

Broward County Board of Rules and Appeals Meeting Agenda

July 10, 2025 | Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1604478614>

Meeting ID: 160 447 8614

- I. **CALL MEETING TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF AGENDA**
- IV. **APPROVAL OF MINUTES** – May 8, 2025, 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 COUNTY (UNINCORPORATED)

Morrison, Leon G., Electrical Inspector (Provisional)

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Johnson, Jason, Fire Inspector

Washington, Marshaynia, Fire Inspector

CITY OF CORAL SPRINGS/PARKLAND

Celesti, Dominic, Fire Inspector

Lubinger, Robert, Fire Plans Examiner

CITY OF FORT LAUDERDALE

Casteel, Russell Edmund, Electrical Inspector (120-Day Temporary)

CITY OF HOLLYWOOD

Castano, Jorge, Fire Plans Examiner

Vandino, Joseph, Structural Inspector (Provisional)

CITY OF LAUDERHILL

Greer, Jasmine, Fire Inspector

Juarez, Ernesto J., Chief Mechanical Inspector

CITY OF LIGHTHOUSE POINT

Morales, Christopher, Fire Inspector

Motta, Tanner, Fire Inspector

CITY OF MIRAMAR

Estep, Michael James, Fire Inspector

Redruello, John, Fire Inspector

Slocum, Daniel, Fire Inspector

Sune, Ryan, Fire Inspector

CITY OF PEMBROKE PINES

Hernandez, Jorge, Fire Inspector

CITY OF PLANTATION

Zingale, Frank, Assistant Fire Marshal

CITY OF SUNRISE

Albert, Bryan C., Mechanical Inspector (120-Day Temporary)

COUNTYWIDE

Faretra, Mark Alan, Structural Inspector – Limited

Sharma, Rajesh, Structural Inspector

Sharma, Rajesh, Structural Plans Examiner

Silva, Michael, Electrical Plans Examiner

VII. REGULAR AGENDA

1. **Second Reading of Proposed New Code Sections of the Broward Local Fire Code F-104.2.1, Certification of Assistant Fire Marshal and F-107.4, In-Progress (Rough) Inspections. Update F-123.2 and F-123.4 to reflect the correct NFPA 96-2021 Code Section.**
 - a. Staff Report
 - b. Public Hearing
 - c. Board Questions
 - d. Board Action

2. **First Reading of the Proposed Modification to the Florida Building Code, Broward County Administrative Amendments, 8th (2023) Edition, Section 110.3.13, Virtual Inspections.**
 - a. Staff Report
 - b. Board Questions
 - c. Board Action

3. **Proposed Modifications to Broward County Administrative Amendments to Chapter 1 of the Florida Building Code, Sections 107.1, 107.3.4, and 202; Related to Requirements for Professional Design.**
 - 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).

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

May 8, 2025
Board Meeting Minutes

Broward County Board of Rules and Appeals Meeting Minutes, May 8, 2025

I. CALL MEETING TO ORDER

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

II. ROLL CALL

R. Art Kamm, Chairman	Stephen E. Bailey, Vice Chairman
Eduard Badiu	Ron Burr
Gregg D'Attile	Peter Deveaugh
Jeff Falkanger	Sergio Pellecer
Daniel Rourke	Dennis Ulmer
DW Wassink	Lynn Wolfson

Total members present: 12

III. APPROVAL OF AGENDA

Dr. Barbosa requested that Item 5, a request for a 180-day permit extension, be moved to the first item under the regular agenda. Mr. Bailey made a motion to approve the agenda with this change, and Ms. Wolfson seconded the motion. The motion was carried unanimously.

IV. APPROVAL OF MINUTES – March 13, 2025, Board Meeting

Mr. D'Attile made a motion, and Mr. Deveaugh seconded the motion to approve the March 13, 2025, minutes, as submitted.

Mr. Bailey noted that the minutes required two clarifications: confirmation of Mr. Deveaugh's support for a policy amendment and correction of a misrecorded unanimous vote of 7-5. These changes were acknowledged, and the motion was carried out through a unanimous vote.

V. PUBLIC COMMENT (Except public hearing items on this agenda)

Public comments are limited to 3 minutes.

Several speakers provided input on items of concern, notably regarding virtual inspections:

Mr. Oscar Soto, an attorney representing Roofing and Construction Corp., opposed the Board's potential review of a completed final inspection currently in litigation. He emphasized that such reconsideration would set a concerning precedent, especially in an active legal dispute.

Mr. Alex Hernandez, Building Official, expressed reservations about virtual inspections being conducted by inspectors located far from Broward County. He advocated for a well-defined structure with local jurisdictional authority and Broward-certified inspectors.

Mr. Stephen Pizzillo, Building Official, provided a historical perspective on failed remote inspection practices post-disaster and urged the Board to uphold its high inspection standards.

Ms. Sheila Oliver, Mr. Claudio Grande, and Mr. Thomas Schubert echoed concerns about safety, lack of localized knowledge, and the risks of opening inspections to remote providers. All favored limited or no expansion of virtual inspection authority.

Mr. Mark Worrell, representing the HVAC industry, supported the expansion of virtual inspections, particularly for simple replacements such as HVAC change-outs. He argued that safety concerns were overstated, and technology adoption is overdue.

Mansor Simo, Building Official, supports expanding virtual inspections. While respecting opposing views, he sees virtual inspections as a major advancement that increases efficiency without sacrificing safety. He notes that Florida law permits them, and most counties have adopted the practice.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

Mr. Bailey made a motion, and Mr. Rourke seconded the motion to approve the certifications as recommended by staff. The motion was carried by a unanimous vote.

VII. REGULAR AGENDA

1. Request to Approve a 180-Day Extension for Stephen Nesmith

a. Staff Report – Dr. Ana Barbosa

Dr. Barbosa reported that this request is for an extension on a building permit due to continuing delays in material supply, specifically the fabrication of trusses. The permit was initially extended for 90 days administratively. This second extension, if granted, would extend the permit deadline to October 31, 2025.

b. Board Questions - None

c. Board Action

Mr. Deveaugh made a motion, and Mr. Badiu seconded the motion to approve the 180-day extension request. The motion passed unanimously.

2. First Reading of Proposed New Code Section F-104.2.1, Certification of Assistant Fire Marshal and F-107.4, In-Progress (Rough) Inspections. Update F-123.3 and F-123.4 to reflect the correct NFPA 96, 2021 code section

a. Staff Report – Bryan Parks

Mr. Parks presented proposed amendments to the local fire code for first reading. He detailed the following changes:

The addition of a new provision in F-104.2.1 to ensure certification requirements for Assistant Fire Marshals are consistent with those for other certifications issued by the Board.

An amendment to F-107.4 to explicitly require in-progress and rough inspections. These types of inspections are essential for confirming code compliance before final inspections and allow early detection of issues.

Technical corrections to NFPA 96 references, updating cross-references from outdated Chapter 11 to the current Chapter 12 in the 2021 edition of the code.

- b. Board Questions – none
- c. Board Action

Mr. Pellecer made a motion, and Ms. Wolfson seconded the motion to approve the amendments as presented in the first reading. The motion passed unanimously.

3. Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit # B24-01261 Inspection Results Pursuant to Florida Building Code Section 1515.2.5

- a. Staff Report - Mr. Morell

Mr. Morell presented the appeal involving the City of Weston's inspection and approval of a roofing permit performed by Roofing and Construction Corp. The appeal, brought forth by Ms. Xiaohui Guo, a private homeowner, aimed to challenge the validity of the inspection and sought its reversal.

Mr. Morell explained that Ms. Xiaohui Guo is appealing a passed roofing inspection by the City of Weston, contesting that her roof was improperly installed and not compliant with Florida Building Code (FBC) Section 1512.2.5 and the manufacturer's installation requirements.

Mrs. Guo challenged multiple inspections passed by the city's inspector, Mr. Wagner, including an initial cap sheet inspection and a final inspection allegedly based on photos and an engineering report. Ms. Guo claimed the engineer never visited the site for the uplift test and that the report used for approval was potentially fraudulent.

Photos and reports submitted by Mrs. Guo and her witnesses (including roofer Leonel Cabrera and expert Tim Nast) showed visible "fish mouths" (air pockets), broken tiles, and improper sealing.

Witness Testimony:

Leonel Cabrera, subcontractor roofer, testified that he was never instructed to seal laps or roll the underlayment down. He said they were instructed only to torch valleys, which violates the approved method.

Tim Nast, licensed roofer, inspected the roof after the tiles were installed. He noted poor workmanship and existing leaks and testified that the torching of the underlayment was improper.

Chris Cury, a public adjuster, observed new leaks and damage after tile installation.

Roofer:

Mr. Romero defended the quality and compliance of his roofing work, attributed the delays to the homeowner's claims, and suggested the current dispute stems from an effort to avoid full payment. He supported his position with documentation from inspectors and engineers.

Weston's Response:

Reginald A. Cox, Building Official, City of Weston, provided a detailed account of the inspection history and code compliance related to the appeal. He defended the city's inspection and approval process, maintained that the job met code requirements, and acknowledged both the building official's and inspectors' procedural integrity and discretionary authority.

Mr. Wagner defended the use of woven valleys as compliant and commonplace, while acknowledging some specific corrections were needed in certain areas.

b. Board Questions

Mr. Falkanger and Mr. Rourke expressed concern that a properly installed roof should not leak after one year and questioned whether code compliance alone was sufficient justification.

Mr. Bailey countered that leaks can occur even with compliant installations and reiterated that the City of Weston followed the correct review and inspection procedures.

Mr. Badiu emphasized that claims of leaks lacked scientific evidence (no moisture meter or infrared verification).

c. Board Action

The motion to deny the appeal failed with a vote of 5 in favor to deny and seven opposed (Mr. D'Attile, Mr. Falkanger, Mr. Pellecer, Mr. Rourke, Mr. Ulmer, Ms. Wolfson, Chairman Kamm). Mr. Bailey then recommended referring the matter to a committee for further evaluation, citing disagreement within the Board.

Mr. Deveaugh moved to refer the case to an ad hoc committee, and Mr. Bailey seconded.

The Board voted 11–1 in favor of referring the matter to an ad hoc committee that can review the case in greater depth to resolve the conflicting technical interpretations and procedural concerns. (Mr. Ulmer)

4. Proposed Modification to the Florida Building Code, Broward County Administrative Amendments, 8th (2023) Edition, Section 110.13.1.3, Virtual Inspections

- a. Staff Report- Ana Barbosa introduced a formal request to the Board of Rules and Appeals to modify the *Florida Building Code*, specifically Broward County's local amendment (Section 110.3.13), to allow for virtual inspections by licensed and qualified professionals. This proposal is not for unlimited virtual inspections, but rather to align Broward County's practices with the rest of Florida, where 66 out of 67 counties already permit such inspections.

Ian Cohen clarified that the request is to allow virtual inspections, as already done elsewhere in Florida, and not to create unrestricted or uncontrolled use. The amendment pertains to a local ordinance, not the Florida Building Code itself. Charles Kramer emphasized compliance with state statutes and expressed concern that certain inspections (like roofing structure) may legally require an in-person evaluation.

b. Board Questions

Several board members and professionals, including Stephen Bailey, Daniel Rourke, and Gregg D'Attile, highlighted the efficiency of using current technology (e.g., 360-degree cameras, drone deployment), and the cost-saving and time-saving potential for homeowners and contractors.

Chair Robert Art Kamm emphasized the importance of due diligence before making a final decision.

Pete Deveaugh expressed concern for public safety, especially regarding electrical inspections and the risk of missing loose connections through virtual means.

Stephen Bailey and others countered that inspectors do not typically check torque on wiring anyway, and inspections for major or “threshold” structures would still require in-person reviews per state code.

c. Board Action

The final motion was to repeal Section 110.3.13, allowing virtual inspections by aligning with state law. Eleven members voted Yes, and two voted No (Mr. Deveaugh and Mr. Ulmer).

The Board approved the repeal of Broward County’s restriction on virtual inspections with a strong majority, moving the issue forward to a formal public hearing and second reading phase.

5. Proposed Purchase of Electronic Tablets for BORA Business

a. Staff Report - Dr. Ana Barbosa

Dr. Barbosa presented a cost-saving proposal to offer board members electronic versions of building code books instead of printed copies. Tablets could be provided to members who prefer digital access; they'd be returned at the end of their tenure.

b. Board Questions – none

c. Board Action

Mr. D’Atille made a motion, and Edward Badiu seconded the motion to approve allowing board-funded tablets for members who want them. The motion passed unanimously.

6. Director’s Report – none

7. Attorney’s Report – none

8. Committee Reports – none

9. General Board Member Discussion – none

10. Adjournment

The meeting adjourned at approximately 10:32 PM.

Consent Agenda: Item 1

BROWARD COUNTY (UNINCORPORATED)

Morrison, Leon G., Electrical Inspector (Provisional)

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Johnson, Jason, Fire Inspector

Washington, Marshaynia, Fire Inspector

CITY OF CORAL SPRINGS/PARKLAND

Celesti, Dominic, Fire Inspector

Lubinger, Robert, Fire Plans Examiner

CITY OF FORT LAUDERDALE

Casteel, Russell Edmund, Electrical Inspector (120-Day Temporary)

CITY OF HOLLYWOOD

Castano, Jorge, Fire Plans Examiner

Vandino, Joseph, Structural Inspector (Provisional)

CITY OF LAUDERHILL

Greer, Jasmine, Fire Inspector

Juarez, Ernesto J., Chief Mechanical Inspector

CITY OF LIGHTHOUSE POINT

Morales, Christopher, Fire Inspector

Motta, Tanner, Fire Inspector

CITY OF MIRAMAR

Estep, Michael James, Fire Inspector

Redruello, John, Fire Inspector

Slocum, Daniel, Fire Inspector

Sune, Ryan, Fire Inspector

CITY OF PEMBROKE PINES

Hernandez, Jorge, Fire Inspector

CITY OF PLANTATION

Zingale, Frank, Assistant Fire Marshal

CITY OF SUNRISE

Albert, Bryan C., Mechanical Inspector (120-Day Temporary)

COUNTYWIDE

Faretra, Mark Alan, Structural Inspector – Limited

Sharma, Rajesh, Structural Inspector

Sharma, Rajesh, Structural Plans Examiner

Silva, Michael, Electrical Plans Examiner

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: July 10, 2025

RE: Second Reading of Proposed New Code Sections of the Broward Local Fire Code F-104.2.1, Certification of Assistant Fire Marshal and F-107.4, In-Progress (Rough) Inspections. Update F-123.2 and F-123.4 to reflect the correct NFPA 96-2021 Code Section.

On May 8, 2025, the Board of Rules and Appeals approved the first reading for the revisions to the proposed new code sections of the Broward Local Fire Code, F-104.2.1, Certification of Assistant Fire Marshal, and F-107.4, In-Progress (Rough) Inspections. The revisions will also update F-123.2 and F-123.4 to reflect the correct NFPA 96-2021 code section. The proposal is now presented for a second reading and public hearing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be "A.C. Barbosa", written in a cursive style.

Dr. Ana C. Barbosa



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 Board of Rules and Appeals

FROM: Fire Code Compliance Officer

DATE: May 8, 2025

RE: First Reading of Proposed New Code Section F-104.2.1, Certification of Assistant Fire Marshal and F-107.4, In-Progress (Rough) Inspections. Update F-123.3 and F-123.4 to reflect the correct NFPA 96, 2021 code section.

Recommendation

The Board of Rules and Appeals Fire Code Committee, by a unanimous vote of 16 to 0, requests that the Board adopt, by vote, the following recommendations to revise Sections F-104.2 and F-107.4 and modify F-123.4 of the Broward Local Fire Code.

Reasons

It has been recommended that Section F-104.2.1, Certification Assistant Fire Marshal, be updated to require the same verbiage as all other certification sections regarding the requirement that the certified individuals meet the requirements of being a firefighter.

F-104.2.1 Certification of Assistant Fire Marshal. The Assistant Fire Marshal certified by BORA shall be a state-certified firefighter as defined by 69A-37, referred to collectively as 69A-37.055(2)(b) Firefighter curriculum as the "Minimum Standards Course," be a State-certified Fire Inspector, and shall meet one or more of the following qualifications:

Staff is proposing that the Broward Local Fire Code add Section F-107.4, which would allow the fire code official to require an in-progress or (rough) inspection to be conducted before a final inspection for any life safety system.

F-107.4 In-Progress (Rough) Inspections:

F-107.4.1 The fire code official shall have the authority to require an in-progress (rough) inspection of any life safety system before a request for a final inspection is received.

It is recommended that Sections F-123.3 and F-123.4 be revised to reflect current NFPA 96 code sections:

F-123.3 Cooking ventilation systems shall be inspected for grease buildup by a person meeting the training requirements as set forth by the International Kitchen Exhaust Cleaning Association (IKECA) or other nationally recognized exhaust system cleaning association acceptable to the AHJ in accordance with NFPA 96, Section 44 12.6.1.

F-123.4 The completed inspection or cleaning report, as found in NFPA 96, 44- 12.6.14, shall be provided to the owner, and a copy, along with photos taken prior to and after cleaning, shall be submitted to the local AHJ.

Additional Information

Please find attached the Broward Local Fire Code 8th Edition, with underlined proposed new code sections and modified code sections to reflect current codes.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Bryan Parks".

Bryan Parks

Broward County Local Amendments to the Florida Fire Prevention Code

SECTION F-101

GENERAL

F-101.1 Title. These regulations shall be known as the Broward County Local Fire Code Amendments to the Florida Fire Prevention Code (FFPC).

F- 101.2 Scope. The provisions of this Chapter shall govern the administration and enforcement of the FFPC and the Fire Protection Provisions of this Code. They shall apply countywide in both incorporated and unincorporated areas of Broward County, Florida. The provisions of this code shall apply to new and existing buildings or structures, equipment, installations, construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings.

F-101.2.1 Appendices or Annexes: Provisions in the appendices or annexes shall not apply unless specifically adopted by Florida Statute 633.

F-101.2.2 Definitions.

- A. AHJ** means Authority Having Jurisdiction shall be a federal, state, local organization, office, or individual responsible for enforcing the requirements of this code as found in Broward Local Amendments to FFPC and Chapter 1, Broward Administrative Provisions.
- B. BCFCC** means Broward County Fire Code Committee.
- C. BORA** means the Broward County Board of Rules and Appeals.
- D. Engineer** means a Licensed Professional Engineer, licensed in the State of Florida.
- E. FBC** means the Florida Building Code.
- F. FFPC** means the Florida Fire Prevention Code, including the Broward County Local Fire Amendments to the Florida Fire Prevention Code.
- G. State** means the State of Florida.
- H. Fire Code Manager/Administrator** means a person certified by the State Fire Marshal Office as meeting the provisions found in NFPA 1037 and means Fire Marshal/Fire Code Official.
- I. Fire Service Provider** means Fire Department
- J. Door or Door Assembly:** When used for fire service provider access as referred to in this code or the FFPC,

except in chapters where other configurations are permitted, shall mean a side-hinged, swinging type egress exterior door/door assembly that can be opened from the outside and that provides access to the interior of the dwelling unit or building.

K. External Defibrillator (AED)

- a) Is commercially available in accordance with the Federal Food, Drug, and Cosmetic Act,
- b) Is capable of recognizing the presence or absence of ventricular fibrillation and is capable of determining, without intervention by the user of the device, whether defibrillation should be performed; and
- c) Upon determining that defibrillation should be performed, it can deliver an electrical shock to an individual.

L. Bleeding Control Kit (BCK)

- a) Capable of stopping severe bleeding through clotting, pressure, tourniquets, and other proven effective means of stopping blood loss; and
- b) Upon a blood loss emergency, it can stem blood loss rapidly to prevent massive blood loss.

F-101.3 Intent. The purpose of the FFPC is to establish the minimum requirements to safeguard public health, safety, and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety of life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use, and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems and to provide safety to firefighters and emergency responders during emergency operations.

F-101.4 Violations and Penalties. Any person, firm, or corporation who violates a provision of the FFPC or a Fire Protection Provision of this Code or fails to comply with any of the requirements thereof shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for every day or portion thereof during which any violation of any of the provisions of the FFPC or any Fire Protection Provisions of this Code is committed or continued. Upon conviction of any such violation, such person shall be punishable by a fine of not less than fifty (\$50) nor more than five hundred (\$500) dollars, or as mandated by Florida Statute 633 or by imprisonment not exceeding sixty days, or by both such fine and imprisonment.

F-101.5 Quality control. Quality control of materials and workmanship is not within the purview of the FFPC or this Code except as it relates to the purposes stated herein.

F-101.6 Referenced Codes. Other codes listed in and referenced elsewhere in the FFPC, and the Fire Protection Provisions of this Code shall be considered part of the requirements of the FFPC to the prescribed extent of each such reference.

F-101.6.1 Fire prevention. For provisions related to fire prevention, refer to the FFPC as referenced in Florida Statute 633, Broward County Local Fire Amendments to the FFPCs as adopted, as referenced above. The FFPC shall apply to matters affecting or relating to structures, processes, and premises from the hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures, or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

SECTION F-102 Applicability.

F-102.1 General. Where, in any specific case, different sections of this Code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

F-102.1.1 FFPC and the Fire Protection Provisions of this Code do not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements that do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of, FFPC and Fire Protection Provisions of this Code.

SECTION F-103 Bureau of Fire Prevention, Fire Marshal / Fire Code Official, Fire Plans Examiner, and Fire Inspector

F-103.1 Bureau of Fire Prevention. A Bureau of Fire Prevention shall be established within the Fire Service Provider or Fire Department, under the direction of the Fire Chief, which shall consist of such Fire Service Provider or Fire Department personnel as may be assigned by the Fire Chief, in accordance with the requirements prescribed herein. The function of this bureau shall be to assist the Fire Chief in the administration and enforcement of the FFPC, the Fire Protection Provisions of this Code, and the Fire Protection Provisions of this Chapter. Personnel assigned to the bureau as the Fire Marshal, Fire Code Official, Assistant Fire Marshal, Fire Plans Examiner, and Fire Inspector shall be certified by BORA.

F-103.2 Appointment of Fire Marshal/Fire Code Official and Assistant Fire Marshal. The Fire Chief shall appoint certain fire prevention personnel to be qualified as set forth in this Chapter as part of the FFPC to be qualified as Fire Marshal/Fire Code Official. The Fire Chief may also appoint an Assistant Fire Marshal within the Bureau and must meet all qualifications listed below if implemented. Personnel assigned to the bureau as Fire Marshal /Fire Code Official, Assistant Fire Marshal Fire Plans Examiner, and Fire Inspector shall be State Certified Firefighters, State Certified Fire Inspectors, and certified by BORA. For state certification and recertification, refer to Florida State Statute 633.

F-103.3 Powers and Duties of a Fire Marshal /Fire Code Official. The Fire Chief shall duly authorize their representative of the Fire Service Provider/Fire Department to exercise the powers and perform the duties of the Chief. They shall also be known as Fire Marshal/Fire Code Official. The Fire Marshal/Fire Code Official shall be authorized and directed to enforce the Fire Protection Provisions of this Code and the FFPC, and the sole authority to render interpretations of the Fire Protection Provisions of this Code and the FFPC, and to adopt policies and procedures in order to clarify the application of its provisions and shall have responsibility for the administration and enforcement of the FFPC and Fire Protection Provisions of this Code. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of the Fire Protection Provisions of this Code and the FFPC. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the Fire Protection Provisions of this Code and FFPC. It shall be their duty and responsibility to enforce and coordinate the work of all subordinates. Based on current technology the Fire Marshal/Fire Code Official does not have to be physically present at the Fire Service Provider/Fire Department as long as they are available by telephone, computer, etc., and can perform their duties. In the event that the Fire Marshal/Fire Code Official is not available to perform his/her duties, the Fire Chief may appoint the Assistant Fire Marshal to undertake the supervisory responsibilities if the Assistant Fire Marshal and Fire Marshal are not able to perform their duties, the Fire Chief may appoint an interim Fire Marshal/Fire Code Official provided such person is qualified as set forth in Section F-103.3 of this Code. The Fire Chief or Fire Service Provider/Fire Department shall notify the BORA Fire Code Compliance Officer, of the time that the Interim Fire Marshal/Fire Code Official will assume the Fire Marshal/Fire Code Official's duties. The name of the Interim Fire Marshal/Fire Code Official will be recorded by BORA, but they will not be issued a certification card as a Fire Marshal/Fire Code Official. The Fire Marshal/Fire Code Official shall be subject to the powers vested by Florida Statute 633 and BORA in this Code. If there is, one Fire Plans Examiner or Fire Inspector who is an employee that meets the qualifications of a Fire Marshal by an inspection authority, that plans examiner or fire inspector shall be a Fire Marshal/Fire Code Official.

F-103.3.1 Under the Fire Chief's direction, the Fire Service Provider/Fire Department shall enforce the Fire Protection Provisions of this Code and the FFPC and all Fire Codes pertinent to the prevention of fires, suppression or

extinguishing of fires, storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, and solid and liquid materials. These inspections shall include, but are not limited to:

F-103.3.1.1 The inspection of equipment and maintenance of automatic, manual, and other fire alarm systems and fire extinguishing equipment.

F-103.3.1.2 The maintenance and regulation of fire escapes.

F-103.3.1.3 The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.

F-103.3.1.4 The means and adequacy of each exit in the event of a fire or similar emergency, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres and all other places in which people work, live or congregate from time to time for any purpose; and

F-103.3.1.5 The investigation of the origin, cause, and circumstances of fires.

F-103.3.1.6 No enforcing agency may issue any permit except as allowed by Florida Statute 633 for construction, erection, alteration, repair, or demolition until the Building Official/Fire Code Official, in conjunction with the appropriate fire plans examiner, has reviewed the plans or specifications for such proposal and both officials have found the plans or specifications to be in compliance with the FFPC and the applicable fire safety standards as determined by the local authority in accordance with the FFPC and Florida Statute 633. Plans shall be reviewed within 30 working days (other than simplified permits related to fire alarms and fire sprinkler systems) from the date of submission or specifications are received. In the event that an agreement cannot be reached between the Building and Fire Officials, the dispute shall be referred to the BCFCC for review and recommendation to BORA.

F-103.3.1.7 It shall be the duty of the Fire Chief of the Fire Service Provider Fire Department to inspect or cause to be inspected by their duly authorized representatives of the Fire Prevention Bureau, as often as may be necessary, but not less than annually, during normal business hours, for the establishment in question, all buildings and premises, including common or public areas as well as all public aisles, corridors, halls, rooms, storage areas, or other nonresidential areas of such buildings, for the purpose of ascertaining and causing to be corrected, any condition liable to cause fire or any violation of the provisions or intent of the FFPC, by providing written notice of the code sections violated, and to otherwise enforce any violation of the Fire Protection Provisions of this Code and the FFPC. Whenever the Fire Chief or their duly authorized representatives of the Fire Service Provider/Fire Department determines that a violation exists, the person responsible for maintaining the building or area where such violation exists shall be given reasonable written notice of such violation, and if the violation continues, a presumption of a violation of the Fire Protection Provisions of this Code and the FFPC shall be created against the person

responsible for maintaining the building or area where such violation exists. Rejections shall be in writing and include specific reference to the Code Section.

F-103.3.1.8 Right of Entry. Upon presentation of proper credentials, the Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative may enter, at any reasonable time, any building, structure or premises for the purpose of making any inspection or investigation, which under the Fire Protection Provisions of this Code and the FFPC.

F-103.3.1.9 Stop-Work Orders. If the Fire Chief becomes aware of a hazardous condition that presents an immediate danger to life, work is done contrary to this code or FFPC, or work without a permit, they shall be authorized to order the hazard removed or remedied immediately and shall be empowered to order the closing of the building or place where such danger to life violation exists until such time as same has been corrected. Any failure of immediate compliance shall empower the Fire Chief, or their duly authorized representative finding such hazardous condition creating an immediate danger to life, to close such building or cause same to be closed and the people herein evacuated and barred from reentering until such time as such immediate danger to life, work is done contrary to this code or FFPC, work without a permit, has been corrected. The Fire Chief or their duly authorized representative is given the authority to order any gas company, power company, or other utility company to disconnect its service to any building or buildings containing gas or power installations where such installations, in the opinion of the Fire Chief, or their duly authorized representative creates an immediate danger to life, work is done contrary to this code or FFPC, work without a permit, and to close otherwise or evacuate such building and to bar reentry thereto, until such installation is repaired or replaced and such hazard to life ceases to exist. Rejections shall be in writing and include specific reference to the code section.

F-103.3.1.10 The Fire Chief or their duly authorized representative, upon the complaint of any person or whenever they shall deem it necessary, shall inspect any buildings and premises within their jurisdiction.

F-103.3.1.11 Approval of the Fire Service Provider/Fire Department accessibility and all tests of fire alarm detection and suppression systems, smoke evacuation systems, and life safety systems shall be conducted prior to final structural inspection and issuance of Certificate of Occupancy.

F-103.4 Orders to Eliminate Dangerous or Hazardous Conditions: Whenever the Fire Chief or their duly authorized representative shall find in any building or upon any premises, dangerous or hazardous conditions or materials, including, but not limited to violations of the requirements encompassed in Florida Statutes 633, or the following Paragraphs they shall order such violations and dangerous conditions or materials removed or remedied.

F-103.4.1 Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.

F-103.4.2 Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.

F-103.4.3 Dangerous accumulation of rubbish, wastepaper, boxes, shavings, or other flammable materials.

F-103.4.4 Accumulations of dust or waste material in air conditioning or ventilation systems or of grease in kitchen or other exhaust ducts.

F-103.5 Hurricane Protection Devices

After the termination of such periods of time that had been designated by the National Weather Service as being a hurricane watch or warning, hurricane protective devices installed on occupied buildings that impede required egress or required light, and ventilation shall be removed within 15 days.

F-103.5.1 Obstruction to windows. Where windows are required to provide the second means of escape from a room or area, the following are prohibited.

F-103.5.2 Bars that cannot be opened from the inside.

F-103.5.3 Other obstructions such as security grill.

Exception: Only one (1) window is required to meet the above where two (2) windows are in the same room or area.

F-103.5.4 Reserved

F-103.5.5 Reserved

F-103.5.6 Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, create a hazardous condition.

F-103.5.7 Reserved

F-103.5.8 The improper storage, transporting, or handling of all classes of flammable or combustible liquids or otherwise hazardous substances in any place within the enforcing jurisdiction.

F-104 Certifications

F-104.1 Certification of Fire Marshal/Fire Code Official.

The Fire Marshal/Fire Code Official certified by BORA shall be a state-certified firefighter as defined by 69A-37 referred to collectively as 69A-37.055(2)(b) Firefighter curriculum as the "Minimum Standards Course," be a State certified Fire Inspector, and shall meet one or more of the following qualifications:

F-104.1.1 An engineer or a Degree in Fire Science or a Degree in Fire Prevention and shall have been employed as a county or city Fire Inspector for three (3) years within the State of Florida and possess a Broward County Certification.

F-104.1.2 A county or city Fire Plans Examiner with at least five (5) years of experience within the State of Florida and shall possess a Broward County Certification.

F-104.1.3 Ten (10) years experience as a Fire Inspector, employed in a county or city within the State of Florida with at least five (5) years of experience within the jurisdiction of the FFPC and be a Broward County Certified Fire Inspector.

F-104.1.4 Have been fulfilling the duties of a Fire Marshal/Fire Code Official with five (5) years continuous service as such within a county or city in the State of Florida and shall possess a Broward County Certification.

F-104.1.5 Possesses a certification issued by the State Fire Marshal as a Fire Code Manager/Administrator in accordance with NFPA 1030 with a total of six (6) years experience with a county or city as fire plans examiner and inspector in Florida and shall possess a Broward County Certification.

F-104.1.6 Three (3) years of experience as a Broward County Certified Plans Examiner and nationally certified as an NFPA Certified Fire Inspector 1 (CFI-1), NFPA Certified Fire Plans Examiner (CFPE), and NFPA Certified Fire Protection Specialist (CFPS).

F-104.2 Certification of an Assistant Fire Marshal.

F-104.2.1 Certification of Assistant Fire Marshal. The Assistant Fire Marshal certified by BORA shall be a state-certified firefighter as defined by 69A-37 referred to collectively as 69A-37.055(2)(b) Firefighter curriculum as the "Minimum Standards Course," be a State certified Fire Inspector, and shall meet one or more of the following qualifications:

F-104.2.1 2 An engineer or a degree in Fire Science or a degree in Fire Prevention and shall have been employed as a County or City Fire Inspector for three (3) years within the State of Florida and shall possess a Broward County certification.

F-104.2.2 3 A county or city Fire Plans Examiner with at least four (4) years of experience within the State of Florida and shall possess a Broward County certification.

F-104.2.3 4 Seven (7) years experience as a Fire Inspector, employed in a county or city within the State of Florida with at least five (5) years of experience within the jurisdiction of the FFPC and be a Broward County Certified Fire Inspector.

F-104.2.4 5 Have been fulfilling the duties of an Assistant Fire Marshal with three (3) years of continuous service as such within a county or city in the State of Florida and shall possess a Broward County Certification.

F-104.2.5 6 Possesses a certification issued by the State Fire Marshal as a Fire Code Manager/Administrator in accordance with NFPA 1030 with a total of (5) years of experience with a county or city as Fire Plans Examiner and

Inspector in Florida and shall possess a Broward County Certification.

F-104.2.6 .7 Two (2) years of experience as a Broward County Certified Plans Examiner and nationally certified as an NFPA Certified Fire Inspector 1 (CFI-1), NFPA Certified Fire Plans Examiner (CFPE), and NFPA Certified Fire Protection Specialist (CFPS).

F-104.2.7 .8 Any Assistant Fire Marshal currently employed by a Broward County Fire Service Provider, prior to the effective date of this code section will receive a certification once the Fire Service Provider submits a letter indicating the date the individual was assigned as Assistant Fire Marshal and the name of the individual.

F-104.3 Fire Plans Examiner.

F-104.3.1 Appointment of a Fire Plans Examiner. There shall be appointed by the Fire Chief of each Fire Service Provider/Fire Department certain fire prevention personnel to be qualified as set forth in this Chapter as part of the FFPC to serve as a Fire Plans Examiner. To be eligible for appointment as a Fire Plans Examiner, such person shall be cofertified by BORA.

F-104.3.2 Powers and Duties of the Fire Plans Examiner. Such employee shall have the duties and powers as delegated by the Fire Chief except that the Fire Chief may not delegate authority to subordinates to interpret provisions of the Fire Protection Provisions of this Code, FFPC, and all Fire Codes which authority is assigned to the Fire Marshal/Fire Code Official. A Fire Plans Examiner, if properly qualified, may be certified and assigned duties in more than one category. Prior to the issuance of any permit for construction, erection, alterations, repair, or demolition, the Fire Plans Examiner shall review all plans or specifications in conjunction with the Building Department. One and two-family detached residential dwelling units shall not be subject to provisions found in NFPA 101 during plan review by the Fire Plans Examiner as described in this section or inspection by the Fire Plans Examiner as described in Florida Statute 633. When approvals by other agencies having authority may logically be required to be affixed to the plans or specifications before approval by the Fire Plans Examiner, such approval shall be affixed to the plans or specifications before examination by the Fire Plans Examiner. If the application or plans or specifications do not conform to the requirements of all pertinent laws or regulations, the Fire Plans Examiner shall reject such application in writing, stating the reasons therefore and citing the relevant code section(s) of the FFPC. Plans or specifications that are rejected, as stated herein above, shall be returned for correction. Pen notations on mechanically reproduced plans or specifications may be accepted for only minor corrections. If the applications, plans of specifications, upon examination, are found to comply with the requirements of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes, the plans or specifications shall be marked approved. Fire Service Provider/Fire Department acceptance of fire and life safety features in buildings after performance objectives are met is required, prior to certificate of occupancy being issued.

Nothing in this section shall be construed to provide an exemption from fire plan review for one and two-family detached residential dwelling units that undergo a change or occupancy classification.

F-104.4 Certification of a Fire Plans Examiner. The Fire Plans Examiner certified by BORA shall be a state certified Firefighter as defined by 69A-37 referred to collectively as 69A-37.055(2)(a)(b) Firefighter curriculum as “Minimum Standards Course,” be a statecertified Fire Inspector, and shall meet one or more of the following qualifications:

F-104.4.1 An engineer or a degree in Fire Science or a degree in Fire Prevention and having a minimum of three (3) years of experience as a fire plans examiner with a county or city within the State of Florida and shall be Broward County Certified.

F-104.4.2 Five (5) years of experience as a Fire Inspector employed with a county or city in the State of Florida and shall be Broward County certified.

F-104.4.3 Ten (10) years of experience as a firefighter, four (4) years as a state-certified fire inspector employed with a county or city having fulfilled the duties of a fire inspector and shall be a Broward County certified.

F-104.4.4 Have been fulfilling the duties of a Fire Plans Examiner with five (5) years of continuous service within the State of Florida and be Broward County certified.

F-104.4.5 Three (3) years of experience as a Broward County and State of Florida Certified Fire Inspector and nationally certified as an NFPA Certified Fire Inspector (CFI-1) and NFPA Certified Fire Plans Examiner (CFPE) and be Broward County certified.

F-104.5 Fire Inspector.

F-104.5.1 Appointment of a Fire Inspector. There shall be appointed by the Fire Chief of each Fire Service Provider/Fire Department Certain fire prevention personnel to be qualified as set forth in this Chapter as part of the FFPC to serve as a Fire Inspector. To be eligible for appointment as a Fire Inspector, such person shall be certified by BORA.

F-104.5.2 Powers and Duties of the Fire Inspector. Such employee shall have the duties and powers as delegated by the Fire Chief except that the Fire Chief may not delegate authority to subordinates to interpret the Fire Protection provisions of this Code, the FFPC, and all Fire Codes which authority is assigned to the Fire Marshall/Fire Code Official. A Fire Inspector, if properly qualified, may be certified and assigned duties in more than one category. Under the Fire Chief’s direction, the Fire Inspector shall enforce all local ordinances of the jurisdiction pertinent to the prevention of fires, suppression or extinguishing of fires, storage, use, and handling of explosive, flammable, combustible, toxic, corrosive, and other hazardous gaseous, solid and liquid materials. The inspection of equipment and maintenance of automatic, manual, and other fire alarm systems, fire extinguishing equipment, and the maintenance and regulation

of fire escapes. The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures, and other property, including those under construction. The means and adequacy of each exit in the event of a fire or similar emergency, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres, and all other places in which people work, live or congregate from time to time for any purpose. The investigation of the origin, cause, and circumstances of fire(s). If defects, omissions, or violations exist on any other part of the system relating to work for which approval is requested, the issuance of the approval shall be withheld until corrections have been made to the defective portion of the system and the same are made to comply with this Fire Code. The Fire Inspector shall serve notice to the Fire Contractor/representative or owner/representative in writing, stating the reasons and citing the relevant code section(s).

F-104.5.3 Certification of a Fire Inspector. Application for certification shall be on a form containing such pertinent information as is considered relevant to BORA. To be eligible for appointment as Fire Inspector, such person shall be certified by BORA and shall meet the following qualifications:

F-104.5.4 Be a certified firefighter as defined by 69A-37 as referred to collectively as 69A-37.055(2)(a)(b) Firefighter curriculum as "Minimum Standards Course" and shall be a State Certified Fire Inspector.

Exception: At the Fire Chiefs' discretion, a person may be given up to eighteen (18) months to become a Florida Certified Firefighter from the date of hire.

F-104.5.5 Pass a written competency examination approved by BORA, to be given in May and November (only one (1) required) of each year. Other than the mandated dates as provided above, the test may be given when requested by at least three (3) applicants. If the candidate is unsuccessful after three (3) attempts, a remedial class developed and provided by FCABC, Fire Prevention Subcommittee shall be taken. Upon completion of the remedial class, the candidate will be permitted three (3) additional attempts. If the candidate is still unsuccessful, the candidate shall wait a mandatory period of no less than twelve (12) months from their last test before being able to retest.

F-104.6 Retention.

Individuals currently certified under this code may, at their separation date from a local fire department as an inspector, place their certification in a non-active status for one FFPC code cycle or a period of four (4) years, whichever is longer, by notifying the Board of Rules and Appeals in writing of their selection. During this period, the individual shall maintain continuing educational credits in Fire Prevention in the amount of 60 hours as required for renewal. At the conclusion of the code cycle or four-year period, as stated above, the individual previously holding a certification in a non-active status will become null and void unless the provisions for recertification are met at the conclusion of the code cycle or four (4) year period.

F-104.7 Certification. All Fire Service Providers or Fire Department Inspection personnel shall be certified by BORA.

F-104.7.1 Certification Fee: If applicable, each application shall be accompanied by a check in the amount appropriate for each discipline according to the BORA Fee Schedule for Certification, payable to "BORA."

F-104.7.2 Broward County certification is valid for four (4) years and shall expire on the same date as their State of Florida Fire Inspector Certification.

F-104.7.3 The certification of Fire Service Provider/Fire Department Inspection personnel may be revoked, for cause, by BORA. BORA may deny, refuse to renew, suspend, or revoke the BORA certificate of a Fire Marshal/Fire Code Official, Assistant Fire Marshal, Fire Plans Examiner, or Fire Inspector if it finds that any of the following grounds exist:

A) Any cause for which issuance of a certificate could have been refused had it then existed and been known to BORA.

B) Violation of Florida Statutes 633 or any local fire code amendments.

C) Falsification of records relating to the certificate.

D) Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered.

E) Failure to meet any of the renewal requirements.

F) Having been convicted of a crime in any jurisdiction that directly relates to the practice of the fire code inspection, plan review, or administration.

G) Making or filing a report or record that the certificate holder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by the state or local law, or knowingly impeding or obstructing such filings, or knowingly inducing another person to impede or obstruct such filing.

H) Failure to properly enforce applicable fire codes or permit requirements within this state, which the certificate holder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

I) Accepting labor, service, or materials at no charge or at a noncompetitive rate from any person who performs work that is under the enforcement authority of the certificate holder and who is not an immediate family member of the certificate holder. For the purpose of this paragraph, the term "immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse or any person who resides in the primary residence of the certificate holder. BORA, upon verification of the abovegrounds, shall immediately notify the Fire Marshal, Fire Code Official, Assistant Fire Marshal, Fire Plans Examiner, or Fire Inspector involved, who, upon notification

from BORA, shall appear before the Board to explain why their certification should not be revoked.

F-104.7.4 Personnel assigned to the bureau as Fire Inspectors shall be State of Florida Certified Firefighters (see 18-month exception), State of Florida Certified Fire Inspectors. For certification, refer to Florida State Statute 633. Individuals being considered for appointment will be required to complete an affidavit of compliance with 71-575 (see Board policy 14-02.)

F-104.8 Recertification. All Fire Service Providers/Fire Department Inspection personnel shall be recertified by BORA.

F-104.8.1 To be recertified, all Fire Marshal/Fire Code Officials, Assistant Fire Marshal, Fire Plans Examiners, Fire Inspectors, or a combination thereof who are presently certified by BORA, shall meet the following criteria:

F-104.8.1.1 Be presently employed by a governmental fire entity within Broward County.

F-104.8.1.2 Recertification shall have the same anniversary date as provided in Florida Statute, with the completion of sixty (60) contact hours in continuing education every four (4) consecutive years on Fire Protection and Fire Safety, which are approved by BORA.

F-104.8.1.3 Personnel assigned to the Bureau as Fire Inspectors shall be State of Florida Certified Firefighters and State of Florida Certified Fire Inspectors. For certification or recertification, refer to Florida Statute 633.

F-104.8.1.4 If certification is not renewed and allowed to lapse, application for recertification shall be accompanied by proof that (15) contact hours per year, in the preceding four (4) years in continuing education have been met. Attendance at the BORA meetings or the BORA committee meetings shall be counted as one (1) hour for a maximum of fifteen (15) county-required contact hours within a four (4) years renewal period. If the certification is not renewed within 8 years, the individual must retake the state fire safety inspectors training and take the local fire exam. Evidence of completion shall be provided on a form containing such pertinent information as is considered relevant to BORA. Individuals being considered for recertification will be required to complete an affidavit of compliance with 71-575 (see Board policy 14-02.)

F-104.8.2 Recertification Fee: If applicable, each application shall be accompanied by a check in the amount appropriate for each discipline according to the BORA Fee Schedule for Recertification, payable to "BORA."

SECTION F-105 Broward County Board of Rules and Appeals

F-105.1 The Broward County Board of Rules and Appeals shall maintain a staff position to coordinate the enforcement of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes. This person shall be known as the Chief Fire Prevention Code Compliance Officer and shall be certified as

Fire Marshal/Fire Code Official. It is recommended that the individual under consideration for Fire Code Compliance Officer have at a minimum of four (4) years documented as a Fire Code Official/Fire Marshal.

F105.2 The Fire Code Compliance Officer shall have the authority to make inspections in the discipline and shall be responsible for seeing that the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes are being uniformly enforced by all AHJs (Building and Fire Service Provider/Fire Department) in Broward County.

SECTION F-106 Broward County Fire Code Committee

F-106.1 The Broward County Fire Code is created to make recommendation to BORA regarding the suitability of alternate materials and types of construction, to provide for reasonable interpretations of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes, and to assist in the control of the life safety in buildings and structures.

F-106.2 Membership: The BCFCC shall consist of:

1. One Mechanical Engineer, Florida P.E.
2. One Architect, Florida Registered
3. One Fire Sprinkler Contractor
4. One Representative of Persons with disabilities
5. One Master Electrician
6. Four Fire Service (Broward County-Certified Fire Inspectors)
7. One Fire Service Member of the Board of Rules and Appeals
8. One Contractor, Certified to Install Fire Alarms
9. One General Contractor
10. One Florida P.E., Electrical Discipline
11. One Mechanical Contractor
12. One Consumer Advocate
13. One Florida P.E., Structural Discipline
14. One Chief Plumbing Inspector

F-106.3 Membership, such as membership of the BCFCC, will be for one year (with members being able to succeed themselves through reappointment by the BORA Chairperson). The Chairperson will select all members, including the Chairperson of the BCFCC. The Chairperson of the BCFCC shall be a Fire Service member of BORA.

F-106.4 Appeals from the Decisions of the Fire Chief and Building Official:

F-106.4.1 The BCFCC shall review all appeals from the decisions of the Fire Chief or Building Official, wherein such decision is on matters regulated by the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes. Appeals can be submitted by any person who has reason to believe they have been subjected to unreasonable enforcement of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes.

F-106.4.2 Procedures for Appeals. The BCFCC shall review the appeal prior to hearing by BORA and shall make recommendations to BORA for resolution of the appeal. BORA shall then hear the appeal and make a final ruling.

F-106.4.3 Decisions by BORA related to an appeal of the FFPC can be challenged by submitting a request for a Declaratory Statement to the State Fire Marshal's Office.

F-106.5 Procedures in County Court /Code Enforcement Board. When charges are filed based upon a violation under this Code, such charges shall be prepared under the direction of the city, state, or county attorney. and shall be heard by a county judge or Code Enforcement Board, within the time prescribed under county court procedures or Code Enforcement Board. Such conditions shall constitute an immediate danger to life.

SECTION F-107 Authority Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative

F-107.1 Authority

F-107.1.1 The Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative shall investigate the origin, cause, and circumstances of every fire occurring within their jurisdiction. Such investigation shall begin immediately upon the occurrence of a fire, and the Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative shall be immediately notified of the facts. The Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative shall take charge immediately of the physical evidence and shall notify the proper authorities designated by law to pursue the investigation of such matters. The Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

F-107.2 Notices and Orders. The Fire Chief, Fire Marshal/Fire Code Official or their duly authorized representative shall issue all necessary notices or orders to ensure compliance with the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes.

F-107.2.1 A building, structure, occupancy, premises, or vehicle shall not be used when in violation of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes.

F-107.2.2 Unlawful Continuance of Fire/Life Safety Hazard. Any person or persons operating or maintaining any occupancy, premises or vehicle subject to this Code who shall allow any fire and life safety hazard to exist on-premises or property under their control, and who fail to take immediate action to abate such hazards, when ordered or notified to do so by the Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative, shall be guilty of a second-degree misdemeanor. Criminal enforcement of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes shall remain with local law enforcement departments, and officials charged with enforcement of the criminal laws of the State.

F-107.2.3 Concealed Work The Building Official or Fire Marshal or their duly authorized representative may order portions of the structure frame of a building or structure to be exposed for inspection when in their opinion, there is a good reason to believe that a building or portion thereof is in an unsafe or dangerous condition or that in their opinion there is willful or negligent concealment of a violation of this Code, the Fire Protection Provisions of this Code, the FFPC.

F-107.3 Removal or Destruction of Signs or Tags

F-107.3.1 It shall be unlawful to remove or tamper with any seal, warning tag, or lock placed on an article, appliance, vehicle, meter, tank, or building by the building department or the Fire Service Provider/Fire Department without first obtaining permission to do so by the AHJ

F-107.3.2 It shall be unlawful for any person to tamper with or change the position of any utility valve, switch, wiring, piping, meter, or connection or alter any utility service in any way unless properly authorized to do so.

F-107.4 In-Progress (Rough) Inspections:

F-107.4.1 The fire code official shall have the authority to require an in-progress (rough) inspection of any life safety system before a request for a final inspection is received.

SECTION F-108 Standby Fire Watch

F-108.1 Standby Fire Watch. Whenever in the opinion of the Fire Chief, Fire Marshal/Fire Code Official, or their duly authorized representative, when a potentially hazardous condition or a reduction in life safety features, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the Fire Chief or their duly authorized representative may require the owner, agent or lessee to employ one or more certified Fire Inspectors, Firefighters or persons, as required and approved by the Fire Chief, to be on duty at such place. Said Fire Inspectors, Firefighters or persons shall be subject to the Fire Chief's or their duly authorized representative orders at all times, when so employed, and remain on duty during the times such places are open to the public, or when such activity is being conducted. The Fire Chief may allow other trained individuals to serve as an alternative to a Fire Inspector, Firefighters

requirement. Before each performance or the start of such activity, said Fire Inspector, Firefighter or others allowed by the Fire Chief shall inspect all required fire/life safety equipment to ensure that such equipment is in proper working order and shall keep diligent watch for any emergency that should arise. Should any emergency arise, the Fire Inspector, Firefighter or others allowed by the Fire Chief shall take whatever action necessary to protect the occupants and public from injury or any life-threatening condition.

SECTION F-109 Tents, Membrane Structures, Temporary Structures, and Uses.

F-109.1 General.

For the purpose of this section, a place of assembly shall include any circus, sideshow, carnival, tent show, theater, skating rink, dance hall, or any other exhibition, production, engagement or offering, or other place of assembly in or under which 50 or more persons may gather for any purpose.

F-109.1.1 Permits. The Building Official or Fire Code Official is authorized to issue a permit for the erection of temporary structures such as seats, canopies, tents, and fences used in construction work or for temporary purposes such as reviewing stands. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. Such structures shall be completely removed upon the expiration of the permit.

- a) Temporary structures, such as tents with sides exceeding 100 sq./ft. and canopies without sides exceeding 225 sq./ft., containing occupancy or operations that could present a life safety hazard to occupants and the general public based on the opinion of the Fire Code Official, shall be required to have a permit issued in conformance with permitting section of Chapter 1 and this Code and be in conformance with the Life Safety provisions of this Code and the Florida Building Code.

F-109.1.2 Reserved.

F-109.1.3 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this Code and the FFPC as necessary to ensure public health, safety, and general welfare.

F-109.2 Parking of Vehicles. Automotive equipment that is not necessary to the operation of the tent show performance shall not be parked within 20 feet of the tent or membrane structure. No other automotive equipment or internal combustion engines shall be located within 50 feet of the tent except on a public street.

F-109.3 Smoking and Open Flame.

F-109.3.1 An approved receptacle to dispose of lighted smoking materials shall be provided at all entrances to tents and membrane structures.

F-109.4 Fire Extinguishers and Other Fire Protection Equipment. Fire extinguishers and other fire protection

equipment shall be provided in every tent or membrane structure as follows:

F-109.4.1 A minimum of one 4A-10BC type extinguisher shall be provided in every tent or air-supported structure having a floor area less than 2,000 square feet and also one in each additional 2,000 square feet or fraction thereof.

F-109.4.2 At least one 40-BC type fire extinguisher shall be provided for each power generator or transformer and at locations where flammable or combustible liquids are used, stored, or dispensed.

F-109.5 Storage of Flammable or Combustible Liquids. Flammable or combustible liquid shall not be stored in a tent or membrane structure nor less than 50 feet from any tent or membrane structure.

F-109.6 Housekeeping. Hay, straw, trash, and other flammable material shall not be stored less than 35 feet from any tent or membrane structure, except as authorized by the authority having jurisdiction.

F-109.7 Seating Arrangements.

F-109.7.1 Bonding of chairs. All loose seats, folding chairs, or similar seating facilities that are not fixed to the floor shall be bonded together in groups of not less than six. Exceptions:

1. When not more than 500 such seats, chairs, or facilities are provided, bonding may be deleted.
2. The bonding of chairs shall not be required when tables are provided, as when the occupancy is used for dining or similar purposes.

F-109.7.2 Securing of chairs, folding and telescoping seat seating, reviewing stands, grandstands, and bleachers shall be in accordance with NFPA 102.

F-109.8 Awnings, Tents, and Canopies. Awnings, tents, canopies, and similar products, whether attached or detached from a building, shall have a flame spread rating of 25 or less.

F-109.9 Vehicular Access.

F-109.9.1 Fire access roads shall be surfaced with solid pavement, grass turf reinforced by concrete grids, or similar type surfaces approved by the AHJ, designed to accommodate fire apparatus weighing a minimum of 32 tons.

F-109.9.2 Buildings having ramps or elevated roadways shall have posted weight limit signs showing maximum load capacity.

F-109.9.3 All new and existing automatic entry gates installed in either commercial or multifamily communities shall be provided with a universal access system, approved by the Fire Prevention subcommittee of the Fire Chiefs Association of Broward County, to allow rapid entry. Existing applications may be provided up to one (1) year to complete as approved by the AHJ.

F-109.10 Vehicles on Display. When vehicles are on display inside any occupancy group other than an automobile showroom, it shall comply with the provisions listed in NFPA 1, 20.1.5.5.4.12

SECTION F-110 Reserved

SECTION F-111 Test Criteria for Mechanical Smoke Control Systems.

F-111.1 Initial Acceptance Test Criteria and Periodic Testing of Mechanical Smoke Control Systems. Test Criteria for Mechanical Smoke Control Systems shall be stated on the mechanical plans.

F-111.2 The following shall receive notice from the Mechanical Contractor so that they may witness the system's performance test.

F-111.2.1 Fire Service AHJ.

F-111.2.2 Building Department (Mechanical) AHJ.

F-111.2.3 Periodic Testing. All smoke control systems shall be retested as per the provisions found in the FFPC and NFPA 92 by a contractor competent and experienced in the testing of smoke control systems and be approved by the local AHJ. The smoke control system shall be retested without smoke in both the manual and automatic modes per the sequence of operation. The annual periodic testing and balancing results shall be provided in a certified test and balance report to the Fire Service Provider/Fire Department and AHJ, who shall consult with the Chief Mechanical Inspector. At a minimum, the annual periodic test report shall contain the following information:

1. All smoke control system air movement equipment and if operating as intended.
2. Retest voltage.
3. Retest amperage.
4. Retest RPM if applicable.
5. All smoke control system control dampers shall be identified and operating as intended.
6. All smoke zone differential pressures at egress exit doors (egress doors shall have no more than 30 lbs on break and 15 lbs on swing.

SECTION F-112. Automatic Sprinklers Required.

F-112.1 Fire flow testing of a water supply for an Automatic Fire Protection System and Standpipe System using water as an extinguishing agent for new and existing buildings and structures shall be in accordance with NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants.

F-112.2 The following occupancies shall be protected throughout by an approved automatic sprinkler system installed in accordance with NFPA 13.

F-112.2.1 Storage. In existing storage occupancies (other than parking garages and high-piled combustible storage) are used for the storage of combustible goods or merchandise exceeding 20,000 square feet per floor.

F-112.2.2 Industrial Occupancies. All existing industrial occupancies exceeding 15,000 square feet per floor.

F-112.3 Reserved.

F-112.4 Where automatic fire sprinkler systems are installed, the location of the Fire Service Provider/Fire Department connection shall be approved by the Fire Service Provider/Fire Department having jurisdiction.

F-112.5 Limited Access Structures

F-112.5.1 Where automatic fire sprinklers are installed in new mini storage buildings, fire department emergency access openings acceptable to the AHJ shall also be provided. The emergency access openings shall not be less than the dimensions referenced in the Life Safety Code for Underground and Limited Access Structures.

SECTION F-113 Corridors

F-113.1 Corridors.

Where exterior corridors or exterior balconies serving as a required means of egress are enclosed on both sides and above, and the length of the enclosure along the long axis is twenty-five (25) feet or more, fire-resistivity of walls and the protection of openings therein shall be required as if such corridors or balconies were enclosed interior corridors.

SECTION F-114 Reserved

SECTION F-115 Reserved

SECTION F-116 Flammable and Combustible Liquids.

F-116.1 Underground Storage and Dispensing of Flammable/Combustible Liquids:

Underground tanks used to store flammable liquids shall bear an Underwriters label or equivalent testing agency label. Tank capacity for underground installations shall be limited to thirty thousand (30,000) gallons or less. Any tank to be installed shall be jointly approved in writing by the local Fire Code Official, the Building Official, the Director of Zoning, or their duly authorized representative after an appropriate review has been conducted. Such review includes but is not limited to, an analysis of the proposed installation, location, distance separations, types of occupancies in the vicinity, tank corrosion protection and construction, and applicable zoning restrictions. The maximum storage capacity in any one location shall not exceed an aggregate total of one hundred thousand (100,000) gallons unless approved by the local Fire Code Official. Any property or facility requesting the installation of tanks exceeding an aggregate capacity of sixty

thousand (60,000) gallons of flammable liquids shall comply with the following additional requirements:

1. The property must be of suitable size, shape, and topography to allow for the safe installation of the proposed tanks and be in compliance with location requirements identified in other sections of the NFPA, state and local fire codes, and
2. The facility must have an attendant on-site during hours of operation, and
3. The facility must be continuously monitored, either by an on-site attendant or a third party when the facility is not in operation, and
4. The operator must provide evidence of an employee training program for on-site attendants that educates concerning all on-site equipment, including life safety equipment and emergency response procedures, and
5. The facility must provide additional emergency shut-off stations for ready accessibility by on-site attendants and the public, and
6. The station operator shall submit an emergency response plan for review and approval prior to issuance of permits for operations of the facility. The emergency response plan shall, at a minimum, provide emergency contact information and notification requirements, fire prevention and control equipment employed at the site, monitoring requirements and plans and procedures for mitigating the release of hazardous materials, as well as all other information required by applicable governing, permitting agencies, and
7. When flammable liquids are stored in more than one location, tanks shall not be interconnected between locations.

Exception: Broward County Office of Transportation’s Transit Operations and municipal, county, and special districts having underground bulk fuel storage facilities shall comply with the provisions of NFPA 30. Aggregate Limitations of Flammable and Combustible Liquids as per the F- 116.1 shall not apply. All permits shall be reviewed for compliance by the local Fire Service Provider/Fire Department having Jurisdiction.

F-116.1.1 Underground tanks out of service for a period of one year shall be removed. Underground tanks may be abandoned in place only if approved by the Fire Service Provider/Fire Department having jurisdiction.

F-116.2 Storage and Use on Site of Combustible Liquids Used for Fixed Equipment Shall Be Under the Following Requirements:

F-116.2.1 Aboveground installation of single-wall tanks shall comply with NFPA 30 and the following additional requirements:

F-116.2.1.1 Aboveground tanks having a capacity in gallons greater than 10,000 shall be approved by the Zoning Department and AHJ.

Exception: Municipal, county, and special districts installing aboveground fuel storage tanks for fixed equipment for the purpose of providing governmental services. A Permit shall be reviewed for compliance by the local Fire Service Provider/Fire Department and AHJ.

F-116.2.1.2 Tanks shall be surrounded with an embankment or impervious dike not less than four feet high and capable of holding not less than one- and one-half times the capacity of the tank surrounded. Embankments or dikes shall be continuous, with no opening for piping or roadways.

F-116.2.2 All aboveground storage tanks shall be identified by a suitable sign which will state the type of fuel and capacity of the tank.

F-116.2.3 Tanks used for stationary combustion engines and gas turbines shall comply with NFPA 37, as adopted in FAC 69A-60, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines.

F-116.2.4 Separation distance between aboveground storage tanks and property lines and buildings shall be as specified in Table F-116.2.4 below:

Table F-116.2.4

Capacity in Gallons	To line of adjoining unprotected building or property which may be built upon	To line of adjoining protected buildings	To line of existing frame buildings
1,000	12 feet	8 feet	20 feet
2,000	20 feet	15 feet	40 feet
3,000	20 feet	15 feet	40 feet
10,000	30 feet	20 feet	50 feet

F-116.3 Aboveground Storage for Dispensing of Flammable and Combustible Liquids from UL listed 142 (double wall), 2085 or Equivalent Tanks.

F-116.3.1 Aboveground storage of flammable and combustible liquids shall be approved by the Fire Chief Code Official, Building Official, or their duly authorized representative after an appropriate review has been conducted. Such review includes, but is not limited to, an analysis of the proposed installation, location, distance separations, types of occupancies in the vicinity, tank corrosion protection and construction, and applicable zoning restrictions. The maximum storage capacity in any one location shall not exceed an aggregate total of 12,000 gallons. Aboveground storage of flammable and combustible liquids shall comply with the following regulations:

Exception: Municipal, county, special districts, and airports (when approved by the Airport Aviation Authority, that the services of a Fixed Base Operation (FBO), supplying fuel to the general aviation community and emergency operations is needed) having aboveground fuel storage facilities shall

comply with the provisions of NFPA 30, Aggregate Limitations of Flammable and Combustible Liquids as per F116.3.1 shall not apply. The permit shall be reviewed for compliance by the local Fire Service Provider/Fire Department and AHJ.

F-116.3.1.1 The provisions in this Section shall not supersede any zoning standard that might regulate or eliminate the use of aboveground storage tanks.

F-116.3.1.2 Aboveground tanks containing flammable and combustible liquids shall be in approved fire resistive tank enclosure assemblies.

F-116.3.1.2.1 A fire-resistive tank enclosure assembly storing flammable liquids shall consist of a tank bearing an Underwriters' label 142, 2085, or an equivalent testing criterion by an approved testing agency. A single tank or combination of tanks shall not exceed 12,000 gallons at one site.

F-116.3.1.3 The tank assembly shall be installed upon a minimum four-inch (4") slab, meeting the requirements of the manufacturer's specifications. Each tank assembly shall be anchored to withstand uplifting by flooding or storm surges, including when the tank is empty.

F-116.3.1.4 The area around the tank assembly shall be maintained free of combustible waste, debris, and all types of storage. Any tank assembly exposed to vehicular traffic shall have collision barrier posts installed on all corners and sides so exposed and shall not be spaced more than four feet (4') apart, center to center. The Fire Marshal/Fire Code Official, or their duly authorized representative, may require the installation of collision barrier posts, even if the clearance guidelines can be achieved.

F-116.3.1.5 Dispensing devices are allowed to be installed on top of the tank enclosure assembly. Any such device dispensing Class 1 liquid shall have listed emergency breakaway device installed on the fill hose which is designed not to lose liquid from either side of the breakaway point. All product piping attached to the tank enclosure assembly shall be double-walled, contain a sheer valve or equivalent, and shall be installed by an authorized pollutant storage system specialty contractor. External piping leading away from the tank shall have a valve located within six inches (6") to the shell of the tank. Approved antisiphon devices shall be installed at each connection of piping to a tank when such piping extends below the level of the top of such tanks both internally and externally. All underground pipe work shall be left uncovered until inspected by the building and Fire Service Provider/Fire Departments, and other regulatory agencies.

Exception: Factory-installed piping does not have to be installed by an authorized pollutant storage system specialty contractor.

F-116.3.1.6 Aboveground tank assemblies temporarily out-of-service for a period not exceeding ninety (90) days shall immediately have the fill, gauge openings, and pump suction capped and secured against tampering. The vent lines shall be

left open. Aboveground tank assemblies out-of-service for a period exceeding ninety (90) days shall be removed. The property owner or agent shall notify the Fire Service Provider/Fire Department of any tanks out of service for greater than 90 days.

F-116.4 Only labeled and listed pumps shall be used; gravity flow pumps are prohibited. Fuel shall be drawn from aboveground storage tanks by pumps bearing the label of an approved testing laboratory, such as Underwriters Laboratories, Inc. The use of pressure systems or gravity flow-type pump systems is prohibited.

SECTION F-117 Dispensing Areas

F-117.1 Dispensing areas shall be provided with a vehicular driveway constructed of reinforced concrete. It shall be sloped to allow any accidental discharge from the dispensing of fluid to flow away from the dispenser or any building and shall be subject to the approval of the Fire Marshal/Fire Code Official, or their duly authorized representative. This driveway shall be a minimum of twelve feet (12') wide and twenty feet (20') long. In every case, this driveway shall be large enough that the fuel hose, when fully extended, does not reach the far edge of the driveway.

F-117.2 A fire extinguisher with a minimum 4A-60BC classification shall be provided and located not more than one hundred feet (100') from any pump, dispenser, or fill-pipe opening.

SECTION F-118 Flammable Liquid Storage at Port Everglades and the Fort Lauderdale-Hollywood International Airport

F-118.1 Aboveground storage of flammable liquids shall be permitted at Port Everglades and the Fort Lauderdale-Hollywood International Airport ("Airport"). All tank locations at the Airport shall be approved by the Broward County Fire Marshal, Fire Code Official or their duly authorized representative prior to the issuance of a permit to erect or install a tank.

F-118.2 All flammable liquid storage tanks at Port Everglades shall be constructed, installed, and maintained in accordance with the Port Everglades Tariff Number 12 Amendments.

SECTION F-119 Liquefied Petroleum Gases

F-119.1 Scope. This section shall apply to the storage, handling, and transportation of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses in addition to the requirements stated in NFPA-58, Storage, and Handling of Liquefied Petroleum Gases.

F-119.2 Reserved.

F-119.3 Distributing Plant. A facility, the primary purpose of which is the distribution of gas receives LP-Gas in tank cars, truck transport, or truck lots, and distributes this gas to the end

user by portable container (packaged) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 gallons of water capacity or more) and usually have container filling and truck loading facilities on the premises. Bulk plants are considered to be in this category. Normally, no person other than plant management or plant employees shall have access to these facilities. Additionally, definitions contained in NFPA 58 shall apply.

F-119.4 Location of Containers and Limits:

F-119.4.1 All new liquefied petroleum gas storage installation and handling shall be in accordance with NFPA-58, the laws of the state of Florida, and all applicable rules, regulations, and ordinances of the AHJs.

F-119.4.2 Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas, the aggregate capacity of any one installation shall not exceed 2,000 gallons of water capacity, except that in particular installations, this capacity limit may be altered by the approval of the Fire AHJ after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided and facilities of the local Fire Department. The storage of liquefied petroleum gas shall conform to the provisions of the local zoning ordinance.

F-119.4.3 Where a distributing point is allowed, there shall be in attendance a qualified person to make the transfer of liquefied petroleum gas. This person shall have been trained by a licensed gas company and be in possession of documents certifying such training. The owner of the distributing point shall be licensed by the Florida Department of Agriculture and Consumer Services, Divisions of Consumer Services.

F-119.4.4 All plans for installations at distributing points shall be submitted to the AHJs for permits and approval. In addition, plans for locations at distributing points for fixed (stationary) installations of

1. 2,000 gallons individual water capacity, or
2. with the aggregate water capacity exceeding 4,000 gallons, or
3. any installation, regardless of size, which will be used for resale to the public shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Consumer Services for approval, proper licensing, and be approved before the installation is started. Other safety precautions shall be adhered to as designated by the Fire Code Official, Fire Marshal, or their duly authorized representative.

F-119.4.5 An LP Gas storage tank shall not be installed on the same island used for gasoline or diesel fuel dispensing. A minimum distance of 25 feet shall be maintained between the

LP Gas storage tank and the flammable liquid dispensing devices.

F-119.4.6 A Distributing Plant, as defined in F-119.2, shall be prohibited unless approved by the Fire Code Official, Fire Marshal, or their duly authorized representative, of the jurisdiction.

F-119.4.7 Multiple container installations with a total storage water capacity of more than 180,000 gallons (150,000 gallons LP-Gas capacity) shall be subdivided into groups containing not more than 180,000 gallons in each group. Such groups shall be separated by a distance of not less than 50 feet, unless the tanks are:

1. buried or mounted in an approved manner; or
2. protected with approved insulation on such areas that may be subject to impingement of ignited gas from pipelines or other leakage or
3. protected by firewalls of approved construction; or
4. protected by an approved system for the application of water or
5. protected by other approved means, where one of these forms of protection is provided, and separation shall not be less than 25 feet between such container groups.

F-119.4.8 The storage and transportation of liquefied petroleum gas and the installation of all pertinent equipment shall be installed and maintained in accordance with NFPA-58, and subject to the approval of the local Fire Code Official or their duly authorized representative; These orders shall apply to all persons and places within the jurisdiction except as herein provided.

F-119.5 Parking and Garaging: Vehicles containing cylinders of liquefied petroleum gases 20 lbs or greater in size are prohibited in public parking garages. This includes LP Gas delivery vehicles. Vehicles that are powered by LP Gas and meet NFPA 54 for fuel systems are permitted.

F-119.6 Prohibited Use of Liquefied Petroleum Gas:

F-119.6.1 Liquefied petroleum gas shall not be used for the purpose of operating any device or equipment unless such equipment or device is approved for use with a liquefied petroleum gas.

F-119.6.2 Liquefied petroleum gas shall not be released into the atmosphere except through an approved liquid level gauge or other approved device.

F-119.7 Dispensing and Overfilling.

F-119.7.1 The dispensing of liquefied petroleum gases shall be performed by a qualified attendant. It shall be illegal for any person, firm, corporation, association, club, or organization to operate a self-service liquefied petroleum gas dispensing operation that is open to the public.

F-119.7.2 A person shall not fill or maintain a liquefied petroleum gas container with liquefied petroleum gas in excess of the fixed outage gauge installed by the manufacturer or the weight stamped on the tank.

F-119.8 Safety Devices.

F-119.8.1 A person shall not tamper with or make ineffective the safety devices of any liquefied petroleum gas container.

F-119.8.2 Combustible gas detectors shall be installed in all areas where they are required either by other NFPA codes and standards or by the AHJ. Such combustible gas detection system with an external notification device shall be installed in accordance with NFPA 72. The external notification device shall provide audio and visual notification and have a sign not less than 14" x 14" stating "Combustible Gas Detected, Call 911."

F-119.9 Abandonment of Liquefied Petroleum Gas Equipment.

F-119.9.1 At the discretion of the AHJ whenever the use of liquefied petroleum gas equipment has been discontinued, it may be abandoned in an approved manner within a period of 30 days. However, after 90 days, F-119.9.4 applies.

F-119.9.2 The following procedures may be used when approved by the local Fire Code Official or their duly authorized representative.

F-119.9.2.1 Removal of all liquefied petroleum equipment.

F-119.9.2.2 Burn-off content of the container.

F-119.9.3 All service openings shall be capped or plugged after contents have been removed from the container.

F-119.9.4 All LP tanks, abandoned or out of service in excess of ninety (90) days, shall be removed and properly disposed of.

F-119.10 Hydrogen Fuel for Emergency Power Systems. Hydrogen stationary fuel cell power systems shall be installed in accordance with NFPA 853 of the current edition. Storage shall be in compliance with NFPA 55 (storage, use, and handling of compressed gases and cryogenic fluids in portable or stationary containers, cylinders and tanks) for installation.

SECTION F-120 Fireworks and Sparkler/Novelty Items

F-120.1 General Requirements.

F-120.1.1 The manufacturing of fireworks, sparklers, and pyrotechnic materials is prohibited.

F-120.1.2 The storage of fireworks and pyrotechnic materials is prohibited except as permitted in NFPA 1, Section 65.

F-120.1.3 Except as hereafter provided, it shall be unlawful for any person, firm, co-partnership, or corporation to store,

offer for sale, expose to store, expose for sale, sell at retail, or use or explode any fireworks and pyrotechnic materials.

F-120.1.3.1 Consumer fireworks can be utilized as per Florida Statute FS 791 on specified holidays.

F-120.1.4 Reserved

F-120.1.5 Wholesale sales of fireworks pursuant to Florida Statute 791.04 shall be prohibited at temporary or seasonal sales sites and sales sites located in tents, canopies, and stands.

F-120.1.6 Permit Requirements and Operator Qualifications.

F-120.1.6.1. Application for permit to operate a display of fireworks or use of pyrotechnics before a proximate audience shall be made in writing on forms provided by the AHJ to the Fire Chief or their duly authorized representative, at least 15 days in advance of the date of the display. Except as specifically modified within this Code, outdoor display of fireworks shall be as specified in NFPA 1123. See Section F 120.2 for additional requirements for the residential property. See Section F- 120.3 for additional outdoor display of fireworks on private requirements for offshore and barge fireworks displays. Except as specifically modified within provisions of the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes, the use of pyrotechnics before a proximate audience shall be as specified in NFPA 1126.

F-120.1.6.1.1 Before any permit for a pyrotechnic display shall be issued, the person or organization making the application shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person or any agent or employee, in such amount, character, and form as the Fire Chief, or their authorized representative, determines to be necessary for the protection of the public.

F-120.1.6.1.1.1 A copy of the certificate of insurance naming the permitting agency as additional insured is required.

F-120.1.6.1.1.2 The minimum required amount of certificates of insurance for permit issuance is \$1,000,000 for bodily injury, and \$50,000 for property damage, per occurrence.

F-120.1.6.2 Permit application shall be set forth and contain the following:

F-120.1.6.2.1 The name, address, and telephone number of the organization sponsoring the display, the supplier of the fireworks, the operator (pyrotechnician), and all assistants.

F-120.1.6.2.2 Application shall be signed by the sponsoring organization representative and the operator (pyrotechnician) and approved by Fire Chief or their designee.

F-120.1.6.2.3 References for the most recent three firework displays supervised and discharged by the designated operator shall be required for review by the AHJ. Said referenced displays shall be similar in size and complexity and will provide contact persons and telephone numbers.

F-120.1.6.2.4 The date and time of day at which the display is to be held and the duration time for said display. Permits shall not be issued for displays between the hours of 11:00 p.m. and 7:30 a.m.

F-120.1.6.2.4.1 Time restrictions stated above may not be applicable on January 1, July 4, and December 31, or any other date where specific permission to operate a display of fireworks is granted by the AHJ.

F-120.1.6.2.5 The exact location address for the display, event, or production.

F-120.1.6.2.6 A copy of a location site plan with dimensions indicating the exact location planned for the display site and all grounds and facilities at which the event will be held. This plan shall include the location of all structures, audience viewing areas, roads, trees, and utilities.

F-120.1.6.2.7 Operator and assistant qualifications shall comply with the provisions of NFPA 1123 and NFPA 1126.

F-120.1.6.2.7.1 The operator shall be responsible for ensuring that a sufficient number of assistants are available on site for the safe storage and conduct of the fireworks display.

F-120.1.6.2.7.2 Operators shall be at least 21 years of age, and all assistants shall be at least 18 years of age. A copy of a valid driver's license or other valid picture I.D. acceptable to the AHJ shall be provided for all operators and assistants.

F-120.1.6.2.8 The type and number of fireworks to be discharged.

F-120.1.6.2.8.1 Aerial displays: Size and number of each type of burst (single, multiple, etc.)

F-120.1.6.2.8.1.1 All aerial shells, regardless of size, shall be fired using approved electrical ignition unless an alternate method of ignition is approved by the AHJ.

F-120.1.6.2.8.1.2 All electrically fired displays shall provide a solid barrier located at least 100 feet from the mortar location from which all operators (pyrotechnicians) shall control the display, with the exception of displays on barges.

F-120.1.6.2.8.2 **Fixed displays. Size, type, and description of displays.**

F-120.1.6.2.8.3 The manner and place of storage of fireworks prior to display. The date, time, and travel route from the point the fireworks enter Broward County.

F-120.1.6.2.9 **Standby Firewatch Requirements.**

F-120.1.6.2.9.1 The Fire Chief, or their duly authorized representative, shall require one or more standby firewatch personnel employed by the Fire Service Provider/Fire Department, or other trained individuals to be on duty for each display or performance. When deemed necessary, the Fire Chief, or their duly authorized representative, additional fire rescue apparatus may be required for the display or

performance. The expense of such personnel services and apparatus shall be borne by the permit holder and shall be paid prior to issuance of the permit.

F-120.1.6.2.9.2 The standby fire watch personnel shall be on duty from the time of display set up, during the display, and until termination of the display and removal of all fireworks, debris, pyrotechnical materials, and devices from the site.

F-120.1.6.2.9.3 In the case of indoor displays or performances, standby fire watch personnel shall be maintained until the total restoration of normal function of the fire safety systems has been verified.

F-120.1.6.2.9.4 At a minimum, at least one of the assigned standby fire watch personnel shall be a BORA Certified Fire Inspector if required by the fire chief or designated individual.

F-120.2 **Additional Requirements for Outdoor Display of Fireworks on Private Residential Property:**

F-120.2.1 Written approval from the property owners located adjacent to the proposed display site property is required prior to the approval of a permit for an outdoor fireworks display.

F-120.2.2 The display site shall have at least a 100-foot-per-inch radius of internal mortar diameter of the largest shell to be fired.

F-120.2.3 Minimum distance separation shall be no less than 300 feet from the nearest dwelling, building, or structure. This includes canopies, chickee huts, or similar structures, bulk storage areas, public highways, railroads, or other means of travel.

F-120.2.4 Not within 1,000 feet of a school, theater, church, hospital, nursing home, assisted living facility, livestock/animal storage site, or similar structures or institutions.

F-120.2.5 No less than a 50-foot radius from the nearest aboveground utility, telephone or telegraph line, tree, or other overhead obstruction.

F-120.2.6 The audience shall be restricted behind an approved barrier, location no less than 200 feet from the outside of the required display site distance separations.

F-120.2.7 **Reserved**

F-120.3 **Offshore and Barge Fireworks Displays.**

F-120.3.1 Firework displays shall only be permitted on approved barges. Barge means a non-self-propelled vessel and shall meet the requirements of NFPA 1123 for construction and sizing requirements of the discharge site.

F-120.3.2 A valid copy of a current U.S. Coast Guard permit of operation shall be provided for each barge display if required by the U.S. Coast Guard.

F-120.3.3 At least two chase boats shall be provided to maintain a clear separation distance of at least 1,000 feet radius around the barge from other vessels, structures, and the beach. Chase boats shall also provide transportation of fire rescue personnel when required.

F-120.3.4 Two-way compatible communication shall be provided for use by fire rescue and law enforcement personnel, chase boats, and barge crew.

F-120.3.5 Ladder access shall be provided to allow immediate access for inspection and emergency response.

F-120.3.5.1 Stabilization shall be provided to secure the barge and prevent rotation from wind, water current, and firing angle.

F-120.3.5.2 Inspection of the barge by the Fire Service Provider/Fire Department shall occur at least one to two hours prior to the scheduled departure for sea.

F-120.4 Safety Precautions for Outdoor Fireworks.

F-120.4.1 If, in the opinion of the Fire Chief, or their duly authorized representative, any unsafe or hazardous condition exists, the fireworks display shall be postponed until such time as said conditions are corrected.

F-120.4.2 If high winds, precipitation, or other adverse weather conditions prevail, such that in the opinion of the Fire Chief, or his/her duly authorized representative, a significant hazard exists, the fireworks display shall be postponed until weather conditions improve to an acceptable level to allow discharge.

F-120.4.2.1 No discharge of a fireworks display shall be permitted to take place when the wind velocity is 17 knots (20 mph) or greater.

F-120.4.3 Immediately upon delivery to the display site, all fireworks shall be properly secured and shall not be left unattended at any time. When deemed necessary, the Fire Chief, or their duly authorized representative, may require the operator or employ special security measures to ensure the proper security of the stored fireworks.

F-120.4.4 Additional fire extinguishers or fire protection equipment, above the minimum requirements set forth by NFPA 1123 or 1126, may be required by the AHJ. In addition, an adequate water supply for fire protection shall be available at the discharge site.

F-120.5 Requirements for the Sale, Display, Merchandising, Storage, and Handling of Approved Sparklers and Novelty Items within buildings, Structures, Canopies, and Outdoor Sites.

F-120.5.1 No person shall be in possession of a lighted cigarette, cigar, pipe, or any open flame within 50 feet of any sales, display, merchandising, storage, or handling area. Proper receptacles for the disposal of smoking materials shall

be provided at all entrances to such areas (i.e., water-filled or sand-filled buckets).

F-120.5.2 Additional fire extinguishers or fire protection equipment above the minimum requirements set forth by NFPA 1123 or 1126, may be required by the AHJ

F-120.5.3 Precautions shall be taken to protect against fire or the spread of fire in all sites located within fields or lots with ground cover such as brush, grass, or other overgrowth of vegetation.

F-120.5.4 Durable and readily visible signs to read "Caution Sparklers-No Smoking" shall be posted on the exterior of each entranceway into and throughout all sparkler sales, storage, and handling areas within the interior of any building, structure, canopy, or outdoor site. These signs shall be readily visible in all directions.

F-120.5.5 The use, ignition, or discharge of any approved sparklers or novelty items is prohibited within buildings or structures where sparklers or novelty items are offered for sale, displayed, or stored, and within 100 feet of any outdoor sales storage or handling sites.

F-120.5.6 Buildings or structures used in whole or in part for sales (retail or wholesale), display, merchandising, handling, or storage of sparklers and novelty items shall be fully protected throughout with an automatic sprinklers system in accordance with NFPA 13, the edition in 69A-60, Florida Administrative Code.

F-120.5.7 Reserved.

F-120.5.8 Sales, display, and merchandising shall be conducted in an approved and safe manner in order to control handling by the general public.

F-120.5.9 Amounts of sparklers and related novelty items displayed within the sales area shall not exceed those amounts approved by the Fire Chief, or their duly authorized representative.

Note: Where the primary business of the occupancy is not sales of sparklers, the sales areas of sparklers or novelty items shall not exceed two percent of the net floor space of the building or structure.

F-120.5.10 Storage of approved sparklers and novelty items shall comply with the following:

F-120.5.10.1 Sparklers shall not be stored or kept in any area

F-120.5.10.1.1 In which paints, oils, or varnishes are manufactured or kept for use or sale unless the paints, oils, or varnishes are in unbroken (sealed) containers.

F-120.5.10.1.2 In which resin, turpentine gasoline, or flammable substances that may generate vapors are used, stored, or offered for sale unless the resin, turpentine, gasoline, or substance is in unbroken (sealed) containers.

F-120.5.10.1.3 In which there is not at least one 2A10BC fire extinguisher available in the area used for storage.

F-120.5.10.2 Storage of sparklers shall be in an approved manner, remote from the public, and separated from all other merchandise by at least one hour fire protection and an approved automatic sprinkler system.

Exception: Canopies and approved steel storage vaults or containers when used outdoors.

F-120.5.10.3 Approved storage facilities shall be labeled with an approved Explosion placard complying with the Department of Transportation (DOT) Standard.

F-120.5.11 Outdoor sites for sale, storage, and handling of approved sparklers shall comply with the following distance requirements: The minimum distance between a storage site and any building or structure shall be 50 feet.

F-120.6 Separation.

F-120.6.1 The minimum distance required between a site and any fuel storage/dispensing area or device shall be 50 feet.

F-120.6.2 Storage areas shall be separated from sales and handling areas by a minimum of 25 feet.

F-120.6.3 Any building or structure used as storage facilities for sparklers and novelty items in conjunction with outdoor sites shall comply with the one-hour protection separation and automatic sprinkler system requirements as required for storage areas within buildings and structures.

Exception: Canopies and approved steel storage vaults or containers.

F-120.6.4 When a canopy can be used in conjunction with an outdoor site operation, the following shall apply:

F-120.6.4.1 No sides of any kind are permitted on the canopy at any time. Provide a copy of the building permit for the canopy.

F-120.6.4.2 The canopy shall comply with the flame-retardant requirement. A proper flame-retardant certificate is required.

F-120.6.4.3 Proper exit and exit access shall be maintained at all times within the interior of the canopy. No obstruction to egress from any portion of the canopy is permitted.

F-120.6.4.4 Provide and maintain a minimum of one 2A40BC dry chemical fire extinguisher, with a properly updated service tag for each 2,500 sq. ft. of canopy area. Not less than one fire extinguisher for each canopy.

F-120.6.5 If the site is to operate after daylight hours, the site shall be properly illuminated. If electricity-powered or electrical equipment is used, the following shall apply:

F-120.6.5.1 All electrical equipment and associated wiring shall comply with NFPA 70, the National Electrical Code,

edition as adopted in 69A-60, Florida Administrative Code. Provide a copy of the permit for electrical service and equipment.

F-120.6.5.2 If fuel-powered generator(s) are to be used to supply power for the site, the following shall apply.

F-120.6.5.2.1 Generator(s) shall be kept at a minimum distance of twenty feet (20') from sales, storage, or handling area.

F-120.6.5.2.2 Precautions against fire or fire spread shall be taken when generator sites are located within fields or grassed lots.

F-120.6.5.2.3 Only an approved metal five-gallon safety container shall be used to store fuel for the generator. Fuel containers shall be properly stored with a maximum of ten gallons per site.

F-120.6.5.2.4 Approved fuel containers shall not be stored in sales, storage, handling areas, or vehicles.

F-120.6.5.3 A durable sign that reads "NO SMOKING" shall be posted at the generator site.

F-120.7 Pyrotechnics Before Proximate Audience. The requirements for the use of pyrotechnics before a proximate audience shall be in accordance with the standards as set forth in the FFPC. In addition, the following local amendments shall apply:

F-120.7.1 Application for permit to operate a display of pyrotechnics before a proximate audience shall be made in writing on forms provided by the AHJ to the Fire Chief, or their duly authorized representative, at least 15 days in advance of the date of the display.

F-120.7.2 The local fire marshal, fire code official, or their duly authorized representative, at their discretion, shall require standby fire watch personnel employed by the AHJ of the Fire Service Provider or Fire Department to be on duty for each display or performance. When deemed necessary by the local fire marshal, fire code official, or his/her duly authorized representative, additional fire and rescue apparatus may be required for the display or performance. All expense(s) of standby personnel services and apparatus shall be borne by the permit holder.

F-120.7.2.1 Standby fire watch personnel shall be on duty from the time of display setup, during the display, and until termination of the display and removal of all pyrotechnic materials, debris, and devices from the site.

F-120.7.2.2 In the case of indoor displays or performances, standby fire watch personnel shall be maintained until the total restoration of the normal functioning of the fire safety systems has been verified.

F-120.7.2.3 At a minimum, at least one of the assigned standby fire watch personnel shall be a BORA Certified Fire Inspector.

F-120.7.3 Any indoor use of pyrotechnics shall not be permitted in buildings or any portion thereof unless protected by an approved automatic sprinkler system.

F-120.7.3.1 Indoor use of pyrotechnics shall be prohibited in temporary structures such as tents, and canopies.

F-120.8 Rooftop Pyrotechnics: In addition to the aforementioned code requirements, the following shall apply to rooftop pyrotechnic displays.

F-120.8.1 Only NFPA 1126 approved pyrotechnics shall be permitted for all rooftop displays.

F-120.8.1.1 If a rooftop display is being proposed, the pyrotechnician shall identify a debris fallout area on the submitted plan.

F-120.8.1.2 The pyrotechnician shall provide the local Fire Marshal, Fire Code Official, or their duly authorized representative with an approved, written notice from the FAA acknowledging receipt of the time frame of the display, the pyrotechnic material used and approval from the FAA representative to proceed with the event.

F-120.8.1.3 Such an approved written notice shall be a part of the permit application submitted at least 15 working days prior to the event.

F-120.8.1.4 Failure to provide an approved written notice from the FAA to the local Fire Marshal, Fire Code Official, or their duly authorized representative shall be cause for denial to display rooftop pyrotechnics.

F-120.8.1.5 At the discretion of the local Fire Marshal, Fire Code Official, or their duly authorized representative, shall be pyrotechnician may be required to post all or part of the following

F-120.8.1.5.1 Additional insurance policy in the amount of one million dollars indemnifying the local AHJ.

F-120.8.1.5.2 Post a refundable clean-up bond with the local AHJ holding the pyrotechnician responsible for post-event clean-up from pyrotechnic debris fallout.

F-120.8.1.5.3 If the pyrotechnician is not directly responsible for the post-event cleanup of debris, the pyrotechnician shall furnish written proof from the party responsible for the post-event cleanup of pyrotechnic debris.

F-120.8.1.6 The pyrotechnician shall be held responsible for the cleanup of any NFPA 1126 pyrotechnic material fallout on any structure, vehicles, and part thereof in the fallout area unless otherwise advised in writing; to the fire code official, as to the contracted party responsible for such cleanup.

F-121 Automatic External Defibrillator (AED) and Bleeding Control Kit (BCK)

F-121.1 All new and existing buildings needing to comply with the following sections, shall be provided a maximum of eighteen (18) months from the date approved by BORA to comply.

F-121.2 AED(s) and BCK(s) shall be installed in the following occupancies as defined in NFPA 101, Life Safety Code.

F-121.2.1 Assembly Occupancy.

- a) Fitness centers, gymnasiums, and indoor recreational centers in excess of one thousand five hundred (1,500) square feet.
- b) Any assembly occupancy with a capacity of one hundred (100) or greater.
- c) Places of worship with a capacity of one hundred (100) or greater.

F-121.2.1.1 Assemblies exceeding 30,000 square feet and multi-story assemblies shall require additional devices where the travel distance exceeds five hundred (500) feet between AED's.

F-121.2.2 Business Occupancy.

- a) Office buildings/business occupancies with a square footage greater than twenty thousand (20,000) square feet.
- b) All dental offices in accordance with Florida Administrative Code 64B5-17.015.

F-121.2.3 Day Care Occupancy.

- a) All adult daycare facilities.

F-121.2.4 Educational Occupancy.

- a) All charter and private schools.

F-121.2.5 Healthcare occupancy:

- a) Assisted living facilities as defined by Section 429.021(5) Florida Statute as amended from time to time.
- b) Ambulatory surgical centers as defined by Section 395.002 (3) Florida Statute as amended from time to time.
- c) Walk-in medical care facilities.
- d) Hospitals providing emergency services, including freestanding facilities, shall be excluded.

F-121.2.6 Mercantile occupancy:

- a) Commercial and retail spaces with square footage greater than thirty-five thousand (35,000) square feet.

F-121.2.6.1 Mercantile Class A and multistory occupancies shall require additional devices where the travel distance exceeds fire hundred (500) feet between AEDs.

F-121.2.7 Residential occupancy:

- a) All hotels and motels.
- b) Multi-story residential buildings with five (5) floors or more. Residential elevators supplying services to an independent dwelling unit only shall be exempt from this requirement.

F-121.2.7.1 Multi-story residential occupancies listed above shall place an AED and BCK at every building entrance lobby no further than 15 feet from any elevator. The AHJ can modify the requirements of F-121.2.7 requirements based on the footprint of the residential building.

F-121.3 Installation and Operation.

F-121.3.1 The AHJ shall verify all AED devices and BCK's for operation prior to being placed in service or available for use and on an annual basis.

F-121.3.2 AED(s) devices and Bleeding Control Kit BCK(s) shall be:

- a) Conspicuously located in plain view of the primary public entrance or by the elevator lobby with unobstructed access.
- b) Readily accessible and immediately available when needed for on-site employees and the general public, including disabled persons.
- c) The AED(s) and BCK(s) shall be housed in a cabinet with a clear window in the door, an audible alarm signaling the opening of the door, permanently affixed to a wall, and whose top is no more than forty-eight (48) inches above the floor to prevent tampering, theft, or damage.
- d) The AED shall be located below a sign having a minimum area of seventy (70) square inches and containing the letters "AED" and the universally recognizable symbol, which should be placed no more than sixty (60) inches, on center, above the floor.
- e) The BCK shall be located below a BCK sticker. The BCK sticker may also be placed on the cabinet containing the BCK.
- f) If there is more than one entrance or exit in the building, or if the building is multiple stories, the business owner shall place a sign at each entrance exit or elevator indicating the location of the automated external defibrillator device.

F-121.3.3 AED devices shall contain adult pads and pediatric pads as required by the AHJ.

F-121.3.4 BCK(S) with the exception of large occupancy BCK(s), shall minimally contain:

- a) Two (2) commercially manufactured tourniquets; and
- b) Two sets of gloves; and
- c) One (1) scissor; and
- d) Two (2) 3-inch gauze rolls; and
- e) Two (2) gauze combine pads.

F-121.3.5 Places of occupancy that hold 500 or more persons, regardless of occupancy classification, shall have a large occupancy BCK, which minimally contains:

- a) Eight (8) commercially manufactured tourniquets; and
- b) Four (4) Sets of gloves; and
- c) Two (2) scissors; and
- d) Eight (8) 3-inch gauze rolls; and
- e) Eight (8) gauze combine pads.

F-121.3.6 The AED(s) devices and BCK(s) shall be used in accordance with the manufacturer's guidelines.

F-121.3.7 It shall be the responsibility of the owner/occupant to:

- a) Install the AED device and BCK.
- b) Maintain AED devices and BCK in accordance with manufacturer-recommended maintenance requirements and as required herein.

F-121.3.8 If an AED device or BCK is removed for repair, a replacement shall be provided by the owner/occupant or by the manufacturer.

F-121.3.9 Requirements and procedures. The following shall be the requirements and procedures for the use, of the AED and BCK program:

F-121.3.9.1 At the discretion of the AHJ, the implementation of an AED and BCK shall occur only after a written notification is made to the Fire Chief or designee by the individual, entity, organization, or company acquiring an AED. The written notification must contain the facility or business name, street address, specific location of the AED and BCK, the name of manufacturer and model number of each AED.

F-121.3.9.2 The AHJ may conduct a quality assurance review after the use of an AED or BCK that includes gathering clinical data and information from the person that used the AED or BCK and from the AED itself.

F-121.3.9.3 The owner and user of the AED or BCK will not withhold consent for a quality assurance review by the AHJ after the use of an AED or to the retrieval of clinical data from the device itself.

F-121.3.9.4 The AHJ shall verify the presence of the AED device and BCK may inspect any maintenance records to ensure compliance with the community AED and BCK program.

F-121.3.9.5 The AHJ is not liable for any damages experienced by the AED and by the BCK, or any person or entity arising as a result of :

- a) business's use or misuse of the equipment or supplies.
- b) business's failure to provide services pertaining to the equipment supplies
- c) any defects in the equipment or supplies.

Immunity from civil liability provisions. The provisions of Florida Statute 768.1325, and specifically the immunity from civil liability for any harm resulting from the use or attempted use of an automated external defibrillator (AED) device as found in Florida Statute 768.1325(3) as may be amended from time to time are hereby adopted and incorporated into the ordinance.

F-122 Mobile and Temporary Cooking Operations

F-122.1 The following section shall be a minimum life safety requirement but can be modified if deemed necessary by the local AHJ.

F-122.1.1 Mobile or Temporary Cooking. Any cooking facility, apparatus, or equipment, being operated on a one-time or interim basis, or for less than 90 days in the same location, other than at a fixed location, building, or structure which has been inspected and permitted under another section of this code, regulation or statute, inclusive of self-propelled trucks and vehicle, trailered units, push carts, equipment located under cover of awnings, canopies or pop-up tents, or other structures for which a building permit has not been issued.

F-122.1.2 All current licensing, semiannual/annual fire suppression system inspection reports, and a cleaning report with related documents shall be placed in a binder and accessible to the AHJ at all times.

F-122.1.3 Prior to operating within Broward County, each mobile food dispensing vehicle shall be inspected and approved.

- a) Inspection and approval by the AHJ shall not relieve the mobile food vendor's owner of the responsibility of compliance with the design, construction, installation, alteration, repairs, equipment maintenance, process, and relocation of the mobile food truck.
- b) Inspection and approval shall not hold the AHJ responsible for the enforcement of regulations of such other regulatory agencies unless specifically mandated to enforce those agencies' regulations.

F-122.1.4 Cooking equipment that produces grease-laden vapors shall be protected by a fire-extinguishing system. Automatic fire-extinguishing systems shall comply with ANSI/UL300 or other equivalent standards and shall be

installed in accordance with the terms of their listing, the manufacturer's instructions, and NFPA 17A.

F-122.2 Cleaning

F-122.2.1 The entire exhaust system, appliances, floor underneath, and wall behind appliances, shall be inspected and cleaned for grease buildup by a properly trained, qualified, and certified person(s) acceptable to the AHJ and in accordance with Table 11.4 in NFPA 96.

F-122.3 General

F-122.3.1 There shall be a quarter-turn valve installed within the LP-gas piping for emergency shut-off use, which shall be installed on the exterior of the vehicle and readily assessable.

F-122.3.2 A "PROPANE EMERGENCY SHUT-OFF" sign and a "NO SMOKING" sign shall be installed directly next to or above the gas cylinder and shall be a highly visible, permanent weatherproof sign with a minimum of 2" lettering.

F-122.3.3 Cylinders shall be retested every 5-12 years in accordance with the manufacturer's recommendations and 49 CFR 180.205.

- a) No letter after the requalification date means the cylinder must be retested within 12 years.
- b) An "S" after the requalification date means the cylinder must be retested within 7 years.
- c) An "E" after the requalification date means the cylinder must be retested within 5 years.

F-122.4 Leak Detection

F-122.4.1 A test gauge shall be installed at or before the regulator for means of leak detection. Pressure shall be observed for a minimum of 3 minutes with no drop in pressure. Propane tanks, hoses, and fittings shall be free of leaks. Documentation that the system is free of leaks shall be kept in a binder and readily assessable for the AHJ upon request.

F-123 Permanently Installed Cooking Exhaust Systems

F-123.1 Cooking Exhaust Systems. Cleaning of Cooking Exhaust Systems shall be in compliance with NFPA 96 and the following.

F-123.2 Cooking ventilation systems shall be inspected for grease buildup by a person meeting the training requirements as set forth by the International Kitchen Exhaust Cleaning Association (IKECA) or other nationally recognized exhaust system cleaning association acceptable to the AHJ in accordance with NFPA 96, Section 4.12.6.1.

F-123.3 Certification of training shall be submitted to the Local AHJ prior to cleaning operations taking place.

F-123.4 The completed inspection or cleaning report as found in NFPA 96, ~~44~~. 12.6.14 shall be provided to the owner, and a copy along with photos taken prior to cleaning and after cleaning shall be submitted to the local AHJ.

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: Chief Mechanical Code Compliance Officer

DATE: July 10, 2025

RE: First Reading of the Proposed Modification to the Florida Building Code, Broward County Administrative Amendments, 8th (2023) Edition, Section 110.3.13, Virtual Inspections.

Recommendation

It is recommended that the Broward County Board of Rules and Appeals approve, by vote, the First Reading of the Proposed Modification to the Florida Building Code, Broward County Administrative Amendments, 8th (2023) Edition, Section 110.3.13, Virtual Inspections, and approve the recommended guidelines.

Reasons

At the May 8, 2025, Board Meeting, the Board asked staff to bring a code change proposal to reverse the current code regarding virtual inspections. The proposed change aligns the Code with the current Florida Statutes.

Additional Information

The staff proposes Voluntary Guidelines, a set of recommended practices, to promote countywide consistency and facilitate the implementation of virtual inspection practices. These recommended practices are based on the *2021 IBC Resource A - Recommended Practices for Remote Virtual Inspections*. Staff is also recommending a Notice of Consent for Virtual Building Code Inspections.

Attachments:

1. Revised Code Section 110.3.13.
2. Sections of Florida Statute 553.
3. Proposed draft of a new Broward County Board of Rules and Appeals Voluntary Guidelines for Virtual Inspections and Notice of Consent to Virtual Building Code Inspections.

Respectfully Submitted,

A handwritten signature in black ink that reads "R Soto".

Rolando Soto

Florida Building Code, 8th (2023) Edition, Broward County Administrative Amendments

110.3.13 Virtual Inspections.

When approved by the Building Official, virtual inspections, as set forth in Section 101.2.2, are limited to,

- ~~1. Attachment of mullion bars in the window and door installations for like in kind replacement.~~
- ~~2. Reroofing under one thousand five hundred (1,500) square feet in compliance with Section 1512.4.3.2 of this code.~~
- ~~3. Tunnel replacement of building drains and water lines.~~
- ~~4. Water heater replacement that does not require an electric upgrade or new gas service.~~

Virtual inspections may be performed in accordance with the appropriate sections of FS 553 and other relevant statutes.

DRAFT

The 2024 Florida Statutes (including 2025 Special Session C)
Chapter 553
BUILDING CONSTRUCTION STANDARDS
PART IV
FLORIDA BUILDING CODE

553.79 Permits; applications; issuance; inspections.—

(6) A state or local enforcement agency may perform virtual inspections at the discretion of the enforcement agency. However, a state or local enforcement agency may not perform virtual inspections for structural inspections on a threshold building. For purposes of this subsection, the term “virtual inspection” means a form of visual inspection which uses visual or electronic aids to allow a building code administrator or an inspector, or team of inspectors, to perform an inspection without having to be physically present at the job site during the inspection.

553.791 Alternative plans review and inspection.—

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection may be performed in-person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider’s duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor’s contractual or legal obligations are not relieved by any action of the private provider.

Broward County Board of Rules and Appeals Voluntary Guidelines for Virtual Inspections

1.0 Introduction

On _____, 2025, the Broward County Board of Rules and Appeals approved the following change to FBC Ch. 1, Broward County Administrative Amendments:

110.3.13 Virtual inspections. *Virtual inspections may be performed in accordance with the appropriate sections of FS 553 and other relevant statutes.*

Additionally, the Board adopted these Recommended Practices, which are based on the *2021 IBC Resource A - Recommended Practices for Remote Virtual Inspections*.

1.1 Purpose and Scope

The purpose and scope of these Recommended Practices are to guide the Authority Having Jurisdiction (AHJ) when implementing a Virtual Inspection program as well as the construction industry user.

2.0 Definitions and Acronyms

Virtual Inspection: Means a form of visual inspection which uses visual or electronic aids to allow a building code administrator or an inspector, or a team of inspectors, to perform an inspection from a distance or without having to be physically present at the job site during the inspection.
FBC - Current edition of the Florida Building Code.

3.0 Virtual Inspection Process

Where Wi-Fi and/or cellular reception are poor or unavailable, some AHJs may consider allowing the contractor to provide an acceptable electronic documentation of the area that needs an inspection for review by the assigned inspector or team of inspectors.

The applicable Codes and Standards for virtual inspection are the same as the adopted codes, laws, ordinances, and referenced standards of the AHJ. The implementation of the virtual inspection is intended to achieve the same results as the typical in-person site inspection by applying the provisions of adopted codes, such as the FBC and other applicable and adopted Codes or standards.

3.1 Permit Holder: Requesting a Virtual Inspection

- 3.1.1. Electronically sign a notice indicating that the building owner or permit holder of record or representative:
 - 3.1.1.1. Consent to the use of the virtual inspections.
 - 3.1.1.2. Is responsible for their safety during the virtual inspection.
 - 3.1.1.3. Allows the complete use of the videos and photos of the virtual inspection by the AHJ.
 - 3.1.1.4. Certifies they are making available the site and inspection items truthfully and to the best of their ability.
 - 3.1.1.5. Is responsible for compliance with all codes and standards applicable to the project.
 - 3.1.1.6. Acknowledges that participation in the virtual inspection program is voluntary.
 - 3.1.1.7. Acknowledges that the decision to perform a virtual or in-person inspection is at the Sole discretion of the AHJ.
- 3.1.2. Before contacting the department to schedule the inspection(s), confirm that the minimum criteria for inspections are met. See Appendix A for examples of qualified inspection activities.
- 3.1.3. Call or go online to schedule an appointment for inspection with the AHJ.
- 3.1.4. An adult (18 years or older) must be at the jobsite to perform the virtual inspection.
- 3.1.5. When scheduling the inspection, provide the contact phone number, permit number, type, and number of requested inspections.

3.2 AHJ: Scheduling Virtual Inspection

- 3.2.1. The permit holder shall request all scheduled inspections at least one business day before the desired inspection date.
- 3.2.2. Each permit holder will be given an approximate time window for inspection.
- 3.2.3. Schedule after-hours or emergency inspections as per AHJ policy.
- 3.2.4. Determine the types of inspections allowed. See Appendix A for examples of qualified inspection activities.

3.3 Permit Holder: Prepare for Virtual Inspection

- 3.3.1. Before the inspection, ensure that:
 - 3.3.1.1. The necessary tools based on the type of inspection are readily available.
- 3.3.2. Have approved plans, permit card, and other necessary construction documents available.
- 3.3.3. All features applicable to the required inspection must be visible during the inspection. These features must be captured sufficiently and clearly for the inspector to evaluate.
- 3.3.4. If at any point the inspector believes that the inspection process is not allowing them to properly assess compliance with the codes, etc., they may require that an in-person inspection be conducted at a future time or instruct the customer to make different arrangements.

3.4 Permit Holder: Prepare to Receive the Virtual Inspection Call

- 3.4.1. Ensure that the lens and screen of any device used to capture images or video have been cleaned. Dust, grit, smudges, etc., might interfere with the image quality and distort the inspector's view.
- 3.4.2. Be prepared to answer the inspector's call at any time during the scheduled timeframe. Be cooperative and closely follow the inspector's instructions.
- 3.4.3. As each site and inspection are different, allot the proper amount of time for the type of inspection and the site's accessibility.

3.5 What to Expect During the Inspection

- 3.5.1. Begin inspection at the street view, looking at the structure with the address or other Required jobsite identification in the video display.
 - 3.5.1.1. The inspector may also verify the location through GPS/Geotagging, where the Service is available.
- 3.5.2. Follow the inspector's directions with respect to the order and direction of inspection.

3.6 Inspection Results

- 3.6.1. The inspection results will be entered into the AHJ's permit database as soon as practicable after the virtual inspection is completed. It is important to note that the inspection was completed using the virtual inspection process.

3.7 Maintaining Records of Inspections

- 3.7.1 Required inspection records, including, but not limited to, correction notices, shall be maintained per the AHJ's policy, laws, regulations, and applicable codes, and may be subject to disclosure.

4.0 Training and Communication

Training and effective communication of processes, procedures and requirements are essential and a critical part to the success of any program.

4.1 Staff Training

- 4.1.1. Ensure all staff are trained in the appropriate areas of responsibility.

4.2 Additional Considerations

- 4.2.1. Adopt basic online security practices. Consult with your IT department for guidance.

- 4.2.2. Consult with your legal counsel to ensure compliance with all federal, state, and local requirements related to your virtual inspection program. For example, you may want to consult counsel to determine whether a homeowner's release is needed to conduct a virtual inspection.
- 4.2.3. Ensure that all staff have access to the codes and standards applicable to the work they are inspecting.
- 4.2.4. Document lessons learned to improve your virtual inspection program and to support potential long-term establishment of virtual inspection processes.

DRAFT

Appendix A (Examples of Potential Activities)

The following are a few examples of construction activities that may be included in a virtual inspection program. This list is not all-inclusive. Determining whether an inspection can be conducted is at the sole discretion of the AHJ.

1. Plumbing system repairs or fixture replacements.
2. Construction trailer installations.
3. Residential or light commercial HVAC direct replacement or repair.
4. Minor residential electrical.
5. Miscellaneous exterior repair or upgrades (stucco, windows, etc.).
6. Re-roofing/roof covering replacement.
7. Water heater or water softener direct replacement.
8. New residential plumbing rough-in.
9. Residential rooftop-mounted photovoltaic panel systems.
10. Manufactured home installation verification.
11. Any other inspection approved by the AHJ.

End of Guidelines

Notice of Consent for Virtual Building Code Inspections

Municipality: _____

Permit or Application Number: _____

Job Address: _____

In accordance with Broward County Board of Rules and Appeals Voluntary Guidelines for Virtual Inspections, I certify that:

- 1. I consent to the use of the virtual inspections.
- 2. I am responsible for my safety during the virtual inspection.
- 3. I allow the complete use of the videos and photos of the virtual inspection by the Authority Having Jurisdiction.
- 4. I certify that I am making available the site and inspection items truthfully and to the best of my ability.
- 5. I am responsible for compliance with all codes and standards applicable to the project.
- 6. I acknowledge that participation in the virtual inspection program is voluntary.
- 7. I acknowledge that the decision to perform a virtual or in-person inspection is at the sole discretion of the Authority Having Jurisdiction (building inspector).
- 8. An adult (18 years or older) will be at the job site to perform the virtual inspection.

Name of Building Owner or Permit
Holder of Record or Representative

Signature of Building Owner or
Permit Holder of Record or Representative

Date

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: July 10, 2025

RE: Proposed Modifications to Broward County Administrative Amendments to Chapter 1 of the Florida Building Code, Sections 107.1, 107.3.4, and 202; Related to Requirements for Professional Design.

Recommendations

1. It is recommended that the Board of Rules and Appeals deny, by vote, the modifications proposed by Mr. Jack Butler to Broward County Administrative Amendments to Chapter 1 of the Florida Building Code, Sections 107.1, 107.3.4, and 202.
2. It is recommended that the Board of Rules and Appeals approve, by vote, the first reading of the proposed changes to Section 107.3.4 Requirements for Professional Design.

Reasons

1. Mr. Butler's proposal does not consider Broward County's geographical location in the High-Velocity Hurricane Zone. It will also remove the ability of building officials to require a professional designer in certain circumstances, such as the absence of installation requirements like the ones provided in a Florida Product Approval, Miami-Dade Notice of Acceptance, Florida Building Code Prescriptive Requirements, Testing Laboratories Listing, Manufacturers' Installation Instructions, or other documents acceptable to the Building Official.
2. Proposed changes to Section 107.3.4 Requirements for Professional Design will align Broward's FBC, Chapter 1, with Florida State Statutes and preserve the ability of building officials to require a professional designer in certain circumstances.

Additional Information

1. Modifications proposed by Mr. Jack Butler to the Broward County Administrative Amendments to Chapter 1, Florida Building Code, Sections 107.1, 107.3.4, and 202
2. Legal opinion by BORA Attorney, Mr. Charles Kramer, Esq
3. Proposed changes to Sections 107.3.4 Requirements for Professional Design
4. Excerpts of Referenced Florida Statutes

Respectfully Submitted,

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

Dr. Ana Barbosa

Proposed Modification to the Florida Building Code

Per Section 553.73, Fla Stat

Name: Butler & Butler, LLC, dba MilePost Zero

Address: 301 Avalon Road, Winter Garden, FL 34787

E-mail: abutler@mpzero.com

Phone: (407) 717-0247

Fax: _____

Code: Florida Building Code – Building, as amended by the Broward County Board of Rules & Appeals

Section #: 107.1, 107.3.4, and 202

Text of Modification (additions underlined; deletions ~~stricken~~):

Section 107 Submittal Documents

107.1 General

107.1.1 Submittal documents. Submittal documents consisting of *construction documents*, plans, specifications, statement of *special inspections*, geotechnical reports, structural observation programs, and other data shall be submitted in two (2) or more sets of plans and specifications as described in section 107.3 or in digital format when approved by the Building Official with each application for a permit. The *construction documents* shall be prepared by a *registered design professional* ~~shall prepare construction documents~~ where required by Florida Statutes, Chapter 471 or Chapter 481. Where ~~special conditions~~ *special conditions* exist, the Building Official is authorized to require ~~additional~~ *supplemental construction documents* to be prepared ~~by a registered design professional~~.

Exception: The *Building Official* is authorized to waive the submission of *construction documents* and other data ~~not required to be prepared by a registered design professional~~ if it is found that the nature of the work applied for is such that a review of the *construction documents* is not necessary to obtain compliance with this Code.

107.1.2 Where required by the Building Official; or the Fire Marshall/Fire Code Official, a third copy of the plan showing parking, landscaping, and drainage shall be provided.

...

~~107.3.4 Requirements for Professional Design. Reserved.~~

~~**107.3.4.0.1 Other than Single Family Residences.** The plans and specifications for new construction, alterations, repairs, improvements, replacements, or additions costing fifteen thousand dollars (\$15,000.00) or more, shall be prepared by, and each sheet shall bear the signature and seal of an Architect or Engineer.~~

~~**Exception:** Roofing as set forth in FBC, Chapter 15.~~

~~**107.3.4.0.2 Single Family Residences.** The plans and specifications for new construction, alterations, repairs, improvements, replacements, or additions costing thirty thousand dollars (\$30,000.00) or more, shall be prepared by an Architect or Engineer. Each sheet shall be signed and sealed by the Architect or Engineer.~~

~~107.3.4.0.3 Plans and specifications for work that is preponderantly of an architectural nature shall be prepared by a Registered Architect, and work that involves extensive computation based on structural stresses shall, in addition, be prepared by a Professional Engineer.~~

~~107.3.4.0.4 Plans and specifications for work that is preponderantly of a mechanical or electrical nature shall, at the discretion of the Building Official, be prepared by a Professional Engineer.~~

~~107.3.4.0.5 Compliance with specific minimum requirements of this Code shall not be deemed sufficient to assure that a building or structure complies with all of the requirements of this Code. It is the responsibility of the architect or engineer of record for the building or structure to determine through rational analysis what design requirements are necessary to comply with this Code.~~

~~107.3.4.0.6 For any work involving structural design, the Building Official may require that plans, calculations, and specifications be prepared by a Professional Engineer, regardless of the cost of such work.~~

~~107.3.4.0.7 Electrical plans and specifications for new construction shall be prepared by a Professional Engineer competent in the appropriate field of expertise for all buildings or structures having electrical services or systems as follows:~~

- ~~a. Residential systems requiring an aggregate electrical service capacity of more than 600 amperes or more than 240 volts.~~
- ~~b. Commercial or industrial systems requiring more than 800 amperes or more than 240 volts.~~
- ~~c. An electrical system having a cost value greater than one hundred twenty five thousand dollars (\$125,000.00).~~
- ~~d. An electrical system for an assembly area having an area greater than five thousand (5,000) square feet~~
- ~~e. A fire alarm or security alarm system that costs more than five thousand dollars (\$5,000.00)~~

~~107.3.4.0.8 Signatures and Seals. All plans, specifications, and other construction documents required to be prepared by an Architect or Engineer, shall be signed, dated, and sealed, either original signed wet seal, embossed seal, or digital seal, according to the requirements of Chapters 471 and 481 of the Florida Statutes.~~

Section 202

DEFINITIONS

SPECIAL CONDITION. An element of the construction site or design that is outside the parameters upon which the code is based or exceeds the prescriptive guidance found in the code and is unique to the project rather than generally applicable within the project area.

SUPPLEMENTAL CONSTRUCTION DOCUMENT. A construction document not normally provided as part of the standard permit application package for the type of work proposed that demonstrates how the proposed design addresses a special condition presented by the project so as to meet the intent of the code.

Respond to the following questions:

1. How is the local amendment more stringent than the minimum standards described in the FBC?

§107.1.1 – The proposed modifications are primarily editorial in nature. Removing the restricting phrase “registered design professional” in the sentence regarding additional (supplemental) construction documents provides greater flexibility to building officials and permit applicants without losing the safeguards contained in Florida Statute chapters 471 and 481 regarding who must prepare construction documents.

§107.1.2 – The proposed modification is editorial in nature.

§107.3.4 – The proposed modification allows the section to comply with Florida Statutes.

§202 – The proposed modification is editorial in nature and provides clarification of the original intent of the affected language.

2. Demonstrate or provide evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the FBC beyond the needs or regional variation addressed by the FBC.

§107.1.1 – The proposed editorial modification removes the redundant phrase “shall prepare construction documents” and provides corrective guidance for existing local amendments that appear to be the result of misunderstanding the sentence in §107.1.1: “Where special conditions exist, the Building Official is authorized to require additional *construction documents* to be prepared by a *registered design professional*.” BORA’s general counsel has misinterpreted this sentence to mean that being in Broward County is a special condition and that *additional* construction documents means *all* construction documents. The proposed modification in the section’s Exception provision is motivated by a need for building officials to be authorized to omit any type of unnecessary document, not just those prepared by registered design professionals. For example, an interior buildout project would not need an exterior elevation, which, under Florida professional practice regulations, need not be prepared by a registered design professional.

§107.1.2 – The current wording includes an unnecessary comma and omits the required conjunction for a complete sentence.

§107.3.4 – The present language of this section conflicts with state laws. BORA’s amended version of section 107 in FBC-Building regarding who must prepare construction documents is contrary to state pre-emption of occupational regulations and exceeds BORA’s authority. A 2021 opinion written by BORA General Counsel Charles M Kramer ([https://www.broward.org/CodeAppeals/Documents/Advisory%20Opinion%20%20Conflict%20of%20Laws%20\(Preemption\).pdf](https://www.broward.org/CodeAppeals/Documents/Advisory%20Opinion%20%20Conflict%20of%20Laws%20(Preemption).pdf)) was used by BORA as justification for overcoming a state pre-emption issue with its local amendments imposing additional credential requirements on persons preparing construction documents. Kramer admitted the statute and the amendment are in conflict when he wrote, “The inconsistent language of these provisions presents conflict of laws and preemption issues, which are governed by Florida constitutional law.”

In that opinion, Kramer asserts the supremacy of the local charter provisions over state law based, in part, on his mistaken belief that chapter 71-575, Special Laws of Florida 1971, granted some overriding special powers to BORA's predecessor Board and, in part, on his misunderstanding of the judgment rendered in *Shetler v. State*, 681 So. 2d 730 (Fla. 2d DCA 1996) [see his footnote 1]. That court held, "nothing in the statutes or in the ordinance indicates that they cannot co-exist." As the footnote says, this case was cited in a *Florida Bar Journal* article titled, "The Effectiveness of Home Rule: A Preemption and Conflict Analysis," (*Florida Bar Journal* 83-JUN FLBJ 92 (June 2009), by Wolf and Bolinder). In fact, neither the article nor the cited *Shetler* case support Kramer's conclusion. As the Wolf and Bolinder article says, "To avoid conflicting with state legislation, local action must be able to coexist with the state legislation without frustrating its purpose." It is this statement in their article that includes a footnote reference to *Shetler*.

Such is not the effect of the current wording of §107.3.4, which directly frustrates the purpose of the relevant exemption for residential design services found in section 481.229(1), Florida Statutes:

- (1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:
 - (a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;
 - (b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
 - (c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45. [emphasis added]

If state pre-emption was not sufficiently clear from this statute, section 481.231(2), Florida Statutes, expresses the explicit state pre-emption of the field of regulation of the practice of architecture by precluding a local government from withholding a building permit solely because the person who prepared the construction documents did so under an exemption given in section 481.229(2), Florida Statutes: "Counties or municipalities which issue building permits shall not issue permits if it is apparent from the application for the building permit that the provisions of this part have been violated; provided, however, that **this subsection shall not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 481.229.**" [emphasis added] Requiring construction documents to be prepared by a registered design professional in order to get a building permit to modify or construct an exempt structure, such as a single-family residence, is the same as withholding the building permit for the work when the documents have not been prepared by such a person. Kramer's opinion memorandum makes no mention of section 481.231, Florida Statutes.

As noted earlier, Kramer points to the "authority [granted] by Special Act Ch. 71-575 and incorporated in the Broward County Charter. Additionally, BORA was granted the authority to make special amendments to the Florida Building Code by under [sic] the Charter of Broward County. As such, all provisions of the BCAP are authorized by special act of the Florida legislature. Therefore, under the general rule, this provision prevails over general law 481.229."

The facts are quite contrary to all these statements. First, chapter 71-575, Special Acts of 1971 (Exhibit B), did not grant any specific rights or powers to the BORA predecessor organization. That predecessor Board was created when chapter 69-917, Special Acts of 1969, applied the South Florida Building Code to Broward County. Section 203 of the South Florida Building Code required any jurisdiction under its domain to establish a board of rules and appeals "[in] order to determine

the suitability of alternate materials and types of construction, to provide for reasonable interpretation of the provisions of this Code and to assist in the control of the construction of buildings and structures.” Section 11 of chapter 70-616, Special Acts of 1970, did add subsection (d)(2) to the building code, which said, “The board of rules and appeals shall make any desired amendments or revisions to the code,” but this ability did not survive the repeal of that building code in 2001.¹

Section 206 of the South Florida Building Code notably said, “The provisions of the South Florida Building Code shall be amended only by [the] Board of Rules and Appeals and only to the extent and in the manner specified in the Code.” Section 203.5(a)(2) described the extent and manner of such amendments: “The use of alternate materials or types of construction not clearly comparable with the materials and types of construction specified in the code may not be granted by the Board of Rules and Appeals; but the board, if favorable to such use, may amend this code to make such use lawful.” There is nothing in this authority that permits administrative amendments.

Second, the Broward County Charter says BORA is subject to the language of chapter 2000-141, Laws of Florida. Section 136 of that chapter repealed all relevant special acts:

This act does not imply any repeal or sunset of existing general or special laws governing any special district that are not specifically identified by this act. However, this act is intended as a comprehensive revision of the regulation by counties and municipalities of the design, construction, erection, alteration, modification, repair and demolition of public and private buildings. Therefore, **any sections or provisions of any special act governing those activities by any general purpose local government is hereby repealed.** [*emphasis added*]

The Board was not a special district; it was an agency of Broward County, a general-purpose local government, as evidenced by its incorporation into the county charter in 1976. By explicitly repealing “any sections or provisions of any special act governing those activities by any general purpose local government,” chapter 2000-141, Laws of Florida, repealed all prior legislative authority bestowed upon the Board by the special acts adopted in the 1970s regarding anything dealing with building codes and their enforcement. This is because the phrase “those activities” refers to “the regulation by counties and municipalities of the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings.” This included repealing the requirement for the Board to certify building departments.

Section 136 of chapter 2000-141, Laws of Florida, reinforced a provision of section 49 of chapter 98-287, Laws of Florida, which produced the language that exists today in section 553.79(3), Florida statutes: “Except as provided in this chapter, the Florida Building Code, after the effective date of adoption pursuant to the provisions of this part, shall supersede all other building construction codes or ordinances in the state, **whether at the local or state level and whether adopted by administrative regulation or by legislative enactment.**” [*emphasis added*] Combined with the action of section 136 of chapter 2000-141, Laws of Florida, the Legislature clearly intended to repeal the South Florida Building Code and all special acts listed in section 9.02A(1) of the Broward County charter. The legislative authority of prior special acts was wiped from the record and ceased to have any control over the Board’s authorities and duties on July 1, 2001. In the same way, the South Florida Building Code was repealed on July 1, 2001, as was any authority

¹ Technically, this section amended the *Broward* Building Code, as an earlier section of chapter 70-616 had renamed the document, but chapter 71-575 replaced that distinct building code with the 1970 Dade County edition of the South Florida Building Code. Section 15 of chapter 71-575 added the same provision to that code.

for the Board to amend it. The Board, however, continued to exist due to its incorporation into the Broward County Charter in 1976 until it was replaced by BORA in 2003.

Third, the Broward County Charter provides no authority for BORA to make “special amendments” to the current Florida Building Code. It says only, “The provisions of the Florida Building Code shall be amended only by the Board of Rules and Appeals and only to the extent and in the manner specified in the Building Code.” [section 9.02A(2)] The clear intent is for BORA to have only the general authority to adopt local building code amendments.

Fourth, even if the charter contained such language, a county charter provision cannot overcome the controlling influence of state statutes. The courts have been consistent in this regard, as in *State v. Sarasota County*, 549 So. 2d 659 (Fla. 1989):

A charter provision or ordinance of a charter county will be unconstitutional under article VIII, section 1(g), of the Florida Constitution, if it is ‘inconsistent with general law.’ We have consistently construed this phrase to mean ‘contradictory in the sense of legislative provisions which cannot coexist.’ *Laborers' Int'l Union of North America, Local 478 v. Burroughs*, 541 So.2d 1160 (Fla. 1989); *State ex. rel. Dade County v. Brautigam*, 224 So.2d 688, 692 (Fla. 1969).

The Broward County Charter provides no ability for BORA to amend the building code beyond what may be generally available to all local governments, and it certainly cannot authorize local code amendments that supersede Florida Statutes. In fact, the charter actually prevents BORA from adopting administrative amendments. Paragraph 553.73(4)(a), Florida Statutes, uses the phrase, “all entities authorized to enforce the Florida Building Code under s. 553.80,” as setting the basic jurisdictional requirement for adopting local administrative amendments. This constraint bars BORA from adopting such amendments because BORA is not authorized to enforce the Code. The charter recognizes this status in section 9.02A(3): “The Board of Rules and Appeals shall conduct a program to monitor and oversee the inspection practices and procedures employed by the various governmental authorities charged with the responsibility of enforcing the Building Code.”

Kramer actually agrees with this finding. In a separate opinion he issued a year earlier (<https://www.broward.org/CodeAppeals/Documents/Advisory%20Opinion%20Response%20to%20Administrative%20Staff%20Request.pdf>), he says on page 1:

Local Building departments are the “local enforcing agencies” while the Board of Rules and Appeals is recognized as the “local **governing** body.” See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter. In so saying, the express legislative intent is that the Broward County Board of Rules and Appeals as the local governing body has jurisdiction and ultimate authority in matters of interpretation and amendment where it may impact the Florida Building Code. See FS 633.208(2)(a), and F.S. Sec 553.71. [*emphasis his*]

Only the first of these statements is true. Local building departments in Broward County and the many included municipalities are local enforcement agencies. (See section 553.71(5), Florida Statutes.) They issue permits, perform plan reviews, and conduct inspections. No law in operation today says anything about BORA being a local governing body, local enforcement agency, or authority having jurisdiction. BORA cannot interpret the Florida Building Code, as only building officials have that statutory authority. As a result, BORA does not meet the definition for a local governing body, as given in section 553.73(1)(e), Florida Statutes: “Subject to the provisions of this

act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words ‘local government’ and ‘local governing body’ as used in this part shall be construed to refer exclusively to such local board or agency.” BORA does not possess any of the qualifying requirements.

As a last contrary point, the legislative history is the reverse of what Kramer implies in saying, “With this legislative history in mind, it is not logical to conclude that the legislature has, with the enactment of 481.229, intended to supersede or preempt the provisions of the of the BCAP.” The language of sections 481.229(2) and 481.231, Florida Statutes, was adopted in sections 11 and 13 of chapter 79-273, Laws of Florida. Thus, these provisions predate by 21 years the ability for local administrative amendments to be adopted under section 553.73(4), Florida Statutes, which was first enacted in 2001. Kramer had it backwards: Nothing in chapter 2000-141, Laws of Florida, gives any impression of intending to negate the exceptions listed in section 481.229, Florida Statutes.

Beyond the legislative intent provided in the above-cited statutes, the charter language, and the rulings of multiple Florida courts that prohibit the subject local amendments, BORA is directly and explicitly barred from modifying the requirements, exceptions, and exemptions of any profession because occupations of all types are expressly regulated at the state level. Variations from jurisdiction to jurisdiction are untenable and precluded by Florida law. To implement this policy, the state enacted legislation that expressly forbids local governments from taking any actions or imposing any requirements on occupations:

163.211 Licensing of occupations preempted to state.—

(1) DEFINITIONS.—As used in this section:

(a) “Licensing” means any training, education, test, certification, registration, or license that is required for a person to perform an occupation in addition to any associated fee.

(b) “Local government” means a county, municipality, special district, or political subdivision of the state.

(c) “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.

(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state, and this section supersedes any local government licensing requirement of occupations with the exception of the following:

(a) Any local government that imposed licenses on occupations before January 1, 2021. However, any such local government licensing of occupations expires on July 1, 2025.

(b) Any local government licensing of occupations authorized by general law.

(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.

(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.

Requiring someone to have a specified certification or license when it is not required by state law acts as a prohibited local government occupational requirement. BORA’s existing modifications to section 107.3.4 constitute unauthorized local licensing of the occupation of residential building designer and are impermissible intrusions into a subject matter explicitly reserved to the state. As stated in the statute, any occupation covered by a provision in Florida Statutes, such as architect and building designer, was pre-empted from local regulation starting on July 1, 2021. As of July 1, 2025, all occupations are so pre-empted.

Since the statewide Florida Building Code provides no authority for a local government to impose additional requirements on these occupations, and the related elements of prior legislative special acts and the South Florida Building Code were repealed by section 136 of chapter 2000-141, Laws of Florida, BORA no longer has the power to impose such requirements, if it ever did. An agency cannot give itself a power that is not bestowed by the enabling legislation that created it or is not permitted by law.

There is also the practical matter of enforcing the restrictions contained in the current wording of FBC-Building section 107.3.4. Section 2 of chapter 2000-141 added a new subparagraph 125.01(1)(cc) to Florida Statutes that says counties may “adopt and enforce local technical amendments to the Florida Building Code as provided in s. 553.73(4)(b) and (c).”² Similarly, section 3 of chapter 2000-141 modified 125.56(1), Florida Statutes, to limit counties to adopting only “local technical amendments to the Florida Building Code pursuant to s. 553.73(4)(b) and (c),” with no mention of any power to adopt administrative amendments under section 553.73(4)(a). By specifically listing the power counties have to adopt local technical amendments, the law also stated by omission which type counties could not adopt; i.e., local administrative amendments. This prohibition extends to BORA, which is a county agency. BORA cannot take any action that its parent county government is barred from taking.

Section 32 of chapter 2000-141, Laws of Florida, added almost identical language as that found in sections 125.01 and 125.56, Florida Statutes, to several other relevant portions of Florida Statutes (the underlined text shows additions to the included subsections as they appeared in the adopted language of the act):

468.604 Responsibilities of building code administrators, plans examiners, and inspectors.—

(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code....

(2) It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code....

(3) It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code....

How can a building official, plans examiner, or other local building staff member enforce an administrative provision when the enabling legislation provides no such authority? The answer is they can't. Administrative amendments are supposed to only impact the local agency that adopts

² This subparagraph is now numbered as section 125.01(1)(bb), Florida Statutes. It continues to say, “Enforce the Florida Building Code as provided in s. 553.80 and adopt and enforce local technical amendments to the Florida Building Code as provided in s. 553.73(4),” but has removed the reference to paragraphs (b) and (c) since more paragraphs now apply to technical amendments.

them, not permit applicants and permit holders. There should be nothing visible on construction documents for these named officials to enforce relative to local administrative amendments.

Based on a plain reading of the relevant Florida Statutes and applying the clearly stated legislative intent, the only possible conclusion is that local building code amendments removing or modifying the licensure exemptions provided in section 481.229(1), Florida Statutes, and elsewhere are prohibited by State law. Accordingly, they represent an invalid exercise of delegated legislative authority. In fact, there is no delegated authority at all; these amendments are expressly prohibited.

Even if Florida law did not explicitly pre-empt local regulation of all occupations, the cost of construction amounts that serve as triggering threshold values are completely arbitrary and unsupported by any competent evidence. They also have the effect of placing the person who proposes to do the work at a cost below the threshold value in a different situation than someone who proposes to do the same work at a higher price. It is entirely possible for a set of construction documents to be subjected to two different treatments merely as a result of the differing cost of materials or labor. For example, someone could legitimately prepare the plans for a kitchen remodel for a client where the construction cost estimate is \$29,900, which would not breach the \$30,000 threshold and, therefore, not trigger the BORA-amended requirement for the construction documents to be prepared by a registered design professional. If the same plans are used one month later, when inflation or a different selection of, say, the kitchen sink has increased the price of construction to \$30,100, the threshold of \$30,000 would be crossed and the construction documents would no longer be acceptable in Broward County. There is no threshold value of construction that can resolve the violation of equal protection rights. Any and all choices are arbitrary.

§202 – The included new definitions are part of the proposed solution for the issue raised in §107.1.1.

3. Explain how the local need is addressed by the proposed amendment.

§107.1.1 – The proposed editorial modification removes the redundant phrase “shall prepare construction documents” and recognizes two newly defined words, “special conditions” and “supplemental construction documents,” which are shown in italics in accordance with normal formatting for defined terms. In the Exception provision, the proposed modification removes the restriction for waived construction documents to be only those prepared by registered design professionals, thereby authorizing building officials to omit any type of unnecessary document.

§107.1.2 – The proposed editorial modification removes an unnecessary comma and inserts the needed conjunction and participle for proper reading.

§107.3.4 – The proposed modification will restore this section to what the original statewide code says and remove an existing conflict with state laws generated by the BORA-adopted amendments that revised the section.

§202 – Adding these two definitions is an editorial modification that will clarify the intent of a key sentence in §107.1.1: “Where *special conditions* exist, the Building Official is authorized to require *supplemental construction documents* to be prepared.” The proposed definitions are consistent with an informal interpretation provided by ICC staff (Exhibit A) and were recently recommended for inclusion in the model International Building Code by the IADMIN Committee at ICC CAH#1 (Modification Proposal ADM43-25 Part I with Floor Modifications Butler-MP3 and Wharton-MP1).

4. Explain how the local amendment is no more stringent than necessary to address the local need.

The proposed modifications are either purely editorial in form, remove impermissible restrictions on occupations regulated by the state, or clarify the existing intent of the building code.

5. Are the additional requirements discriminatory against materials, products, or construction techniques of demonstrated capabilities?

This question is not really relevant, as the proposed modifications relate to administrative portions of the building code, but the direct answer is No. None of the proposed modifications are discriminatory against materials, products, or construction techniques of demonstrated capabilities.

6. Indicate whether or not additional requirements introduce a new subject not already addressed.

The proposed modification to section 107.3.4, which is to strike the entire content added by a prior local administrative amendment, will remove a subject that should not have been introduced into the code; i.e., the regulation of occupations through the imposition of additional local licensing requirements. All other proposed modifications are editorial or clarifying and do not alter the original intent of the code or introduce a new subject.

7. Include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include a, b, and c:
 - a) Impact to local government relative to enforcement.
 - b) Impact to property and building owners relative to the cost of compliance.
 - c) Impact to industry relative to the cost of compliance.

None of the proposed modifications will increase the cost of operating building safety departments or enforcing the building code in any affected local government. If anything, they provide the opportunity to lower local government costs by reducing the need for certain unnecessary construction documents and the resulting need for review of such documents, in addition to providing greater flexibility to building officials in terms of the documents they can accept or waive as part of a permit application package. The proposed modifications for sections 107.1.1 and 107.3.4 will substantially decrease the cost of preparing construction documents by not requiring registered design professionals to do the work when they would not otherwise be required to do so by state professional practice regulations, thereby providing savings relative to the cost of compliance to property and building owners. The savings are estimated to be \$700 per residential plan set. These savings will be the result of greater competition in the market for design services and will be broadly disseminated across the design and construction industries, especially in the residential sector.

/s/ Jack A Butler
June 4, 2025

EXHIBIT A – NOVEMBER 27, 2023 EMAIL FROM ICC STAFF

abutler@mpzero.com

From: Christopher Reeves <jira@icc-ts.atlassian.net>
Sent: Monday, November 27, 2023 5:21 PM
To: abutler@mpzero.com
Subject: ICCTO-1865 Meaning of the terms 'special conditions' and 'additional construction documents'

Reply above this line.

Christopher Reeves has commented on your request:

Jack Butler,

This email is in response to your email correspondence regarding "special conditions" and the need for "additional construction documents". All comments are based on the 2018 International Building Code (IBC) unless noted otherwise.

As noted in Section 107.1, the building official is authorized to require "additional construction documents" to be prepared by a registered design professional where "special conditions" exist. Admittedly, while the code doesn't define what constitutes "special conditions", such conditions are typically matters not provided for or addressed by the code or proposed design alternatives to the basic provisions in the code as regulated by Section 104.11. For example, the code does not specifically address how to construct a chemical refinery or other special hazardous occupancies which may require unusual height or area limitations due to a specific process or equipment. Extremely large buildings may also warrant a specific egress design study to justify an additional exit access travel distance beyond basic code limitations. "Special conditions", as alluded to in your correspondence, is not, in my opinion, necessarily related to the cost of the project or other local amendments.

As noted, "additional construction documents" could include drawings, structural calculations, research reports, test data or additional studies, prepared by a registered design professional, to substantiate equivalent compliance with the intent of the code with final approval subject to the building official.

If you would like to discuss this further, I can be reached directly at (888) 422-7233, X4309.

Sincerely,

Chris Reeves

Christopher R. Reeves, P.E.
Director, Architectural & Engineering Services
International Code Council, Inc.
Central Regional Office
888-ICC-SAFE (422-7233), x4309
creeves@iccsafe.org

You may reply to this email to add comments to your request.

Christopher Reeves resolved this as Answered.

EXHIBIT B – CHAPTER 71-575, SPECIAL ACTS, 1971 LAWS OF FLORIDA

AN ACT relating to Broward County repealing Chapter 69-917 and Chapter 70-616 Laws of Florida; adopting the Dade County 1970 edition of the South Florida Building Code as amended as the standard for Broward County; enforcement and inspection shall be the responsibility of elected or appointed officials in each municipality in the county; providing a penalty; removal from office for nonfeasance, misfeasance or malfeasance; provided that all laws, ordinances or resolutions in existence in any municipality or unincorporated area of Broward County in conflict herewith are repealed; the Board of County Commissioners, nor any municipality, may pass a law in conflict herewith; amending Section 203 of the South Florida Building Code relating to secretary to the Board of Rules and Appeals; amending Section 203 of the South Florida Building Code relating to secretary to the Board, office space, equipment and additional personnel by adding a new Sub-section (a); amending Sub-section (a) of Section 203.1 of the South Florida Building Code relating to membership of the Board of Rules and Appeals; amending Sub-section (b) of Section 204.1 of the South Florida Building Code relating to the term of Board membership, providing that all Board members appointed under Chapter 70-616 Laws of Florida are held over and reaffirmed to complete the terms appointed for; amending Section 203.2 relating to compensation for Board members, amending Sub-section (b) of Section 203.3 of the South Florida Building Code relating to officers and procedure; amending Sub-section (e) of Section 203.3 of the South Florida Building Code as it relates to a quorum; amending Sub-section (d) (2) of Section 203.4 of the South Florida Building Code as it relates to revisions to the Code; repealing Sub-section (d) (3) of Section 203.4 of the South Florida Building Code by adding new Sub-section (e) and a new Sub-section (f) relating to costs of appeal and procedure of appeal; amending Sub-section (a) (2) of Section 203.5 relating to the powers of the Board of Rules and Appeals; repealing Sub-section (c) of Section 203.6 of the South Florida Building Code; providing an effective date.

Be It Enacted by the Legislative of the State of Florida:

Section 1. Chapter 69-917 and Chapter 70-616 of the Special Acts, Laws of Florida are hereby repealed.

Section 2. The South Florida building code, Dade County 1970 edition, as amended, hereafter referred to as the South Florida building code, shall apply to all municipalities and unincorporated areas of Broward County, Florida.

Section 3. Inspection and enforcement of the South Florida building code shall be the responsibility of elected or appointed city commissioners, city councilmen, and mayor of each municipality; and the responsibility of elected and appointed members of the Board of County Commissioners in all unincorporated areas within Broward County.

Section 4. For the purpose of inspection, competent and qualified building inspectors shall be employed by these elected or appointed officials charged with the responsibility of enforcing this act. If any of the elected or appointed officials named in Section 3 of this act knowingly allow or permit any residence or commercial building or other structure to be erected within Broward county [sic] in violation of the minimum standards and specifications of the South Florida building code, the elected or appointed official or officials responsible for not enforcing this code may be removed from office for nonfeasance, misfeasance or malfeasance in office.

Section 5. Any laws, ordinances or resolutions now in existence in the unincorporated areas in Broward County, or in any municipality in conflict herewith are hereby repealed.

Section 6. Neither the Board of County Commissioners nor any municipality may pass any law in conflict with this act, specifically but not limited to raising or lowering any standards in the South Florida Building Code.

Section 7. Section 203 of the South Florida building code is amended to read:

203. Board of rules and appeals. In order to determine the suitability of alternate materials and types of construction, to provide for reasonable interpretation of the provisions of this code and to assist in the control of the construction of buildings and structures, there is hereby created a board of rules and appeals, appointed by the appointing authority, consisting of twenty-four (24) members who are qualified by training and experience to pass on matters pertaining to building construction.

Section 8. Section 203 of the South Florida building code is amended by adding a new subsection (a) to read:

(a) Secretary to the board and employees. The board of rules and appeals is authorized to hire a full time [*sic*] secretary. Office space, office equipment and such other material, equipment and services required to operate such office shall be furnished by the Broward County Commissioners. The Board may hire other personnel as they are deemed necessary by said Board with permission from the Broward County Commissioners. All moneys collected by the board as fees shall be retained by the Broward County Commission to offset operating costs of such office.

Section 9. Subsection (a) of Section 203.1 of the South Florida building code is amended to read:

(a) Membership of the board of rules and appeals shall be as follows: eight (8) members appointed by the Broward County Commission consisting of one (1) architect, two (2) general contractors, one (1) structural engineer, one (1) mechanical engineer, one (1) electrical engineer, one (1) master electrician and one (1) master plumber; sixteen (16) members appointed by the Broward County league of municipalities, consisting of two (2) architects, four (4) general contractors, two (2) structural engineers, two (2) mechanical engineers, two (2) electrical engineers, two (2) master electricians and two (2) master plumbers. All members of the board of rules and appeals shall be qualified by being registered as a professional or by having been licensed as a contractor, and by having been active in their respective profession or trade for not less than ten (10) years. Members shall be residents of Broward County.

Section 10. Subsection (b) of Section 203.1 of the South Florida building code is amended to read:

(b) Board members shall be appointed for a term of three (3) years except that to fill a vacancy or to provide continuity of the board in general, or for members within the same category, such appointments may be for a term of less than three (3) years. If the majority of the board finds that any appointed member is unqualified because of inactivity or otherwise, the said board may request the appointing authority of that individual to remove him from the board and make a new appointment to fill his term.

Section 11. All board members appointed under Chapter 70-616 Special Acts, Laws of Florida, are held over and their appointments are re-affirmed by this act to complete the terms they were appointed for.

Section 12. Section 203.2 of the South Florida building code is amended to read:

203.2 Compensation: Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses in performance of their official duties upon approval of the appointing authority.

Section 13. Subsection (b) of Section 203.3 of the South Florida building code is amended to read:

(b) The board shall select one (1) of its members to serve as chairman and one (1) to serve as vice-chairman, to act in the absence of the chairman. A detailed record of all proceedings shall be kept on file in the office of the secretary. The board shall establish rules and regulations for its own procedure.

Section 14. Subsection (e) of Section 203.3 of the South Florida building code is amended to read:
(e) Twelve (12) members of the board shall constitute a quorum. Decisions shall be reached by the majority of those present.

Section 15. Subsection (d) (2) of Section 203.4 of the South Florida building code is amended to read:
(d) Report and Recommendations:

(2) The board of rules and appeals shall make any desired amendments or revisions to the code.

Section 16. Subsection (d) (3) of Section 203.4 of the South Florida building code is repealed.

Section 17. Section 203.4 of the South Florida building code is amended by adding a new subsection (e) and a new subsection (f) to read:

(e) Cost of appealing to board. Any person who appeals to the board of rules and appeals for a decision on any matter within its jurisdiction is required to pay a fee of fifty dollars (\$50) to the secretary of the board of rules and appeals, and said person shall further guarantee payment of all expenses for necessary tests made or ordered by said board to ascertain whether the request of the applicant has any merit.

(f) Procedure for Appeals. Any person aggrieved by anyone enforcing the South Florida building code who desires to appeal to this Board shall first contact the secretary of the board for a date for his appeal to be heard. A notice of appeal shall be sent to the governing body of the jurisdiction wherein the dispute arose and said notice shall contain the following:

(1) The time and date of the hearing.

(2) A clear and concise statement of the subject to be decided on appeal sufficient to put the said governing body on notice so that they may defend their interpretation of the South Florida building code.

The notice shall be sent by registered or certified mail at least fifteen (15) days prior to the hearing but not more than thirty (30) days. The board in its discretion may require a specific form for this notice.

The appellant shall also file a copy of his notice of appeal with the secretary of the board at the same time that he notifies the governing body and said secretary shall deliver to each member of the board a copy of the notice with sufficient time before the hearing for the board members to study the dispute.

Procedure for appeals may be changed from time to time by the board if they deem it necessary for the benefit of the public.

Section 18. Section 203.5 of the South Florida building code, subsection (a)(2) is amended to read:

(2) The use of alternate materials or types of construction not clearly comparable with the materials and types of construction specified in the code may not be granted by the board of rules and appeals; but the board, if favorable to such use, may amend this code to make such use lawful.

Section 19. Subsection (c) of Section 203.6 of the South Florida building code is repealed.

Section 20. This act shall take effect immediately upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 16, 1971.

The foregoing was taken directly from <http://edocs.dlis.state.fl.us/fldocs/leg/actsflorida/1971/-LOF1971V2Ch378-969.pdf>, pages 510-515. Six subsequent special acts enacted over the next three years amended the original language of chapter 71-575. Further special acts were not enacted after 1974 since Broward County became a charter county on January 1, 1975 and the Board of Rules and Appeals was included in the charter by amendment adopted on March 9, 1976.



CONSTRUCTION LAW GROUP OF FLORIDA

Litigation Transactions Appeals

June 26, 2025

Dr. Ana Barbosa, B.S., MS., DBA Administrative Director
The Broward County Board of Rules and Appeals
1 N. University Drive, Suite #3500-B
Plantation Florida 33324

Dr., Barbosa,

Your attorney has been asked to review certain proposed modifications to the local building code which emphasize change primarily based on a partial interpretation of F.S. § 481.229 while ignoring other applicable statutes and code sections including but not limited to F.S. §471. For the reasons set forth herein, we cannot recommend adoption of the proposed code modifications and state as follows.

REVIEW OF PROPOSED CHANGES TO FBC LOCAL AMENDMENTS

On June 4, 2025, petitioner Jack E. Butler submitted a package of proposed amendments to several administrative provisions of the Broward County-specific adoption of the Florida Building Code (“FBC”), specifically targeting Sections 107.1 (Submittal Documents), 107.3.4 (Professional Design Requirements), and 202 (Definitions) Florida Building Code *Residential*.

Mr. Butler’s challenge is grounded in his interpretation of F.S. § 481.229, which provides certain “lay-designer” submission privileges, and his contention that Broward’s local requirement that submittals for structural, mechanical, electrical, or life-safety components bear the seal of a licensed design professional is overly restrictive. In particular, he seeks complete removal of the county’s \$30,000 valuation threshold that permits non-engineers to submit plans for minor structural work.

This memorandum critically examines: first, the statutory grant of authority that permits or limits BORA’s administrative amendments to the FBC; second, the narrow “lay-designer” exemptions in F.S. § 481.229 and the related submission-stage protections in § 481.231; and third, the interplay between these state provisions and Broward County’s existing cost-threshold and seal-requirement amendments to FBC § 107. Applying this framework to Butler’s specific revisions, we conclude that BORA may proceed with certain amendments that preserve statutory protections, enhance administrative clarity, and uphold public-safety mandates.

I. Broward Board of Rules and Appeals Scope of Authority in this Matter

Florida Statute § 553.73(4)(a) delegates to the Broward County Board of Rules & Appeals (“BORA”) the authority to adopt local amendments to Chapter 1 of the Florida Building Code (“FBC”) which encapsulates all administrative provisions. These provisions include procedural rules governing submittal requirements, administrative definitions, fee schedules, and established waiver mechanisms. Significantly, § 553.73(4)(a) draws a clear boundary: it precludes local entities from altering substantive technical standards or professional-licensure requirements, preserving statewide uniformity in engineering and architectural qualifications found under Chapters 471 and 481 of the Florida Statutes. Fla. Bldg. Comm'n v. Fla. Pool & Spa Ass'n, 871 So. 2d 936 (Fla. 1st DCA 2004), Ward v. Bd. of Trs. of the Int. Imp. Tr. Fund, 651 So. 2d 1236 (Fla. 4th DCA 1995)

Florida’s constitutional home-rule provisions (Art. VIII, § 2(b)) grant charter counties like Broward the authority to govern local affairs, provided no local law conflicts with general law. Fried v. State, 355 So. 3d 899 (Fla. 2023) Chapter 71-575, enacted pursuant to the County’s charter, operates as a special law but remains subordinate to and expressly constrained

by Florida Statutes § 553.73. The Act does not broaden BORA’s power to override statewide professional-licensure statutes or alter technical building requirements but allows for administrative amendments to be made provided they are in compliance with the Florida Constitution’s prohibition on inconsistent special laws. Consequently, we must analyze any local amendment against both the enabling statute and the special-act limitations to avoid legal infirmity.

BORA’s power under § 553.73 was initially implemented through a special-act framework originally codified in Chapter 71-575, Special Acts of Florida. Chapter 71-575 after which, the Board of Rules and Appeals changed in its operation from a Special Act of Florida to a Broward County Ordinance (January 1, 1975), and formally establishes the Board’s composition, rulemaking procedures, and scope of authority thereby operationalizing the statute’s administrative-amendment grant. Broward Cty. Bd. of Rules & Appeals v. Rush Hampton Indus., 332 So. 2d 666 (Fla. 4th DCA 1976) Specifically, Section 1 of the special act and as adopted in whole via ordinance, reaffirms that BORA shall “adopt amendments to the administrative provisions of the Florida Building Code” and may “promulgate local interpretations and guidelines” for the enforcement of Chapter 1, but “shall not, by local amendment, alter the technical provisions or professional qualifications” in the statewide code. *Id.*

II. **Lay-Designer Exemptions under F.S. § 481.229 and 481.231**

Florida Statutes § 481.229(1) creates a limited exemption from the requirement to “qualify as an architect” when one “makes plans and specifications” for certain structures: farm buildings of any cost; one- and two-family residences and appurtenant domestic outbuildings of any cost;

and non-public buildings costing less than \$25,000. The statutory text speaks solely to the drafting of plans and does not, by its own terms, govern the permitting stage where local authorities often require professional seals as a condition of accepting construction documents. However, section 481.231(2) then prohibits counties and municipalities from withholding a building permit when an applicant falls within those § 481.229 exemptions, ensuring that lay designers may proceed to technical plan review even if unlicensed.

This lay-designer privilege extends **only** to the **architectural** aspects of qualifying residences; it does not authorize non-engineers to submit structural, mechanical, electrical, or life-safety plans unless those designs independently fall within Chapter 471's narrow homeowner exemptions (F.S. § 471.003(2)(a)) or the public-officer exemption for projects under \$10,000. In Verich v. Florida State Board of Architecture, 239 So. 2d 29 (Fla. 4th DCA 1970), the court confirmed that statutory exemptions do not abrogate an engineer's exclusive right to practice structural design under Chapter 471. Local codes may not be read to nullify state-granted carve-outs but must be interpreted in harmony with the Legislature's dual objectives: broad residential design freedom and rigorous structural oversight. Feldman v. Florida Department of Business & Professional Regulation, 351 So. 3d 1280 (Fla. 1st DCA 2022),

Critically it should be noted that the lay-designer right is personal, not corporate. Diaz & Russell Corp. v. Department of Business & Professional Regulation, 140 So. 3d 662 (Fla. 3d DCA 2014), held that only individuals not businesses may claim such exemptions from professional-licensure requirements. An entity offering architectural or structural plan services for compensation without a license risks enforcement for practicing without authorization. Furthermore, lay designers assume full personal liability for their work in the absence of

professional indemnity protections. Alfred Karram, III, Inc. v. Cantor, 634 So. 2d 210 (Fla. 4th DCA 1994).

Accordingly, § 107.3.4 must honor **purely architectural submissions** in one and two-family homes and yet preserves the statewide mandate under (F.S. § 471.003(2)(a)) where structural plans must bear the seal of a licensed engineer.

In essence, BORA has already provided a \$30,000 concession to homeowners under § 107.3.4 where structural plans, which ordinarily implicate public health, safety, or welfare and thus require an engineering seal under Florida Statute § 471.003(2)(a) may be waived. (“Any person practicing engineering for the improvement of, or otherwise affecting, property legally owned by her or him, unless such practice involves...public health, safety, or welfare...”)

III. **Interplay with Broward County’s Cost-Threshold and Seal-Requirement Amendments to FBC § 107**

Broward County’s existing § 107.3.4 dovetails with state law by requiring that structural, mechanical, electrical, and life-safety plans bear a professional seal, while preserving local flexibility for minor work through a procedural waiver. To reconcile the present challenge with the Legislature’s lay-designer exemptions, the County should clearly distinguish architectural from structural design and ground its valuation cap in the statutory framework.

While the proposed modifications add “SPECIAL CONDITION” and “SUPPLEMENTAL CONSTRUCTION DOCUMENT” to clarify scope of waiver, *existing § 202* contains no such definitions. Introducing them without reconciling the county’s original text risks creating terms of art that don’t actually exist in the amended local code. If such definitions as found in the proposal are to be created / added, then an additional definition under § 202 should include “Structural Element Valuation” as the total estimated cost of labor and materials for all load-bearing or otherwise regulated components, using the Building Department’s published schedules as an

objective standard to determine the stamp requirement threshold. It must be noted and not just parenthetically that Section 202, FBC Residential is outside the Administrative provision of the FBC and is not within BORA's authority to amend.

If § 107.3.4 is to be amended as requested, then it should be recast under a "seal required, except waived" model. The default remains that all structural, mechanical, electrical, and life-safety submittals must bear a licensed professional's seal. The Exception anchored in § 107.1's waiver authority is based on § 481.229(1)(c) which permits the Building Official to waive the seal requirement for **architectural work** with a valuation of less than \$10,000 .See F.S. 471.037(1). Purely architectural submissions for qualifying one and two-family residences continue to proceed without cost limitation or seal requirement, reflecting the lay-designer right under § 481.229(1) and protected by § 481.231(2) **shall remain exempt** and subject to automatic waiver.¹

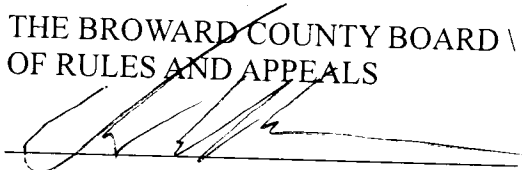
Additionally, implementation demands robust process controls. Permit applications might now include a "Structural Element Valuation" worksheet, reviewed and signed by plan-check staff. Any waiver must be memorialized in the permit file with the valuation calculation and the Official's written rationale. Department manuals and staff training should emphasize that the waiver is procedural only as an exercise of administrative discretion and does not alter the substantive technical standards or grant new qualification rights. By structuring § 107.3.4 in this manner, Broward County upholds public safety through rigorous seal requirements while respecting statutory lay-designer privileges and staying comfortably within its administrative-amendment authority.

¹ To provide a working example, work on a purely architectural element such as a non-loadbearing decorative arch over an entryway will not require a stamp however if the arch exceeds the cost barrier as a structural element to the home it must be stamped.

IV. Conclusion

For the foregoing reasons, we recommend the following uniform measures: I. Amendments to § 202 FBC Residential should be made to the appropriate authority and suggest inclusion of a clear, objective definition of “Structural Element Valuation” as the total estimated cost of labor and materials for all load-bearing or otherwise regulated components, calculated in accordance with the Building Department’s published schedules; II. Recast § 107.3.4 under a “seal required, except waived” framework by establishing that **all structural, mechanical, electrical, and life-safety submissions must bear the seal of a licensed design professional**, subject to the Building Official’s waiver for work valued at \$25,000 or less, thereby aligning the local threshold directly with existing state seal requirements while preserving unrestricted lay-designer submissions for qualifying one- and two-family residences; and III. Institute robust procedural controls by requiring each permit application to include a Structural Element Valuation worksheet signed by plan-check staff, documenting every waiver with both the valuation calculation and the Official’s written rationale, and updating department manuals and staff training to reinforce that such waivers are purely administrative and do not modify substantive technical standards.

THE BROWARD COUNTY BOARD
OF RULES AND APPEALS



CHARLES M. KRAMER, Esq. BCS
Florida Bar No. 133541
Construction Law Group of Florida PL
2900 N. University Drive, Ste. 36
Coral Springs, Florida 33065
P (954) 340-5955
F (954) 340-6069
cmk@ckramerlaw.com
tinas@ckramerlaw.com

Proposed Changes to Broward County Administrative Amendments, Chapter 1 of the FBC

107.3.4 Requirements for Professional Design.

(1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

(a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;

(b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or

(c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45.

107.3.4.0.1 Other than Single-Family Residences. ~~Reserved. The plans and specifications for new construction, alterations, repairs, improvements, replacements, or additions costing fifteen thousand dollars (\$15,000.00) or more shall be prepared by, and each sheet shall bear the signature and seal of an Architect or Engineer.~~

Exception:

- ~~1. Roofing as set forth in FBC, Chapter 15.~~

107.3.4.0.2 Single-family Residences. ~~Reserved. The plans and specifications for new construction, alterations, repairs, improvements, replacements, or additions costing thirty thousand dollars (\$30,000.00) or more, shall be prepared by an Architect or Engineer. Each sheet shall be signed and sealed by the Architect or Engineer.~~

107.3.4.0.3 Plans and specifications for work that is preponderantly of an architectural nature shall be prepared by a Registered Architect, and work that involves extensive computation based on structural stresses shall, in addition, be prepared by a Professional Engineer.

107.3.4.0.4 Plans and specifications for work that is preponderantly of a mechanical, plumbing, or electrical nature shall, ~~at the discretion of the Building Official,~~ be prepared by a Professional Engineer in accordance with 105.3.1.5.

For reference only, no changes are proposed.

105.3.1.5 Professional Engineer Required. No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing agency that issues the permit any of the following documents that apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Florida Statute, Chapter 471:

- A. Plumbing documents for any new building or addition which requires a plumbing system with more than two hundred fifty (250) fixture units or which costs more than one hundred twenty-five thousand dollars (\$125,000.00).
- B. Fire sprinkler documents for any new building or addition, which includes a fire sprinkler system that contains fifty (50) or more sprinkler heads. Personnel, as authorized by Florida Statute, Chapter 633, may design a new fire sprinkler system of forty-nine (49) or fewer heads; may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition, or deletion of forty-nine (49) heads or fewer, notwithstanding the size of the existing fire sprinkler system; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in FBC, Building and the FFPC, and there is no change in the water demand as defined in NFPA 13, Standard for the Installation of Sprinkler Systems, and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.
- C. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity, or which is designed to accommodate more than one hundred (100) persons or for which the system costs more than one hundred twenty-five thousand dollars (\$125,000.00). This paragraph does not include any document for the replacement or repair of an existing system in which 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.

Note: An air-conditioning system may be designed by an installing air-conditioning contractor certified under Florida Statute, Chapter 489, to serve any building or addition which is designed to accommodate one hundred (100) persons or fewer and requires an air-conditioning system with value of one hundred twenty-five thousand dollars (\$125,000.00) or less; and when a 15-ton-per-system or less is designed for a singular space of a building, and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by an engineer.

Example 1: When a space has two (2) 10-ton systems, with each having an independent duct system, the contractor may design these two (2) systems since each system is less than fifteen (15) tons.

Example 2: Consider a small single-story office building, which consists of six (6) individual offices where each office has a single three-ton package air-conditioning heat pump. The six (6) heat pumps are connected to a single water-cooling tower. The cost of the entire heating, ventilation, and air-conditioning work is forty-seven thousand dollars (\$47,000.00), and the office building accommodates fewer than one hundred (100) persons. Because the six (6) mechanical units are connected to a common water tower, this is considered to be an 18-ton system. It, therefore, could not be designed by a mechanical or air-conditioning contractor.

Note: It was further clarified by the Commission that the limiting criteria of one hundred (100) persons and one hundred twenty-five thousand dollars (\$125,000.00) apply to the building occupancy load and the cost of the total air-conditioning system of the building.

- D. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes medical gas, oxygen, steam, vacuum, toxic air filtration, clean agent fire extinguishing, or fire detection and alarm system that costs more than five thousand dollars (\$5,000.00).

Exception: Simplified permitting process for fire alarm system projects.

1. As used in this section, the term:
 - a. Contractor means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of Florida Statute, Chapter 489.
 - b. A fire alarm system project means a fire alarm system alteration of a total of 20 or fewer initiating and notification devices or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.
2. A local enforcement agency:
 - a. May require a contractor, as a condition of obtaining a permit for a fire alarm system project, to submit a completed application and payment.

Excerpts of Referenced Florida Statutes

481.229 Exceptions; exemptions from licensure. —

- (1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:
- (a) Any building upon any farm for the use of any farmer, regardless of the cost of the building;
 - (b) Any one-family or two-family residence building, townhouse, or domestic outbuilding appurtenant to any one-family or two-family residence, regardless of cost; or
 - (c) Any other type of building costing less than \$25,000, except a school, auditorium, or other building intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45.

489.105 Definitions. — As used in this part:

- (15) “Structural component” means any vertical or horizontal load-bearing member of a structure which supports dead or live loads in addition to its own weight and includes, but is not limited to, a foundation, an exterior or interior load-bearing wall, a column, a column beam, a floor, and a roof structure.

471.037 Effect of chapter locally. —

- (1) Nothing contained in this chapter shall be construed to repeal, amend, limit, or otherwise affect any local building code or zoning law or ordinance, now or hereafter enacted, which is more restrictive with respect to the services of licensed engineers than the provisions of this chapter.
- (2) In counties or municipalities that issue building permits, such permits may not be issued in any case in which it is apparent from the application for the building permit that the provisions of this chapter have been violated. However, this subsection does not authorize the withholding of building permits in cases involving the exceptions and exemptions set out in s. 471.003.