examination of critical structural elements. In that event, such locations should be carefully located to be least disruptive, most easily repaired, and held to a minimum. In any event, a sufficient number of structural members must be examined to afford reasonable assurances that such are representative of the total structure.

Evaluating an existing structure for the effects of time, must take into account two basic considerations: movement of structural components with respect to each other and deterioration of materials.

With respect to the former, volume change considerations, principally from ambient temperature changes, and possibly long-time deflections, are likely to be most significant. Foundation movements will frequently be of importance, usually settlement, although upward movement due to expansive soils may occur, although infrequently in this area. Older buildings on spread footings may exhibit continual, even recent settlements if founded on deep unconsolidated fine-grained or cohesive soils, or from subterranean losses or movements from several possible causes.

With very little qualifications, such as rather rare chemically reactive conditions, deterioration of building materials can only occur in the presence of moisture, largely related to metals and their natural tendency to return to the oxide state in the corrosive process.

In this marine climate, highly aggressive conditions exist year-round. For most of the year, outside relative humidity may frequently be about 90 or 95%, while within an air-conditioned building, relative humidity will normally be about 55% to 60%. Under these conditions moisture vapor pressures ranging from about 1/3 to 1/2 pounds per square inch will exist much of the time. Moisture vapor will migrate to lower-pressure areas. Common building materials, such as stucco,

masonry, and even concrete, are permeable even to these slight pressures. Since most of our local construction does not use vapor barriers, condensation will ~~may~~ take place within the enclosed walls of the building. As a result, deterioration is most likely adjacent to exterior walls, or wherever else moisture or direct leakage has been permitted to penetrate the building shell.

Structural Deterioration will always require repair. The type of repair, however, will depend upon the importance of the member in the structural system and the degree of deterioration. Cosmetic-type repairs may suffice in certain non-sensitive members, such as tie beams and columns, provided that the remaining sound material is sufficient for the required function. For members carrying assigned gravity or other loads, cosmetic-type repairs will only be permitted if it can be demonstrated by rational analysis that the remaining material, if protected from further deterioration, can still perform its assigned function at acceptable stress levels. Failing that, adequate repairs or reinforcement will be considered mandatory.

Written Reports shall be required attesting to each required inspection. Each such report shall note the location of the structure, a description of the type of construction and general magnitude of the structure, the existence of drawings and location thereof, the history of the structure to the extent reasonably known, and a description of the type and manner of the inspection, noting problem areas and recommended repairs, if required to maintain structural integrity. See additional reporting requirements outlined in the foregoing of the Policy.

Each report shall include a statement to the effect that the building or structure is structurally safe, unsafe, safe with qualifications, or has been made safe. It is suggested that each report also include the following information indicating the actual scope of the report and limits of liability. This paragraph may be used:

"As a routine matter, in order to avoid possible misunderstanding, nothing in this report should be considered to be a guarantee for any portion of the structure. To the best of my knowledge and ability, this report represents an accurate appraisal of the present condition of the building based upon careful evaluation of observed conditions, to the extent reasonably possible."

Foundations

If all of the supporting subterranean materials were completely uniform beneath a structure, with no significant variations in grain size, density, moisture content, or other mechanical properties, and if dead load pressures were completely uniform, settlements would probably be uniform and of little practical consequence. In the real world, however, neither is likely. Significant deviations from either of these two idealisms are likely to result in unequal vertical movements.

Monolithic masonry structures are generally incapable of accepting such movement. Since, in most cases, differential shears are involved, cracks will typically be diagonal.

Small movements, in themselves, are most likely to be structurally important only if long-term leakage through fine cracks may have resulted in deterioration. In the event of large movements, contiguous structural elements such as floor and roof systems must be evaluated for possible fracture or loss of bearing.

Pile foundations are, in general, less likely to exhibit such difficulties. Where such does occur, special investigation will be required.

Roofs

Sloping roofs, usually having clay or cement tiles, are of concern in the event that the covered membrane may have deflections if merely resulting from deteriorated rafters or joists, will be of greater import. Valley flashing and base flashing at roof penetration will also be areas of concern.

Flat roofs with built-up membrane roofs will be similarly critical with respect to deflection considerations. Additionally, since they will generally be approaching expected life limits at the age when The Building Safety Inspection is required, careful examination is important. Blisters, wrinkling, alligating, and loss of gravel are usual signs of difficulty.

Masonry Bearing Walls

Random cracking, or if discernible, definitive patterns of cracking, will, of course, be of interest. Bulging, sagging, or other signs of misalignment may also indicate related problems in other structural elements. Masonry walls, commonly

constructed of either concrete masonry units or terra-cotta ~~block~~ blocks, may have been constructed with either reinforced concrete columns and tie beams or lintels.

Of most probable importance will be the vertical and horizontal cracks where masonry units abut tie columns or other frame elements such as floor slabs. Of interest here is the observation that although the raw materials of which these masonry materials are made may have much the same mechanical properties as the reinforced concrete framing, their actual behavior in the structure, however, is likely to differ with respect to volume change resulting from moisture content and variations in ambient thermal conditions.

Moisture vapor penetration, sometimes abetted by salt-laden aggregate and corroding rebars, will usually be the most common cause of deterioration. Tie columns are rarely structurally sensitive, and a fair amount of deterioration may be tolerated before structural impairment becomes important. Cosmetic-type repair involving cleaning and parching to effectively seal the member may often suffice. A similar approach may not be unreasonable for tie beams, provided they are not also serving as lintels. In that event, a rudimentary analysis of load capability using the remaining actual rebar area may be required.

Floor and Roof Systems

Cast-in-place reinforced concrete slabs and/or beams and joists may often show problems due to corroding rebars resulting from cracks or merely inadequate protecting cover of concrete. Patching procedures will usually suffice where such damage has not been extensive. Where corrosion and spalling ~~has~~ have been extensive in structurally critical areas, competent analysis with respect to the remaining structural capacity, relative to actual supported loads, will be necessary. Type and extent of repair will be dependent upon the results of such investigation.

Pre-cast concrete members may present similar deterioration conditions. End support conditions may also be important. Adequacy of bearing, indications of end shear problems, and restraint conditions are important and should be evaluated in at least a few typical locations.

Steel Framing System

Corrosion, obviously enough, will be the determining factor in the deterioration of structural steel. Most likely suspect areas will be fasteners, welds, and the interface area where bearings are embedded in masonry. Column bases may often be suspect in areas where flooding has been experienced, especially if salt water has been involved. Concrete fireproofing will, if it exists, be the best clue indicating the condition of the steel.

Concrete Framing Systems

Concrete deterioration will, in most cases, similarly be related to rebar corrosion. In this respect, honeycomb areas may contribute adversely to the rate of deterioration. Columns are frequently the most suspect. Extensive honeycombing is most prevalent at the base of columns, where fresh concrete was permitted to segregate, dropping into forms. This type of problem has been known to be compounded in areas where flooding has occurred, especially involving salt water.

Thin cracks usually indicate only minor corrosion, requiring minor patching only. Extensive spalling may indicate a much more serious condition requiring further investigation. In spall areas, chipping away a few small loose samples of concrete may be very revealing. Especially since loose material will have to be removed even for cosmetic-type repairs, anyway. Fairly reliable quantitative conclusions may be drawn with respect to the quality of the concrete. Even though our cement and local aggregate are essentially derived from the same sources, cement will have a characteristically dark grayish-brown color in contrast to the almost white aggregate. A typically white, almost alabaster-like coloration will usually indicate reasonably good overall strength.

Windows and Doors

Window and door condition is of considerable importance with respect to two considerations. Continued leakage may have resulted in other adjacent damage, and deteriorating anchorage may result in the loss of the entire unit in the event of severe windstorms even short of hurricane velocity. Perimeter sealants, glazing, seals, and latches should be examined with a view toward deterioration of materials and anchorage of units for inward as well as outward (suction) pressure, most importantly in tall buildings.

Wood Framing

Older wood-framed structures, especially those of the industrial type, are of concern in that long-term deflections may have opened important joints, even in the absence of deterioration. Corrosion of ferrous fasteners will, in most cases, be obvious enough. Rot and termite damage are potential sources of damage in wood structures. Penetration with a pointed tool to a depth greater than about 1/8 inch with moderate hand pressure will indicate the possibility of deterioration.

Building Facade

Appurtenances on an exterior wall of a building are elements including, but not limited to, any cladding material, precast appliques, exterior fixtures, ladders to rooftops, flagpoles, signs, railings, copings, guardrails, curtain walls, balcony and terrace enclosures, including greenhouses or solariums, window guards, window air conditioners, flower boxes, satellite dishes, antennae, cell phone towers, and any equipment attached to or protruding from the façade that is mechanically and/or ~~the~~ the adhesive attached.

Loading

It is of importance to note that even in the absence of any observable deterioration, loading conditions must be viewed with caution. Recognizing that there will generally be no need to verify the original design, since it will have already been “time tested”, this premise has validity only if loading patterns and conditions **remain unchanged**. Any material ~~change~~ changes in type and/or magnitude or loading in older buildings should be viewed as sufficient justification to examine the load-carrying capability of the affected structural system.

II. SCOPE OF ELECTRICAL INSPECTION

The purpose of the required inspection ~~and is to report~~ is to confirm ~~within a reasonable fashion,~~ that the building or structure and all habitable and non-habitable areas, as deemed necessary by the inspecting professional to establish compliance, are safe for continued use under present occupancy. This is a recommended procedure, and under no circumstances are these minimum recommendations intended to supplant proper professional judgment.

Electric Service

A description of the type of service supplying the building or structure shall be provided, stating the ~~size of~~ amperage, if three (3) phase or single (1) phase, and if the system is protected by fuses or breakers. Proper grounding of the service shall be in good standing. The meter and electric rooms should have sufficient clearance for equipment and for the serviceman to perform both work and inspections. Gutters and electrical panels shall all be in good condition throughout the entire building or structure.

Switchgear, Branch Circuits, etc.

Switchgear, branch circuits, etc., in the building, shall all be identified. A visual inspection and evaluation of the switchgear, conductors, and terminations shall be performed. Proper grounding shall be verified for all equipment used in the building, such as ~~an~~ emergency generators, elevators, motors, etc.

Conduit Raceways

All accessible conduits shall be free from excessive corrosion and shall be properly supported.

Fire Alarm System

The fire alarm system shall be in good working condition and shall have ~~the an~~ an up-to-date certification label system record report.

Emergency Lighting

Exit sign lights and emergency lighting shall all be in good working condition.

III. HISTORICAL DOCUMENTS, PERMITTING, REPAIRS AND REPORTS

~~An attempt should be made to condominium or coop to investigate the existence of documents with the local jurisdiction to assist with the overall inspection of the building.~~

An attempt should be made to investigate the existence of documents with the local jurisdiction to assist with the overall inspection of the building.

Understanding the structural system, building components, and intended design may guide the design professional to investigate certain critical areas of the structure.

Violations through the code compliance division of the local jurisdiction should be investigated. Cases on file may lead to issues pre-existing with the building, especially any unsafe structure determinations. Depending on the nature of the violation, Building Safety Inspections may be affected.

Unpermitted activities may also affect the outcome of a Building Safety Inspection, especially with unpermitted additions to the building. The Building Safety Inspection of a building is conducted on the entire structure including the original construction and any subsequent permitted addition. Unpermitted additions found by the Building Safety Inspection process present an unsafe situation and shall be identified in the report, even if found to be properly built. Like a repair process identified by the report, legalizing an unpermitted addition would be a prerequisite to the completion of a successful Building Safety Inspection report. Examples of unpermitted work that may affect Building Safety Inspections include but are not limited to, additions, alterations, balcony enclosures, etc.

Repairs identified in the Building Safety Inspection report will most likely require permits. Once the initial report is completed, it should be ~~immediately~~ submitted to the local jurisdiction for processing. Do not proceed to conduct repairs without permits. Some repairs, for example, ~~like~~ changing a bulb in an exit sign, may not require a permit, but most other work will require permits. Proceeding without obtaining repair permits may lead to a violation of the code. Additionally, repairs being conducted under a permit will afford additional time to comply with a complete Building Safety Inspection report.

Completing the reports concisely is vital to the overall understanding of the conditions of the building and the successful completion of the Building Safety Inspection process. The approved report forms provided herein shall be used. Proprietary forms will not be accepted. Such approved forms are to be considered supplemental to and in addition to a detailed written report. Sufficient photos shall be included to adequately convey typical conditions observed, particularly where defects are found. Where provided, photos shall be in color and with sufficient resolution to detail the conditions being shown. Building Safety Inspection reports may be audited, and the subject building may be inspected at the discretion of the Building Official. The Building Official reserves the right to rescind or revoke an approved Building Safety Inspection report.

The **Code in Effect** at the time of the original construction is the baseline for ~~the~~ Building Safety Inspections. Subsequent improvements to the original building should be inspected based on the code at the time of permitting. ~~It is not the~~ The intent of the Building Safety Inspection is not that buildings must be brought into compliance with current codes.

Item 2



Broward County Board of Rules and Appeals

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

broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Administrative Director

DATE: August 8, 2024

RE: First Reading of Amendments to Chapter 1, Section 110.15, Building Safety Inspection Program, Florida Building Code, 8th Edition (2023)

Recommendation

It is recommended that the Board of Rules and Appeals approve, by vote, the revised Chapter 1, Section 110.15.

Reasons

Our Building Safety Inspection Program has been revised to be consistent with the requirements of Florida law and Chapter 18 of the Florida Building Code, Existing Building. The proposed code language is based on the 2024 Legislature Session (HB 267, HB 535, HB 1021, and SB 1526) and the proposed Chapter 18, Minimum Requirements for the Mandatory Milestone Inspection, of the 2023 FBC - Existing Building and Other Glitches.

Additional Information

Revised FBC Chapter 1, Section 110.15 is attached. ~~Stricken through~~ text is language deleted. Underscored text is new or revised language.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "A. Barbosa", written over a white background.

Dr. Ana C. Barbosa

BROWARD COUNTY AMENDMENTS

110.15 Building Safety Inspection Program

110.15.1 BORA has established a Building Safety Inspection Program for buildings and structures that are 25 years of age or older.

110.15.2 BORA, by written policy, has established the guidelines and criteria which shall be the minimum requirements for the Building Safety Inspection Program and are contained in BORA Policy #05-05, which by reference is made part of this Code.

110.15.3 The Building Official shall enforce the Building Safety Inspection Program.

110.15.4 The following are **exempt** from this program:

1. US Government Buildings
2. State of Florida Buildings
3. Buildings built on sovereign tribal lands.
4. School buildings under the jurisdiction of the Broward County School Board.
5. ~~One and Two Family Dwellings~~
Single-family, two-family, three-family, and four-family dwellings with three or fewer habitable stories above ground.
6. Fee simple Townhouses as defined in the Florida Building Code.
7. Minor structures, defined as buildings or structures in any occupancy group having a ~~gross floor~~ building area of less than three thousand five hundred (3,500) square feet.
8. Railroads and ancillary facilities associated with the railroad.

110.15.5 Subsequent building safety inspections shall be required at ~~ten (10)-year~~ intervals from the year the building or structure reaches 25 years of age (as applicable) required inspection date, regardless of when the previous inspection report for the building or structure is finalized or filed.

Add Chapter 18 to read as follows:

Chapter 18

Minimum Requirements for The Mandatory Milestone Inspections

SECTION 1801

Mandatory structural inspections for condominium and cooperative buildings.

Section 1801. Mandatory Structural Inspections for Condominium and Cooperative Buildings.

1801.1 General. Maintaining the structural integrity of a building throughout the life of the building is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. The Legislature has found that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

1801.2 Scope. An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed.

Exception:

This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

, ~~or~~ three-family, or four-family – add from SB 1021

SECTION 1802

Milestone inspection timeframe and frequency

1802 Applicable buildings shall have a milestone inspection as follows:

- A. By December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024.
- B. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025.
- C. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

Exceptions:

1. The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, Florida Statutes, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If needed, the local enforcement agency must adopt such local circumstances by ordinance.
2. The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection, the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension, and there is no evidence that the building is unsafe, substantial structural deterioration exists, or potentially dangerous conditions exist as certified by the architect or engineer responsible for the Milestone Inspection.
3. The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in Chapters 718 and 719, Florida Statutes. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

1802.1 If an owner or owners of a building that is subject to a milestone inspection, fails to ensure a Phase 1 or Phase 2 milestone inspection is completed in accordance with Chapter 18, the Building Official may file a complaint with the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes documenting such failure.

SECTION 1803
Notice For Compliance

1803.1 Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested.

SECTION 1804
Milestone Inspection Phases and Completion Date

1804.1 A milestone inspection consists of two phases:

1804.1.1 Phase One. For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 1804.1.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 1806.1. If the architect or engineer finds that unpermitted work was performed to the structural components of the building, they shall notify the building official of such work.

1804.1.1.1 Completion Timeline for Phase One. Phase one of the milestone inspection must be completed within 180 days after the owner or owners of the building receive the written notice under Section 1803 For purposes of this section, completion of phase one of the milestone inspection means the licensed architect or engineer responsible for the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

1804.1.2 Phase Two. A phase two milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as

extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. However, such preference shall not supersede the inspector's professional judgement as to determining locations for destructive and nondestructive testing that are necessary, in the sole opinion of the inspector, to assess if the building is structurally sound and safe.

1804.1.2.1 Completion Timeline for Phase Two. If a phase two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer responsible for the phase two inspection must submit a phase two inspection report to the local enforcement agency or progress report with a timeline for completion of the phase two inspection. The architect or engineer responsible for a phase two milestone inspection shall prepare and submit an inspection report pursuant to subsection 1806.1.

1804.2 Duty to Report. Any registered design professional who performs an inspection of an existing building or structure has a duty to report to the owner, association, the local fire chief, and the building official any findings that, if left unaddressed, would endanger life or property, and shall inform the appropriate parties no later than ten (10) days after making such findings. However, if such professional finds that there are conditions in the building or structure meeting the definition of *Dangerous*, such professional shall report such conditions immediately to the building owner or association, the local fire chief, and to the building official within twenty-four (24) hours of the time of discovery. The registered design professional shall also render an opinion if the building or portions of the building need to be vacated and the timeframe for such vacation to occur. In addition to assessing any fines or penalties provided by the jurisdiction, the Building Official may report any violations of this provision to the appropriate licensing agency, regulatory board, and professional organization of such engineer or architect.

SECTION 1805

Milestone Inspection Responsibility

1805.1 The milestone inspection report must be obtained by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association.

SECTION 1806

Milestone Inspection Reporting

1806.1 Minimum Criteria. Upon completion of a phase one or phase two milestone inspection, the architect or engineer responsible for the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect responsible for the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

SECTION 1807

Milestone Inspection Report Form

1807.1 The Milestone Inspection Report Form (Appendix D) shall serve as minimum inspection compliance for Phase One and Phase Two milestone inspection requirements.

SECTION 1808

Local Enforcement Agency Action on Milestone Inspection Results

1808.1 Enforcement. A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

1808.2 Repair. A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report.

1808.3 Required Repairs or Modifications:

1. In the event that repairs or modifications are found to be necessary as a result of the milestone inspection, the building owner shall have a total of 180 days from the date of the building milestone inspection report, unless otherwise permitted by the Building Official, in which to complete required repairs and correct the structural deficiencies. All applicable requirements of this code shall be followed with all applicable permits obtained. If an owner or association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in the inspection report within the required timeframe, the structure may be deemed to be unsafe and unfit for occupation. Such findings shall be reviewed by the Building Official and shall be sent to the Special Magistrate, Code Enforcement Board, or Unsafe Structures Board, as appropriate. Such finding may also be reported as a complaint to the Department of Business and Professional Regulation Division of Condominiums, Timeshares, and Mobile Homes.
2. Once a permit is obtained for all necessary repairs or modifications from the local building department, which has jurisdiction, the *Florida Building Code* shall govern time restraints for such permits, or in accordance with a more restrictive timeframe as directed by the design professional.
3. For corrective action of deficiencies that cannot be commenced within 180 days, the time frame may be extended an additional 185 days not to exceed a total of 365 days when a time frame is specified by the architect or engineer responsible for the Milestone Inspection or the Architect or Engineer of Record for the repairs and approved by the Building Official. Such extensions shall be contingent on maintaining an active building permit as specified in Section 105.3.2 of the *Florida Building Code, Building*.
4. The building official may issue an extension of not more than 60 days to submit a building milestone inspection report or to obtain any necessary permits upon a written extension request from the architect or engineer responsible for the Milestone Inspection. Such request shall contain a signed and sealed statement from the architect or engineer responsible for the Milestone Inspection that the building may continue to be occupied while undergoing the building milestone inspection.
5. Once all required repairs have been completed, the architect or engineer responsible for the milestone inspection and the report shall re-inspect the areas noted on the original report and shall provide the building owner, association, and building official an amended report with a signed and sealed letter stating that all of the required repairs and corrections have been completed and that the building or structure is acceptable for continued use under the present occupancy. The building owner or the architect or engineer responsible for the Milestone Inspection shall submit that letter to the building official.

Item 3



Broward County Board of Rules and Appeals

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

broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Administrative Director

DATE: August 8, 2024

RE: Fiscal Year 2025 Budget (October 1, 2024 – September 30, 2025)

Recommendation

The Administrative Director recommends that the Board of Rules and Appeals authorize, by motion, an operating budget for the fiscal year (FY) 2025 for \$3,122,880. The operating budget allocates funding for personnel services, operational expenses, and capital outlay. In comparing the FY 2024 adopted budget of \$2,915,270 with the FY 2025 requested budget of \$3,122,880, there is an increase of \$207,610 or 6.65%.

Reasons

The recommended budget includes adequate funding for operating expenses and includes substantial reserves. As of June 2024, the Board of Rules and Appeals has a fund balance (reserves) of \$12,743,725. We anticipate an increase of approximately \$1,296,059 this year, making our fund balance \$14,039,784 or 9.23% by September 30, 2024. In addition, we expect to earn \$150,000 in interest earnings and less 5% (\$140,000) for the fiscal year 2024, which would increase the fund balance to \$14,049,784.

Additional Information

Expenses Overview:

Personnel Services, including salaries and employee benefits, are \$2,260,640 in FY 2025 compared to \$2,085,240 in the FY 2024 adopted budget. The total increase in FY 2025 is \$175,400, or 7.75%. The increase reflects salary increase (cost of living and annual performance pay) and associated fringe benefits of FICA, Medicare, and FRS.

Operating Expenses in FY 2025 will be \$747,240 compared to \$700,030 in the FY 2024 adopted budget, an increase of \$47,210 or 6.32%, primarily reflecting recurring operating expenses for travel and subscriptions.

The requested **Capital Outlay** expense in FY 2025 is \$115,000 compared to \$130,000 in FY 2024, a decrease of \$15,000, or -11.58%. The decrease is due to the one-time nature of the expenditure for the paperless transition project.

Revenue Overview:

Revenues remain sufficient to cover the expenses associated with each fiscal year. There is no anticipated rate increase in the next fiscal year. The rate recommendation decision is due to our financial reserves and will be evaluated by the Board each year.

The FY 2025 projected revenues increase by 14.16% compared to FY 2024 based on a continued strong economy and the number of construction projects throughout the County.

A recent history of municipal fees received and projected is listed below:

Revenue	FY 2022 Actual	FY 2023 Actual	FY 2024 Budget	FY 2025 Projected
Permit Fees	\$3,140,143	\$3,548,478	\$2,650,000	\$3,200,000
Interest & Other Earnings	\$80,475	\$260,383	\$150,000	\$400,000
Fund Balance (Reserves)	\$10,267,829	\$11,447,666	\$12,743,725	\$13,426,000

Forms and the Budgeting Process

Attached are a budget summary and performance measures reported to the Broward County Budget Office as part of the County’s annual budget development process.

Respectfully Submitted,



Dr. Ana C. Barbosa


 Division

Board of Rules and Appeals

SECTION SUMMARY

	FY23 Actuals	FY24 Budget	FY25 Budget
Board of Rules and Appeals	\$2,513,233	\$14,460,000	\$16,846,000
Total	\$2,513,233	\$14,460,000	\$16,846,000

REVENUES

	FY23 Actuals	FY24 Budget	FY25 Budget
Permits Fees Special Assessment	\$3,548,478	\$2,650,000	\$3,200,000
Interest and Other Earnings	\$260,383	\$150,000	\$400,000
Fund Balance	\$11,447,666	\$11,800,000	\$13,426,000
Less Five Percent	\$0	(\$140,000)	(\$180,000)
Total	\$15,256,527	\$14,460,000	\$16,846,000

APPROPRIATIONS

	FY23 Actuals	FY24 Budget	FY25 Budget
Personnel Services	\$1,854,043	\$2,085,240	\$2,260,640
Operating Expenses	\$556,545	\$700,030	\$747,240
Capital Outlay	\$102,645	\$130,000	\$115,000
Other Budgetary Reserves	\$0	\$11,544,730	\$13,723,120
Total	\$2,513,233	\$14,460,000	\$16,846,000
Total Positions	12	13	13

BUDGET VARIANCES

(130,000)	Decrease in capital outlay due to the one-time nature of the expenditures.
2,178,390	Increase in reserves due to and increase in revenues and fund balance.
\$58,810	Normal Increases and Decreases
44,950	Personnel Services
13,860	Operating Expenses
BUDGET SUPPLEMENTS	
115,000	Increase in one-time capital expenses for the purchase of two vehicles, computer hardware and software, and books.
130,450	Increase in personnel services to reflect the Board of Rules and Appeals proposed salary increase of \$107,560 (7%); and associated fringe benefits totaling \$22,890 of FICA (6.2%), Medicare (1.45%), and FRS (13.63%).
33,350	Increase in recurring operating expenses for travel (\$18,200) and subscriptions (\$15,150).
\$2,386,000	TOTAL INCREASE

Section

Board of Rules and Appeals

GOAL STATEMENT

To establish and enforce Florida Building Code regulations on a uniform basis to protect the health, safety and welfare of persons and property in Broward County.

PERFORMANCE MEASURES

	FY23 Actual	FY24 Budget	FY25 Projected
Number of appeals filed	3	3	4
Number of code changes approved by the Broward County Board of Rules and Appeals	8	400	14
Number of code interpretations approved by the Broward County Board of Rules and Appeals and staff	3,678	8,500	4,520
Number of training seminars and training sessions presented	79	120	100
Number of certifications	412	1,000	550
Number of technical advisory committee and subcommittee/workgroup sessions of the Florida Building Commission attended as a voting member	12	18	16
Number of regularly scheduled certification visits by full Broward County Board of Rules and Appeals staff to building departments	75	21	75
Number of call outs for building code compliance review requested by either building officials or chiefs for Broward County Board of Rules and Appeals code compliance staff	751	450	750
Number of training sessions attended by Board of Rules and Appeals staff	285	300	300
Number of complaints received leading to investigations	4	2	5

PROGRAM DESCRIPTION:

The responsibilities of the agency include reviewing inspections and plan reviews conducted by jurisdictional employees for compliance with both the County and State Building and Fire Codes as well as conducting random, requested, and investigative inspections to provide uniformity to the interpretation of the codes throughout Broward County. The agency conducts educational seminars to aid in the uniform enforcement of the building codes, fire codes, national electrical code, floodplain codes and many other referenced standards. Staff makes recommendations to the Board of Rules and Appeals on interpretations, appeals and also on amendments pertaining to the Florida Building Code and Fire Code and maintains certifications for approximately 900 building and fire inspectors, plans examiners and building officials.

APPROPRIATIONS

	FY23 Actuals	FY24 Budget	FY25 Budget
Total Expenses	\$2,513,233	\$14,460,000	\$16,846,000
Total Positions	12	13	13