

Broward County Board of Rules & Appeals Meeting Agenda

July 9, 2020
Time: 7:00 P.M.

Due to COVID-19, this meeting will be held virtually via ZOOM – To Join the Zoom Meeting:

<https://zoom.us/j/93488504785?pwd=ejduSVZVQytZcEw3YWZxQjh2SEtWZz09>

Meeting ID: 934 8850 4785

Password: 693297

Dial by your location

- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Germantown)
- +1 312 626 6799 US (Chicago)
- +1 669 900 6833 US (San Jose)
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)

Call Meeting to Order

Roll Call

Approval of Minutes – March 12, 2020

CONSENT AGENDA

1. Certifications - Staff Recommended.

TOWN OF DAVIE

INSERRA, ASHLEY, FIRE PLANS EXAMINER

CITY OF HALLANDALE BEACH

FARIS, JOSEPH A., JR., CHIEF ELECTRICAL INSPECTOR

CITY OF HOLLYWOOD

GARCIA, CHRISTOPHER, FIRE INSPECTOR

REYES, SHENEIVIA, FIRE INSPECTOR

CITY OF LAUDERHILL

SHAH, SYED ASIF, STRUCTURAL INSPECTOR – LIMITED – BUILDING (TEMPORARY 120-DAY)

CITY OF MIRAMAR

BRICENO, JULIO A., CHIEF MECHANICAL INSPECTOR

CITY OF NORTH LAUDERDALE

MEDICHINI, CRISTOFORO LUCIUS, ELECTRICAL INSPECTOR (PROVISIONAL)

CITY OF PARKLAND

CORRALES, ALEJANDRO D., STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

WILLSON, TONY WAYNE, STRUCTURAL PLANS EXAMINER - LIMITED (PROVISIONAL)

CITY OF PEMBROKE PARK

CORCUERA, GONZALO, CHIEF MECHANICAL INSPECTOR

CITY OF PEMBROKE PINES

EVIA, ADOLFO L., JR., STRUCTURAL INSPECTOR (PROVISIONAL)

BOSTWICK, ALBERT, JR., CHIEF ELECTRICAL INSPECTOR

MILLER, JASON G., FIRE INSPECTOR

CITY OF POMPANO BEACH

JASIURKOWSKI, GREGORY, STRUCTURAL INSPECTOR (PROVISIONAL)

COUNTYWIDE

ALBORES, ALEXANDER, STRUCTURAL INSPECTOR
ALMAS, MARCELO DE SOUSA, STRUCTURAL PLANS EXAMINER
BRODOWSKY, DAVID, STRUCTURAL PLANS EXAMINER
HERRERA, RONNIE, ELECTRICAL INSPECTOR
HILTON, ADAM, PLUMBING PLANS EXAMINER

HORVATH, MARIA, STRUCTURAL PLANS EXAMINER
KOSTICK, JOSEPH J., MECHANICAL INSPECTOR
MANSOR, SIMO, PLUMBING INSPECTOR
MORIN, DAVID F., STRUCTURAL PLANS EXAMINER
PINO, MIGUEL, PLUMBING INSPECTOR
PINO, MIGUEL, PLUMBING PLANS EXAMINER
PRICE, EVERETT DAVID, III, ELECTRICAL INSPECTOR
REMEK, ROGER VAN, JR., STRUCTURAL PLANS EXAMINER
ROBINSON, JOSEPH C., III, STRUCTURAL INSPECTOR
SIM, VICTORIA P., STRUCTURAL INSPECTOR
SIM, VICTORIA P., STRUCTURAL PLANS EXAMINER

1.a. Mr. Dean Decker, City of Hollywood Building Official request that Ms. Giselle Hipolito be certified as a Structural Inspector.

- a. Staff Report
- b. Request of Dean Decker
- c. Board Action

REGULAR AGENDA

2. Appeal 20-02 – 4250 NW 5th St., Plantation

- a. Staff Report
- b. Appellant Request
- c. City Response
- d. Board Action

3. Code Amendment for 1st Reading

“The Board will consider adopting amendments to the Florida Building Code, 6th Edition, 2017, Chapter I Section 109.3.1”

- a. Request of Board Member D`Attile
- b. Board Action

4. Request of Mr. Noel A. Zamora for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

- a. Staff Report
- b. Board Action

5. Request of Mr. Manuel Barrera for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

- a. Staff Report
- b. Board Action

6. Request of Mr. James Hollingsworth for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

- a. Staff Report
- b. Board Action

7. FBC 2020 7th Edition Formal Interpretations (Effective December 31, 2020)

- a. Staff Report
- b. Board Action

- c. Public Comment
 - d. Board Action
8. **Agreement between Broward County Board of Rules and Appeals and Charles M. Kramer, Esquire for legal services. (Effective July 1, 2020)**
 - a. Attorney's Request
 - b. Staff Reports
 - c. Board Action
 9. **Requested ratification of the Administrative Director's recommended appointment for the Chief Energy Code Compliance Officer position.**
 - a. Recommendation of the Administrative Director
 - b. If desired, motion approving of appointment
 10. **2021 Fiscal Year Budget (October 1, 2020 – September 30, 2021)**
 - a. Recommendation of the Administrative Director
 - b. Board Discussion
 - b. Public Comment
 - c. Board Action
 11. **Calculation and structural plan review summary by Johnson Structural Group report, May 2020.**
 - a. Written Report
 - b. Board Discussion
 12. **Amendment to Board of Rules and Appeal Policy 15-02 entitled "Delegation by Board of Rules and Appeals to the Administrative Director of the Board's Authority to obtain Goods and Services up to and including \$9,500 (Nine Thousand Five Hundred dollars) per year per vendor for the purpose of funding of duties as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02, and to assist carrying out those duties as reasonable and as legislatively contemplated." The policy allows for the inclusion of the Building Officials and Inspectors Educational Association (BOIEA) doing business as the Code Officials Educational Association (COEA) and the Fire Inspectors Association of Broward County (FIABC) to use funds for the payment of instructors. These payments will be made directly to the instructors and not the organizations mentioned above.**
 - a. Recommendation of the Administrative Director
 - b. If desired, motion to approve amendments
 13. **Director's Report**
 14. **Attorney's Report**
 15. **Committee Report**
 16. **General Board Members Discussion**
 17. **Public Comment (3-minute limit per person) and written communications**
 18. **Adjournment**

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need 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 (Sec. 286. 0105.FS). (Members: If you cannot attend the meeting, please contact Mr. DiPietro @ (954) 931-2393, between 6:00 p.m. & 7:00 p.m.)



DRAFT

**BROWARD COUNTY BOARD OF RULES & APPEALS
MARCH 12, 2020
MEETING MINUTES**

Call to Order

Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m. The meeting was held in Room 422 of the Broward County Governmental Center East, 115 S. Andrews Avenue, Fort Lauderdale, Florida.

Present:

Daniel Lavrich, Chair
Ron Burr
Gregg D'Attile
John Famularo
Jeff Falkanger
Shalanda Giles-Nelson (arrived at Item 2)
David Rice
Daniel Rourke
Robert Taylor
Dennis Ulmer

Approval of Minutes – February 13, 2020

A motion was made by Mr. D'Attile and seconded by Mr. Taylor to approve the minutes as submitted. The motion carried by unanimous vote of 9-0.

CONSENT AGENDA

1. Certifications – Staff Recommended

UNINCORPORATED BROWARD COUNTY

CHIWARA, ANDREW, STRUCTURAL PLANS EXAMINER (PROVISIONAL EXPIRES JUN 17, 2020)

TOWN OF DAVIE

MAXFIELD, CHARLES, CHIEF ELECTRICAL INSPECTOR

CITY OF HOLLYWOOD

MARTINEZ, MICHAEL, FIRE INSPECTOR
TOWN OF LAUDERDALE-BY-THE-SEA
ADACH, EDWARD E., BUILDING OFFICIAL

VILLAGE OF LAZY LAKE
ATTAH, ADAM, BUILDING OFFICIAL

CITY OF MIRAMAR
DALEY, ANTOINE, FIRE INSPECTOR
SCHLEICHER, CHARLES, FIRE INSPECTOR

CITY OF PEMBROKE PINES
COVENEY, BRIAN, FIRE INSPECTOR

COUNTYWIDE
GARCIA, ERIC, MECHANICAL INSPECTOR
PICOTTE, ARTHUR J., JR., STRUCTURAL PLANS EXAMINER – LIMITED
REICHENBACH, RICHARD, ELECTRICAL PLANS EXAMINER
THOMAS, JAMES, STRUCTURAL INSPECTOR
VEGA, MANUEL A., STRUCTURAL INSPECTOR
VEGA, MANUEL A., STRUCTURAL PLANS EXAMINER
WANSOR, DOUGLAS, ELECTRICAL PLANS EXAMINER

A motion was made by Mr. Rice and seconded by Mr. Falkanger to approve all submitted certifications. The motion carried by unanimous vote of 9-0.

2. Request to approve the two-way communication enhancement services (RCES) Guidelines

- a. Recommendation of the Committee to Address Uniform Procedures for Installation of Bi-Directional Amplifiers (BDA)

Mr. Rice explained this is essentially about enabling first responders to talk to each other inside of a building. He reviewed information in a PowerPoint slide document that is attached to these minutes.

- b. Public Comment - none

- c. Board Action

In response to Mr. Burr, it was noted that training is the next step.

A motion was made by Mr. D'Attile and seconded by Ms. Giles-Nelson to approve the guidelines as presented. The motion passed by unanimous vote of 10-0.

3. Request of Mr. Michael McCarty for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects

a. Staff Report

Mr. James DiPietro, Administrative Director, explained that Mr. McCarty is a design professional who has become an inspector. He has 180 days to close out existing jobs.

Ms. Giles-Nelson abstained from discussion and voting on this item.

Mr. Michael McCarty was sworn in.

Mr. McCarty explained that there have been delays in delivery of materials.

In response to Chairman Lavrich, Mr. McCarty indicated although the backup material provided to the Board indicates 30 outstanding permits, five have since been closed. He requested an additional three months (90 days from today's date). Mr. McCarty confirmed that these permits are all windows and doors. In response to Mr. Burr, Mr. McCarty advised that for the open permits in the Fort Lauderdale jurisdiction his supervisor is aware of them and it is understood he would not be involved in any associated inspections.

b. Board Action

A motion was made by Mr. Falkanger and seconded by Mr. Burr to grant a 90-day extension from March 12, 2020. The motion passed by a vote of 9-0. Ms. Giles-Nelson abstained. She filed a Memorandum of Voting Conflict that is attached to these minutes. *

4. Pay Adjustment for Don Perdue for Administrating the BORA Fire Examination per Code Section F-103.5.3.2

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, highlighted historical information in the staff report, noting that since 2015 the Board has hired Don Perdue to administer fire exams as required by the code. Because of the increased number of individuals seeking to become inspectors, five exam dates are offered annually over and above the two per year required by code. An increase in Mr. Perdue's fee from \$45 to \$60 is requested because staff would like Mr. Perdue to assume more duties. Previously electronic devices were allowed however abuses have been discovered. As such books will now be handed out at the test location. He enumerated everything being asked of Mr. Perdue in order to implement this change.

b. Board Action

Mr. D'Attile made a motion and Mr. Famularo seconded the motion to approve the pay adjustment as presented. The motion passed by unanimous vote of 10-0.

5. Board of Rules and Appeals' Policy 07-01 authorizing testing payment for the first attempt of an individual taking the BORA Fire Examination per Code Section F-103.5.3.2

a. Staff Report

Mr. James DiPietro, Administrative Director, noted for the high velocity hurricane zone examination the Board has approved of the Board paying for the first-time attempt by an applicant. This item is to request that the Board authorize the same for the fire examination. In response to Mr. D'Attile, Mr. Parks and Mr. DiPietro noted 2019 experience shows a cost of \$2,400 or about forty examinations. Mr. DiPietro noted the effective date proposed is April 1st.

a. Board Action

A motion was made by Ms. Giles-Nelson and seconded by Mr. D'Attile to approve the Board policy as presented. The motion passed by unanimous vote of 10-0.

6. **Director's Report** – none

7. **Attorney's Report**

Community Residential Homes – Sunrise Community, Inc.

Mr. Charles Kramer, Board Attorney, summarized a legal opinion he has issued on this topic. He noted the definition of community residential homes according to Florida Statute 419. They are not assisted living facilities. The Fire Code F-124 amendment would require an emergency standby generator that would provide lighting in the event of a fire and air conditioning in the event of a hurricane for example. Sunrise Community, Inc. has some twenty-five homes in Florida. They are objecting to providing a generator in each of them. He has garnered support of Goren Cherof Doody & Ezrol who are city attorneys in eleven municipalities. Sunrise Community is claiming because the siting provision provides such facilities be treated as a single-family residential unit this becomes discrimination against the handicapped by forcing them to provide emergency generators.

Mr. Kramer anticipated more community residential home businesses coming forward to object.

8. Committee Reports - none

9. General Board Member Discussion

Energy Committee

Mr. Rice noted that the Board is in the process of hiring an energy code compliance officer. He felt the Board should consider creating an energy committee that would provide some direction to the new position. Chairman Lavrich suggested Mr. Rice work with staff and come back to the Board with a recommendation.

Newsletter

Mr. Burr complimented staff on the quality of the newsletter.

10. Public Comment (3-minute limit per person) and written communications - none

11. Adjournment.

Having no further business to go before the Board, the meeting adjourned at 7:41 p.m.

Daniel Lavrich, P.E. - Chair

Section 1

JULY 9, 2020 BOARD MEETING
CERTIFICATIONS

TOWN OF DAVIE

INSERRA, ASHLEY, FIRE PLANS EXAMINER

CITY OF HALLANDALE BEACH

FARIS, JOSEPH A., JR., CHIEF ELECTRICAL INSPECTOR

CITY OF HOLLYWOOD

GARCIA, CHRISTOPHER, FIRE INSPECTOR

REYES, SHENEIVIA, FIRE INSPECTOR

CITY OF LAUDERHILL

SHAH, SYED ASIF, STRUCTURAL INSPECTOR – LIMITED – BUILDING (TEMPORARY 120-DAY)

CITY OF MIRAMAR

BRICENO, JULIO A., CHIEF MECHANICAL INSPECTOR

CITY OF NORTH LAUDERDALE

MEDICHINI, CRISTOFORO LUCIUS, ELECTRICAL INSPECTOR (PROVISIONAL)

CITY OF PARKLAND

CORRALES, ALEJANDRO D., STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

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MILLER, JASON G., FIRE INSPECTOR

CITY OF POMPANO BEACH

JASIURKOWSKI, GREGORY, STRUCTURAL INSPECTOR (PROVISIONAL)

COUNTYWIDE

ALBORES, ALEXANDER, STRUCTURAL INSPECTOR

ALMAS, MARCELO DESOUSA, STRUCTURAL PLANS EXAMINER 96

BRODOWSKY, DAVID, STRUCTURAL PLANS EXAMINER

HERRERA, RONNIE, ELECTRICAL INSPECTOR

HILTON, ADAM, PLUMBING PLANS EXAMINER

HORVATH, MARIA, STRUCTURAL PLANS EXAMINER

KOSTICK, JOSEPH J., MECHANICAL INSPECTOR

MANSOR, SIMO, PLUMBING INSPECTOR

MORIN, DAVID F., STRUCTURAL PLANS EXAMINER

PINO, MIGUEL, PLUMBING INSPECTOR

PINO, MIGUEL, PLUMBING PLANS EXAMINER

PRICE, EVERETT DAVID, III, ELECTRICAL INSPECTOR

REMEK, ROGER VAN, JR., STRUCTURAL PLANS EXAMINER

ROBINSON, JOSEPH C., III, STRUCTURAL INSPECTOR

SIM, VICTORIA P., STRUCTURAL INSPECTOR

SIM, VICTORIA P., STRUCTURAL PLANS EXAMINER

Section 1a



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE: 954-765-4500
FAX: 954-765-4504

www.broward.org/codeappeal

2020 Voting Members

Chair

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

Vice-Chair

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

Mr. John Famularo,
Roofing Contractor

Mrs. Shalanda Giles Nelson,
General Contractor

Mr. Daniel Rourke
Master Plumber

Mr. Gregg D'Attila,
Mechanical Contractor

Mr. Ron Burr
Swimming Pool Contractor

Mr. John Sims,
Master Electrician

Mr. Dennis A. Ulmer
Consumer Advocate

Mr. Abbas H. Zackria, CSI
Architect

Mr. Robert A. Kamm, P.E.
Mechanical Engineer

Vacant

Representative Disabled Community

Mr. Sergio Pellecer

Fire Service Professional

2020 Alternate Board Members

Mr. Jeff Falkanger
Architect

Mr. Steven Feller, P.E.
Mechanical Engineer

Mr. Alberto Fernandez,
General Contractor

Mr. Robert Taylor
Fire Service

Mr. Gary Elzweig, P.E., F.ASCE
Structural Engineer

Mr. David Rice, P.E.
Electrical Engineer

Mr. James Terry,
Master Plumber

Mr. David Tringo,
Master Electrician

Mr. William Flett,
Roofing Contractor

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

To: Members of the Board of Rules and Appeals
From: Michael Guerasio, Chief Structural Code Compliance Officer
Date: July 9th, 2020
Re: Mr. Dean Decker, City of Hollywood Building Official request that Ms. Giselle Hipolito be certified as a Structural Inspector.

Subject

Mr. Dean Decker, the City of Hollywood Building Official has requested that Ms. Giselle Hipolito application be placed on the agenda for the Board to be given an opportunity to consider Ms. Hipolito for structural inspector.

Reason

In reviewing Ms. Hipolito application for structural inspector, her experience does not meet the language set forth in BCAP Section 104.16.3 (see qualification list attached). Therefore, her application has been denied for structural inspector.

As you can see from Ms. Hipolito's resume attached, she currently holds numerous licenses and registrations. Ms. Hipolito obtained a bachelor's degree in Civil Engineering from Florida International University issued on April 27, 2013, but to my knowledge does not possess an Engineering License. Ms. Hipolito has worked as a building inspector supervisor, done plan review and geotechnical reports for engineering firms for six and a half years, and is currently employed with the City of Hollywood engineering department.

I have informed Mr. Decker that if he did not agree with this decision, he has the right to request this item to be placed on the agenda of the upcoming Board meeting for discussion.

Respectfully submitted,

Michael Guerasio, Chief Structural Code Compliance Officer

Giselle Hipolito Qualifications

1. **104.16.3.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or by passing BORA's HVHZ exam.
 - Ms. Hipolito does not hold a Florida Professional Engineering License.
2. **104.16.3.1.2** Be a BCAIB certified Standard Inspector in the Structural discipline with five (5) years of experience within the State of Florida, of which, two (2) years shall have been within HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a G.C. license, by exam, within one (1) year of initial certification as an inspector.
 - Ms. Hipolito does not have five years experience under her BCAIB license. Also, this BN license was issued by DBPR on July 18, 2017.
3. **104.16.3.1.3** Be a licensed G.C. with at least five (5) years of experience within the State of Florida in the Structural discipline with that license of which, two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.
 - Ms. Hipolito does not currently hold a General Contractors License which this section requires you to be working under for a minimum of five years.
4. **104.16.3.1.4** Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.
 - Even with crediting two years for Ms. Hipolito degree, she still does not have three years of construction experience in a supervisory capacity. All of Ms. Hipolito experience is in private inspections, plan review and geotechnical reports.
5. **104.16.3.1.5** Ten (10) years construction experience in the Structural discipline of which at least two (2) years shall have been within the jurisdiction of the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.
 - Even with crediting two years for Ms. Hipolito degree, she still does not have eight years of construction experience in the structural discipline. All of Ms. Hipolito experience is in private inspections, plan review and geotechnical reports.

Section 2

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BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

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

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

June 22, 2020

Via email, certified mail & hand delivery

Mr. Adnan Ezzeddine
Building Official
City of Plantation Building Department
401 NW 70 Terrace
Plantation, FL 33317

**Re: Appeal #20-02
4250 NW 5th Street**

Dear Mr. Ezzeddine:

The above referenced appeal was received and filed in this office on June 11, 2020 and will be reviewed by the Board of Rules and Appeals' staff.

The Board of Rules and Appeals will hear the appeal at the July 9, 2020 Board meeting at 7:00 p.m. Due to the Covid-19 situation this meeting might be done remotely via Zoom instead of the usual location in Room 422 of the Broward County Governmental Center, 115 South Andrews Avenue, Fort Lauderdale, Florida. We will keep you informed, and you will receive all necessary information in case of a virtual meeting. If the appeal is withdrawn, we will notify you.

Please submit any additional information you may desire for the appeal by 3:00 p.m. on Monday, June 29th, 2020. We will mail a full set of the agenda packet to both parties in advance of the hearing date.

Sincerely,

James DiPietro
Administrative Director

Attachment: 18 pages

Cc: The Honorable Lynn Stoner, Mayor – Certified Mail
Donald J. Lunny, City Attorney – Certified Mail
Charles M. Kramer, Board Attorney
Kenneth Castronovo, BORA Chief Electrical Code Compliance Officer
Bryan Parks, BORA Fire Chief code Compliance Office
Neil Sutton, Appellant

G:\SHARED\Appeals\2020\Appeal 20-02\AppealNoticeLtr.docx

APPEAL 20-02



Broward County Board of Rules & Appeals

One North University Drive, Suite 3500B
Plantation, FL 33324
Phone 954-765- 4500
Fax 954-765- 4504

MAR 26 2020

http://www.broward.org/codeappeals

Appeal Application

Please Type or Print Information

Appellant Representative Information:

Name Neil Sutton
Address 5310 NW 33rd Avenue
City/State FL Lauderdale, Florida 33309
Business/Profession Health Care
Phone 954-731-3350 Fax _____
E-mail Address NSutton@NWV.com

Office Use Only	
Date of Receipt:	_____
Appeal #	_____
Hearing Date	_____
Notice Mailed	_____
Code in Effect	_____
Electrical	_____
Fire Code	_____
Mechanical	_____
Plumbing	_____
Structural	_____
Alternate Material	_____
Alternate Method	_____

Project Information:

Jurisdiction City of Plantation
Address 4250 NW 5th Street Plantation, FL 33317
Type of Construction CBS
Height of Building 2 Floors
Square Footage per Floor 24,220
Permit Number B20-01324
Permit Application Date 6-12-2018 / 1-15-2019
Group of Occupancy 152 Bed Skilled Nursing Facility
Number of Stories 2

We, the undersigned, appeal the decision of the Building Fire Code Official of Plantation as it pertains to Chapter _____, Section _____, of the (check one) South Florida Building Code / Florida Building Code and amendments / Florida Fire Prevention Code and amendments, as applicable to Broward County. (Attach copy of relevant Code sections). NEC 701 Legally Required Standby Generator.

Note: The Board shall base their decision upon the section(s) of the Code you have indicated above. If these are in error, you will be required to re-submit your appeal.

The Board is not authorized to grant variances from the Code.

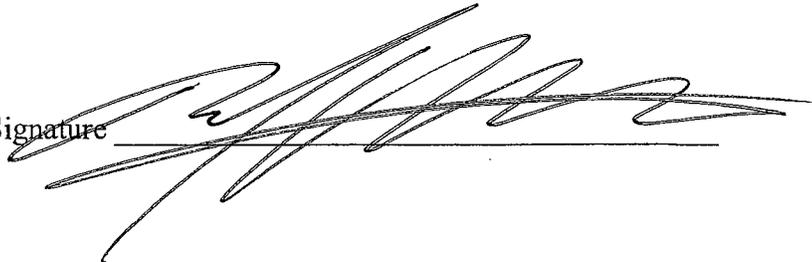
Summary of appeal (attach additional sheets as necessary):

See Attached

Results desired (attach additional sheets as necessary):

See Attached

Note: Exhibits intended for distribution to the Board, supporting the appeal, must be submitted with the appeal. No additional material shall be passed out at the appeal hearing.

Appellant Signature 

Summary of appeal:

We are attempting to install a Legally required standby generator as defined by NEC 701 to comply with Florida Rule 59a-4.1265 Emergency Environmental control for nursing homes. The engineer of record has designed this system in accordance with NEC Article 701. NEC 701 allows for the use of underground gas service, we disagree that this is an unreliable fuel source and The Agency for Health Care Administration agrees with the fact that an underground natural gas fuel service is an acceptable fuel source for this generator as displayed in attachment from (email) from Scott Waltz_Chief of Plans and Construction for the Agency for Health Care Administration dated May 26, 2020 (see attachment 1). The generator would be installed obeying all rules and codes as we are currently doing in 5 other municipalities. We submitted this permit application some time ago to the City of Plantation and while we have complied with requirements as they have been put on our permit submissions. Mr. Ezzeddine has requested that we purchase a generator that has a dual fuel source which seems excessive and not in line with the Rule 59a-4-1265. The engineer of record has met with the building official and has not had any success in getting this permit approved. We have purchased a natural gas generator and it has been manufactured but cannot be installed due to our inability to acquire a permit. The plans for this installation have already been approved by AHCA (See Attached letter) As per the rule 59a-4.1265 3 (b) 3 "Piped natural gas is an allowable fuel source and meets the onsite fuel requirement under this rule." We are not asking for any variance; we disagree with his interpretation of NEC 701. The Rule 59a.4.1265 and the Chief of plans and Construction for The Agency for Health Care Administration also disagree with his interpretation. Mr. Ezzeddine continues to ask for a dual fuel generator.

Attachment 1 – An email from Scott Waltz Chief of Plans and Construction for the Agency for Health Care Administration dated May 26, 2020 where he explains the intent of the rule. As one of the authors of the rule for the State of Florida and an AHJ he goes into finite detail and explains that our plan as submitted is 100% in compliance with the rule and its intent.

Attachment 2- Letter from The Agency for Health Care Administration approving our submission with no further comments for the generator at Plantation Nursing & Rehabilitation Center.

Attachment 3- NEC Article 701 Legally Required Standby Systems.

Attachment 4- 59A-4.1265 Emergency Environmental Control for Nursing Homes

Attachment 5- Florida Admin Code 61G15-33.001

Attachment 6- Plan review rejection notice.

We are looking for a permit install our generator and complete this project as we have already completed this 3 other projects just like this within Broward County along with one in Miami Dade County and Volusia County. We have 6 properties (Skilled Nursing Facilities) in the State of Florida where we are installing these new Legally Required standby generators, 5 of them will run on natural gas.

Result desired:

We would like to see this issue resolved and permission granted to install our 300KW natural gas generator upstream from our existing 100 KW and 40 KW life safety generators that are currently in place.

RE: [External] Plantation Nursing & Rehabilitation Center

5/26/20 6:25 PM

From: "Waltz, Scott" <Scott.Waltz@ahca.myflorida.com>

To: "nsutton@nuvm.com" <nsutton@nuvm.com>

Cc: Andy- NUVM <aweisman@nuvm.com>, "tparker@fhca.org" <tparker@fhca.org>

Attachment 1

Good afternoon Neil,

I'm sorry to hear that you're having difficulty with the local permitting for a new generator necessary to maintain safe temperatures in the nursing home. As an AHJ myself I can appreciate the building officials reluctance to accept a condition he or she believes is not in compliance with applicable rules, codes, or standards. As a coauthor and technical advisor for the rule I can speak to intent of the rule.

Based on your description of the project, this is an acceptable and commonly used method to comply with the rule. Early on in the development of the rule, a decision was made to allow the use of either a level 1 emergency power supply system (EPSS) or an optional stand-by system to serve as the alternate power supply for the cooling equipment. This provided maximum flexibility to the nursing homes and allowed facilities the option to add the load for the cooling equipment on to their level 1 system if they had capacity or add a second non NFPA 110 compliant system if they lacked capacity. It also allowed facilities that were built prior to requirement for level 1 EPSS to add a generator without requiring the reworking of the electrical distribution system to create three branches. Later in the rule development process, it was determined that the use of natural gas was reliable enough to serve as the sole fuel source for the alternate power source for the cooling equipment. Level 1 systems still require 72 hours of onsite fuel for the demand load.

The description of the new whole building generator as a level 2 system may be a source of confusion. Level 2 EPSSs are regulated by NFPA 110 and require a reliable source of fuel. As mentioned above, one the more common solution is to install a new optional stand-by system to power the entire building. This does require some coordination between the existing level 1 EPSS(s). In the event of a loss of power, the start of the optional stand-by generator should be delayed until the level 1 systems have full ramped up and transferred all loads. The level 1 systems would then remain idle unless the stand-by system fails. Only the level 1 systems would require an onsite fuel source.

Please let me know if I have misunderstood the intended operation of the systems and feel free to share my response with the Plantation building official. I would also be happy to discuss the project with him or her if such dialogue would be welcomed.

Best Regards,

Scott Waltz, NCARB
Chief of Plans and Construction
Agency for Health Care Administration
Scott.Waltz@AHCA.MyFlorida.com
850-412-4485





Attachment 2

RON DESANTIS
GOVERNOR
MARY C. MAYHEW
SECRETARY

November 21, 2019

Torri Pierce
Fifth Street Facility, LLC.
5310 NW 33rd Ave # 211
Fort Lauderdale, FL 33309

RE: Facility Name: Plantation Nursing & Rehabilitation Center
Project Name: Generator Rule 59A-4.1265
Client Code/File-Project Sub. Number: 35/100619-107-6

Dear Torri Pierce:

The revised construction documents dated 5/21/2019, for the referenced project submission received on 10/4/2019 have been reviewed and are **approved** by the Agency without further comment. Please note this approval is not permission to construct work that is not in full compliance with the requirements of the Certificate of Need (if any) for this project, and all applicable codes and standards.

Before this project may be considered completed by the Agency, all outstanding deficiencies from previous review letters, if listed, must be corrected.

If there are outstanding deficiencies listed above, please submit the corrections to the Tallahassee Office at the below address in the form of addendum, change order or revised contract documents as appropriate. Upon receipt of these documents, another review will be made to ascertain the appropriateness of the corrections. Failure to respond timely to these comments can cause a delay to the final completion of this project

To facilitate all further document reviews of this project, please conform to the following submittal procedures:

1. Provide a transmittal letter with the following information:
 - a. The original review comment number
 - b. The original comment
 - c. A word description of the revision
 - d. The sheet or specification page where correction(s) are located
2. Because this submission constitutes a record public document, proper signing, sealing, and dating by each design professional is required.

If you have questions concerning this review, please contact Hany George architectural reviewer; Massood Dabiri, mechanical reviewer; or Sheik Salim, electrical reviewer, as appropriate at telephone (305) 593-3005.



Torri Pierce
Page 2 of 2
November 21, 2019

RE: Facility Name: Plantation Nursing & Rehabilitation Center
Project Name: Generator Rule 59A-4.1265
Client Code/File-Project Sub. Number: 35/100619-107-6

Sincerely,

Orlando Padin

Orlando Padin, P.E.
Electrical Supervisor
Office of Plans and Construction
Tel: (305) 593-3096
E-mail: Orlando.Padin@ahca.myflorida.com

OP/H/gy

CC: Via E-mail Architecture Incorporated
 KAMM Consulting Inc.

Attachment 3

700.19 Multiwire Branch Circuits. The branch circuit serving emergency lighting and power circuits shall not be part of a multiwire branch circuit.

V. Control — Emergency Lighting Circuits

700.20 Switch Requirements. The switch or switches installed in emergency lighting circuits shall be arranged so that only authorized persons have control of emergency lighting.

Exception No. 1: Where two or more single-throw switches are connected in parallel to control a single circuit, at least one of these switches shall be accessible only to authorized persons.

Exception No. 2: Additional switches that act only to put emergency lights into operation but not disconnect them shall be permissible.

Switches connected in series or 3- and 4-way switches shall not be used.

700.21 Switch Location. All manual switches for controlling emergency circuits shall be in locations convenient to authorized persons responsible for their actuation. In facilities covered by Articles 518 and 520, a switch for controlling emergency lighting systems shall be located in the lobby or at a place conveniently accessible thereto.

In no case shall a control switch for emergency lighting be placed in a motion-picture projection booth or on a stage or platform.

Exception: Where multiple switches are provided, one such switch shall be permitted in such locations where arranged so that it can only energize the circuit but cannot de-energize the circuit.

700.22 Exterior Lights. Those lights on the exterior of a building that are not required for illumination when there is sufficient daylight shall be permitted to be controlled by an automatic light-actuated device.

700.23 Dimmer and Relay Systems. A dimmer or relay system containing more than one dimmer or relay and listed for use in emergency systems shall be permitted to be used as a control device for energizing emergency lighting circuits. Upon failure of normal power, the dimmer or relay system shall be permitted to selectively energize only those branch circuits required to provide minimum emergency illumination. All branch circuits supplied by the dimmer or relay system cabinet shall comply with the wiring methods of Article 700.

700.24 Directly Controlled Luminaires. Where emergency illumination is provided by one or more directly controlled luminaires that respond to an external control input to bypass normal control upon loss of normal power, such luminaires

and external bypass controls shall be individually listed for use in emergency systems.

700.25 Automatic Load Control Relay. If an emergency lighting load is automatically energized upon loss of the normal supply, a listed automatic load control relay shall be permitted to energize the load. The load control relay shall not be used as transfer equipment.

VI. Overcurrent Protection

700.26 Accessibility. The branch-circuit overcurrent devices in emergency circuits shall be accessible to authorized persons only.

700.27 Ground-Fault Protection of Equipment. The alternate source for emergency systems shall not be required to have ground-fault protection of equipment with automatic disconnecting means. Ground-fault indication of the emergency source shall be provided in accordance with 700.6(D) if ground-fault protection of equipment with automatic disconnecting means is not provided.

700.28 Selective Coordination.

Emergency system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

Selective coordination shall be selected by a licensed professional engineer or other qualified persons engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

Exception: Selective coordination shall not be required between two overcurrent devices located in series if no loads are connected in parallel with the downstream device.

**ARTICLE 701
Legally Required Standby Systems**

I. General

701.1 Scope. The provisions of this article apply to the electrical safety of the installation, operation, and maintenance of legally required standby systems consisting of circuits and equipment intended to supply, distribute, and control electricity to required facilities for illumination or power, or both, when the normal electrical supply or system is interrupted.

The systems covered by this article consist only of those that are permanently installed in their entirety, including the power source.



Informational Note No. 1: For additional information, see NFPA 99-2012, *Health Care Facilities Code*.

Informational Note No. 2: For further information regarding performance of emergency and standby power systems, see NFPA 110-2013, *Standard for Emergency and Standby Power Systems*.

Informational Note No. 3: For further information, see ANSI/IEEE 446-1995, *Recommended Practice for Emergency and Standby Power Systems for Industrial and Commercial Applications*.

701.2 Definition.

Legally Required Standby Systems. Those systems required and so classed as legally required standby by municipal, state, federal, or other codes or by any governmental agency having jurisdiction. These systems are intended to automatically supply power to selected loads (other than those classed as emergency systems) in the event of failure of the normal source.

Informational Note: Legally required standby systems are typically installed to serve loads, such as heating and refrigeration systems, communications systems, ventilation and smoke removal systems, sewage disposal, lighting systems, and industrial processes, that, when stopped during any interruption of the normal electrical supply, could create hazards or hamper rescue or fire-fighting operations.

701.3 Tests and Maintenance.

(A) **Conduct or Witness Test.** The authority having jurisdiction shall conduct or witness a test of the complete system upon installation.

(B) **Tested Periodically.** Systems shall be tested periodically on a schedule and in a manner acceptable to the authority having jurisdiction to ensure the systems are maintained in proper operating condition.

(C) **Battery Systems Maintenance.** Where batteries are used for control, starting, or ignition of prime movers, the authority having jurisdiction shall require periodic maintenance.

(D) **Written Record.** A written record shall be kept on such tests and maintenance.

(E) **Testing Under Load.** Means for testing legally required standby systems under load shall be provided.

Informational Note: For information on testing and maintenance of emergency power supply systems (EPSSs), see NFPA 110-2013, *Standard for Emergency and Standby Power Systems*.

701.4 Capacity and Rating. A legally required standby system shall have adequate capacity and rating for the supply of all equipment intended to be operated at one time. Legally required standby system equipment shall be suitable for the maximum available fault current at its terminals.

The legally required standby alternate power source shall be permitted to supply both legally required standby and optional standby system loads under either of the following conditions:

- (1) Where the alternate source has adequate capacity to handle all connected loads
- (2) Where automatic selective load pickup and load shedding is provided that will ensure adequate power to the legally required standby circuits

701.5 Transfer Equipment.

(A) **General.** Transfer equipment, including automatic transfer switches, shall be automatic and identified for standby use and approved by the authority having jurisdiction. Transfer equipment shall be designed and installed to prevent the inadvertent interconnection of normal and alternate sources of supply in any operation of the transfer equipment. Transfer equipment and electric power production systems installed to permit operation in parallel with the normal source shall meet the requirements of Article 705.

(B) **Bypass Isolation Switches.** Means to bypass and isolate the transfer switch equipment shall be permitted. Where bypass isolation switches are used, inadvertent parallel operation shall be avoided.

(C) **Automatic Transfer Switches.** Automatic transfer switches shall be electrically operated and mechanically held. Automatic transfer switches, rated 1000 VAC and below, shall be listed for emergency use.

701.6 Signals. Audible and visual signal devices shall be provided, where practicable, for the purposes described in 701.6(A), (B), (C), and (D).

(A) **Derangement.** To indicate derangement of the standby source.

(B) **Carrying Load.** To indicate that the standby source is carrying load.

(C) **Not Functioning.** To indicate that the battery charger is not functioning.

Informational Note: For signals for generator sets, see NFPA 110-2013, *Standard for Emergency and Standby Power Systems*.

(D) **Ground Fault.** To indicate a ground fault in solidly grounded wye, legally required standby systems of more than 150 volts to ground and circuit-protective devices rated 1000 amperes or more. The sensor for the ground-fault signal devices shall be located at, or ahead of, the main system disconnecting means for the legally required standby source, and the maximum setting of the signal devices shall be for a ground-fault current of 1200 amperes.

Instructions on the course of action to be taken in event of indicated ground fault shall be located at or near the sensor location.

Informational Note: For signals for generator sets, see NFPA 110-2013, *Standard for Emergency and Standby Power Systems*.

701.7 Signs.

(A) **Mandated Standby.** A sign shall be placed at the service entrance indicating type and location of on-site legally required standby power sources.

Exception: A sign shall not be required for individual unit equipment as specified in 701.12(G).

(B) **Grounding.** Where removal of a grounding or bonding connection in normal power source equipment interrupts the grounding electrode conductor connection to the alternate power source(s) grounded conductor, a warning sign shall be installed at the normal power source equipment stating:

WARNING

SHOCK HAZARD EXISTS IF GROUNDING
ELECTRODE CONDUCTOR OR BONDING JUMPER
CONNECTION IN THIS EQUIPMENT IS REMOVED
WHILE ALTERNATE SOURCE(S) IS ENERGIZED.

The warning sign(s) or label(s) shall comply with 110.21(B).

II. Circuit Wiring

701.10 Wiring Legally Required Standby Systems. The legally required standby system wiring shall be permitted to occupy the same raceways, cables, boxes, and cabinets with other general wiring.

III. Sources of Power

701.12 General Requirements. Current supply shall be such that, in the event of failure of the normal supply to, or within, the building or group of buildings concerned, legally required standby power will be available within the time required for the application but not to exceed 60 seconds. The supply system for legally required standby purposes, in addition to the normal services to the building, shall be permitted to comprise one or more of the types of systems described in 701.12(A) through (F). Unit equipment in accordance with 701.12(G) shall satisfy the applicable requirements of this article.

In selecting a legally required standby source of power, consideration shall be given to the type of service to be rendered, whether of short-time duration or long duration.

Consideration shall be given to the location or design, or both, of all equipment to minimize the hazards that

might cause complete failure due to floods, fires, icing, and vandalism.

Informational Note: For further information, see ANSI /IEEE 493-2007, *Recommended Practice for the Design of Reliable Industrial and Commercial Power Systems*.

(A) **Storage Battery.** A storage battery shall be of suitable rating and capacity to supply and maintain at not less than 87½ percent of system voltage the total load of the circuits supplying legally required standby power for a period of at least 1½ hours.

Batteries, whether of the acid or alkali type, shall be designed and constructed to meet the service requirements of emergency service and shall be compatible with the charger for that particular installation.

For a sealed battery, the container shall not be required to be transparent. However, for the lead acid battery that requires water additions, transparent or translucent containers shall be furnished. Automotive-type batteries shall not be used.

An automatic battery charging means shall be provided.

(B) Generator Set.

(1) **Prime Mover-Driven.** For a generator set driven by a prime mover acceptable to the authority having jurisdiction and sized in accordance with 701.4, means shall be provided for automatically starting the prime mover upon failure of the normal service and for automatic transfer and operation of all required electrical circuits. A time-delay feature permitting a 15-minute setting shall be provided to avoid retransfer in case of short-time re-establishment of the normal source.

(2) **Internal Combustion Engines as Prime Mover.** Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 2 hours of full-demand operation of the system. Where power is needed for the operation of the fuel transfer pumps to deliver fuel to a generator set day tank, the pumps shall be connected to the legally required standby power system.

(3) **Dual Supplies.** Prime movers shall not be solely dependent on a public utility gas system for their fuel supply or on a municipal water supply for their cooling systems. Means shall be provided for automatically transferring one fuel supply to another where dual fuel supplies are used.

Exception: Where acceptable to the authority having jurisdiction, the use of other than on-site fuels shall be permitted where there is a low probability of a simultaneous failure of both the off-site fuel delivery system and power from the outside electrical utility company.

(4) **Battery Power.** Where a storage battery is used for control or signal power or as the means of starting the



prime mover, it shall be suitable for the purpose and shall be equipped with an automatic charging means independent of the generator set.

(5) Outdoor Generator Sets. Where an outdoor housed generator set is equipped with a readily accessible disconnecting means in accordance with 445.18, and the disconnecting means is located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors serve or pass through the building or structure. Where the generator supply conductors terminate at a disconnecting means in or on a building or structure, the disconnecting means shall meet the requirements of 225.36.

(C) Uninterruptible Power Supplies. Uninterruptible power supplies used to provide power for legally required standby systems shall comply with the applicable provisions of 701.12(A) and (B).

(D) Separate Service. Where approved, a separate service shall be permitted as a legally required source of standby power. This service shall be in accordance with the applicable provisions of Article 230, with a separate service drop or lateral or a separate set of overhead or underground service conductors sufficiently remote electrically and physically from any other service to minimize the possibility of simultaneous interruption of supply from an occurrence in another service.

(E) Connection Ahead of Service Disconnecting Means. Where acceptable to the authority having jurisdiction, connections located ahead of and not within the same cabinet, enclosure, vertical switchgear section, or vertical switchboard section as the service disconnecting means shall be permitted. The legally required standby service shall be sufficiently separated from the normal main service disconnecting means to minimize simultaneous interruption of supply through an occurrence within the building or groups of buildings served.

Informational Note: See 230.82 for equipment permitted on the supply side of a service disconnecting means.

(F) Fuel Cell System. Fuel cell systems used as a source of power for legally required standby systems shall be of suitable rating and capacity to supply and maintain the total load for not less than 2 hours of full-demand operation.

Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692.

Where a single fuel cell system serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.

(G) Unit Equipment. Individual unit equipment for legally required standby illumination shall consist of the following:

- (1) A rechargeable battery
- (2) A battery charging means
- (3) Provisions for one or more lamps mounted on the equipment and shall be permitted to have terminals for remote lamps
- (4) A relaying device arranged to energize the lamps automatically upon failure of the supply to the unit equipment

The batteries shall be of suitable rating and capacity to supply and maintain at not less than 87½ percent of the nominal battery voltage for the total lamp load associated with the unit for a period of at least 1½ hours, or the unit equipment shall supply and maintain not less than 60 percent of the initial legally required standby illumination for a period of at least 1½ hours. Storage batteries, whether of the acid or alkali type, shall be designed and constructed to meet the requirements of emergency service.

Unit equipment shall be permanently fixed in place (i.e., not portable) and shall have all wiring to each unit installed in accordance with the requirements of any of the wiring methods in Chapter 3. Flexible cord-and-plug connection shall be permitted, provided that the cord does not exceed 900 mm (3 ft) in length. The branch circuit feeding the unit equipment shall be the same branch circuit as that serving the normal lighting in the area and connected ahead of any local switches. Legally required standby luminaires that obtain power from a unit equipment and are not part of the unit equipment shall be wired to the unit equipment by one of the wiring methods of Chapter 3.

Exception: In a separate and uninterrupted area supplied by a minimum of three normal lighting circuits, a separate branch circuit for unit equipment shall be permitted if it originates from the same panelboard as that of the normal lighting circuits and is provided with a lock-on feature.

IV. Overcurrent Protection

701.25 Accessibility. The branch-circuit overcurrent devices in legally required standby circuits shall be accessible to authorized persons only.

701.26 Ground-Fault Protection of Equipment. The alternate source for legally required standby systems shall not be required to have ground-fault protection of equipment with automatic disconnecting means. Ground-fault indication of the legally required standby source shall be provided in accordance with 701.6(D) if ground-fault protection of equipment with automatic disconnecting means is not provided.

701.27 Selective Coordination. Legally required standby system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

Selective coordination shall be selected by a licensed professional engineer or other qualified persons engaged

primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

Exception: Selective coordination shall not be required between two overcurrent devices located in series if no loads are connected in parallel with the downstream device.

ARTICLE 702 Optional Standby Systems

I. General

702.1 Scope. The provisions of this article apply to the installation and operation of optional standby systems.

The systems covered by this article consist of those that are permanently installed in their entirety, including prime movers, and those that are arranged for a connection to a premises wiring system from a portable alternate power supply.

702.2 Definition.

Optional Standby Systems. Those systems intended to supply power to public or private facilities or property where life safety does not depend on the performance of the system. These systems are intended to supply on-site generated power to selected loads either automatically or manually.

Informational Note: Optional standby systems are typically installed to provide an alternate source of electric power for such facilities as industrial and commercial buildings, farms, and residences and to serve loads such as heating and refrigeration systems, data processing and communications systems, and industrial processes that, when stopped during any power outage, could cause discomfort, serious interruption of the process, damage to the product or process, or the like.

702.4 Capacity and Rating.

(A) Available Short-Circuit Current. Optional standby system equipment shall be suitable for the maximum available short-circuit current at its terminals.

(B) System Capacity. The calculations of load on the standby source shall be made in accordance with Article 220 or by another approved method.

(1) Manual Transfer Equipment. Where manual transfer equipment is used, an optional standby system shall have adequate capacity and rating for the supply of all equipment intended to be operated at one time. The user of the

optional standby system shall be permitted to select the load connected to the system.

(2) Automatic Transfer Equipment. Where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

(a) Full Load. The standby source shall be capable of supplying the full load that is transferred by the automatic transfer equipment.

(b) Load Management. Where a system is employed that will automatically manage the connected load, the standby source shall have a capacity sufficient to supply the maximum load that will be connected by the load management system.

702.5 Transfer Equipment. Transfer equipment shall be suitable for the intended use and designed and installed so as to prevent the inadvertent interconnection of normal and alternate sources of supply in any operation of the transfer equipment. Transfer equipment and electric power production systems installed to permit operation in parallel with the normal source shall meet the requirements of Article 705.

Transfer equipment, located on the load side of branch circuit protection, shall be permitted to contain supplemental overcurrent protection having an interrupting rating sufficient for the available fault current that the generator can deliver. The supplementary overcurrent protection devices shall be part of a listed transfer equipment.

Transfer equipment shall be required for all standby systems subject to the provisions of this article and for which an electric utility supply is either the normal or standby source.

Exception: Temporary connection of a portable generator without transfer equipment shall be permitted where conditions of maintenance and supervision ensure that only qualified persons service the installation and where the normal supply is physically isolated by a lockable disconnecting means or by disconnection of the normal supply conductors.

702.6 Signals. Audible and visual signal devices shall be provided, where practicable, for the following purposes.

(1) Derangement. To indicate derangement of the optional standby source.

(2) Carrying Load. To indicate that the optional standby source is carrying load.

Exception: Signals shall not be required for portable standby power sources.

702.7 Signs.

(A) Standby. A sign shall be placed at the service-entrance equipment that indicates the type and location of on-site op-

59A-4.1265 Emergency Environmental Control for Nursing Homes.

(1) DETAILED NURSING HOME EMERGENCY POWER PLAN. Each nursing home shall prepare a detailed plan ("plan"), to serve as a supplement to its Comprehensive Emergency Management Plan, to address emergency power in the event of the loss of primary electrical power in that nursing home, which includes the following information:

(a) The acquisition of a sufficient alternate power source such as a generator(s), maintained at the nursing home, to ensure that current licensees of nursing homes will be equipped to ensure the protection of resident health, safety, welfare, and comfort for a minimum of ninety-six (96) hours in the event of the loss of primary electrical power. **Safe indoor air temperatures in resident occupied areas shall be determined by the licensee to meet the clinical needs of residents, but shall not exceed eighty-one (81) degrees Fahrenheit.**

1. The required temperature must be maintained in an area or areas determined by the nursing home of sufficient size to maintain all residents safely at all times and is appropriate for the care needs and life safety requirements. For planning purposes, no less than thirty (30) net square feet per resident must be provided. This may include areas that are less than the entire nursing home if the nursing home's comprehensive emergency management plan includes relocating residents to portions of the building where the health, safety, welfare, and comfort of the residents will be maintained as required by this rule. The plan shall include information regarding the area(s) within the nursing home where the required temperature will be maintained.

2. **The alternate power source for the equipment necessary to maintain the safe indoor air temperature required by this rule may be provided by the essential electrical system required by the Florida Building Code for Nursing Home design and construction or onsite optional standby system as defined by NFPA 70 National Electrical Code supplying normal power to the nursing home maintained onsite at all times when the building is occupied.** If an optional standby system is used, it must be connected and maintained in accordance with the manufacturer's recommendations. The alternate power source and fuel supply shall be located in an area(s) in accordance with local zoning and the Florida Building Code.

3. Each nursing home is unique in size; the types of care provided; the physical and mental capabilities and needs of residents; the type, frequency, and amount of services and care offered; and staffing characteristics. Accordingly, this rule does not limit the types of systems or equipment that may be used to maintain the safe indoor air temperature required by this rule for a minimum of ninety-six (96) hours in the event of the loss of primary electrical power. The plan shall include information regarding the systems and equipment that will be used by the nursing home required to operate the systems and equipment.

a. A nursing home in an evacuation zone pursuant to Chapter 252, F.S., must maintain an alternative power source and fuel as required by this subsection at all times when the facility is occupied but is permitted to utilize a mobile generator(s) to enable portability if evacuation is necessary.

b. Facilities located on a single campus with other facilities licensed by the Agency under common ownership, may share fuel, alternative power resources, and resident space available on the campus if such resources are sufficient to support the requirements of each facility's residents, as specified in this rule. Details regarding how resources will be shared and any necessary movement of residents must be clearly described in the emergency power plan.

c. A multistory facility, whose comprehensive emergency management plan is to move residents to a higher floor during a flood or surge event, must place its alternative power source and all necessary additional equipment so it can safely operate in a location protected from flooding or storm surge damage.

(b) The acquisition of sufficient fuel, and safe maintenance of that fuel onsite at the facility, to ensure that in the event of the loss of primary electrical power there is sufficient fuel available for the alternate power source required in paragraph (1)(a), to power life safety systems, critical systems, and equipment necessary to maintain safe indoor air temperatures as described in this rule for ninety-six (96) hours after the loss of electrical power during a declared state of emergency. The plan shall include information regarding fuel source and fuel storage.

1. A nursing home located in an area in a declared state of emergency area pursuant to Section 252.36, F.S., that may impact primary power delivery must secure ninety-six (96) hours of fuel. The nursing home may utilize portable fuel storage containers for the remaining fuel necessary for ninety-six (96) hours during the period of a declared state of emergency.

2. A nursing home must store a minimum of seventy-two (72) hours of fuel onsite.

3. Piped natural gas is an allowable fuel source and meets the onsite fuel requirement under this rule.

4. If local ordinances or other regulations that limit the amount of onsite fuel storage for the nursing home's location and the nursing home does not have access to piped natural gas, then the nursing home must develop a plan that includes maximum onsite fuel storage allowable by the ordinance or regulation and a reliable method to obtain the maximum additional fuel at least 24 hours

prior to depletion of onsite fuel.

(c) The acquisition of services necessary to install, maintain, and test the equipment and its functions to ensure the safe and sufficient operation of the alternate power source installed in the nursing home.

(2) SUBMISSION OF THE PLAN.

(a) Each nursing home licensed prior to the effective date of this rule shall submit its plan to the local emergency management agency for review and approval within thirty (30) days of the effective date of the rule. Nursing Home plans previously received and approved under Emergency Rule 59AER17-1, F.A.C., will require resubmission only if changes are made.

(b) Each new nursing home shall submit the plan required under this rule prior to obtaining a license.

(c) Each existing nursing home that undergoes additions, modifications, alterations, refurbishment, reconstruction or renovations that require modification of the systems or equipment affecting the nursing home's compliance with this rule shall amend its plan and submit it to the local emergency management agency for review and approval.

(3) PLAN REVIEW. Architectural and engineering plans are subject to review by the Agency's Office of Plans and Construction. The local emergency management agency shall review the emergency power plan for compliance with the subsection and may rely on the technical review of the Office of Plans and Construction. Once the review is complete, the local emergency management agency shall:

(a) Report deficiencies in the plan to the nursing home for resolution. The nursing home must resubmit the plan within ten (10) business days.

(b) Report approval or denial of the plan to the Agency and the nursing home.

(4) APPROVED PLANS.

(a) Each nursing home must maintain a copy of its plan in a manner that makes the plan readily available at the licensee's physical address for review by the authority having jurisdiction. If the plan is maintained in an electronic format, nursing home staff must be readily available to access and produce the plan. For purposes of this section, "readily available" means the ability to immediately produce the plan, either in electronic or paper format, upon request.

(b) Within two (2) business days of the approval of the plan from the local emergency management agency, the nursing home shall submit in writing proof of the approval to the Agency for Health Care Administration.

(c) The nursing home shall submit a consumer friendly summary of the emergency power plan to the Agency. The Agency shall post the summary and notice of the approval and implementation of the nursing home emergency power plans on its website within ten (10) business days of the plan's approval by the local emergency management agency and update within ten (10) business days of implementation.

(5) IMPLEMENTATION OF THE PLAN.

(a) Each nursing home licensed prior to the effective date of this rule shall, no later than June 1, 2018 have implemented the plan required under this rule.

(b) The Agency shall grant an extension up to January 1, 2019 to providers in compliance with paragraph (c), below, and who can show delays caused by necessary construction, delivery of ordered equipment, zoning or other regulatory approval processes. Nursing homes granted an extension must keep the Agency apprised of progress on a monthly basis to ensure there are no unnecessary delays.

(c) During the extension period, a nursing home must make arrangements pending full implementation of its plan that the residents are housed in an area that meets the safe indoor air temperature requirements of paragraph (1)(a), for a minimum of ninety-six (96) hours.

1. A nursing home not located in an evacuation zone must either have an alternative power source onsite or have a contract in place for delivery of an alternative power source and fuel when requested. Within twenty-four (24) hours of the issuance of a state of emergency for an event that may impact primary power delivery for the area of the nursing home, it must have the alternative power source and no less than ninety-six (96) hours of fuel stored onsite.

2. A nursing home located in an evacuation zone pursuant to Chapter 252, F.S., must either:

a. Fully and safely evacuate its residents prior to the arrival of the event, or

b. Have an alternative power source and no less than ninety-six (96) hours of fuel stored onsite, within twenty-four (24) hours of the issuance of a state of emergency for the area of the nursing home,

(d) Each new nursing home shall implement the plan prior to obtaining a license.

(e) Each nursing home that undergoes any additions, modifications, alterations, refurbishment, reconstruction or renovations

that require modification of the systems or equipment affecting the nursing home's compliance with this rule shall implement its amended plan subsequent with the completion of construction.

(f) The Agency may request cooperation from the State Fire Marshal to conduct inspections to ensure implementation of the plan in compliance with this rule.

(6) POLICIES AND PROCEDURES.

(a) Each nursing home shall develop and implement written policies and procedures to ensure that each nursing home can effectively and immediately activate, operate and maintain the alternate power source and any fuel required for the operation of the alternate power source. The procedures shall be resident-focused to ensure that residents do not experience complications from heat exposure, and shall include a contingency plan to transport residents to a safe facility if the current nursing home's plan to keep the residents in a safe and comfortable location within the nursing home at or below the indoor air temperature required by this rule becomes compromised.

(b) Each nursing home shall maintain its written policies and procedures in a manner that makes them readily available at the licensee's physical address for review by the authority having jurisdiction. If the policies and procedures are maintained in an electronic format, nursing home staff must be readily available to access the policies and procedures and produce the requested information.

(c) The written policies and procedures must be readily available for inspection by each resident; each resident's legal representative, designee, surrogate, guardian, attorney in fact, or case manager; each resident's estate; and all parties authorized in writing or by law.

(7) REVOCATION OF LICENSE, FINES OR SANCTIONS. For a violation of any part of this rule, the Agency may seek any remedy authorized by Chapter 400, Part II, or Chapter 408, Part II, F.S., including but not limited to, license revocation, license suspension, and the imposition of administrative fines.

(8) COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.

(a) Nursing homes whose comprehensive emergency management plan is to evacuate must comply with this rule.

(b) Once the plan has been approved, the nursing home shall submit the plan as an addendum with any future submissions for approval of its Comprehensive Emergency Management Plan.

(9) NOTIFICATION.

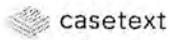
(a) Within three (3) business days, each nursing home must notify in writing, unless permission for electronic communication has been granted, each resident and the resident's legal representative:

1. Upon submission of the plan to the local emergency management agency that the plan has been submitted for review and approval;

2. Upon final implementation of the plan by the nursing home following review by the State Fire Marshal or the Agency's Office of Plans and Construction.

(b) The nursing home shall keep a copy of each written or electronic notification sent by the nursing home to the resident and resident's representative on file.

Rulemaking Authority 400.23 FS. Law Implemented 400.23 FS. History—New 3-26-18.



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Fla. Admin. Code R. 61G15-33.001

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Current through Reg. Vol. 45, No. 181; Sept. 17, 2019

Electrical Engineering Documents shall be prepared in accordance with generally accepted engineering standards. The Electrical Engineering Documents shall identify the Engineer of Record. Electrical Engineering Documents shall comply with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards to a given project. In the event the codes and standards fail to address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. Electrical Engineering Documents for construction shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural support systems. Both the Engineer of Record for the electrical system and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Electrical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to written instructions in accordance with Rule 61G15-30.005, F.A.C. Documents prepared by a delegated engineer and so reviewed must be included in the final set of documents filed for permit unless required by the permitting entity to be submitted independently.

Next Section
Section 61G15-33.002 -
Definitions

Fla. Admin. Code Ann. R. 61G15-33.001

Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS.

New 5-19-93, Formerly 21H-33.001, Amended 11-13-08, Amended by Florida Register Volume 43, Number 225, November 21, 2017 effective 12-4-17.



Attachment #6

Consulting

Reply to: Deerfield Beach

June 18, 2020

Revised From: June 5, 2020

Art Kamm, P.E.
Bradly L. Brown, P.E.
Rick Gonzalez, LEED AP
Lon T. Carter, P.E.
Mike Pella, P.E.
Gordon Scott

Plans Review

City of Plantation Building Department

401 NW 70th Terrace
Plantation, FL 33317

RE: PLANTATION NURSING & REHABILITATION CENTER – Phase 1

4250 NW 5th Street, Plantation FL, 33317

Below is our response to Building Department comments pertinent to our scope of work for the referenced project.

ELECTRICAL

1. Comment: Dual fuel required as per NEC 700.12 (3).
Response: **New generator is not an emergency generator and is not required to comply with NEC 700.12 (3).**
2. Comment: Codes referenced on plans should be NEC 2014.
Response: **NEC 2014 code references already shown in Part 1 of the electrical specifications on sheet E0.1 on both Phase 1 and Phase 2 drawings. This has been sent twice.**
3. Comment: A selective coordination study is required. Please use form provided on building department website: <http://www.plantation.org/wp-content/uploads/2013/04/Selective-Coordination-Requirements-Electrical.pdf>
Response: **See attached breaker coordination and form as provided on the building department website. This has been sent twice.**
4. Comment: Show the j-box and gutter size on the plans. NEC 314.28A-E, 366.58, 376.23 please show j-box size for Polaris tap box on plans.
Response: **Junction box size already shown on sheet E1.1 on the Phase 1 drawings. This has been sent twice.**
5. Comment: Add note to the riser diagram stating there will be a sign at the electrical service per NEC 700.7 / 701.7 / 702.7. Add a note to the riser diagram stating there will be a sign at the manual transfer switch showing the sequence of operation. Provide

OFFICES

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Deerfield Beach, FL 33442
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954-949-2201 FAX

Ft. Pierce:
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Fort Pierce, Florida 34950
772.595.1744
772.595.1745 FAX

www.kammconsulting.com

generator anchoring details. Show that the generator exhaust is a minimum 10 feet from any openings (windows, doors, vents, etc.).

Response:

- **Transfer switch is an automatic transfer switch. Key note added to sheet E1.1 on Phase 1 drawings as requested.**
- **Generator anchoring details provided by Structural Engineer.**
- **Scaled drawings show generator is 16 feet from any opening. Dimension added to sheet E1.1.**

FIRE

1. Comment: Plans and scope of work for the whole project are confusing and conflicting; please contact Tony Martins, the City of Plantation Fire Marshall, at 954-797-5150 to coordinate a meeting to discuss concerns.

Response: Number provided has been disconnected or is no longer in service per automated response. Engineer was able to contact the Fire Marshall on June 19, 2020 via the (954) 797-2150 phone number. The Fire Marshall stated the plans scope of work is confusing and suggested a conference call with the engineer, building official and ownership.

If you have any questions or require additional information, please contact this office.

Sincerely,
KAMM CONSULTING, INC.

Michael Freire, P.E.
Project Manager
MF/lcc



Consulting

Reply to: Deerfield Beach

June 18, 2020

Revised From: June 5, 2020

Art Kamm, P.E.
Bradly L. Brown, P.E.
Rick Gonzalez, LEED AP
Lon T. Carter, P.E.
Mike Pella, P.E.
Gordon Scott

Plans Review

City of Plantation Building Department

401 NW 70th Terrace
Plantation, FL 33317

RE: PLANTATION NURSING & REHABILITATION CENTER – Phase 2

4250 NW 5th Street, Plantation FL, 33317

Below is our response to Building Department comments pertinent to our scope of work for the referenced project.

ELECTRICAL

1. Comment: Dual fuel required as per NEC 700.12 (3).
Response: New generator is not an emergency generator and is not required to comply with NEC 700.12 (3).

2. Comment: Codes referenced on plans should be NEC 2014.
Response: NEC 2014 code references already shown in Part 1 of the electrical specifications on sheet E0.1 on both Phase 1 and Phase 2 drawings. This has been sent twice.

3. Comment: A selective coordination study is required. Please use form provided on building department website: <http://www.plantation.org/wp-content/uploads/2013/04/Selective-Coordination-Requirements-Electrical.pdf>
Response: See attached breaker coordination and form as provided on the building department website. This has been sent twice.

4. Comment: Show the j-box and gutter size on the plans. NEC 314.28A-E, 366.58, 376.23 please show j-box size for Polaris tap box on plans.
Response: Junction box size already shown on sheet E1.1 on the Phase 1 drawings. This has been sent twice.

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generator anchoring details. Show that the generator exhaust is a minimum 10 feet from any openings (windows, doors, vents, etc.).

Response:

- **Transfer switch is an automatic transfer switch. Key note added to sheet E1.1 on Phase 1 drawings as requested.**
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 - **Scaled drawings show generator is 16 feet from any opening. Dimension added to sheet E1.1.**
-

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If you have any questions or require additional information, please contact this office.

Sincerely,
KAMM CONSULTING, INC.

Michael Freire, P.E.
Project Manager
MF/lcc

City Response

OFFICE OF THE MAYOR

Lynn Stoner
Mayor

BUILDING DEPARTMENT

Adnan "Danny" Ezzeddine, AIA,
NCARB
Director / Building Official



CITY COUNCIL

Nick Sortal
President
Denise Horland
President, Pro Tem
Erik Anderson
Ron Jacobs

June 30, 2020

Mr. James DiPietro, Administrative Director
Broward County Board of Rules and Appeals
1 N. University Drive, Suite 3500 B
Plantation, Florida 33324

RE: Appeal #20-02 / 4250 NW 5th Street

Dear Mr. DiPietro,

As you are aware, we have been dealing with permit #B20-0132 since 2019, with regards to the applicant's failure to comply with the requirement of the National Electrical Code. The City of Plantation has met with the applicant and offered solutions that are in the best interest of all parties without compromising of public life safety.

On June 24th 2019, a meeting in the Building Official's office was conducted with the applicant's engineer along with members of the Board of Rules and Appeal's staff. Another meeting was held on August 28th 2019 in the Mayor's office where the applicant repeatedly expressed his concerns with the cost implication of the required dual supply as indicated in NEC, Section 701.12(B)(3) / Exhibit #1. Our concerns were focused on the life safety of the public.

During those meetings we made the following offers;

1. A waiver from our zoning department to eliminate some parking stalls to allow space for fuel tanks.
2. A waiver from our fire department to allow more than one (1) fuel tank if needed.
3. We asked if TECO Gas Company could provide a letter of commitment to have uninterrupted gas supply. (TECO was not responsive).

The applicant did not take advantage of any of our offers for the reason of "too costly!"

Appeal #19-01 was filed in September 2019 by the applicant for the same reason and was cancelled based on the legal opinion of the BORA's attorney, Mr. Chuck Kramer, dated 09-27-2019 / Exhibit #2.

OFFICE OF THE MAYOR

Lynn Stoner
Mayor

BUILDING DEPARTMENT

Adnan "Danny" Ezzeddine, AIA,
NCARB
Director / Building Official



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President, Pro Tem
Erik Anderson
Ron Jacobs

In this recent appeal, the applicant is confused about the difference between AHCA's jurisdiction and the City of Plantation (AHJ) jurisdiction. Where AHCA abide by rules 59A.4.1265 and has authority to enforce such regulations. AHCA has no authority over enforcing or interpreting the Florida Building Code or National Electrical Code. Only the Building Official is authorized to interpret the code (see attachment #1 from the applicant). The applicant's engineer is also referring to AHCA's Rules 59A.4.1265 basing his decision of non-compliance with NEC on such regulation. The Building Department has no jurisdiction nor will abide by these rules since they are not incorporated in the Florida Building Code.

We also like to notate that this facility is known to violate the Florida Building Code, jeopardizing the life safety of the public. Where our department has issued several Florida Building Code Enforcement Cases for working without a permit.

1. Electrical work without permit.
2. Air Conditioning work without permit.
3. Illegal occupancy of electrical room (turned into a fully operational office and storage of medications).
4. Temporary generator without permit.

Finally our position remains the same as it was in 2019. As the AHJ, we will not authorize this generator to be installed at this facility unless it complies with the NEC, Section 701.12(B)(3) dual supply.

The City of Plantation is committed to protecting the welfare and the safety of the public. This assisted living facility houses the elderly and children with limited mobility. Any failure of power supply would result in the loss of human life as seen in the rehabilitation center at Hollywood Hills in 2017 where a dozen lives were lost as a result of power failure after the air conditioner failed. It is our professional and moral obligation to ensure the safety of the public by enforcing the Florida Building Code.

Thank you for your attention to this matter.

Sincerely,

Danny Ezzeddine, AIA, NCARB
Director/Building Official

DE/mth

OFFICE OF THE MAYOR

Lynn Stoner
Mayor

BUILDING DEPARTMENT

Adnan "Danny" Ezzeddine, AIA,
NCARB
Director / Building Official



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President, Pro Tem
Erik Anderson
Ron Jacobs

cc: Mayor Lynn Stoner
Kerry L. Ezrol, City Attorney
Tony Martins, Battalion Chief
Steve Green, Electrical Chief
Charles M. Kramer, Board Attorney
Kenneth Castronova, BORA Chief Electrical Code Compliance Officer
Bryan Parks, BORA Fire Chief Code Compliance Officer
Neil Sutton, Appellant

III. Sources of Power

701.12 General Requirements

Current supply shall be such that, in the event of failure of the normal supply to, or within, the building or group of buildings concerned, legally required standby power will be available within the time required for the application but not to exceed 60 seconds. The supply system for legally required standby purposes, in addition to the normal services to the building, shall be permitted to comprise one or more of the types of systems described in 701.12(A) through (F). Unit equipment in accordance with 701.12(G) shall satisfy the applicable requirements of this article.

In selecting a legally required standby source of power, consideration shall be given to the type of service to be rendered, whether of short-time duration or long duration.

Consideration shall be given to the location or design, or both, of all equipment to minimize the hazards that might cause complete failure due to floods, fires, icing, and vandalism.

Informational Note: For further information, see ANSI/IEEE 493-2007, *Recommended Practice for the Design of Reliable Industrial and Commercial Power Systems*.

(A) Storage Battery. A storage battery shall be of suitable rating and capacity to supply and maintain at not less than 87½ percent of system voltage the total load of the circuits supplying legally required standby power for a period of at least 1½ hours.

Batteries, whether of the acid or alkali type, shall be designed and constructed to meet the service requirements of emergency service and shall be compatible with the charger for that particular installation.

For a sealed battery, the container shall not be required to be transparent. However, for the lead acid battery that requires water additions, transparent or translucent containers shall be furnished. Automotive-type batteries shall not be used.

An automatic battery charging means shall be provided.

(B) Generator Set.

(1) Prime Mover-Driven. For a generator set driven by a prime mover acceptable to the authority having jurisdiction and sized in accordance with 701.4, means shall be provided for automatically starting the prime mover upon failure of the normal service and for automatic transfer and operation of all required electrical circuits. A time-delay feature permitting a 15-minute setting shall be provided to avoid retransfer in case of short-time re-establishment of the normal source.

(2) Internal Combustion Engines as Prime Mover. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 2 hours of full-demand operation of the system. Where power is needed for the operation of the fuel transfer pumps to deliver fuel to a generator set day tank, the pumps shall be connected to the legally required standby power system.

When power is needed for the operation of the fuel transfer pumps, they must be connected to the legally required standby system for the continued delivery of fuel.

(3) Dual Supplies. Prime movers shall not be solely dependent on a public utility gas system for their fuel supply. Municipal water supply for their cooling systems. Means shall be provided for automatically transferring one fuel supply to another where dual fuel supplies are used.

Exception: Where acceptable to the authority having jurisdiction, the use of other than on-site fuels shall be permitted where there is a low probability of a simultaneous failure of local off-site fuel delivery system and power from the outside utility company.

(4) Battery Power. Where a storage battery is used for control or signal power or as the means of starting the prime mover, it shall be suitable for the purpose and shall be equipped with an automatic charging means independent of the generator.

(5) Outdoor Generator Sets. Where an outdoor generator set is equipped with a readily accessible disconnecting means in accordance with 445.18, and the disconnecting means is located within sight of the building or structure supplying additional disconnecting means shall not be required. Ungrounded conductors serve or pass through the building structure. Where the generator supply conductors terminate at a disconnecting means in or on a building or structure, the disconnecting means shall meet the requirements of 2

The disconnecting means on an outdoor generator set used as the disconnecting means required in 225.31, provided the disconnecting means is readily accessible and is within the building. When an additional disconnecting means is required, it must be suitable for use as service equipment in accordance with 225.36. See the definitions of the term *accessible* and *in sight from* in Article 100.

(C) Uninterruptible Power Supplies. Uninterruptible power supplies used to provide power for legally required standby systems shall comply with the applicable provisions of 701.4 and (B).

(D) Separate Service. Where approved, a separate service shall be permitted as a legally required source of standby power. The service shall be in accordance with the applicable provisions of Article 230, with a separate service drop or lateral or a set of overhead or underground service conductors separated remote electrically and physically from any other service to minimize the possibility of simultaneous interruption of supply in an occurrence in another service.

(E) Connection Ahead of Service Disconnecting Means. Where acceptable to the authority having jurisdiction, connections located ahead of and not within the same enclosure, vertical switchgear section, or vertical switchgear section as the service disconnecting means shall be permitted.

proved automatic fire suppression systems (sprinklers, carbon dioxide systems, and so forth) or in spaces with a 1-hour rating.

Informational Note No. 1: For the definition of *Occupancy Classification*, see Section 6.1 of NFPA 101-2012, *Life Safety Code*.

Informational Note No. 2: For further information, see ANSI/IEEE 493-2007, *Recommended Practice for the Design of Reliable Industrial and Commercial Power Systems*.

Storage Battery. Storage batteries used as a source of power for emergency systems shall be of suitable rating and capacity to supply and maintain the total load for a minimum period of 1½ hours, without the voltage applied to the load falling below 87½ percent of normal.

Batteries, whether of the acid or alkali type, shall be designed and constructed to meet the requirements of emergency service and be compatible with the charger for that particular installation. For a sealed battery, the container shall not be required to be transparent. However, for the lead acid battery that requires venting, transparent or translucent containers shall be used. Automotive-type batteries shall not be used.

An automatic battery charging means shall be provided.

Generator Set.

Prime Mover-Driven. For a generator set driven by a prime mover acceptable to the authority having jurisdiction and sized in accordance with 700.4, means shall be provided for automatically starting the prime mover on failure of the normal service and for automatic transfer and operation of all required electrical circuits. A time-delay feature permitting a minute setting shall be provided to avoid retransfer in case of short-time reestablishment of the normal source.

Internal Combustion Engines as Prime Movers. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 2 hours' full-demand operation of the system. Where power is needed for the operation of fuel transfer pumps to deliver fuel to a generator set day tank, this pump shall be connected to the emergency power system.

Prime-mover-driven generators that use an electric fuel transfer pump shall not start or continue operating if the fuel pump is not operating. These pumps, which transfer fuel into a day tank, must be controlled by the emergency system.

Dual Supplies. Prime movers shall not be solely dependent on a public utility gas system for their fuel supply or municipal water supply for their cooling systems. Means shall be provided for automatically transferring from one fuel supply to another where dual fuel supplies are used.

Exception: Where acceptable to the authority having jurisdiction, the use of other than on-site fuels shall be permitted where

there is a low probability of a simultaneous failure of both the off-site fuel delivery system and power from the outside electrical utility company.

(4) Battery Power and Dampers. Where a storage battery is used for control or signal power or as the means of starting the prime mover, it shall be suitable for the purpose and shall be equipped with an automatic charging means independent of the generator set. Where the battery charger is required for the operation of the generator set, it shall be connected to the emergency system. Where power is required for the operation of dampers used to ventilate the generator set, the dampers shall be connected to the emergency system.

(5) Auxiliary Power Supply. Generator sets that require more than 10 seconds to develop power shall be permitted if an auxiliary power supply energizes the emergency system until the generator can pick up the load.

(6) Outdoor Generator Sets. Where an outdoor housed generator set is equipped with a readily accessible disconnecting means in accordance with 445.18, and the disconnecting means is located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors serve or pass through the building or structure. Where the generator supply conductors terminate at a disconnecting means in or on a building or structure, the disconnecting means shall meet the requirements of 225.36.

The disconnecting means on the generator can be used as the disconnecting means required in 225.31, provided the disconnecting means is readily accessible and is within sight of the building. (See the definitions of *readily accessible* and *in sight from* in Article 100.) Where an additional disconnecting means is necessary, it must be suitable for use as service equipment in accordance with 225.36.

Exception: For installations under single management, where conditions of maintenance and supervision ensure that only qualified persons will monitor and service the installation and where documented safe switching procedures are established and maintained for disconnection, the generator set disconnecting means shall not be required to be located within sight of the building or structure served.

The circuit between the generator and the building or structure is a feeder. Therefore, the requirements for outdoor feeders contained in Article 225 must be followed, including those covering disconnecting means for outdoor branch circuits and feeders. Section 700.12(B)(6) modifies the requirement in 225.32 for the location of disconnecting means. The feeder disconnecting means is permitted to be located at the generator location provided the disconnecting means is within sight and readily accessible from the building being supplied.

700.12.B.3



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE: 954-765-4500
FAX: 954-765-4504

www.broward.org/codeappeal

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Mrs. Shalanda Giles Nelson,
General Contractor
Mr. Daniel Rourke
Master Plumber
Mr. Gregg D'Attilio,
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Master Electrician
Mr. William Flett,
Roofing Contractor

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

September 27, 2019

Via email and certified mail

Mr. Neil Sutton
5310 NW 33 Ave
Fort Lauderdale FL 33309

Re: Appeal #19-01

Dear Mr. Sutton:

Please be advised that per the Legal Opinion attached, it was determined by our Board Attorney that the Board of Rules and Appeals has no jurisdiction to discuss the Appeal #19-01.

Therefore, the hearing scheduled for October 10th, 2019 has been cancelled.

Sincerely,

James DiPietro
Administrative Director

Attachment: 1 page

Cc: The Honorable Lynn Stoner, Mayor - Certified mail
Kerry Ezrol, City Attorney - Certified mail
Adnan Ezzeddine, Plantation Building Official
Charles M. Kramer, Board Attorney
Kenneth Castronovo, BORA Chief Electrical Code Compliance Officer
Bryan Parks, BORA Fire Chief code Compliance Office

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Dipietro, James

From: Chuck Kramer <ckramer@bowlawyers.net>
Sent: Friday, September 27, 2019 11:49 AM
To: Dipietro, James
Cc: Parks, Bryan; Castronovo, Kenneth
Subject: Appeal #19-01 / Plantation Building Dept/. Fuel requirements for generator at nursing home

External Email

Jim, Ken and Bryan,

I have spent the morning researching the authority of BORA on such matters under Article 9.02 of the Broward County Charter and Special Act 71-575.

It appears that my initial instincts were correct with respect to BORA hearing this matter versus the AHCA.

I spoke with Tom Hoeler, Assistant General Counsel for the Agency for Health Care Administration and he advised that this is the province of AHCA and we have no authority here. (He called it "his"rule).

I am awaiting a return call from Scott Waltz who is the Director Plans and Construction for AHCA but I expect he will give me the same answer as Tom Hoeler.

The Rule 59A-4.1265 is strictly the province of AHCA and unless it is specifically incorporated in the Building Code, BORA has no business here.

Highest regards,

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BORA Staff Response



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Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

Date: July 9, 2020

To: Broward County Board of Rules and Appeals

From: Kenneth Castronovo, Chief Electrical Code Compliance Officer

Subj.: Appeal #20-02: Neil Sutton vs. City of Plantation

Code Requirements

This appeal question is about the dual source fuel requirement of NEC 701.12(B)(3), which requires a reliable second fuel source type when an emergency generator is used in a health care facility. The generator in question, according to the City of Plantation is designed as a Level One Type 10 generator which is required in the Florida Building Code Article 450. The location of the generator is not in question and all other installation requirements are not in question. There is an exception to 701.12(B)(3) that allows the Building Official to use an available utility, or other fuel source, as the required second source of fuel if the Building Official believes that the second fuel source is reliable in an emergency.

Exception, NEC 701.12(B)(3): Where acceptable to the authority having jurisdiction, the use of other than on-site fuels shall be permitted where there is a low probability of a simultaneous failure of both the off-site fuel delivery system and power from the outside electrical utility company.

Appeal

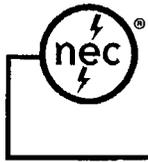
The appellant has submitted plans to install an emergency generator at the property address listed on the appeal. The plans are designed using the second source of power by using the available underground natural gas utility found along the property utility easement. The Building Official has rejected this design and is not allowing the exception of the code to be used because he believes that the use of the gas utility is not reliable fuel source. The Building Official requested TECO Gas to furnish a letter stating that their utility is a reliable source, TECO Gas declined the Building Official this request. The Building Official cannot justify the natural gas supply at the property is a "reliable source". The appellant believes otherwise and has asked BORA to listen to their argument and be allowed to use the available Natural Gas at their site for their second source of fuel.

Staff Opinion

Staff believes that the code article and section in question is specific, and the exception to this section if used, is the Building Officials right to decide with justification if this exception will fulfill the intent of the code. In this case the appellant should have conferred with the Building Official before the plans were designed and submitted and asked if the exception would be considered. All other information furnished by appellant is not in question or relevant to the code section that is referred to in this appeal.

Respectfully,

Kenneth Castronovo,
Chief Electrical Code Compliance Officer



ARTICLE 701 Legally Required Standby Systems

I. General

701.1 Scope

The provisions of this article apply to the electrical safety of the installation, operation, and maintenance of legally required standby systems consisting of circuits and equipment intended to supply, distribute, and control electricity to required facilities for illumination or power, or both, when the normal electrical supply or system is interrupted.

The systems covered by this article consist only of those that are permanently installed in their entirety, including the power source.

Informational Note No. 1: For additional information, see NFPA 99-2012, Health Care Facilities Code.

Informational Note No. 2: For further information regarding performance of emergency and standby power systems, see NFPA 110-2013, Standard for Emergency and Standby Power Systems.

Informational Note No. 3: For further information, see ANSI/IEEE 446-1995, Recommended Practice for Emergency and Standby Power Systems for Industrial and Commercial Applications.

Legally required standby systems are intended to provide electric power to aid in fire fighting, rescue operations, control of health hazards, and similar operations. In comparison, emergency systems (see Article 700) are those systems essential for safety to life. Optional standby systems (see Article 702) are those in which failure can cause physical discomfort, interruption of an industrial process, damage to process equipment, or disruption of business, for example.

The requirements for legally required standby systems are much the same as for emergency systems, except for a few differences. When normal power is lost, legally required systems must be able to supply standby power in 60 seconds or less, instead of the 10 seconds or less required of emergency systems. Wiring for legally required standby systems may occupy the same raceways, cables, boxes, and cabinets as other general wiring, whereas wiring for emergency systems must be kept entirely independent of other wiring. Legally required standby systems take second priority to emergency systems if they are involved in sharing an alternate supply and/or load shedding or peak shaving schemes.

701.2 Definition

Legally Required Standby Systems. Those systems required and so classed as legally required standby by municipal, state, federal, or other codes or by any governmental agency having

jurisdiction. These systems are intended to automatically supply power to selected loads (other than those classed as emergency systems) in the event of failure of the normal source.

Informational Note: Legally required standby systems are typically installed to serve loads, such as heating and refrigeration systems, communications systems, ventilation and smoke removal systems, sewage disposal, lighting systems, and industrial processes, that, when stopped during any interruption of the normal electrical supply, could create hazards or hamper rescue or fire-fighting operations.

701.3 Tests and Maintenance

(A) Conduct or Witness Test. The authority having jurisdiction shall conduct or witness a test of the complete system upon installation.

(B) Tested Periodically. Systems shall be tested periodically on a schedule and in a manner acceptable to the authority having jurisdiction to ensure the systems are maintained in proper operating condition.

(C) Battery Systems Maintenance. Where batteries are used for control, starting, or ignition of prime movers, the authority having jurisdiction shall require periodic maintenance.

(D) Written Record. A written record shall be kept on such tests and maintenance.

(E) Testing Under Load. Means for testing legally required standby systems under load shall be provided.

Informational Note: For information on testing and maintenance of emergency power supply systems (EPSSs), see NFPA 110-2013, Standard for Emergency and Standby Power Systems.

701.4 Capacity and Rating

A legally required standby system shall have adequate capacity and rating for the supply of all equipment intended to be operated at one time. Legally required standby system equipment shall be suitable for the maximum available fault current at its terminals.

The legally required standby alternate power source shall be permitted to supply both legally required standby and optional standby system loads under either of the following conditions:

- (1) Where the alternate source has adequate capacity to handle all connected loads
- (2) Where automatic selective load pickup and load shedding is provided that will ensure adequate power to the legally required standby circuits

Selective load pickup and load shedding are not required if the generator has sufficient capacity to supply all connected loads.

701.5 Transfer Equipment

(A) General. Transfer equipment, including automatic transfer switches, shall be automatic and identified for standby use and

approved by the authority having jurisdiction. Transfer equipment shall be designed and installed to prevent the inadvertent interconnection of normal and alternate sources of supply in any operation of the transfer equipment. Transfer equipment and electric power production systems installed to permit operation in parallel with the normal source shall meet the requirements of Article 705.

Parallel operation of the generation equipment with the normal source is permitted as long as the requirements of Article 705 are met. Traditional automatic transfer switches (ATS) are not designed to permit parallel operation of generation equipment and the normal source. Therefore, traditional ATS need not comply with Article 705. However, certain ATS configurations are intentionally designed to briefly (for a few cycles) parallel the generation equipment with the normal source upon load transfer. This load transfer can occur with minimal disturbance or effect on the load. Transfer switches that employ this type of paralleling must comply with Article 705.

(B) Bypass Isolation Switches. Means to bypass and isolate the transfer switch equipment shall be permitted. Where bypass isolation switches are used, inadvertent parallel operation shall be avoided.

(C) Automatic Transfer Switches. Automatic transfer switches shall be electrically operated and mechanically held. Automatic transfer switches, rated 1000 VAC and below, shall be listed for emergency use.

The intent is to ensure that relay contacts are mechanically held in the event of coil failure. This requirement also correlates with NFPA 110, *Standard for Emergency and Standby Power Systems*.

When standby systems are tested, both the normal and the standby system are energized. If the two sources are not synchronized, as much as twice the rated voltage may exist across the transfer switch contacts. Some listed transfer switches are designed and tested to be suitable for switching between out-of-phase power sources. Other protection methods may be employed, such as a mechanical interlock that prevents inadvertent interconnection or an electronic method that prevents both systems from being interconnected.

701.6 Signals

Audible and visual signal devices shall be provided, where practicable, for the purposes described in 701.6(A), (B), (C), and (D).

(A) Derangement. To indicate derangement of the standby source.

(B) Carrying Load. To indicate that the standby source is carrying load.

(C) Not Functioning. To indicate that the battery charger is not functioning.

Informational Note: For signals for generator sets, see NFPA 110-2013, *Standard for Emergency and Standby Power Systems*.

(D) Ground Fault. To indicate a ground fault in solidly grounded wye, legally required standby systems of more than 150 volts to ground and circuit-protective devices rated 1000 amperes or more. The sensor for the ground-fault signal devices shall be located at, or ahead of, the main system disconnecting means for the legally required standby source, and the maximum setting of the signal devices shall be for a ground-fault current of 1200 amperes. Instructions on the course of action to be taken in event of indicated ground fault shall be located at or near the sensor location.

Informational Note: For signals for generator sets, see NFPA 110-2013, *Standard for Emergency and Standby Power Systems*.

Ground-fault indication is required for legally required standby systems. Although 701.26 specifies that automatic ground-fault protection of equipment is not required to be provided on the alternate source, ground faults can occur on such systems, and they can result in equipment burndown. Because of the importance of legally required systems, automatic disconnect in the event of a ground fault is inappropriate. Detection of such a fault, however, is required so that the condition can be corrected.

701.7 Signs

(A) Mandated Standby. A sign shall be placed at the service entrance indicating type and location of on-site legally required standby power sources.

Exception: A sign shall not be required for individual unit equipment as specified in 701.12(G).

(B) Grounding. Where removal of a grounding or bonding connection in normal power source equipment interrupts the grounding electrode conductor connection to the alternate power source(s) grounded conductor, a warning sign shall be installed at the normal power source equipment stating:

WARNING
SHOCK HAZARD EXISTS IF GROUNDING
ELECTRODE CONDUCTOR OR BONDING JUMPER
CONNECTION IN THIS EQUIPMENT IS REMOVED
WHILE ALTERNATE SOURCE(S) IS ENERGIZED.

The warning sign(s) or label(s) shall comply with 110.21(B).

See the commentary following 700.7(B). Removal of grounding and bonding connections presents the same hazard in the normal supply equipment for legally required standby systems as in the normal supply equipment for an emergency system.

II. Circuit Wiring

701.10 Wiring Legally Required Standby Systems

The legally required standby system wiring shall be permitted to occupy the same raceways, cables, boxes, and cabinets with other general wiring.

III. Sources of Power

701.12 General Requirements

Current supply shall be such that, in the event of failure of the normal supply to, or within, the building or group of buildings concerned, legally required standby power will be available within the time required for the application but not to exceed 60 seconds. The supply system for legally required standby purposes, in addition to the normal services to the building, shall be permitted to comprise one or more of the types of systems described in 701.12(A) through (F). Unit equipment in accordance with 701.12(G) shall satisfy the applicable requirements of this article.

In selecting a legally required standby source of power, consideration shall be given to the type of service to be rendered, whether of short-time duration or long duration.

Consideration shall be given to the location or design, or both, of all equipment to minimize the hazards that might cause complete failure due to floods, fires, icing, and vandalism.

Informational Note: For further information, see ANSI/IEEE 493-2007, *Recommended Practice for the Design of Reliable Industrial and Commercial Power Systems*.

(A) Storage Battery. A storage battery shall be of suitable rating and capacity to supply and maintain at not less than 87½ percent of system voltage the total load of the circuits supplying legally required standby power for a period of at least 1½ hours.

Batteries, whether of the acid or alkali type, shall be designed and constructed to meet the service requirements of emergency service and shall be compatible with the charger for that particular installation.

For a sealed battery, the container shall not be required to be transparent. However, for the lead acid battery that requires water additions, transparent or translucent containers shall be furnished. Automotive-type batteries shall not be used.

An automatic battery charging means shall be provided.

(B) Generator Set.

(1) Prime Mover-Driven. For a generator set driven by a prime mover acceptable to the authority having jurisdiction and sized in accordance with 701.4, means shall be provided for automatically starting the prime mover upon failure of the normal service and for automatic transfer and operation of all required electrical circuits. A time-delay feature permitting a 15-minute setting shall be provided to avoid retransfer in case of short-time re-establishment of the normal source.

(2) Internal Combustion Engines as Prime Mover. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 2 hours of full-demand operation of the system. Where power is needed for the operation of the fuel transfer pumps to deliver fuel to a generator set day tank, the pumps shall be connected to the legally required standby power system.

When power is needed for the operation of the fuel transfer pumps, they must be connected to the legally required standby system for the continued delivery of fuel.

(3) Dual Supplies. Prime movers shall not be solely dependent on a public utility gas system for their fuel supply or on a municipal water supply for their cooling systems. Means shall be provided for automatically transferring one fuel supply to another where dual fuel supplies are used.

Exception: Where acceptable to the authority having jurisdiction, the use of other than on-site fuels shall be permitted where there is a low probability of a simultaneous failure of both the off-site fuel delivery system and power from the outside electrical utility company.

(4) Battery Power. Where a storage battery is used for control or signal power or as the means of starting the prime mover, it shall be suitable for the purpose and shall be equipped with an automatic charging means independent of the generator set.

(5) Outdoor Generator Sets. Where an outdoor housed generator set is equipped with a readily accessible disconnecting means in accordance with 445.18, and the disconnecting means is located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors serve or pass through the building or structure. Where the generator supply conductors terminate at a disconnecting means in or on a building or structure, the disconnecting means shall meet the requirements of 225.36.

The disconnecting means on an outdoor generator set can be used as the disconnecting means required in 225.31, provided the disconnecting means is readily accessible and is within sight of the building. When an additional disconnecting means is necessary, it must be suitable for use as service equipment in accordance with 225.36. See the definitions of the terms *readily accessible* and *in sight from* in Article 100.

(C) Uninterruptible Power Supplies. Uninterruptible power supplies used to provide power for legally required standby systems shall comply with the applicable provisions of 701.12(A) and (B).

(D) Separate Service. Where approved, a separate service shall be permitted as a legally required source of standby power. This service shall be in accordance with the applicable provisions of Article 230, with a separate service drop or lateral or a separate set of overhead or underground service conductors sufficiently remote electrically and physically from any other service to minimize the possibility of simultaneous interruption of supply from an occurrence in another service.

(E) Connection Ahead of Service Disconnecting Means. Where acceptable to the authority having jurisdiction, connections located ahead of and not within the same cabinet, enclosure, vertical switchgear section, or vertical switchboard section as the service disconnecting means shall be permitted.

The legally required standby service shall be sufficiently separated from the normal main service disconnecting means to minimize simultaneous interruption of supply through an occurrence within the building or groups of buildings served.

Informational Note: See 230.82 for equipment permitted on the supply side of a service disconnecting means.

Where a legally required standby system is supplied by conductors tapped to the normal service conductors (connection required to be on line side of the normal service disconnecting means), 230.82 requires that the tapped conductors be installed in accordance with all of the requirements for service-entrance conductors and that the conductors terminate in equipment suitable for use as service equipment. These requirements help ensure that the legally required standby system disconnecting means can safely interrupt the fault current available from the utility and that the tapped conductors, which do not have short-circuit and ground-fault protection, are not run through the interior of a building.

(F) Fuel Cell System. Fuel cell systems used as a source of power for legally required standby systems shall be of suitable rating and capacity to supply and maintain the total load for not less than 2 hours of full-demand operation.

Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692.

Where a single fuel cell system serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.

(G) Unit Equipment. Individual unit equipment for legally required standby illumination shall consist of the following:

- (1) A rechargeable battery
- (2) A battery charging means
- (3) Provisions for one or more lamps mounted on the equipment and shall be permitted to have terminals for remote lamps
- (4) A relaying device arranged to energize the lamps automatically upon failure of the supply to the unit equipment

The batteries shall be of suitable rating and capacity to supply and maintain at not less than 87½ percent of the nominal battery voltage for the total lamp load associated with the unit for a period of at least 1½ hours, or the unit equipment shall supply and maintain not less than 60 percent of the initial legally required standby illumination for a period of at least 1½ hours. Storage batteries, whether of the acid or alkali type, shall be designed and constructed to meet the requirements of emergency service.

Unit equipment shall be permanently fixed in place (i.e., not portable) and shall have all wiring to each unit installed in accordance with the requirements of any of the wiring methods in Chapter 3. Flexible cord-and-plug connection shall be permitted, provided that the cord does not exceed 900 mm (3 ft) in length. The branch circuit feeding the unit equipment shall be the same

branch circuit as that serving the normal lighting in the area and connected ahead of any local switches. Legally required standby luminaires that obtain power from a unit equipment and are not part of the unit equipment shall be wired to the unit equipment by one of the wiring methods of Chapter 3.

Exception: In a separate and uninterrupted area supplied by a minimum of three normal lighting circuits, a separate branch circuit for unit equipment shall be permitted if it originates from the same panelboard as that of the normal lighting circuits and is provided with a lock-on feature.

IV. Overcurrent Protection

701.25 Accessibility

The branch-circuit overcurrent devices in legally required standby circuits shall be accessible to authorized persons only.

701.26 Ground-Fault Protection of Equipment

The alternate source for legally required standby systems shall not be required to have ground-fault protection of equipment with automatic disconnecting means. Ground-fault indication of the legally required standby source shall be provided in accordance with 701.6(D) if ground-fault protection of equipment with automatic disconnecting means is not provided.

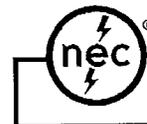
701.27 Selective Coordination

Legally required standby system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

Selective coordination shall be selected by a licensed professional engineer or other qualified persons engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

Exception: Selective coordination shall not be required between two overcurrent devices located in series if no loads are connected in parallel with the downstream device.

See the commentary regarding selective coordination for emergency systems following 700.28.



ARTICLE 702

Optional Standby Systems

I. General

702.1 Scope

The provisions of this article apply to the installation and operation of optional standby systems.

450.4.2.9.1

In addition to the requirements of NFPA 99 *Health Care Facilities Code* and NFPA 70 *National Electrical Code*, the on-site Level 1 emergency electrical power supply system shall provide electrical power to the occupied patient area(s) and patient support area(s) for the following additional equipment:

450.4.2.9.1.1

Ice-making equipment to produce ice or freezer storage equipment for the storage of ice.

450.4.2.9.1.2

If required by the emergency food plan, refrigerator unit(s) food service equipment, range hood exhaust fans and selected lighting within the kitchen and dry storage areas.

450.4.2.9.1.3

At a minimum, there shall be one clothes washer and one clothes dryer for laundry service.

450.4.2.9.1.4

Selected heating or air conditioning systems as determined by the facility, and ventilation systems as required by this code.

450.4.2.9.6

A new facility shall be equipped with either a permanent on-site optional stand-by generator to operate at least the nonessential loads of the electrical system or the entire normal branch of the electrical system, or there shall be a permanently installed predesigned electrical service entry for the electrical system that will allow a quick connection to a temporary electrical generator to operate at least the nonessential loads of the electrical system or the entire normal branch of the electrical system. This quick connection shall be installed inside of a permanent metal enclosure rated for this purpose and may be located on the exterior of the building.

Section 3



BROWARD COUNTY
Board of Rules & Appeals
1 North University Drive, Suite 3500B, Plantation, Florida 33324

To: Members of the Broward County Board of Rules and Appeals
From: Administrative Director
Date: July 9, 2020
Re: Code Amendment for 1st reading - "The Board will consider adopting amendments to the Florida Building Code, 6th edition, 2017, Chapter I Section 109.3.1"

BACKGROUND

The attached item is being placed in the agenda at the request of Board member Mr. Greg D'Attile.

ADDITIONAL INFORMATION

The effect of this amendment if adopted would be to change the code and prohibit the Building Official for requiring contracts to verify the cost of construction for a permit application, unless the contractor volunteer to submit his/her contracts.

Also included in this agenda packet is a competing code amendment that would maintain the current option of the Building Official to require a contract to be submitted in specific situations. The effect would be to clarify the intent of the current code provision.

Both proposals have been approved as to legal form.

Respectfully submitted,

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

James DiPietro

Section 108 Temporary Structures and Uses

108.1 General. The Building Official is authorized to issue a special building permit for the erection of temporary structures such as seats, canopies, tents and fences used in construction work or for temporary purposes such as viewing stands. Such permits shall be limited as to time of service, but shall not be permitted for more than one hundred eighty (180) days. The Building Official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Code and FBC Building Section 3103, as necessary to ensure public health, safety and general welfare.

108.3 Temporary power. The Building Official/Chief Electrical Inspector is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 27 of FBC, Building.

108.4 Termination of approval. The Building Official is authorized, for good cause, to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

Section 109 Fees

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of Permit Fees. On all buildings, structures, electrical, plumbing, mechanical, and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing authority.

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

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

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the Building Official may estimate the cost utilizing RSMMeans, or other cost estimating tool as a basis for determining the permit fee. Submission of a signed contract by an applicant is not required at any time however, a signed contract may be submitted by an applicant and the price reflected in the contract shall be determinative of the cost of the job for the purpose of permit fees.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or the Building Official's written approval, shall be subject to a penalty not to exceed one hundred (100) percent of the usual permit fee that shall be in addition to the required permit fees.

109.5 Related fees. Reserved.

DRAFT

ALTERNATIVE VERSION OF 109.3.1

Chapter 1, Broward amendments, 6th Edition Florida Building Code, 2017.

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~~**109.3.1** The Building Official may require an estimate of the cost utilizing RS Means, copies of signed contract and/or other descriptive data as a basis for determining the permit fee. In the event that the Building Official determines that the valuation is underestimated on the permit application, then the Building Official may require an estimate of the cost utilizing RS Means, a copy of a signed contract, and/or other descriptive data as a basis for determining the permit fee. The Building Official must have a reasonable basis for his or her determination that the valuation is underestimated.~~



BROWARD COUNTY BOARD OF RULES AND APPEALS

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broward.org/CodeAppeals

FBC 7th EDITION (2020) FORMAL INTERPRETATION (#27)

DRAFT

DATE: July 9, 2020
TO: All Building Officials
FROM: James DiPietro, Administrative Director
SUBJECT: Building Permit Valuations

2020 Voting Members

Chair

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

Vice-Chair

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Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of the following sections of Chapter 1, "Broward County Amendments" to the 6th Edition (2017) Florida Building Code.

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

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

Formal Interpretation:

The Broward County Board of Rules and Appeals interprets Sections 109 .3 and 109.3.1 to state that the Building Official must first determine that a permit application is underestimated before the applicant can be required to provide a detailed validation of the valuation of the work to meet the approval of the Building Official. Therefore, the Building Official may not require permit applications to have an estimate or contract attached at the time of permit application submittal before the Building Official has determined that the valuation is underestimated. The Building Official must have a reasonable basis for his or her determination that the valuation is underestimated.

EFFECTIVE DATE: July 10, 2020

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

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

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

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

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

BROWARD (954) 524-6800
WWW.BMWLAWYERS.NET

BRAD R. WEISS, P.A.
*Board Certified in Construction Law
Also Admitted in Michigan*

TELEPHONE (954) 323-1023
FACSIMILE (954) 323-1013

WILLIAM H. BENSON
(1929-2013)

BRIAN ABELOW

CHARLES M. KRAMER
OF COUNSEL
Board Certified in Construction Law

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

June 17, 2020

James DiPietro, Administrative Director
The Broward County Board of Rules & Appeals
1 N. University Drive, Suite #3500-B
Plantation, FL 33324

**ADVISORY OPINION AS TO REQUIREMENT FOR SUBMITTAL
OF CONTRACT WITH BUILDING PERMIT APPLICATIONS**

Jim,

Issue:

You have asked the office of General Counsel to the Broward County Board of Rules and Appeals to review Florida Building Code Section 109.3 and 109.3.1 with respect to the legality of a Building Official requesting a copy of a contract between an owner and a contractor for the purpose of confirming building permit fees.

Synopsis:

A copy of a contract is not required as part of the building permit application process, however, a Building Official may request a copy of a contract to insure the assessment of the proper amount of permitting fees.

Rule:

We first note that the statute in question states as follows:

Current Broward 109.3:

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include

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

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

Analysis (1):

The issue with regards to legality primarily pertains to either 1) statutory pre-emption, or 2) the question of confidentiality of a contract between a Contractor and an Owner where the contract is requested by a Building Official and the state is not a party to the contract. State and local governments do not have an interest in contractual obligations between third parties where no valid state interest is implicated.¹

With respect to statutory pre-emption, the Florida Statutes determine that the state and local governments have an interest in a contractor's obtaining a building permit only *after* entering into a contractual agreement. More specifically Florida Statutes §489.127 (4)(c) states:

4

...

(c) **A certified or registered contractor, or contractor authorized by a local construction regulation board to do contracting, may not apply for or obtain a building permit for construction work unless the certified or registered contractor,** or contractor authorized by a local construction regulation board to do contracting, or business organization duly qualified by said contractor, **has entered into a contract to make improvements to, or perform the contracting at, the real property specified in the application or permit.** This paragraph does not prohibit a contractor from applying for or obtaining a building permit to allow the contractor to perform work for another person without compensation or to perform work on property that is owned by the contractor.

¹ The issue of a local municipality requiring a signed acknowledgement by an Owner with respect to the potential for a Homeowners' Association required authorization of work prior to performance under a building permit has been previously addressed. See Advisory Opinion of March 31, 2020 in which is shown that a requirement by a municipality to confirm an Owner's awareness of potential contract issues with a third party, private enterprise, is beyond the reach of local government.

We further note that F.S. §489.126 determines penalties for obtaining a permit without a contract. *See DBPR and CILB vs. Lewis Jenkins*, Case No. 17-4510PL, September 14, 2017. (“*The evidence clearly showed that Respondent had not entered into a contract to renovate the Golfview Road property at the time he applied for and obtained the building permit.*”) *See also* F.S §489.129.

In so saying, the state’s interest is not merely incidental but rather based on the legislatively driven mandate of a requirement for a valid contract prior to the permit application.

Although there are no requirements under either statute or code which determine that a contractor or permit applicant must provide a copy of a contract in order to obtain a building permit, the state is authorized to request additional documentation to ensure compliance with the law. As noted in *Westland Skating Center, Inc. v. Gus Machado Buick, Inc.*, 542 So.2d 959, 964 (Fla.1989) “[W]hile ... compliance with a statute or ordinance may amount to evidence of reasonableness, such compliance is not tantamount to reasonableness as a matter of law” so as to exclude other relevant evidence.” *See Westland* at 964. In so saying, building departments may request a copy of the contract between a contractor and owner to ensure assessment of the proper amount of permit fees. *See also Lindsey v. Bill Arflin Bonding Agency Inc.*, 645 So.2d 565 (Fla. 1st DCA 1991).

Analysis (2):

A second question arises as to whether a contract between an owner and a contractor is protected as a trade secret or beyond the state’s purview where it is a private contractual matter. Given the state’s underlying statutory interest with respect to the necessity of having a contract before application for a permit we must answer in the negative. The state may assert an interest in a private contractual matter between two parties where the agreement substantially affects state interests. *See Chandris, S.A. v. Yanakakis*, 668 So.2d 180 (Fla. 1995).

The possibility exists that the state may have an interest in a contract which nevertheless contains terms which are privileged as to third parties however no opinion is offered to address a cure for this issue.

Review of Proposed Revisions:

You have provided us with a proposed Revision to FBC 109.3.1 as well as a formal interpretation which state:

Revision to Section 109.3.1

In the event that the Building Official determines that the valuation is underestimated on the permit application, then the Building Official may require an estimate of the cost utilizing RS Means, a copy of a signed contract, and/or other descriptive data as a basis for determining the permit fee. The

Building Official must have a reasonable basis for his or her determination that the valuation is underestimated.

Formal Interpretation:

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

It is well established Florida law that courts accord great deference to a local administrative body's interpretation of law. See McGillis v. Department of Economic Opportunity, 210 So.3d 220 (Fla. 3d DCA 2017); (“*Courts shall defer to the administrative agency's interpretation of a statute because the interpretation may have been based on a history that is best known by the agency or special expertise the agency has in applying the statute.*”)

The authority of an administrative agency to seek additional information to ensure compliance with Florida law is similarly well established. See Doheny v. Grove Isle, Ltd., 442 So.2d 966(Fla. 3d DCA 1983)(“*Within 30 days after receipt of an application for a permit under this chapter, the department shall review the application and shall request submittal of all additional information the department is permitted by law to require.*” Doheny citing F.S. Sec 403.0876). See also Chandris, S.A. v. Yanakakis, 668 So.2d 180 (Fla. 1995).

Although there is no requirement that a contract be submitted with every permit application, our analysis of the proposed revised Code provision(109.3.1) determines that the local governing authority may determine that submittal of a contract between Owner and Contractor is only required where there is a reasonable, good faith dispute as to the value of work set forth in a permit application.

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Section 4



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE: 954-765-4500
FAX: 954-765-4504

www.broward.org/codeappeal

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

Vice-Chair

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Electrical Engineer
Mr. John Famularo,
Roofing Contractor
Mrs. Shalanda Giles Nelson,
General Contractor
Mr. Daniel Rourke
Master Plumber
Mr. Gregg D'Attilio,
Mechanical Contractor

Mr. Ron Burr
Swimming Pool Contractor
Mr. John Sims,
Master Electrician
Mr. Dennis A. Ulmer
Consumer Advocate
Mr. Abbas H. Zackria, CSI
Architect
Mr. Robert A. Kamm, P.E.
Mechanical Engineer

Vacant

Representative Disabled Community
Mr. Sergio Pellecer
Fire Service Professional

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Electrical Engineer
Mr. James Terry,
Master Plumber
Mr. David Tringo,
Master Electrician
Mr. William Flett,
Roofing Contractor

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

To: Members of the Board of Rules and Appeals
From: Michael Guerasio, Chief Structural Code Compliance Officer
Date: July 9th, 2020
Re: Request of Mr. Noel A. Zamora for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

Subject

Mr. Noel Zamora from the City of Fort Lauderdale is requesting an additional six-month extension for his open permits due to delays because of COVID-19.

Reason

At the Boards February 13th, 2020 meeting, the Board had granted Mr. Noel Zamora from the City of Fort Lauderdale an extension for his two remaining open permits until August 12, 2020. Mr. Noel Zamora is now requesting an additional six-month extension on one of the remaining permits due to delays because of COVID-19 until February 12th, 2021.

Permit number one has since been resolved and a new successor Engineer has been appointed:

1. Miramar Public Safety Complex / City of Miramar /Permit Number: 1803308

Permit number two has been delayed due to COVID-19 and Mr. Zamora is requesting a six-month extension on this one only:

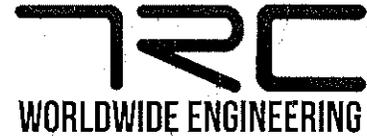
2. New House Development / City of Hollywood / Permit Number: B18-104187

Respectfully submitted,

Michael Guerasio, Chief Structural Code Compliance Officer

TRC Worldwide Engineering, Inc.

1230 North University Drive
Plantation, FL 33322
Phone: (954) 484-7777 F: (954) 484-7834
www.trcww.com C.O.A. No. 27322



June 23, 2020

RE: Miramar Public Safety Complex
Building Permit #1803308
AND Noel Zamora

To Whom it May Concern:

Noel Zamora is not the Engineer-of-Record for the above referenced project.

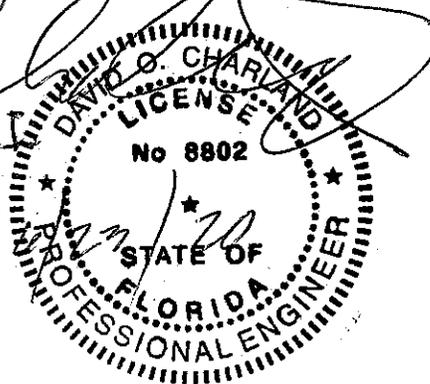
David O. Charland, P.E. is the Engineer-of-Record.

If you have any questions, please contact TRC at your convenience.

Very truly yours,

TRC WORLDWIDE ENGINEERING, INC.

David O. Charland, P.E., S.E.
Regional Director



cc: Noel Zamora

SUBJECT: Board Policy #18-02 - Design Professional and Contractor requirements to become a certified inspector, as it relates to the closing out of open and ongoing projects.

POLICY:

This policy applies to all individuals that seek certification through Broward County Board of Rules and Appeals ("BORA") to be certified as a building code professional. Any code professional (such as but not limited to engineers, architects or structural, plumbing, mechanical, or electrical contractors) who are required to hold or who otherwise holds a Certificate of Competency ("Certificate") or Professional License ("License") in any area of construction shall not use that Certificate or License to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may this individual allow their Certificate or License to be used by another person or firm.

Per Florida Statute 71-575 (4)b, commencing with the time of application submission, an applicant is prohibited from engaging in free enterprise including but not limited to bids, proposals, contracts, permits, etc. The applicant shall be required to provide a detailed list of all open and ongoing projects currently under construction which will include information such as the municipality they are located within, the existing permit number and the time frame in which the project will be completed. This time frame shall not exceed a 180 days period from the time the application for certification was submitted to BORA.

If this 180 days' time frame is required to be extended, a written request shall be submitted to the Director of the BORA no later than 30 days prior to the expiration of the 180 days period. This request for extension will be reviewed by the Board of Rules and Appeals ("Board") for approval at the next, upcoming meeting. An extension, if granted will be set by the Board depending on circumstances, unless the Board does not meet that month in which case the Administrative Director may extend the time frame until the next scheduled meeting. All extensions beyond this point shall follow the same notification rule as mentioned previously and shall be reviewed and voted on by the Board on a case by case basis.

Florida Statute 71-575 (4)b

Any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.

Joseph, Jonda

From: Boselli, Ruth
Sent: Tuesday, March 10, 2020 11:28 AM
To: Joseph, Jonda
Subject: FW: Zamora extension granted.

Please print and include in Zamora's certification file .
Thank you.

From: Fowler, Theodore <TFOWLER@broward.org>
Sent: Tuesday, March 10, 2020 11:13 AM
To: Boselli, Ruth <RBOSELLI@broward.org>
Subject: FW: Zamora extension granted.

This is all I have on file...

Respectfully,

Ted Fowler
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9887
broward.org/codeappeals



From: Dipietro, James <JDIPIETRO@broward.org>
Sent: Friday, February 14, 2020 7:54 AM
To: 'NZamora@fortlauderdale.gov' <NZamora@fortlauderdale.gov>
Cc: Fowler, Theodore <TFOWLER@broward.org>; RULES <RULES2@broward.org>; 'John Travers B.O. Ft. Lauderdale' <jtravers@fortlauderdale.gov>; 'lhernandez@fortlauderdale.gov' <lhernandez@fortlauderdale.gov>; Victor Blanco <VBlanco@fortlauderdale.gov>
Subject: extension granted.

Good morning. Please be advised that at its regular meeting of February 13, 2020 the Board granted your request for an extension to close out two existing permits. The 6 month compliance date is to August 12, 2020. A Board member also requested that in the event an additional extension is needed that your written background report supporting the request be as complete as possible. Thank you. Jim

Cc: certification file.

Jim DiPietro

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Additional request

Guerasio, Michael

From: Guerasio, Michael
Sent: Tuesday, June 23, 2020 11:25 AM
To: 'Noel Zamora'
Cc: William Kraemer; Dipietro, James; John Travers; Guerasio, Michael
Subject: RE: Open Permits

Perfect, thank you very much.

Please be aware that we are trying to place this on our upcoming July 9th, 2020 Board meeting agenda. Someone will be notifying you shortly with a status.

Respectfully
Michael Guerasio
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9886
broward.org/codeappeals



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From: Noel Zamora <NZamora@fortlauderdale.gov>
Sent: Tuesday, June 23, 2020 11:21 AM
To: Guerasio, Michael <MGUERASIO@broward.org>
Cc: William Kraemer <WKraemer@fortlauderdale.gov>; Dipietro, James <JDIPIETRO@broward.org>; John Travers <JTravers@fortlauderdale.gov>
Subject: RE: Open Permits

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That's correct.

Thank You

Noel A. Zamora

Structural Plans Examiner

City of Fort Lauderdale | Building Services Division

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5536 E: nzamora@fortlauderdale.gov



From: Guerasio, Michael <MGUERASIO@broward.org>

Sent: Tuesday, June 23, 2020 11:19 AM

To: Noel Zamora <NZamora@fortlauderdale.gov>

Cc: William Kraemer <WKraemer@fortlauderdale.gov>; Dipietro, James <JDIPIETRO@broward.org>; Guerasio, Michael <MGUERASIO@broward.org>; John Travers <JTravers@fortlauderdale.gov>

Subject: [-EXTERNAL-] RE: Open Permits

Good morning Mr. Zamora

Just so I'm clear, is it my understanding that you only have these two permits remaining and the one has been resolved with a successor Engineer (Miramar Public Safety Complex / City of Miramar / Permit Number: 1803308) and the second is the only one that you're requesting a six-month extension for (New House Development / City of Hollywood / Permit Number: B18-104187)?

Thank you

Respectfully

Michael Guerasio

Chief Code Compliance Officer, Structural

Board of Rules and Appeals

1 N University Dr., Suite 3500B

Plantation, Florida 33324

954-765-4500 X 9886

broward.org/codeappeals



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From: Noel Zamora <NZamora@fortlauderdale.gov>

Sent: Tuesday, June 23, 2020 8:36 AM

To: Guerasio, Michael <MGUERASIO@broward.org>; John Travers <JTravers@fortlauderdale.gov>
Cc: William Kraemer <WKraemer@fortlauderdale.gov>; Dipietro, James <JDIPIETRO@broward.org>; Joseph, Jonda <JONDAJOSEPH@broward.org>
Subject: RE: Open Permits

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Mr. Guerasio: Please see the status of open permits below and let me know if you have any questions.

1. Miramar Public Safety Complex / City of Miramar / Permit Number: 1803308
Status: New engineer of record has taken over the project and I'm no longer responsible for this project.
2. New House Development / City of Hollywood / Permit Number: B18-104187
Status: Has been delayed because of COVID-19 and I'm requesting a six month extension.

Thank You

Noel A. Zamora
Structural Plans Examiner
City of Fort Lauderdale | Building Services Division
700 NW 19th Avenue | Fort Lauderdale FL 33311
P: (954) 828-5536 E: nzamora@fortlauderdale.gov



From: Guerasio, Michael <MGUERASIO@broward.org>
Sent: Friday, June 19, 2020 3:17 PM
To: John Travers <JTravers@fortlauderdale.gov>
Cc: William Kraemer <WKraemer@fortlauderdale.gov>; Noel Zamora <NZamora@fortlauderdale.gov>; Dipietro, James <JDIPIETRO@broward.org>; Guerasio, Michael <MGUERASIO@broward.org>; Joseph, Jonda <JONDAJOSEPH@broward.org>
Subject: [-EXTERNAL-] Open Permits

Good afternoon Mr. Travers, hope all is well with you.

Could you please provide me with an update on the closing of Mr. Zamora open permits, the Board had granted Mr. Zamora an extension at the Feb 13th Board meeting extending it to Aug 12th, 2020. If Mr. Zamora is going to need more time, he will need to request an additional extension to Mr. James DiPietro, Director of BORA at jdipietro@broward.org.

Thank you

Respectfully
Michael Guerasio
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B



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Section 5



BROWARD COUNTY

Board of Rules & Appeals

ONE NORTH UNIVERSITY DRIVE, SUITE 3500-B, PLANTATION, FLORIDA 33324

PHONE (954) 765-4500 FAX: (954) 765-4504

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

To: Members of the Broward County Board of Rules and Appeals
From: Chief Mechanical Code Compliance Officer, Rolando Soto.
Date: July 9, 2020
Subject: Request of Mr. Manuel Barrera for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

Recommendation

That BORA approve by vote, Mr. Manuel Barrera's request for a time extension to close remaining open permits. Given the current pandemic situation, staff recommends that the Board grant the extension until September 30, 2020.

Reasons

Mr. Manuel Barrera has worked diligently to close his initial list of open permits. Of the original 54 open permits, he has closed 39, or 72%. He has 15 pending to close. Of those as of June 24, 2020 when this report was written, he had 2 more permits scheduled to be inspected. He is also facing challenges with the COVID-19 health emergency, some cities are not doing inspections inside private residences, and in other cases the owner does not want strangers in their homes. The September 30, 2020 date is 123 days from May 30, 2020 when his original time frame expired. The September 30, 2020 date is 83 days from July 9, 2020; the date of this Board meeting. His contractor license is inactive, there is no chance of Mr. Barrera applying for new permits.

Additional information

Attached you will find the following documents.

1. Emails requesting extension.
2. Initial list of open permits dated 12/2/2019.
3. Open permits list of 6/19/2020.
4. DBPR inactive license receipt.
5. Board Policy #18-02

Respectfully submitted,

Rolando Soto

A handwritten signature in blue ink that reads "RSoto".

Boselli, Ruth

From: Manuel Barrera <MBarrera@fortlauderdale.gov>
Sent: Wednesday, June 24, 2020 7:08 AM
To: Dipietro, James
Cc: Soto, Rolando; Andres Vera; John Travers
Subject: RE: Open permits follow up

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Good morning Mr. Dipietro,

As much as the difficulty to estimate a time of resolving this matter exists, I would hope with the unexpected challenges at hand, that in the next 90 days I can have these closed out. I can provide BORA a follow up every 30 days if this will suffice.

I appreciate your timely response.

Thank you

From: Dipietro, James
Sent: Tuesday, June 23, 2020 3:01 PM
To: Manuel Barrera
Cc: Soto, Rolando ; Andres Vera ; John Travers
Subject: [-EXTERNAL-] RE: Open permits follow up

Mr. Barrera, thank you for your communication. Did you want to suggest to the Board a time frame for the extension of time that you feel would be appropriate? I think that would be helpful. Jim

Jim DiPietro
Administrative Director
Broward County Board of Rules and Appeals
1 North University Drive, Suite 3500 B
Plantation Fl 33324
954-765-4500 X9892
954-931-2393 (cell)

From: Manuel Barrera <MBarrera@fortlauderdale.gov>
Sent: Tuesday, June 23, 2020 2:52 PM
To: Dipietro, James <JDIPIETRO@broward.org>
Cc: Soto, Rolando <ROSOTO@broward.org>; Andres Vera <AVera@fortlauderdale.gov>; John Travers <JTravers@fortlauderdale.gov>
Subject: Open permits follow up

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Good afternoon Mr. Dipietro,

I have been diligently working with the previous entity in making all possible efforts to close out all open permits under my license. The challenges I face are customers/home owners not responding to certified letters, changes in ownership and frankly a lack of response in communication and feedback from customers in an effort to schedule inspections to close out the permits.

This coupled with the recent COVID pandemic has presented even further challenges such as customers not allowing inspections to take place and municipalities not performing inspections.

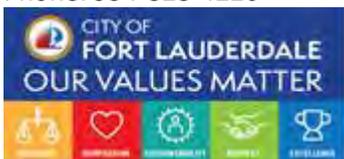
I'm writing to you for a request on an extension of time for closing out all open permits that remain under my state AC contractors license. My license has been inactive since March of 2020, however there are permits that remain to be closed out. I have provided this list to Mr. Soto in a previous email.

I will remain in close contact with all parties involved in closing out these permits and provide follow up to the BORA as necessary. I appreciate your time and patience in this matter.

Thank you

Best,

Manny Barrera
Mechanical Inspector
City of Ft. Lauderdale
Phone: 954-828-4226



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Boselli, Ruth

From: Manuel Barrera <MBarrera@fortlauderdale.gov>
Sent: Tuesday, June 23, 2020 2:52 PM
To: Dipietro, James
Cc: Soto, Rolando; Andres Vera; John Travers
Subject: Open permits follow up

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Good afternoon Mr. Dipietro,

I have been diligently working with the previous entity in making all possible efforts to close out all open permits under my license. The challenges I face are customers/home owners not responding to certified letters, changes in ownership and frankly a lack of response in communication and feedback from customers in an effort to schedule inspections to close out the permits.

This coupled with the recent COVID pandemic has presented even further challenges such as customers not allowing inspections to take place and municipalities not performing inspections.

I'm writing to you for a request on an extension of time for closing out all open permits that remain under my state AC contractors license. My license has been inactive since March of 2020, however there are permits that remain to be closed out. I have provided this list to Mr. Soto in a previous email.

I will remain in close contact with all parties involved in closing out these permits and provide follow up to the BORA as necessary. I appreciate your time and patience in this matter.

Thank you

Best,

Manny Barrera
Mechanical Inspector
City of Ft. Lauderdale
Phone: 954-828-4226



December 2, 2019

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer
Board of Rules and Appeals
1 N. University Drive, Suite 3500B
Plantation, Florida 33324

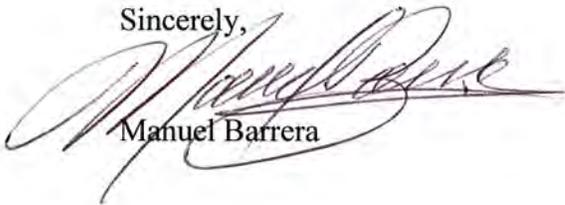
Dear Mr. Soto,

As requested, please accept the attached pages of information regarding the open permits under license #CAC026413 in consideration for approval of my provisional mechanical inspectors license under the guidelines of the Broward County Board of Rules and Appeals.

The information attached shows a list of current and all open permits in all the indicated municipalities and their current status. All of the permits shown are solely for residential A/C equipment replacement. We will do what is possible to close out and finalize all the permits shown with in 90 days from the date on this letter.

Please feel free to contact me directly at 305-588-5309 should there be any further information required.

Sincerely,


Manuel Barrera

Seminta Dulcio
Sem

NOTARY PUBLIC
STATE OF FLORIDA
SEMINTA DULCIO
MY COMMISSION # GG 042010
EXPIRES: October 25, 2020
Bonded Thru Budget Notary Services

CITY UPDATES UNTIL 11/27/2019

#	Ready for city Drop off
1	City of Miami
1	Margate
1	Aventura
1	Southwest Ranches
1	Palm Beach
1	Parkland
1	Delray Beach
2	Pembroke Pines
1	Miramar
10	

#	Waiting on City Approval (Permits submitted already)
3	Pembroke Pines
2	Tamarac
1	Miramar
1	Coconut Creek
7	

#	Ready for Pick Up
1	Miami Lakes
1	Miramar
1	Sunrise
3	

#	Ready for final. Waiting on Customer
1	Aventura
5	Pembroke Pines
1	Doral
2	Coral Springs
4	Miramar
1	City of Miami
3	Miami Dade (1 Mech permit partially approved)
3	Weston
1	Davie
2	Hollywood (1 Partially approved)
1	Boynton Beach
2	Sunrise
26	

#	Inspection Disapproved (Working on Repairs)
1	Palm Beach
1	Margate
1	Sunrise
1	Pembroke Pines
4	

#	Inspections Scheduled. Waiting on City
1	Weston
1	Plantation
1	Pompano Beach
1	Miramar
4	

TOTAL:
54



OUTSTANDING PERMITS FOR PROSERV AMERICA, LLC AS OF 06/19/2020

1. JANNETH A. CONDOR CABANILLAS- CITY OF PLANTATION – M19-977
Inspection was scheduled by the Customer for Wednesday, June 17, however, when I called the City to schedule it, they said that they are not holding interior residential inspection. The permit will not expire, so it is a matter of time to get the inspection done.
2. CRESPO, RODOLFO AND ILEANA- PEMBROKE PINES – 1969529
Inspection is scheduled for June 23rd.
3. KARRYANN FRASER – CITY OF COCONUT CREEK – 20-000028
The City needs to send me the permit via email, then I will call customer to see where to mail it out to. She said that she will get someone to be at the house, so that we could do the inspection. Customer has not called me; I will call her on Monday.
4. GAUDIN, VANESSA – CITY OF MARGATE – 19-3426
Prepared Change of Contractor Form to be signed by Vanessa. Mailed it out to her via US mail. When I receive it from her, I will send to the City for processing. I have yet to receive it.
5. KIM, FRANK – CITY OF AVENTURA - #18-401
Mailed out a new Change of Contractor, renewal request, and Hold Harmless letter for him to sign and mail back to me. I am still waiting.
6. KOSS, ELENA – CITY OF AVENTURA – MECHSA1906-0002
I have written two Certified letters on different dates. Letter #1 was never received by the customer; thus, it came back to us. Letter #2 was just sent out on June 1, 2020. Will prepare forms and send Jesus to get signatures. I received the delivery proof of the second certified letter; still have not heard from customer.
7. LEVITZ, TAMMY- CITY OF PEMBROKE PINES -19-70351—0
This customer has two properties in Pembroke Pines. Inadvertently, we requested a mechanical permit for the wrong address. Thus, I sent a letter to the inspector to null and void said mechanical permit. I received the proof of delivery for the certified letter addressed to the Chief inspector at City of Pembroke Pines. I still have not heard from the inspector.
8. ORLANDO, PATRICK-CITY OF MIAMI – BD19-006820-001-MA001
Calling City of Miami to get information on how to change the contractor. I have called on 06/01; 06/03; 06/05; 06/08; and 06/09. After waiting for 2-hours, a recording comes out saying that my call could not get through. The saga continues. I cannot do anything, until the city clerk answers the phone.

9. LAURA ORTIZ-CITY OF MIAMI UNINCORPORATED -2019-057889
Customer passed the mechanical part of the inspection, but not the electrical because she did not get an electrical permit. We have written her and requested her to hire an electrician to do this, but she has not. **No updates.**
10. PATRICK, JUDITH – CITY OF TAMARAC – 19-00004951
Need to call the City to make sure they are doing residential inspections. Called six times today and no one picks up. **This appointment was scheduled for inspection this upcoming Tuesday, June 23rd. Again, when I called to schedule the inspection, the clerk said they were not conducting interior residential inspections.**
11. JUAN PENAGOS-CITY OF SUNRISE-2019-00002550
Inspection scheduled for June 16, 2020. **The City is not conducting interior residential inspections.**
12. JESSICA V. PRADO- CITY OF WESTON – M19-101217
I have written two Certified letters on different dates. Letter #1 was never received by the customer; thus, it came back to us. Letter #2 was just sent out on June 3, 2020. If she does not reply to my letter, she will never sign the Change of Contractor form. **Forms are prepared, will send Jesus to get signature.**
13. GILBERTO RODRIGUEZ- CITY OF DAVIE – 2019-00008317
I have also written two letters on two different dates. Letter one was signed, but he never called our office inquiring. Letter #2 was just sent on June 3, 2020. I received the green card signed by the customer acknowledging receipt, but he has not call. I have called him, but there is no answer. Will prepare forms and send Jesus to get signatures. **Called Chief Mechanical Inspector today, waiting on his call. Will call again on Monday.**
14. CHRISTIAN ROMAN – MIAMI-DADE UNINCORPORATED – 2019070074
Again, I have written this customer twice, and he has never cared to sign for the letters. I called the mother several times and left messages, but until this date, I have not heard from him. Will prepare forms and send Jesus to get signatures. **Spoke to the mother, she said her son does not want to have the unit inspected, because the closet where the a/c is located has a hole in the wall. Prepared Change of Contractor, will be mailing it out next week.**
15. SILVA, JAIRO – CITY OF PEMBROKE PINES – 1972159-0
Permit was mailed to customer on 06/10/20. As soon as it is received, they will call me to scheduled final inspection. **Scheduled for inspection on 06/24/2020.**

DBPR On-Line Services

If you need to mail additional information to DBPR please include this coversheet.

License Type: **Certified Air Conditioning Contractor**

Application Type: **Print Inactive Receipt**

File Number: **1353**

Application Number: **130527**

License Number: **CAC026413**

Application Date: **06/08/2020 (mm/dd/yyyy)**

Mail To:
Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399-0783

If you have any questions please call our Customer Contact Center at 850-487-1395.

State of Florida
 Department of Business and Professional Regulation
 2601 Blair Stone Road
 Tallahassee, FL 32399

Application Summary

Thank you for submitting your print request online.

Profession

License Type:	Certified Air Conditioning Contractor
Application Number:	130527
Application Type:	Print Inactive Receipt
Application Date:	06/08/2020 (mm/dd/yyyy)
License Number:	CAC026413
File Number:	1353

Addresses

Main Address:	14842 SW 42 COURT MIRAMAR, FL 33027 US
Phone Number:	305-588-5309
E-mail Address:	AIRASFLA@COMCAST.NET

By submission of this application you affirmed the following:

Each application for a license or renewal of a license issued by the Department of Business and Professional Regulation shall be signed under oath or affirmation by the applicant, or owner or chief executive of the applicant without the need for witnesses unless otherwise required by law.

I certify that I am empowered to execute this application as required by section 559.79, Florida Statutes. I understand that my signature on this application has the same legal effect as if made under oath. All information contained on this application is true and correct.

I understand that falsification of any information on this application may result in administrative action, including a fine, suspension or revocation of the license.

SUBJECT: Board Policy #18-02 - Design Professional and Contractor requirements to become a certified inspector, as it relates to the closing out of open and ongoing projects.

POLICY:

This policy applies to all individuals that seek certification through Broward County Board of Rules and Appeals ("BORA") to be certified as a building code professional. Any code professional (such as but not limited to engineers, architects or structural, plumbing, mechanical, or electrical contractors) who are required to hold or who otherwise holds a Certificate of Competency ("Certificate") or Professional License ("License") in any area of construction shall not use that Certificate or License to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may this individual allow their Certificate or License to be used by another person or firm.

Per Florida Statute 71-575 (4)b, commencing with the time of application submission, an applicant is prohibited from engaging in free enterprise including but not limited to bids, proposals, contracts, permits, etc. The applicant shall be required to provide a detailed list of all open and ongoing projects currently under construction which will include information such as the municipality they are located within, the existing permit number and the time frame in which the project will be completed. This time frame shall not exceed a 180 days period from the time the application for certification was submitted to BORA.

If this 180 days' time frame is required to be extended, a written request shall be submitted to the Director of the BORA no later than 30 days prior to the expiration of the 180 days period. This request for extension will be reviewed by the Board of Rules and Appeals ("Board") for approval at the next, upcoming meeting. An extension, if granted will be set by the Board depending on circumstances, unless the Board does not meet that month in which case the Administrative Director may extend the time frame until the next scheduled meeting. All extensions beyond this point shall follow the same notification rule as mentioned previously and shall be reviewed and voted on by the Board on a case by case basis.

Florida Statute 71-575 (4)b

Any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.

Section 6



BROWARD COUNTY

Board of Rules & Appeals

1 North University Drive, Suite 3500B, Plantation, Florida 33324

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

From: Michael Guerasio, Chief Structural Code Compliance Officer

Date: July 9th, 2020

Re: Request of Mr. James Hollingsworth for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

RECOMMENDATION

The Board approve by vote, Mr. James Hollingsworth additional request for a time extension extending to June 21st, 2021 to close remaining open permits primarily due to delays caused by COVID-19.

REASONS

At the Boards January 9th, 2020 meeting, the Board had granted Mr. Hollingsworth from the City of Fort Lauderdale an extension for his remaining open permits until July 7th, 2020. Mr. Hollingsworth is now requesting an additional extension on the remaining open permits due to delays caused by COVID-19.

ADDITIONAL INFORMATION

See list attached of remaining open permits including estimated completion dates.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Guerasio", is written over a horizontal line.

Michael Guerasio, Chief Structural Code Compliance Officer



BROWARD COUNTY BOARD OF RULES AND APPEALS

Original Extension

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE: 954-765-4500
FAX: 954-765-4504

www.broward.org/codeappeal

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

Vice-Chair

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

Mr. John Famularo,
Roofing Contractor

Mrs. Shalanda Giles Nelson,
General Contractor

Mr. Daniel Rourke

Master Plumber

Mr. Gregg D'Attile,
Mechanical Contractor

Mr. Ron Burr
Swimming Pool Contractor

Mr. John Sims,

Master Electrician

Mr. Dennis A. Ulmer

Consumer Advocate

Mr. Abbas H. Zackria, CSI
Architect

Mr. Robert A. Kamm, P.E.

Mechanical Engineer

Vacant

Representative Disabled Community
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Mr. Robert Taylor
Fire Service

Mr. Gary Elzweig, P.E., F.ASCE
Structural Engineer

Mr. David Rice, P.E.
Electrical Engineer

Mr. James Terry,
Master Plumber

Mr. David Tringo,
Master Electrician

Mr. William Flett,
Roofing Contractor

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

January 10, 2020

James Hollingsworth

City of Fort Lauderdale, Dept. of Sustainable Development

700 NW 19th Avenue

Fort Lauderdale FL 33311

Dear Mr. Hollingsworth:

In reference to your request to extend the period of time for the completion of the ongoing construction projects it was the decision of the Broward County Board of Rules and Appeals, during its regular meeting of January 9, 2020, to grant you with an extension for 180 days until July 7th, 2020. It was also required that you deliver to our office an updated list of the properties that are still being completed under your previous company and license by Friday January 17th. At 4:30 PM.

If you have any questions, please do not hesitate to contact me at 954-765-4500 x 9892 (office) or at my cell phone 954-231-2393.

Sincerely,

James DiPietro

Administrative Director

Cc: John Travers, BO City of Fort Lauderdale
M. Guerasio, BORA Chief code Compliance Officer – Structural
T. Fowler, BORA Chief code Compliance Officer – Structural
J. Joseph, BORA Administrative Specialist

SUBJECT: Board Policy #18-02 - Design Professional and Contractor requirements to become a certified inspector, as it relates to the closing out of open and ongoing projects.

POLICY:

This policy applies to all individuals that seek certification through Broward County Board of Rules and Appeals ("BORA") to be certified as a building code professional. Any code professional (such as but not limited to engineers, architects or structural, plumbing, mechanical, or electrical contractors) who are required to hold or who otherwise holds a Certificate of Competency ("Certificate") or Professional License ("License") in any area of construction shall not use that Certificate or License to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may this individual allow their Certificate or License to be used by another person or firm.

Per Florida Statute 71-575 (4)b, commencing with the time of application submission, an applicant is prohibited from engaging in free enterprise including but not limited to bids, proposals, contracts, permits, etc. The applicant shall be required to provide a detailed list of all open and ongoing projects currently under construction which will include information such as the municipality they are located within, the existing permit number and the time frame in which the project will be completed. This time frame shall not exceed a 180 days period from the time the application for certification was submitted to BORA.

If this 180 days' time frame is required to be extended, a written request shall be submitted to the Director of the BORA no later than 30 days prior to the expiration of the 180 days period. This request for extension will be reviewed by the Board of Rules and Appeals ("Board") for approval at the next, upcoming meeting. An extension, if granted will be set by the Board depending on circumstances, unless the Board does not meet that month in which case the Administrative Director may extend the time frame until the next scheduled meeting. All extensions beyond this point shall follow the same notification rule as mentioned previously and shall be reviewed and voted on by the Board on a case by case basis.

Florida Statute 71-575 (4)b

Any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.



June 25, 2020

Broward County Board of Rules and Appeals
1 N University Drive, Suite 3500-B
Plantation, FL 33324-2038

Attn: Mr. Michael Guerasio

Re: *UPDATE* - Active Projects
James M. Hollingsworth, RA
AR 0013919

Dear Michael:

The completion status of the projects listed below were extended as noted below, most were about 6 months and due to the Covid-19 situation. The list below provides two dates, the date of **permit** issuance and the anticipated date of **construction completion** per the GC's estimates.

FT. LAUDERDALE

- 1. SUNRISE HARBOR FITNESS CENTER – Permit # 18092739 *Permit 09/18*
Construction 09/20
- 2. MITO OCEAN RESIDENCE – Permit # 19051733 *Permit 05/19*
Construction 08/20
- 3. DURHAM APARTMENT – Permit # 18100322 *Permit 10/18*
Construction 010/20
- 4. PARAMOUNT APARTMENT – Permit #18121740 *Permit 12/18*
Construction tbd - BUILDING CLOSED TO CONSTRUCTION DUE TO COVID
- 5. KAVANA SHOWROOM – Permit # 18112158 *Permit 11/18*
Construction 09/20
- 6. MORRISON RESIDENCE – Permit # 19052179 *Permit 05/19*
Construction 09/20
- 7. ROTH RESIDENCE – Permit # 17110306 *Permit 08/18*
Construction 010/20

HOLLYWOOD

- 8. WOLF RESIDENCE – Permit # n/a - *Permit 12/19*
Construction 6/21
- 9. SAMTER RESIDENCE – Permit # B19-107017 *Permit Pending (est 2/20)*
Construction 02/21

2208 NE 26 Street

Ft. Lauderdale, FL 33305-1538

T. 954.630.1398 F. 954.630.1399

MIAMI SHORES

10. CEPERO RESIDENCE – Permit # n/a *Permit 12/19*
Construction 01/21
11. GONZALES RESIDENCE – Permit # BR1802670 *Permit 12/18*
Construction 06/21

MIAMI

12. PHD RESIDENCE – Permit # BD17-014508-001 *Permit 12/17*
Construction 9/20

Please do not hesitate to contact me should you have any questions or require any additional information.

Sincerely,

James M. Hollingsworth

James M. Hollingsworth, RA
AR 0013919

jamesh@hr-arc.com

rev 1

2208 NE 26 Street

Ft. Lauderdale, FL 33305-1538

T. 954.630.1398 F. 954.630.1399

Guerasio, Michael

From: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Sent: Thursday, June 25, 2020 4:33 PM
To: Guerasio, Michael
Cc: John Travers; William Kraemer
Subject: RE: Open permits
Attachments: 062520 BORA ACTIVE PROJECTS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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My apologies, I had intended to add 6 months to the previous dates. That takes the longest completion date to 06/21. The updated copy is attached.....

From: Guerasio, Michael <MGUERASIO@broward.org>
Sent: Thursday, June 25, 2020 3:55 PM
To: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>; Guerasio, Michael <MGUERASIO@broward.org>
Subject: [-EXTERNAL-] RE: Open permits

Good afternoon Mr. Hollingsworth and thank you for the timely report.

Could you please clarify to me looking at the report, that you're requesting an extension to Oct 1, 2021?

Thank you

Respectfully
Michael Guerasio
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9886
broward.org/codeappeals



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Please consider the Environment before printing

From: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Sent: Thursday, June 25, 2020 3:41 PM
To: Guerasio, Michael <MGUERASIO@broward.org>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>
Subject: RE: Open permits

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From: James Hollingsworth
Sent: Thursday, June 25, 2020 10:43 AM
To: 'Guerasio, Michael' <MGUERASIO@broward.org>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>
Subject: RE: Open permits

For that I will need to speak with the contractors, I know that Covid really slowed things down. I will have an update for you this afternoon...

From: Guerasio, Michael <MGUERASIO@broward.org>
Sent: Thursday, June 25, 2020 10:39 AM
To: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>; Guerasio, Michael <MGUERASIO@broward.org>
Subject: [-EXTERNAL-] RE: Open permits

How long of an extension do you think?

Thank you

Respectfully
Michael Guerasio
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9886
broward.org/codeappeals





Please consider the Environment before printing

From: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Sent: Thursday, June 25, 2020 10:37 AM
To: Guerasio, Michael <MGUERASIO@broward.org>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>
Subject: RE: Open permits

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I do know for a fact that all are not closed-out yet, so yes, I will definitely need to ask for an extension.

From: Guerasio, Michael <MGUERASIO@broward.org>
Sent: Thursday, June 25, 2020 10:33 AM
To: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>; Guerasio, Michael <MGUERASIO@broward.org>
Subject: [-EXTERNAL-] RE: Open permits

Good morning Mr. Hollingsworth

Thank you for the follow up email. Please let me know if everything is closed or you're going to need an additional extension.

Thank you

Respectfully
Michael Guerasio
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9886
broward.org/codeappeals





Please consider the Environment before printing

From: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Sent: Thursday, June 25, 2020 10:26 AM
To: Guerasio, Michael <MGUERASIO@broward.org>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>
Subject: RE: Open permits

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Good morning Michael! I am reaching out to the contractors on each job for updates, I will get back to you just as soon as I can gather the information.

Thanks!

From: Guerasio, Michael <MGUERASIO@broward.org>
Sent: Thursday, June 25, 2020 7:32 AM
To: James Hollingsworth <JHollingsworth@fortlauderdale.gov>
Cc: John Travers <JTravers@fortlauderdale.gov>; William Kraemer <WKraemer@fortlauderdale.gov>; Guerasio, Michael <MGUERASIO@broward.org>
Subject: [-EXTERNAL-] Open permits

Good morning Mr. Hollingsworth, hope all is well with you.

Could you please clarify for me where you stand with the open permits that you had under your license. You were given a 180 day extension by the Board effective Jan, 9th, 2020 which will expire on July 7th, 2020.

Thank you

Respectfully
Michael Guerasio
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9886
broward.org/codeappeals



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Section 7



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE: 954-765-4500
FAX: 954-765-4504

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

Vice-Chair

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

Vacant

Representative Disabled Community
Mr. Sergio Pellecer
Fire Service Professional

2020 Alternate Board Members

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

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

DATE: July 9, 2020
TO: Broward County Board of Rules and Appeals
FROM: Kenneth Castronovo, Chief Electrical Code Compliance Officer
SUBJECT: FBC 2020 7th Edition Formal Interpretations
(Effective December 31, 2020)

RECOMMENDATIONS

The staff of the Broward County Board of Rules and Appeals has reviewed our 26 current formal interpretations along with their respective committee chairman when needed and have made necessary changes reflecting the new Florida Building Code, 7th Edition, sections for your review. The staff recommends that formal interpretation #'s 2, 12 and 20 not be renewed. The staff recommends the renewal of all remaining formal interpretations with any necessary code updates that are included.

REASONS

Every three years the Florida Building Code is updated. These updates effect our Formal Interpretations. Some formal interpretations must update their code references if the code reference has changed in the new code cycle. Some formal interpretations are not affected by the new code and no changes need to be made. There are other Formal Interpretations that no longer serve a purpose and need to be removed.

ADDITIONAL INFORMATION

Formal interpretation #5 (Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights, FBC Existing Building, Alteration Level 1) will be brought to the Board at a future date. Technical information to complete the update of FI # 5 is not currently available.

All updated interpretations will go into effect December 31, 2020 at midnight. The interpretations will be renumbered following your vote as to what is adopted for the new code cycle.

Respectfully,

Kenneth Castronovo
Chief Electrical Code Compliance Officer



BROWARD COUNTY BOARD OF RULES AND APPEALS

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

Building Code Formal Interpretations

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



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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#1)

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

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

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

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

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

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

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

Formal Interpretation:

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

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

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#2)

DATE: October 12, 2017
TO: All Building Officials
FROM: James DiPietro, Administrative Director
SUBJECT: Identification of Mechanical Equipment

At the meeting of October 12, 2017, the Broward County Board of Rules and Appeals approved an interpretation of Section 304.12, 6th Edition (2017) Florida Building Code, Mechanical (FMC). This section of the code requires marking of appliances (air conditioning equipment) serving different areas of a building other than where they are installed to uniquely identify the appliance and the area it serves.

The purpose of these sections is to easily identify equipment for servicing and in case of an emergency. An example would be multiple installations of appliances on a roof top of an office building, condominium, apartment building, etc. There is no requirement for identification of appliances contained in the Florida Residential Code.

Formal Interpretation:

Section 304.12, 6th Edition (2017) Florida Building Code, Mechanical does not apply to buildings governed under the Florida Residential Code. These buildings include detached one-two family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress.

EFFECTIVE DATE: October 20, 2005
RE-ISSUED DATE: October 12, 2017
EFFECTIVE DATE: January 1, 2018

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#3)

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

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

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

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

Formal Interpretation:

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

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

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Page 1 of 1 F.I. #3

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#4)

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

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

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

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

Formal Interpretation:

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

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

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Page 1 of 1 F.I. #4

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#5)

DATE: July 9, 2020
TO: All Building Officials
FROM: James DiPietro, Administrative Director
SUBJECT: Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights FBC Existing Building, Alteration Level I

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—ESTABLISHED 1971—

At its regularly scheduled meeting of July 9, 2020, the Broward County Board of Rules and Appeals approved an interpretation of Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights, for detached one- and two-family dwellings, and multiple single family dwellings, (townhouses) with common roof height < 30 feet.

FORMAL INTERPRETATION
NOT TO BE REVISED
AT A LATER DATE

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

Formal Interpretation:

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

EFFECTIVE DATE: September 12, 2012
RE-ISSUED DATE: July 9, 2020
EFFECTIVE DATE: December 31, 2020

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F.I. #5



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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#6)

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

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

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

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

Formal Interpretation:

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

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

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Page 1 of 8 F.I. #6

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BCAB

Building Code Advisory Board of Palm Beach County

TECHNICAL ADVISORY

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

Subject: Solar-Assisted Air Conditioning System

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

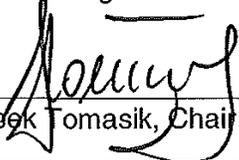
This system should not be confused with other tested and certified air conditioning systems that incorporate solar photovoltaic panels into the electrical portion of their system. Unlike those designs, the “Solar-Assisted” portion of this system involves re-routing the refrigerant line up to the roof,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

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

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

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

For Building Code Advisory Board



Jacek Tomasiak, Chair

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

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

Dear Bob Boyer,

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

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

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

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

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

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

Best Regards,

Sunil Nanjundaram
Director, Certification Programs

Air-Conditioning, Heating, and Refrigeration Institute
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Check out our website at: <http://www.ahrinet.org>

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Air-Conditioning, Heating,
and Refrigeration Institute

September 7, 2011

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

Re: Unauthorized Claim of AHRI Certification

Dear Mr. Hammond:

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

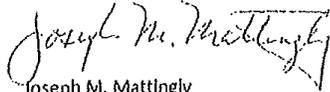
Also please be advised that the performance claims your company has been making to the public regarding its solar air conditioning products are in violation of federal law and subject to very substantial monetary penalties administered by the Federal Trade Commission (FTC). Federal law requires that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

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

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

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

Sincerely,



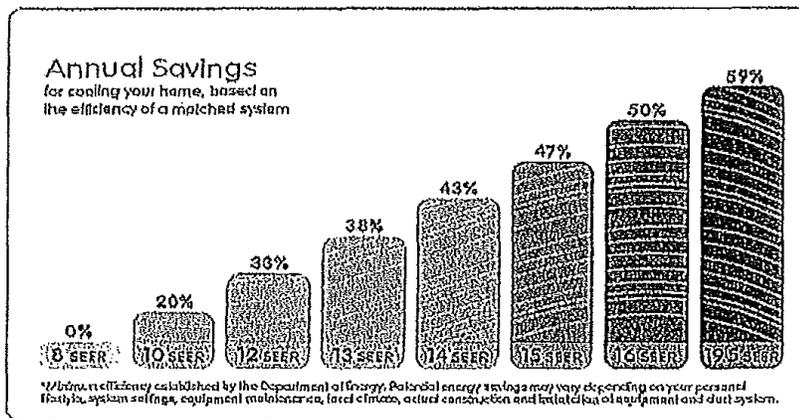
Joseph M. Mattingly
Secretary and General Counsel

Enclosure

Solar Air Conditioning by Sedna Aire USA

Solar Air Conditioning can save you lots of MONEY!

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



Air conditioning using solar energy...cutting edge technology for the 21st Century!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rated as an **Energy Star®** product for efficiency.

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

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

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

Incorporate noise-reducing features.

Green-Energy-Products.com 305.251.9630 - 800.639.8796 info@green-energy-products.com



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

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

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

Ann,

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

Philip

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

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

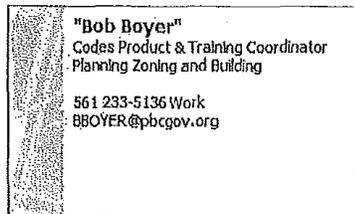
----- Forwarded by Ann Stanton/DCA/FLEOC on 09/16/2011 10:28 AM -----

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

Good Morning Ann,

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

Regards,
Bob





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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#7)

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

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

Formal Interpretation:

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

EFFECTIVE DATE: January 140, 2014
RE-ISSUED DATE: July 9, 2020
EFFECTIVE DATE: December 31, 2020

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

Page 1 of 1 F.I. #7

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#8)

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

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#9)

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

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

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

Formal Interpretation:

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

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

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Page 1 of 1 F.I. #9

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#10)

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

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

1. FBC, Energy Conservation, Sections C501.7 and R501.7.
2. Building systems and components. Thermal efficiency standards are set for the following building systems and components where new products are installed or replaced in existing buildings, and for which a permit must be obtained. New products shall meet the minimum efficiencies allowed by this code for the following systems and components:
 - Heating, ventilating or air-conditioning systems;
 - Service water or pool heating systems;
 - Lighting systems; and
 - Replacement fenestration.
 - Exceptions:
3. Replacement equipment that would require extensive
4. Revisions to other systems, equipment or elements of a building where such replacement is a like-for-like replacement, such as through-the-wall condensing units and PTACs, chillers and cooling towers in confined spaced.

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#11)

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

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

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

In the *Florida Building Code-Energy Conservation, 7th Edition (2020)*, C101.4.2 and R101.4.2 state: "Buildings exempt from the provisions of the *Florida Building Code, Energy Conservation*, include existing buildings except those considered renovated buildings, changes of occupancy type or previously unconditioned buildings to which comfort conditioning is added ..."

"Renovated Buildings" is defined in C202 and R202 of the *Florida Building Code-Energy Conservation, 7th Edition (2020)* as: "A residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, provided the estimated cost of renovation exceeds 30 percent of the assessed value of the structure."

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#12)

DATE: October 12, 2017
TO: All Building Officials
FROM: James DiPietro, Administrative Director
SUBJECT: Mechanical Equipment Wind Load Voluntary Design Pressure Chart

At its meeting of October 12, 2017, the Broward County Board of Rules and Appeals approved an interpretation of the 6th Edition (2017) FBC Existing Building, 503.1 Alteration Level 1, FMC 301.15, and FBC Ch. 16.

Formal Interpretation:

- a) A site-specific plan (signed and sealed) by a Florida Professional Engineer indicating the location of mechanical equipment and the required design pressures.
- b) A site-specific plan (not sealed) or written description, indicating the location of mechanical equipment accompanied by a worst-case design pressure chart (signed and sealed) prepared by a Florida P.E.
- c) A site-specific plan (not sealed) or written description, indicating the location of mechanical equipment and indicating the required design pressures based on the Broward County Mechanical Equipment Wind Load Voluntary Design Pressure Chart. (See attached chart).

All permit applications must be accompanied by evidence acceptable to the AHJ that the mechanical equipment and its installation complies with FMC 301.15 and the design pressures as determined by one of the above methods.

Mechanical equipment located at height more than 100 feet shall comply with FMC 301.15, have a site-specific design (signed and sealed) by a Florida Professional Engineer, indicating the location of mechanical equipment, the required design pressures and the installation method.

EFFECTIVE DATE: October 9, 2015
RE-ISSUED DATE: October 12, 2017
EFFECTIVE DATE: January 1, 2018

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#13)

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

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

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

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#14)

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

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

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

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

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#15)

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

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

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

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#16)

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

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

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

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#17)

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

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

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

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#18)

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

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

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

Formal Interpretation:

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#19)

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

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

- 105.3.1.5-3 of Broward County Administrative Provisions.

Formal Interpretation:

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

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

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

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

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

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#20)

DATE: July 9, 2020
TO: All Building Officials
FROM: James DiPietro, Administrative Director
SUBJECT: Two-Way Radio Communication Enhanced Public Safety
Signal Booster Systems.

At its regularly scheduled meeting of October 12, 2017, the Broward County Board of Rules and Appeals approved an interpretation of Chapter 1, Section 118, titled Two-Way Radio Communication Enhanced Public Safety Signal Booster Systems, as follows:

Plans shall be signed and sealed by a licensed professional engineer. The engineer of record shall be responsible for the system. The engineer of record shall specify the brand and the model number of the bi-directional amplifier (BDA), the antenna and the component parts. It is recognized that presently there is no listing approval for BDA systems by a nationally recognized testing laboratory. This Formal Interpretation shall remain in effect until six (6) months after the UL sets this listing approval.

EFFECTIVE DATE: October 12, 2017
RE-ISSUED DATE: October 13, 2017
EFFECTIVE DATE: January 1, 2018

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**AUGUST 28, 2017 JOINT AD HOC BI-DIRECTIONAL AMPLIFIER & ELECTRICAL
COMMITTEE MEETING - MINUTES EXCERPT**

Rice: Broward County Board of Rules and Appeals was contacted by the County to see what we could do as far as looking at existing codes, what we would have to do to modify existing codes, what would it take so this doesn't happen again. Basically we started the BOA Committee and came up with a number of recommendations. Basically what we found was that the codes themselves were adequate. They gave us what we needed. What was not adequate was the follow-up and how to enforce it. So we made some changes to the administrative process for Broward County and we have been going forward since then. The BOA Committee was disbanded. I think we had one meeting a few months later just to discuss any other issues that came up. It has been quite a while since we've had a meeting. The reason for this meeting is basically we are going through the installation process and we have some obstacles to overcome.

Rice: You mentioned that the code, we had changed it a few months ago, as far as the requirements for the plans. My question is to solve this problem, we require the plans to be signed and sealed by an electrical engineer with experience. He is supposed to define what BOA could be used. Could we write a formal interpretation to clarify this to get it out to all the building inspectors, the chiefs, basically defining this? If the engineer of record specifies the brand and the model number for that BOA, he is liable for that, he is responsible for that. There is no UL listing for it. I'll throw this back to the inspectors. Mr. Gray (sp? 1:40:10:0) would you accept that as an alternative to going out for the third-party inspection?

Gray: Absolutely.

Rice: Sir from Miramar, would you accept it?

Inaudible

Rice: And from Fort Lauderdale, would you accept that?

Unidentified: Yes

Rice: From Deerfield Beach?

Kropp: Yes I will. I can't specify pieces of equipment in these designs. For me to give somebody a list of what they can use if it is more than ...

Rice: The engineer that designed it.

Kropp: What I am seeing with a lot of these submittals for permits and I do the permit reviews on them. I see a lot of bogus emails being sent in. I know they are bogus because when I look at them, they are all on solid color. They don't show the gradation of signal strength. They don't show the blocking of the various internal components. That's an issue that needs to be addressed too.

Unidentified: Next meeting. Let's solve this one first.

Kropp: Even having engineers sign those plans with those bogus drawings in there does not provide a proper submittal. I bounce those.

Rice: I hate to rat on anybody, but I am a professional engineer and the thing that irks me more than anything else to see my competition put a piece of trash in, signed and sealed. You know

**AUGUST 28, 2017 JOINT AD HOC BI-DIRECTIONAL AMPLIFIER & ELECTRICAL
COMMITTEE MEETING - MINUTES EXCERPT**

what I think you should do. Send it to DPR (Department of Professional Regulation). That's the best thing you could do for the community. Mr. DiPietro, what about a formal interpretation? What is the process for doing that?

DiPietro: The first answer is the short answer, yes. Hopefully the longer answer will end up at yes. The short answer is you can interpret anything in the code. So we put it in a code section. The Committee could recommend an interpretation of that code section just as you described. Now, since we don't have a written document ahead of us. In other words, sometimes the Committee will have a proposed interpretation and the Committee adopts that. I think obviously what we would do as we just disclosed, somebody could move what you've said that be written up as an interpretation. The staff and yourself would sign off on the draft. I'll send it to the attorney. In our report to the board, the board would vote on this in October, we'd simply disclose the truth. We had an hour and a half meeting. A lot of people spoke. At the end of it there was a general motion to put this into a formal interpretation which the Committee chair approved and we are presenting it tonight for review. Of course it is a public meeting and anybody can come and comment. That is probably the best option. There are alternatives. Another one is we do a draft and send it out to the joint Committee and go through a process of getting feedback. You have to be careful with that because under the Sunshine Law, one committee member cannot talk to another one. But, we could solicit comments and they all come into the staff, it's a little more unworkable, but you could do that. That is a second alternative. The third alternative is we can prepare what you said Mr. Chair and then put it on the agenda for another meeting a month from now and then this Committee could vote it. Any one of those would work. The Committee can delegate it to you and then we could run it by the attorney and put it on the agenda.

Rice: First of all what I'd like to do if I could get a motion.

Kropp: I make a motion that the Electrical and Ad Hoc Committee form a formal interpretation on allowing the BOA systems to be signed, sealed by a professional engineer and the engineer of record designing that system be responsible for the system as it is designed and installed.

Unidentified: Can you change that slightly?

Rice: The next question, ok, do you want to go the long process and have another meeting or authorize myself and staff, two members of staff, Mr. DiPietro, to write the report.

Kropp: That is the motion I thought I just made. Maybe I worded it wrong.

Melamed: Ok, I second that motion.

Unidentified: Before we vote on that, I'd like to hear from Mr. Castronovo because

Castronovo: No that's ok. I'm glad we are here.

Unidentified: Does that meet your essential request?

Castronovo: No listen, it is up to the individual AHJ (Authority Having Jurisdiction). I don't sign on permits. I'm getting a lot of questions from the vendors. I'm getting questions from board members and other people and I just take it all in because I am not out in the field. I am not the person who signs it. My goal is to make it not just clear but uniform. I don't want you going to Fort Lauderdale and he saying one thing and him going, that's not what I do. I have really no, I mean I can give my input. I can't vote on anything on this board. So, what's happening here is

**AUGUST 28, 2017 JOINT AD HOC BI-DIRECTIONAL AMPLIFIER & ELECTRICAL
COMMITTEE MEETING - MINUTES EXCERPT**

good.

Kropp: One fear as an inspector is, that we have, is we don't want to do something and then Ken come knocking on our door, saying what are you guys doing. The key point is there is a lot of inspectors here, we are all meeting.

Rice: That is the purpose of the formal interpretation.

Melamed: I just want to make sure that doesn't take away the responsibility of the electrical inspector to ensure that the unit's ? is properly connected (inaudible - multiple people speaking) it only has to do with the BDA... so that it doesn't have to be UL

Parks: Mr. Chairman, I believe the motion is already covered in code, what are you asking to interpret?

Rice: I want to have a formal interpretation sent out to all of the electrical chiefs.

Parks: That plans have to be drawn and engineer sealed?

Rice: That's already said but basically this refers specifically to BDAs. When he specifies the BOA, that's his approval on that BOA.

Unidentified: And that is part of the inspection process.

Rice: And the inspector would take that.

Unidentified: And we are really asking for it to be county-wide.

Rice: That is the purpose of the formal interpretation.

Travers: Just remind the subcommittees that are here today a year ago we had an issue with mechanical equipment and we formed two special subcommittees, one structural and one mechanical chaired by Dan Lavrich. We used the same process to come up with ? informed considering wind load calculations and fastening devices, we were able to resolve it at this level. It went through the interpretation level, distributed to all of the municipalities in Broward County and it made it clear that we could do things in a standard and uniform way throughout the county.

Parks: Ok, so we have a motion and it was seconded, Mr. Chairman.

Rice: Ok, any other discussion from board members?

Castronovo: We are just talking about BOAs. We are not talking about installation.

Rice: BOA only.

Unidentified: This eliminates the UL question.

Rice: Ok, all those in favor, raise your hand and say aye.

Rice: Ok, that is unanimous.



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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#21)

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

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

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

Formal Interpretation:

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

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

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

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Board Administrative Director

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#22)

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

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

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

Formal Interpretation:

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

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

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Page 1 of 1 F.I. 22

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#23)

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

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

- Florida Building Code, 6th Edition (2017)-Existing Building 503.1, 503.2, 701.3 and Chapter 2.
- Florida Building Code, 6th Edition (2017)-Building 1612.
- Florida Building Code, 6th Edition (2017)-Residential 322.

Formal Interpretation:

An air conditioning (A/C) replacement by itself, does not constitute a substantial improvement as defined by the 2017 Florida Building Code - Existing Building, Sixth Edition, Chapter 2-Definitions, unless performed in conjunction with another alteration, addition, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or repair is started.

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

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

Page 1 of 1 F.I. #23

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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#24)

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

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

Formal Interpretation:

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

EFFECTIVE DATE: December 31, 2020

ATTACHMENTS:

- Table 1106.2
- Table 1106.3
- Table 1106.6

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Page 1 of 4 F.I. #24

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

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

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



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**TABLE 1106.3 – BROWARD
VERTICAL LEADER SIZING**

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

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



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**TABLE 1106.6 – BROWARD
HORIZONTAL GUTTER SIZING**

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

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



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FBC 7th EDITION (2020) FORMAL INTERPRETATION (#25)

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

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

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

Formal Interpretation:

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

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

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

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

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Page 1 of 11 F.I. #25

ATTACHMENTS:

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

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Roofing Contractor

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: Building Electrical Plumbing Mechanical Other _____

Application Number: _____

Application Date: _____

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

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

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

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

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

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

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

X _____
Signature of Property Owner or Agent

X _____
Signature of Qualifier

STATE OF FLORIDA
COUNTY OF BROWARD

STATE OF FLORIDA
COUNTY OF BROWARD

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

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

(Type / Print Property Owner or Agent Name)

(Type / Print Qualifier's Name)

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

NOTARY'S SIGNATURE as to Qualifier's Signature

Notary Name _____
(Print, Type or Stamp Notary's Name)

Notary Name _____
(Print, Type or Stamp Notary's Name)

Personally Known _____ or Produced Identification _____

Personally Known _____ or Produced Identification _____

Type of Identification Produced _____

Type of Identification Produced _____

APPROVED BY: _____ Permit Officer Issue Date: _____ Code in Effect: _____

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.
Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

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

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OF COUNSEL
Board Certified in Construction Law

MATTHEW D. COHEN
Senior Associate
Also Admitted in New York

October 31, 2019

ADVISORY OPINION AS TO REQUIREMENT FOR OWNER SIGNATURE ON PERMIT APPLICATION

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

ISSUE

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

RULE

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

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

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

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

III. Form over substance arguments are rejected

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

OWNER’S AFFIDAVIT:

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

...

(Signature of Owner or Agent)
(including contractor)

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

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

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

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

IV. Contractor as Owner’s Agent

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

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

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

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

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

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

...

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

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

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

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

Palm Beach v. Harris at 1287.

The courts have further stated:

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

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

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

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

(4)(a) ...

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

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

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

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

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

a. Florida Statutes Section 553.71

The Florida Statutes 553.71 states *inter alia*:

...

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

F.S. Sec 553.71(5)

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

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

...

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

F.S. §633.208 (3)(a)

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

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

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

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

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

VIII. Input from the Florida Building Commission

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

THIS SPACE INTENTIONALLY LEFT BLANK

CONCLUSION

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

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



Charles M. Kramer, Esq.

**General Counsel to the Broward County
Board of Rules and Appeals**
Florida Bar Board Certified
Construction Lawyer
5561 University Drive, Suite 103
Coral Springs FL 33067
Phone 954.323.1023 | Direct 954.947.2523
ckramer@bmdlawyers.net



BROWARD COUNTY BOARD OF RULES AND APPEALS

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

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

broward.org/CodeAppeals

FBC 7th EDITION (2020) FORMAL INTERPRETATION (#26)

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

2020 Voting Members

Chair

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

Vice-Chair

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

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

Vacant

Representative Disabled Community
Fire Service Professional

2020 Alternate Board Members

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

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

The Residential Swimming Pool Safety Act, Chapter 515 of the Florida Statutes requires minimum safety requirements for all newly constructed swimming pools. Florida Statute 515.27 for residential swimming pools has a list of required safety options of which one is to be chosen from. Section 515.29 (1)(a) through (e) requires a selection of safety options to safely protect someone from drowning when an unauthorized person enters the pool. The statute does not state who would enforce this law, only that it must be done. Chapter One of the Broward County Florida Building Code Section 110.3, A (Building) #24 states that the child barrier be inspected prior to the pool being filled with water. It is clear that section 110.3, A #24, (3) states that the child barrier inspection is to be carried out by the Structural Inspector. The section then states that the pool is to be filled with water after the Final Electrical Inspection. The final pool inspection is to be carried out only by the Structural Inspector.

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

Formal Interpretation:

All Swimming Pool Safety Act Inspections shall be performed by BORA Certified Structural Inspectors per section FBC Section 110.3, A, #24.

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

ATTACHMENT:

- Chapter One Section 110.3, A, #24, a (3). Florida Statute 515.27

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

Section 8

BMW BENSON MUCCI & WEISS P.L.
Attorneys at Law

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

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

BROWARD (954) 524-6800
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BRAD R. WEISS, P.A.
Board Certified in Construction Law
Also Admitted in Michigan

TELEPHONE (954) 323-1023
FACSIMILE (954) 323-1013

WILLIAM H. BENSON
(1929-2013)

BRIAN ABELOW

CHARLES M. KRAMER
OF COUNSEL
Board Certified in Construction Law

June 24, 2020

MATTHEW D. COHEN
Senior Associate
Also Admitted in New York

The Broward County Board of Rules and Appeals
1 North University Drive,
Suite 3500-B,
Plantation FL 33324-2038

Attn: James DiPietro, Administrative Director

Dear Jim,

Pursuant to our discussion regarding the proposed Agreement between my law office and the Broward County Board of Rules and Appeals, I wanted to first say what a great pleasure and honor it is working with such fine people. I find the work to be interesting and rewarding in its own right, where we work together to serve the people of Broward County and its building departments.

As you know we are asking for a three (3) year contract and as part of our proposed new Agreement we are offering to reduce our hourly fee by fifty-five (55%) percent for non-litigation work. We are not aware of this ever being offered as part of a contract concession to BORA at any time in the past fifty (50) years.

At the same time, you have raised the matter of legal expenses and we thought it prudent to address the costs of representation incurred over the past twenty-six (26) months. Some of the increased expenses were due to a major trial proceeding and subsequent Appeal, the first of its kind for BORA, which was no fault of either of us yet required address as defined under BORA's legislatively mandated duties. Other expenses were due to a greater workload brought about by a number of factors which we have set forth in this correspondence. Regardless of the prior algorithm, a greater workload outside of litigation is expected to be incurred in the years subsequent to 2017 because of undeniable and fundamental changes in the issues now being presented to BORA.

I. Legal Expenses

You have noted that the total legal expenses for 2018 and 2019 were significantly higher than the three (3) years preceding 2018. i.e. 2015, 2016 and 2017. We would like to address this by reviewing our duties over the past 26 months.

A. John Madden vs. The Broward County Board of Rules and Appeals

This matter was the first of its kind for BORA in the fifty (50) years since the Board was created. The matter took two (2) years of extensive litigation with the Petitioner's attorney obtaining a total of over eleven thousand (11,000) pages in discovery documents, recordings and photographs, every one of which was reviewed by your attorney. Those documents were reviewed at length in preparation for the trial as well as the subsequent appeal, which included the 6 (six) depositions taken by the Petitioner's attorney. The majority of those depositions were in excess of six (6) hours. During the course of proceedings Petitioner's attorney filed a Motion to Dismiss for Misconduct which required responsive pleadings an oral argument before being denied on the merits. The appeal was fifty (50) pages of complex statutory and code argument, fifty (50) pages of responsive argument and another twenty (20) pages of reply. Another three thousand (3,000) or so pages were submitted by both sides during the appeal

The total billing by this law firm on the matter of John Madden vs. the Board of Rules and Appeals was substantial. We prevailed on that matter and it is my understanding that the bill for opposing counsel was approximately double the amount charged by my office. We have previously discussed the ramifications of what probably would have happened had we not prevailed and needless to say both your office and mine were greatly pleased at the outcome.

B. Advisory Opinions

During the years 2018, 2019, and the first eight (8) months of 2020, our office has filed a total of twenty-five (25) Advisory Opinions addressing interpretation of the Florida Building Code, regulations and guidelines in response to new applications of the Code and novel questions of law . See Exhibit "A" attached hereto. In contrast, between 2013 and 2017 a total of twenty-six (26) Advisory Opinions were filed.

The increase in Advisory Opinions is not from any lack of discretion but rather the need to: 1) address issues brought about by the increase in population- which directly impacts the number of elderly and disabled persons residing in Broward County; 2) new technological advances which impact Code applications and; 3) heightened awareness of procedural standards to name a few.

In many cases the Advisory Opinions addressed new questions of law on issues such as: 1) the question of taking funds from BORA for the costs of permitting including new inspection procedures which will be required for ORCAT/ bi-directional amplifier systems; 2) the need for inspections of emergency generators at ALFs and CRHs for the protection of life, health and safety of disabled and elderly residents; 3) requirements for compliance with new occupancy codes upon change in occupancy status; and 4) review of employment conflicts memo published by intergovernmental affairs dated 1/6/20 (contractual conflicts of interest).

In other cases, we have been called on to address long standing questions which have never been properly addressed. A good example of this was our interface with the Florida Office of Attorney General to finally, and completely address the question of BORA certified inspectors using their license to qualify jobs in other counties or even other states. We drafted and prepared the Request for Attorney General Opinion in conjunction with the Broward County Certification Review Committee and our Request for the Opinion was granted. Ultimately, after fifty (50) years of waiting, BORA received a final answer from the Attorney General which upheld BORA's longstanding, but never confirmed position, that inspectors may NOT use their license ANYWHERE to qualify jobs.

Another issue which has caused an increase in legal expenses is the issue of single signature requirements on building permit applications. This matter was initially examined, researched and an Advisory Opinion prepared on October 30, 2019. We reviewed substantial common law and Florida Statutes, in some cases going back to legislative history to determine the validity of a permit application with a single signature, i.e. the contractor. Since that time we have spent considerable time and effort discussing and sometimes addressing the determination with certain city attorneys and Building Officials. After eight (8) months, this matter is still being addressed with a few municipalities and is an ongoing interest for BORA.

C. Increase in population, increased risks to the population.

We touched on this briefly in the preceding section but wanted to note that the United States Office of Management shows that the Miami-Dade, Broward metropolitan area is now the seventh (7th) largest metropolitan area in the United States. See Exhibit "B" attached hereto. Broward County is not the sleepy little south Florida that it was forty years ago.

Along with the increase in population we are seeing, and will continue to see, major issues involving infrastructure which will directly impact new construction as well as changes and improvements to existing structures. Just to name a few, in the past six (6) months we have been made aware of gross deficiencies in infrastructure resulting in ruptured sewer lines. We are aware that health care providers are now attempting to exploit what they perceive as loopholes in the Florida statutes pertaining to use of existing single family homes and conversion to group facilities for the elderly and disabled without effecting necessary changes for the protection of life, health and safety as required under the National Electric Code (NFPA 70), NFPA 101 (Life Safety Code), and the Fire Prevention Code (NFPA 1).

On May 14, 2020, two (2) residents of an illegal ALF located in Tamarac perished in a fire. The local Fire Official had closed that facility down twice in the prior three weeks but the owners kept returning the disabled residents to that home. It was not lost on me, and hopefully not you, that on August 24, 2019, March 12, 2020 and April 15, 2020, this office issued a letter to a health care facility, and two (2) separate Advisory Opinions advising that a change in status of use requires a heightened level of compliance with fire safety and

fire prevention for Assisted Living Facilities. Although we find no fault with the actions of the Tamarac Fire Official, we note that our efforts to stay “ahead of the curve” on this matter has likely resulted in numerous lives being saved because of the aggressive and proactive position we have taken on protection of the residents in these homes.

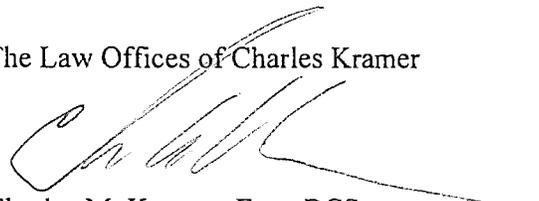
II. Contract concessions, contract protection

At this time, we are seeking renewal of our representation agreement with BORA for a term of three (3) years commencing July 1, 2020. We are aware that a three (3) year contract is one (1) year longer than the representation agreements over the past fifteen (15) years. At the same time, we are offering a reduction on our rates for general legal representation by fifty-five (55%) percent. You are aware that I have been Board Certified by the Florida Bar for fifteen (15) years in construction law. In addition, I worked as a construction contractor for a period of two (2) years and studied civil engineering as an undergraduate. Although I am not a licensed professional engineer, my background and my 24 years in the practice of construction law has greatly helped me to understand issues of construction, building codes, and regulation more than many of my counterparts.

In light of the rather drastic rate reduction, we feel that a three (3) year contact is fair in that it allows us some peace of mind and security with the knowledge that if we continue to perform for BORA, we will not be “shopped” so readily and we can devote 100% of our collective efforts on the many tasks at hand.

We are willing to discuss this with you or the Board at any time and hope that we can finalized terms on our proposed Agreement.

The Law Offices of Charles Kramer



Charles M. Kramer, Esq., BCS
Board Certified by the Florida Bar

Advisory Opinions for Broward County Board of Rules and Appeals**2018**

4/18/18 – Advisory as to Building Department Inspector Owned Corporations

4/18/18 – Advisory as to Building Department Engineers or Architects working Independently of Municipalities.

5/1/18 – Advisory as to FL Admin Rule 61F19 – 6.012 Provisional Certificate.

6/12/18 - Advisory as to Actively Employed BO's, Inspectors and Plans Examiner's Owning, Operating, managing or Directing the Business Affairs of Construction Related Entities.

6/12/18 – Advisory as to Conflicts Between FL Statutes 394.879 and Section 457.1.4.2.1 of the FBC.

6/13/18 – Advisory as to Allocation of Funding for ORCAT and Fees for Permitting of Bi-Directional Amplifier Systems.

7/31/18 – Advisory as to FS 468.604 / 468.603 – Supervision of Clerical Staff by Laypersons.

8/10/18 – Advisory as to Issuance of Building Permits to Condo Unit Owners and Oversight by BORA

8/21/18 – Pam Bondi Response re: Advisory-Certificate of Competency and BO's, Inspectors and Plans Examiner's Owning, Operating, managing or Directing the Business Affairs of Construction Related Entities.

8/23/18 – Advisory as to Pam Bondi Response Above.

12/10/18 – Advisory as to Corps Providing Building Department Services on Broward and Also Providing Design and Construction Services in Other Locations, Special Act 71-575.

12/19/18 – Advisory as to Special Act 71-575 Prohibition of Mold Assessor / Remediator Engaging in Business While Employed as Inspector, Plans Examiner or BO.

2019

6/3/19 – Advisory as to Proposed Changes to the Local Fire Code Including Proposed Gen Provisions F124.3 and Others Which May Impact Building Code.

6/14/19 – Advisory as to FL House Bill 3, 2019 – Preemption of Local Occupational Licensing.

6/28/19 – Advisory as to Authority of BORA and Gov Entities Charged with Enforcement of the FBC.

8/7/19 – Advisory as to Requirement of Owner Signature on Permit Application.

8/13/19 – Advisory as to Service on Multiple Boards by BORA Staff.

8/13/19 – Advisory as to 5 Questions on House Bill 7103

9/24/19 – Advisory as to Requirements for Compliance with New Occupancy Codes Upon Change in Occupancy Status Issue.

12/10/19 – Advisory as to Broward County Offering Private Provider Services with BORA certified Personnel.

2020

1/22/20 – Advisory as to Admin Staff Request Re Requirement of Additional Docs for Permit Application and Binding Authority of BORA

2/26/20 – Advisory as to Review of Employment Conflicts Memo Published by Intergovernmental Affairs Dated 1/6/20 (Contractual Conflicts of Interest)

3/12/20 – Advisory as to Sunrise Community, Inc., and Broward Fire Prevention Code F-124.

5/12/20 – Advisory as to Authority of BORA to Impose Civil Fines.

6/4/20 – Advisory as to Requirement for Submittal of Contract with Building Permit Applications.

Source: <https://www.statista.com/statistics/183600/population-of-metropolitan-areas-in-the-us/>

Population of metropolitan areas in the U.S. 2019

Published by Erin Duffin, May 12, 2020

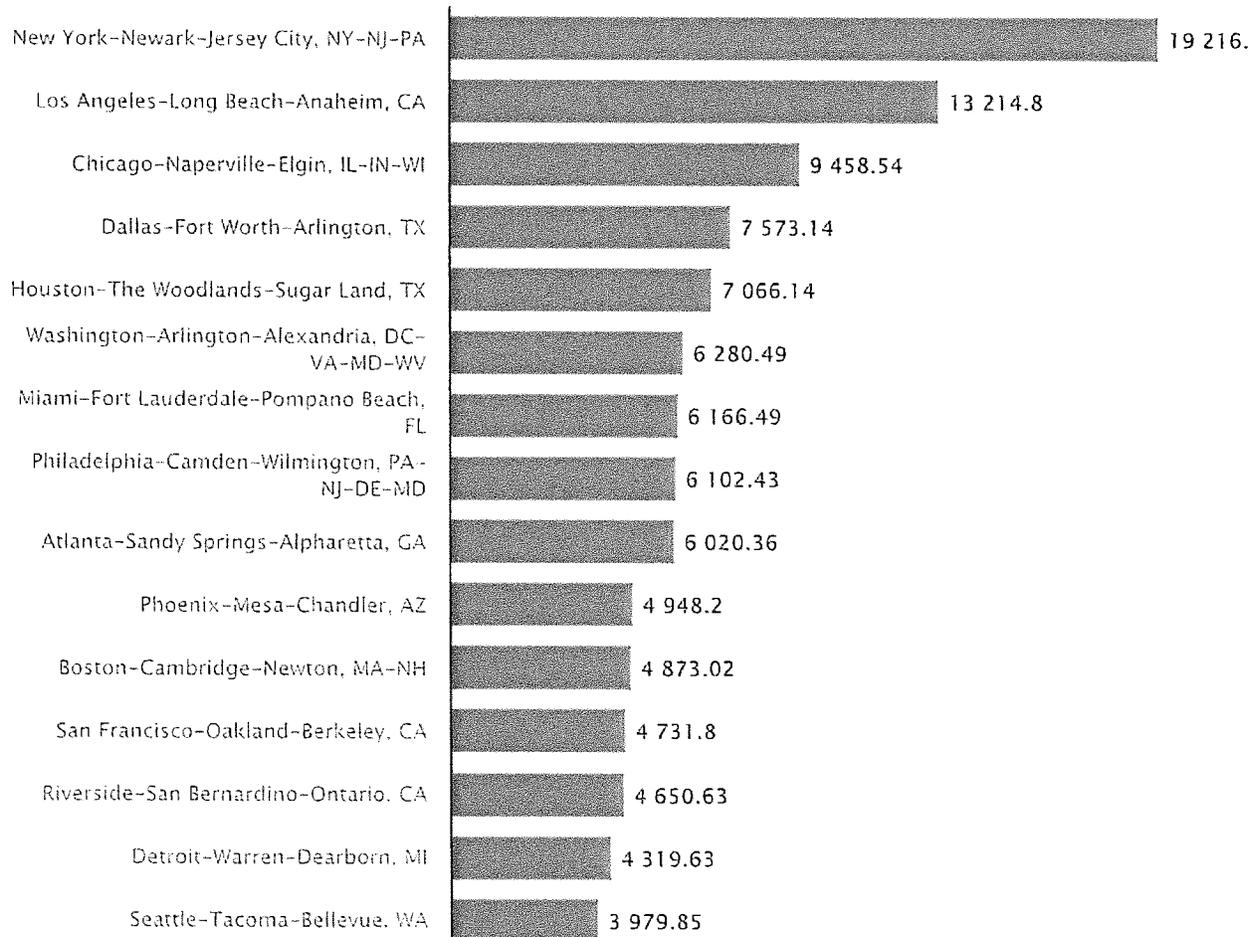
With 19.22 million residents, the New York-Newark-Jersey City metropolitan area was the most populous in the United States in 2019. The Los Angeles, Chicago, Dallas, and Houston metropolitan areas rounded out the top five in the U.S.

What is a metropolitan area?

It may seem strange that a metropolitan area can contain cities and areas in different states, such as the New York-Newark-Jersey City metro area, but there is a specific reason as to why

Population of the largest metropolitan areas in the U.S. as of 2019

(in 1,000s)



[Additional Information](#)

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AGREEMENT
Between
BROWARD COUNTY BOARD OF RULES AND APPEALS
and
CHARLES M. KRAMER, ESQ. FOR LEGAL SERVICES.

This is an Agreement (the “Agreement”), consists of seven (7) pages and is made and entered into by and between:

BROWARD COUNTY BOARD OF RULES AND APPEALS,
hereinafter referred to as “BOARD,” and

CHARLES M. KRAMER, ESQ., (hereinafter referred to as “COUNSEL”).

WHEREAS, the BOARD wishes to enter into an agreement with COUNSEL for his employment in connection with certain legal representation; NOW THEREFORE,

In consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, parties agree as follows:

ARTICLE I SCOPE OF SERVICES

1.1 COUNSEL agrees to provide legal services to and on behalf of BOARD in all matters involving BOARD as BOARD’S General Counsel.

1.2 COUNSEL is permitted to delegate the performance of services and work with other attorneys of similar experience (Co-Counsel), and associate attorneys (Associates)(attorneys with less than seven (7) years of experience in the applicable area of practice), and paralegals/legal assistants, in the law firm of Benson, Mucci & Weiss, P.L.

ARTICLE II
COMPENSATION: METHOD OF PAYMENT

2.1 Compensation shall be paid to the COUNSEL in accordance with the terms set forth herein below.

2.2. For professional services rendered, COUNSEL ‘s, Co-Counsel’ s and Associate’s fees shall be based on the hourly rate as follows:

PROPOSED FEES:	07/01/2020 – 06/30/2021	7/1/2021 6/30/2022	7/1/2022 6/30/23
Office and Non-Litigation Time (COUNSEL & Co-Counsel)	\$ 130.00 /hour	\$ 134.00 /hour	\$138.00

(Associates)	\$ 110.00 /hour	\$ 112.00 /hour	\$115.00
Litigation Time (COUNSEL &Co- Counsel)	\$ 278.00 /hour	\$ 278.00 /hour + CPI adjustment	\$ 278.00 /hour + CPI adjustment for years 2 and 3
Board and Committee Meetings (The meeting fee is for 3 hours)	\$390.00	\$ 402.00	\$414.00
Each hour or fraction thereof in excess of 3 hours	\$ 130.00 /hour	\$ 134.00 /hour	\$138.00
Paralegal Time	\$ 110.00/hour standard	\$ 115.00 /hour standard	\$115.00/hour standard
Travel outside Broward County	\$ 50.00 per hr. while in transit	\$50.00 per.hr. while in transit	\$50.00 per hr. while in transit

2.3 Anticipated billings, except for litigation matters, are proposed to be no greater than \$6,500.00 per month for the first year and adjusted thereafter annually on the anniversary date of this Agreement based on the table shown in Article II: Compensation: Method of Payment. Any amount billed in excess of 12% of those amounts on either a monthly or quarterly basis may require approval from the Board of Rules and Appeals at the discretion of the Administrative Director. In every case the monthly bill shall be paid no less than seventy-five (75%) percent pending Board review. For compensation associated with litigation, the hourly rate shall be adjusted annually on the anniversary date using the Consumer Price Index as determined by the U.S. Bureau of Labor Statistics and published for the month of May of that year. Said adjustment shall be no less than zero (0%) percent and no greater than three (3%) percent annually as adjusted on the anniversary date of each contract year. Any amount(s) for litigation services shall be provided at the agreed upon rate and are not included in anticipated billings.

2.4 COUNSEL agrees that there shall be no “parallel” or duplicate billing with Co-Counsel or Associates meaning that multiple attorneys will not bill for the same task on the same matter without prior approval.

2.5 COUNSEL agrees that there will be no charge for review of emails, correspondence, or other communication(s) received from BOARD or its administrative personnel by COUNSEL’s paralegal(s) or support staff. This provision shall not apply if COUNSEL or Co-Counsel is/are

personally unable to retrieve and review such communication(s) due to circumstances beyond their control and require the assistance of COUNSEL 's paralegal(s) or support staff.

2.6 Review of emails, correspondence or communication received from BOARD or its administrative staff which are sent for the purpose of updating or informing on matters not requiring the direct or ongoing assistance of COUNSEL or Co-Counsel, shall be billed in increments of .05 hours.

2.7 In addition to the charges for professional fees set forth in Subsection 2.2, above, BOARD shall reimburse COUNSEL for out-of-pocket expenses reasonably incurred in the course of rendering such legal services, including costs of long distance calls, printing, costs of copying, reproduction, secretarial overtime, computer time, and necessary travel expenses incurred in accordance with the requirements of Chapter 112, F.S. COUNSEL shall not charge for travel of attorneys within Broward County offices and pledges that it shall provide the best available and most appropriate lawyer in any of its office locations for the issues involved.

2.8 COUNSEL shall submit invoices on a monthly basis for the payment of out-of-pocket expenses. Each invoice shall include a signed certificate listing all costs, expenses, vouchers, invoices and other documentary evidence that will describe in reasonable detail the basis for expenditures for which reimbursement is sought.

2.9 In the event that COUNSEL, CO-COUNSEL, or ASSOCIATE(s), is/are required or requested to perform any additional or extraordinary services not herein contemplated, COUNSEL, CO-COUNSEL, or ASSOCIATE(s) shall be entitled to apply for additional compensation, the amount of which shall be subject to the approval of BOARD and no such additional compensation in excess of the amount herein stated shall be paid unless specifically authorized in advance by BOARD, in its sole discretion.

2.10 All amounts paid by BOARD to COUNSEL shall be subject to audit by BOARD and Broward County. All charges incurred under this Agreement shall be due and payable only after services have been rendered or expenses incurred and invoice submitted.

2.11 Payment shall be made on a monthly basis to: THE LAW OFFICE OF CHARLES M. KRAMER.

ARTICLE III TERM AND TERMINATION OF AGREEMENT

3.1 This Agreement shall commence on July 1, 2020 and shall continue until June 30, 2023.

3.2 It is expressly understood and agreed that the occurrence of an Event of Default, as set forth in Article IV herein, will give rise to a right of termination by the non-defaulting party. Termination shall be upon ten (10) days written notice to the Defaulting Party after expiration of the cure period provided for in Article IV herein. In the event of termination by BOARD, COUNSEL shall not undertake any new work under this Agreement after receipt of notice.

3.3 In the event of termination and upon receipt of written notice from BOARD of such termination, COUNSEL shall promptly submit an invoice to BOARD for the out-of-pocket expenses actually incurred and not reimbursed prior to the termination date and a final invoice

for all services rendered prior to the termination of this Agreement. Upon payment of such invoices by BOARD, COUNSEL shall have no further obligation to COUNSEL monetarily or otherwise. Likewise, COUNSEL'S obligations to the BOARD as provided for hereunder shall cease, except for participating in an orderly and professional transfer of such responsibilities and files or copies of files to the BOARD or its designee.

ARTICLE IV DEFAULT

4.1 Failure or refusal of either party to perform or do any act herein required of that party after thirty (30) days written notice from the non-defaulting party shall constitute a default ("Event of Default").

4.2 In the event of any default, in addition to any other remedy available to the non-defaulting party, this Agreement may be terminated pursuant to Article III hereof. Such termination shall not waive any other legal remedies available to the non-defaulting party.

ARTICLE V RECORD AUDIT AND INSPECTION

5.1 COUNSEL agrees to maintain and make available all financial records, supporting documents, records, and any other documents pertinent to the funding under this Agreement.

5.2 COUNSEL shall maintain such data and financial records in an accessible location and condition for a period of not less than three (3) years after final payment under this Agreement or until after final audit has been resolved, whichever is later.

5.3 COUNSEL shall permit BOARD or its designees to audit, examine and make excerpts and transcripts from such records.

ARTICLE VI CONFLICT OF INTEREST

6.1 COUNSEL states that he is familiar with and will comply with the terms and conditions of Chapter 112, Part III, Florida Statutes (Code of Ethics), and Broward Ethics Ordinance 2015-55, and will make himself aware and comply with any amendments thereto.

6.2 COUNSEL certifies that he does not know of any facts concerning this Agreement and the services to be performed which constitute a violation of either ethics sections and further acknowledges that BOARD'S conflict of interest policy is more restrictive than the Code of Ethics governing attorney conduct.

6.3 It is important that COUNSEL be independent and impartial in order to properly conduct his services to the BOARD. COUNSEL shall not act as counsel in any lawsuit or other adversary proceeding in which BOARD is named as an adversary party or in which COUNSEL takes an adverse position to the BOARD.

**ARTICLE VII
PUBLIC RECORDS LAW**

7.1 COUNSEL has been advised that the BOARD and all its activities are subject to the Public Records Law (Chapter 119, F.S.) and the Sunshine Law (Section 286.011, F.S.) and agrees to observe and comply with the requirements of said laws in performing the services required hereunder.

7.2 COUNSEL agrees that he will comply with all BOARD policies and procedures in observing the requirements of said laws.

**ARTICLE VIII
INSURANCE**

8.1 COUNSEL will maintain in force, during the life of this Agreement, Professional Liability Insurance with limits not less than Five Hundred Thousand Dollars (\$500,000.00) each occurrence with the maximum deduction of Fifty Thousand Dollars (\$50,000.00).

**ARTICLE IX
OWNERSHIP OF RESULTS**

Any interest of COUNSEL in reports, memoranda, or other documents prepared or received by COUNSEL in connection with services performed or to be performed under this Agreement shall be the property of the BOARD and will be transmitted to the BOARD or its designee upon request.

**ARTICLE X
INDEPENDENT CONTRACTOR**

COUNSEL is an independent contractor under this Agreement. Services provided by COUNSEL shall not be as an officer, employee or agent of BOARD.

**ARTICLE XI
SUBCONTRACTING**

11.1 Neither party to this Agreement shall contract on behalf or in the name of the other party. Any violation of this provision shall confer no rights in favor of anyone and shall be void.

11.2 COUNSEL is expressly prohibited from subcontracting the legal services required hereunder unless such subcontracting is agreed to in writing by BOARD.

ARTICLE XII WAIVER

The omission of either party at any time to enforce any default or right reserved to it, or to require performance of any of the terms, covenants or provisions hereof by the other party at the time designated, shall not be a waiver of any such default or right to which the party is entitled, nor shall it in any way affect the right of the party to enforce such provisions thereafter.

**ARTICLE XIII
VENUE AND WAIVER OF JURY TRIAL**

This Agreement shall be construed according to the laws of the State of Florida and the appropriate venue for any actions arising out of this Agreement, or the making of this agreement, shall be the Circuit Court of Broward County, Florida unless otherwise agreed in writing. To encourage prompt and equitable resolution of any litigation that may arise hereunder, the parties hereby waive any rights that either may have to a trial by jury of any such litigation. Alternatively, and as previously set forth herein, the parties may jointly agree to resolve any dispute(s) under the JAMS Streamlined Arbitration Rules and Procedures. Any decision(s) rendered by JAMS shall be final and binding on the parties.

**ARTICLE XIV
SEVERABILITY**

In the event of any term or provision of this Agreement shall be determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or construed or deleted as such authority determines, and the remainder of the Agreement shall be construed to be in full force and effect.

**ARTICLE XV
AMENDMENTS/ ASSIGNMENTS**

15.1 No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

15.2 COUNSEL shall not transfer or assign any duties or obligations hereunder without the prior written consent of BOARD.

**ARTICLE XVI
NOTICES**

Whenever either party desires to give notice unto the other, it must be given by written notice, sent by registered or certified United States mail, with return receipt requested, addressed to the party for whom it is intended, at the place last specified, and the place for giving notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice, to-wit:

FOR BOARD:

Broward County Board of Rules and Appeals and Administrative Director
1 N. University Drive, Suite 3500B
Plantation, FL 33324

FOR COUNSEL:

The Law Office of Charles M. Kramer PLLC
5561 N. University Drive, Suite 103
Coral Springs, FL 33067

ARTICLE XVII
ENTIRE AGREEMENT

This Agreement constitutes the entire understanding and agreement between the parties and no warranties, express or implied, representations, promises, or statements have been made by either party unless endorsed herein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY BOARD OF RULES AND APPEALS through its BOARD OF DIRECTORS, signing by and through its Chair, authorized to execute same by Board action on the _____ day of _____, 2020.

ATTEST:

BROWARD COUNTY BOARD
OF RULES AND APPEALS

By: _____
For BOARD

Dated: _____

COUNSEL

By: _____
Charles M. Kramer, Esq.

Dated: _____



BROWARD COUNTY
Board of Rules & Appeals
1 North University Drive, Suite 3500B, Plantation, Florida 33324

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

From: Administrative Director

Date: July 9, 2020

Re: Agreement between Broward County Board of Rules and Appeals and Charles M. Kramer, Esquire for legal services effective July 1st, 2020.

DISCUSSION

The Board attorney Charles Kramer and I have held discussions in recent weeks for the purpose of concluding a new agreement for legal services. I believe the negotiations have been satisfactory concluded.

In the pages to follow there is a chart that shows how the expenses have risen for legal services over an approximately 10 and ½ years. Accordingly, there have been negotiations to ensure cost control going forward. These include a significant reduction in hourly rates and a commitment to place the attorney's bills on a Board agenda, if they exceed \$6,500 per month by a certain amount specified in the contract. I believe the record is clear that the director and the Board staff have utilize the services of the Board Attorney to a much greater degree from 2017 to 2020 than we did in 2010 and 2012 and in years prior to those dates. Therefore, we are trying to structure the agreement to be more realistic as to current services requested by the staff and rendered by the attorney.

ADDITIONAL INFO

The contract has a major change in its length from a little over two years to a three-year proposed renewal, the Board can either accept the contract as proposed or by motion adjust the term to be only two years. In both cases the renewal agreement becomes effective July 1st, 2020.

Respectfully submitted,

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

James DiPietro

TOTAL EXPENSES 2000 THRU 2020

Account	Fiscal Year Budget Period (Oct. 1- Sept. 30)	Budget amount adopted by Broward County Budget Managemet Office	Final total Expense for the Fiscal Year				
547020	2010	34,790.00	26,231.00				
547020	2011	32,000.00	29,210.00				
547020	2012	32,000.00	21,778.00				
547020	2013	32,000.00	83,300.94				
547020	2014	40,000.00	69,465.00				
547020	2015	45,000.00	76,849.00				
547020	2016	50,000.00	64,276.00				
547020	2017	65,000.00	66,437.00				
547020	2018	65,000.00	151,596.65				
547020	2019	65,000.00	195,008.54				
547020	2020	65,000.00	73,371.85	October 2019 thru May 2020 - 9 months			

Three (3) years budgeted expenses for account #547020

Budget Period	Budget	Expense
2018	154,775.00	151,596.65
2019	189,300.00	195,008.54
2020	65,000.00	73,371.85



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE: 954-765-4500
FAX: 954-765-4504

www.broward.org/codeappeal

2018 Voting Members

Chair

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

Vice-Chair

Mr. Kenneth B. Wynn
Representative Disabled Community
Mr. Jeffrey Lucas, FM, CFI, CFEI
Fire Service Professional

Mr. John Famularo,
Roofing Contractor
Mrs. Shalanda Giles Nelson,
General Contractor
Mr. Daniel Rourke
Master Plumber

Mr. Gregg D'Attila,
Mechanical Contractor
Mr. Stephen E. Bailey, P.E.
Electrical Engineer
Mr. Ron Burr

Swimming Pool Contractor
Mr. John Sims,
Master Electrician
Mr. Dennis A. Ulmer
Consumer Advocate

Mr. Abbas H. Zackria, CSI
Architect
Robert A. Kamm, P.E.
Mechanical Engineer

2018 Alternate Board Members

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

Board Attorney
Charles M. Kramer, Esq.

Board Administrative Director
James DiPietro

—ESTABLISHED 1971—

June 14, 2018

Charles M. Kramer, Esquire
5561 N. University Drive, Suite 102
Coral Springs, FL 33324

Dear Chuck,

On behalf of the Board of Rules and Appeals, I am writing to congratulate you on your appointment as our Board legal counsel.

The Board has trusted in your vast experience and the excellent representation you have done thru the years and the service you have provided to us and we are confident that this shall continue benefiting our agency in the future with this new contract.

We appreciate your continued and loyal commitment and we wish you well in the future of this new endeavor.

Sincerely,

James DiPietro
Administrative Director

Enc.: Agreement for period May 10th, 2018 thru June 30, 2020.

AGREEMENT

Between

BROWARD COUNTY BOARD OF RULES AND APPEALS

and

CHARLES M. KRAMER, ESQUIRE

FOR

LEGAL SERVICES.

This is an Agreement (the "Agreement"), consists of eight (8) pages and is made and entered into by and between:

BROWARD COUNTY BOARD OF RULES AND APPEALS, hereinafter referred to as "BOARD,"

and

CHARLES M. KRAMER, ESQ., (hereinafter referred to as "COUNSEL").

WHEREAS, the BOARD wishes to enter into an agreement with COUNSEL for his employment in connection with certain legal representation; NOW THEREFORE,

In consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, parties agree as follows:

**ARTICLE I
SCOPE OF SERVICES**

1.1 COUNSEL agrees to provide legal services to and on behalf of BOARD in all matters involving BOARD as BOARD'S General Counsel.

1.2 COUNSEL is permitted to delegate the performance of services and work with other attorneys of similar experience (Co-Counsel), and associate attorneys (Associates)(attorneys with less than seven (7) years of experience in the applicable area of practice), and paralegals/legal assistants, in the law firm of Benson, Mucci & Weiss, P.L.

-1-

For BOARD



For COUNSEL



**ARTICLE II
COMPENSATION: METHOD OF PAYMENT**

2.1 Compensation shall be paid to the COUNSEL in accordance with the terms set forth herein below

2.2. For professional services rendered, COUNSEL's, Co-Counsel's and Associate's fees shall be based on the hourly rate as follows:

PROPOSED FEES:	05/10/2018 - 05/30/2019	6/1/2019 6/30/2020
Office and Non-Litigation Time (COUNSEL & Co-Counsel))	\$ 255.00 /hour	\$ 263.00 /hour
(Associates)	\$ 175.00 /hour	\$ 180.00 /hour
Litigation Time (COUNSEL & Co-Counsel)	\$ 270.00 /hour	\$ 278.00 /hour
Board and Committee Meetings (The meeting fee is for 3 hours)	\$ 510.00	\$ 515.00
Each hour or fraction thereof in excess of 3 hours	\$ 180.00 /hour	\$ 185.00 /hour
Paralegal Time	\$ 105.00/hour	\$ 110.00 /hour
Travel outside Broward County	\$ 50.00 per hr. while in transit	\$50.00 per.hr. while in transit

2.3 COUNSEL agrees that there shall be no "parallel" or duplicate billing with Co-Counsel or Associates meaning that multiple attorneys will not bill for the same task on the same matter without prior approval.

-2-

For BOARD 

For COUNSEL 

2.4 COUNSEL agrees that there will be no charge for review of emails, correspondence, or other communication(s) received from BOARD or its administrative personnel by COUNSEL's paralegal(s) or support staff. This provision shall not apply if COUNSEL or Co-Counsel is/are personally unable to retrieve and review such communication(s) due to circumstances beyond their control and require the assistance of COUNSEL's paralegal(s) or support staff.

2.5 Review of emails, correspondence or communication received from BOARD or its administrative staff which are sent for the purpose of updating or informing on matters not requiring the direct or ongoing assistance of COUNSEL or Co-Counsel, shall be billed in increments of .05 hours.

2.4 In addition to the charges for professional fees set forth in Subsection 2.2, above, BOARD shall reimburse COUNSEL for out-of-pocket expenses reasonably incurred in the course of rendering such legal services, including costs of long distance calls, printing, costs of copying, reproduction, secretarial overtime, computer time, and necessary travel expenses incurred in accordance with the requirements of Chapter 112, F.S. COUNSEL shall not charge for travel of attorneys within Broward County offices and pledges that it shall provide the best available and most appropriate lawyer in any of its office locations for the issues involved.

2.5 COUNSEL shall submit invoices on a monthly basis for the payment of out-of-pocket expenses. Each invoice shall include a signed certificate listing all costs, expenses, vouchers, invoices and other documentary evidence that will describe in reasonable detail the basis for expenditures for which reimbursement is sought.

2.6 In the event that COUNSEL, CO-COUNSEL, or ASSOCIATE(s), is/are required or requested to perform any additional or extraordinary services not herein contemplated, COUNSEL, CO-COUNSEL, or ASSOCIATE(s) shall be entitled to apply for additional compensation, the amount of which shall be subject to the approval of BOARD and no such additional compensation in excess of the amount herein stated shall be paid unless specifically authorized in advance by BOARD, in its sole discretion.

2.7 All amounts paid by BOARD to COUNSEL shall be subject to audit by BOARD and Broward County. All charges incurred under this Agreement shall be due and payable only after services have been rendered or expenses incurred and invoice submitted.

2.8 Payment shall be made on a monthly basis to: THE LAW OFFICE OF CHARLES M. KRAMER.

ARTICLE III
TERM AND TERMINATION OF AGREEMENT

3.1 This Agreement shall commence on May 10, 2018 and shall continue until June 30, 2020.

-3-

For BOARD

For COUNSEL

3.2 It is expressly understood and agreed that the occurrence of an Event of Default, as set forth in Article IV herein, will give rise to a right of termination by the non-defaulting party. Termination shall be upon ten (10) days written notice to the Defaulting Party after expiration of the cure period provided for in Article IV herein. In the event of termination by BOARD, COUNSEL shall not undertake any new work under this Agreement after receipt of notice.

3.3 In the event of termination and upon receipt of written notice from BOARD of such termination, COUNSEL shall promptly submit an invoice to BOARD for the out-of-pocket expenses actually incurred and not reimbursed prior to the termination date and a final invoice for all services rendered prior to the termination of this Agreement. Upon payment of such invoices by BOARD, COUNSEL shall have no further obligation to COUNSEL monetarily or otherwise. Likewise, COUNSEL'S obligations to the BOARD as provided for hereunder shall cease, except for participating in an orderly and professional transfer of such responsibilities and files or copies of files to the BOARD or its designee.

ARTICLE IV DEFAULT

4.1 Failure or refusal of either party to perform or do any act herein required of that party after thirty (30) days written notice from the non-defaulting party shall constitute a default ("Event of Default").

4.2 In the event of any default, in addition to any other remedy available to the non-defaulting party, this Agreement may be terminated pursuant to Article III hereof. Such termination shall not waive any other legal remedies available to the non-defaulting party.

ARTICLE V RECORD AUDIT AND INSPECTION

5.1 COUNSEL agrees to maintain and make available all financial records, supporting documents, records, and any other documents pertinent to the funding under this Agreement.

5.2 COUNSEL shall maintain such data and financial records in an accessible location and condition for a period of not less than three (3) years after final payment under this Agreement or until after final audit has been resolved, whichever is later.

5.3 COUNSEL shall permit BOARD or its designees to audit, examine and make excerpts and transcripts from such records.

-4-

For BOARD



For COUNSEL



**ARTICLE VI
CONFLICT OF INTEREST**

6.1 COUNSEL states that he is familiar with and will comply with the terms and conditions of Chapter 112, Part III, Florida Statutes (Code of Ethics), and Broward Ethics Ordinance 2015-55, and will make himself aware and comply with any amendments thereto.

6.2 COUNSEL certifies that he does not know of any facts concerning this Agreement and the services to be performed which constitute a violation of either ethics sections and further acknowledges that BOARD'S conflict of interest policy is more restrictive than the Code of Ethics governing attorney conduct.

6.3 It is important that COUNSEL be independent and impartial in order to properly conduct his services to the BOARD. COUNSEL shall not act as counsel in any lawsuit or other adversary proceeding in which BOARD is named as an adversary party or in which COUNSEL takes an adverse position to the BOARD.

**ARTICLE VII
PUBLIC RECORDS-LAW**

7.1 COUNSEL has been advised that the BOARD and all its activities are subject to the Public Records Law (Chapter 119, F.S.) and the Sunshine Law (Section 286.011, F.S.) and agrees to observe and comply with the requirements of said laws in performing the services required hereunder.

7.2 COUNSEL agrees that he will comply with all BOARD policies and procedures in observing the requirements of said laws.

**ARTICLE VIII
INSURANCE**

8.1 COUNSEL will maintain in force, during the life of this Agreement, Professional Liability Insurance with limits not less than Five Hundred Thousand Dollars (\$500,000.00) each occurrence with the maximum deduction of Fifty Thousand Dollars (\$50,000.00).

**ARTICLE IX
OWNERSHIP OF RESULTS**

Any interest of COUNSEL in reports, memoranda, or other' documents prepared or received by COUNSEL in connection with services performed or to be performed under this Agreement shall be the property of the BOARD and will be transmitted to the BOARD or its designee upon request.

-5- For BOARD 

For COUNSEL 

**ARTICLE X
INDEPENDENT CONTRACTOR**

COUNSEL is an independent contractor under this Agreement. Services provided by COUNSEL shall not be as an officer, employee or agent of BOARD.

**ARTICLE XI
SUBCONTRACTING**

11.1 Neither party to this Agreement shall contract on behalf or in the name of the other party. Any violation of this provision shall confer no rights in favor of anyone and shall be void.

11.2 COUNSEL is expressly prohibited from subcontracting the legal services required hereunder unless such subcontracting is agreed to in writing by BOARD.

**ARTICLE XII
WAIVER**

The omission of either party at any time to enforce any default or right reserved to it, or to require performance of any of the terms, covenants or provisions hereof by the other party at the time designated, shall not be a waiver of any such default or right to which the party is entitled, nor shall it in any way affect the right of the party to enforce such provisions thereafter.

**ARTICLE XIII
VENUE AND WAIVER OF JURY TRIAL**

This Agreement shall be construed according to the laws of the State of Florida and the appropriate venue for any actions arising out of this Agreement, or the making of this agreement, shall be either the Circuit Court of Broward County, Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, the parties hereby waive any rights that either may have to a trial by jury of any such litigation. Alternatively, the parties may jointly agree to resolve any dispute(s) under the JAMS Streamlined Arbitration Rules and Procedures. Any decision(s) rendered by JAMS shall be final and binding on the parties.

-6-

For BOARD



For COUNSEL



**ARTICLE XIV
SEVERABILITY**

In the event of any term or provision of this Agreement shall be determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or construed or deleted as such authority determines, and the remainder of the Agreement shall be construed to be in full force and effect.

**ARTICLE XV
AMENDMENTS/ ASSIGNMENTS**

15.1 No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

15.2 COUNSEL shall not transfer or assign any duties or obligations hereunder without the prior written consent of BOARD.

**ARTICLE XVI
NOTICES**

Whenever either party desires to give notice unto the other, it must be given by written notice, sent by registered or certified United States mail, with return receipt requested, addressed to the party for whom it is intended, at the place last specified, and the place for giving notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice, to-wit:

FOR BOARD:

Broward County Board of Rules and Appeals
1 N. University Dr Suite 3500B,
Plantation, FL 33324

FOR COUNSEL:

The Law Office of Charles M. Kramer PLLC
5561 N. University Drive, Suite 102
Coral Springs, FL 33067

-7-

For BOARD



For COUNSEL

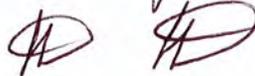


**ARTICLE XVII
ENTIRE AGREEMENT**

This Agreement constitutes the entire understanding and agreement between the parties and no warranties, express or implied, representations, promises, or statements have been made by either party unless endorsed herein.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY BOARD OF RULES AND APPEALS through its BOARD OF DIRECTORS, signing by and through its Chair, authorized to execute same by Board action on the ~~10th~~ day of ~~May~~, 2018.

ATTEST:

14th June


BROWARD COUNTY BOARD
OF RULES AND APPEALS

By: 

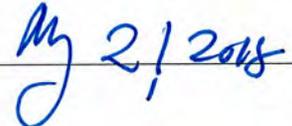
For BOARD

Dated: _____

COUNSEL

By: 

Charles M. Kramer, Esq.

Dated: 



BROWARD COUNTY

Board of Rules & Appeals

ONE NORTH UNIVERSITY DRIVE, SUITE 3500-B, PLANTATION, FLORIDA 33324

PHONE (954) 765-4500 FAX: (954) 765-4504

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

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

FROM: Administrative Director

DATE: June 14, 2018

SUBJECT: Agreement between Broward County Board of Rules and Appeals and Charles M Kramer, Esquire for legal services

RECOMMENDATION

It is recommended that the Board approve of the attached contract with Charles M. Kramer, Esquire, for legal services for the period of May 10, 2018 thru June 30, 2020.

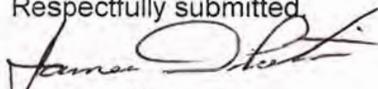
REASONS

At our regular meeting of May 10, 2018, the Board decided to continue with legal services provided by Charles M. Kramer and severed ties with the firm of Rogers, Morris and Ziegler, LLC., Mr. Kramer's previous employer. The Board authorized Chair Dan Lavrich and myself to negotiate a proposed agreement, said agreement has been completed and its recommended for your approval.

ADDITIONAL INFORMATION

As a general summary of the agreement I would say that after the first two years Charles Kramer rates would still be about 10% less than the old of Rogers, Morris and Ziegler/Kramer agreement (please compare pages #2 and #9) which I think is fair to both parties. A new category of "associates" has been added, which is at a lower hourly rate than the "counsel and co-counsel" category; no duplicate billing for the categories of counsel, co-counsel, and associates, is allowed on the same task; cost control measures have been added on travel both within and outside the County and for the reading of routine emails; language updates offered by the attorney and by the director to the 20 year old prior agreement have been included; and the insurance requirements in both documents are the same.

Respectfully submitted


James DiPietro

Q:\HARDWARE\BR&A\BOARD\Agreements\1806\Main\CC0518.rtf

ATTORNEY'S BILLS FY 2020

June 10-2020

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
7953	475237		526													22.00	
			157.8				78.9										
			11				368.20										
Subtotal		0	694.8	0	0	0	447.10	0	0	0	0	0	0	0	0	22.00	0.00
Total		1,163.90															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
7967	475240	105.20	78.90	26.30	105.20	515.01	78.90		447.10	105.20							
			473.40	184.10	52.60				52.60								
			52.60	315.60			105.20	105.20	210.40								
			78.90	26.30			78.90	52.60	210.40								
			78.90	78.90			78.90										
			157.80	52.60													
				394.50													
Subtotal		105.20	920.50	1,078.30	157.80	515.01	341.90	157.80	920.50	105.20	-	-	-	-	-	-	-
Total		4,302.21															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
7968	475243										111.20						
Subtotal		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	111.20	0.00	0.00	0.00	0.00	0.00	0.00
Total		111.20															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8152	490852						473.40					225.00					
Subtotal		-	-	-	-	-	473.40	-	-	-	-	225.00	-	-	-	-	-
Total		698.40															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8153	490855		2,912.10		157.80	620.21	341.90	114.30	368.20				762.70	263.00	315.60	789.70	
Subtotal		-	2,912.10	-	157.80	620.21	341.90	114.30	368.20	-	-	-	762.70	263.00	315.60	789.70	
Subtotal		6,645.51															
Subtotal		1129.72 <i>Discount 17.00%</i>															
Total		5,515.79															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8154	490861										500.40						
Subtotal		-	-	-	-	-	-	-	-	-	500.40	-	-	-	-	-	-
Total		500.40															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8216	490863															1,885.50	
Subtotal		-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,885.50	-
Total		1,885.50															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8217	490865	105.20	315.60		26.30		973.10	210.40					370.60			1,656.90	
Subtotal		105.20	315.60	-	26.30	-	973.10	210.40	-	-	-	-	370.60	-	-	1,656.90	-
Total		3,658.10															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8403	498087				78.90		1,630.60	1,604.30					604.90				
Subtotal		-	-	-	78.90	-	1,630.60	1,604.30	-	-	-	-	604.90	-	-	-	-
Total		3,918.70															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
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Invoice	Voucher ID	Amendment	Appeals	Cause	Agenda	Meeting	signature issue	requests	BDA	Municode	Madden	Secret Question	Investigations	Legislation	Records	Provider Question	Ethics Memo
8404	498088						348.60	526.00									
Subtotal		-	-	-	-	-	348.60	526.00	-	-	-	-	-	-	-	-	-
Total		874.60															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8587	508314						77.00	447.10									
								341.90									
								867.90									
								736.40									
								157.8									
								11.00									
Subtotal		0.00	0.00	0.00	0.00	0.00	77.00	2,562.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total		2,639.10															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
8588	508316																
		157.80			78.90	515.01	578.60	105.20					78.90				210.40
		78.90			105.20		52.60	78.90					52.60				78.90
		52.60			26.30		105.20	52.60					473.40				420.80
		52.60					26.30	52.60									105.20
		33.00						52.60									
								52.60									
								263.00									
								657.50									
								26.30									
								26.30									
								52.60									
								26.30									
								26.30									
								341.90									
								210.40									
								105.20									
Subtotal		374.90	-	-	210.40	515.01	762.70	2,130.30	-	-	-	-	604.90	-	-	-	815.30
Total		5,413.51															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
9108	531895	486.55						92.05									
		276.15						512.85									
								26.30									
								78.90									
								355.05									
								276.15									
								26.30									
								16.50									
								236.70									
								11.00									
								210.40									
								144.65									
Subtotal		762.70	-	-	-	-	-	1,986.85	-	-	-	-	-	-	-	-	-
Total		2,749.55 verified															

Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
9109	531896	13.15	157.80	13.15	65.75	257.50	223.55	578.60					52.60				
					11.00			39.45					78.90				
		144.65	26.30				13.15	499.70					368.20				
		52.60	249.85				13.15	52.60									
		170.95	11.00				13.15	22.00									
		105.20	26.30				26.30	22.00									

Subtotal		7,860.71	1,379.76	347.16	31.56	-	918.58	928.44	-	-	39.60	-	268.26	-	15.78	-	-
Total	11,789.85	verified															
Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
9234								578.60									
								499.70									
								184.10									
Subtotal		-	-	-	-	-	-	1,262.40	-	-	-	-	-	-	-	-	-
Total	1,262.40	verified															
Total		11,247.21	8,378.11	1,438.61	991.51	1,907.73	7,792.23	14,009.19	1,288.70	105.20	651.20	225.00	3,111.06	263.00	331.38	4,354.10	815.30
Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
9515		105.2					26.30	184.10							78.9		
		236.70					22.00								33.00		
		210.40					78.90								52.60		
		341.90					52.60										
		184.10															
		157.80															
		26.30															
		157.80															
		52.60															
		22.00															
		26.30															
		78.9															
		26.30															
		52.60															
		263.00															
		52.60															
		26.30															
		52.60															
		105.20															
		631.20															
		26.30															
		24.86															
Subtotal		3,439.56	0.00	0.00	0.00	0.00	179.80	184.10	0.00	0.00	0.00	0.00	0.00	0.00	164.50	0.00	0.00
Total	3,967.96																
Invoice	Voucher ID	Local Amendment	Appeals	Probable Cause	Bora Agenda	BORA Meeting	Permit signature issue	City & County requests	Resolution BDA	Municode	Madden	Trade Secret Question	Investigations	State Legislation	Public Records	Private Provider Question	County Ethics Memo
9520		144.00															
		67.50															
		26.30															
		184.10															
		447.10															
Subtotal		869.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	869.00																
Grand total		74,154.69															

OLD / EXISTING CONTRACT

EXHIBIT A

COMPENSATION AND STAFFING

BOARD agrees to compensate COUNSEL under the Agreement in the amount and manner set forth below for the term of this Agreement.

1. For professional services rendered, COUNSEL's fee shall be based on the hourly rate as follows:

<u>PROPOSED FEES:</u>	<u>01/01/2017 - 12/31/2017</u>	<u>01/01/2018 - 12/31/2018</u>
Office and Non-Litigation Time	\$280.00/hour	\$290.00/hour
Litigation Time	\$295.00/hour	\$305.00/hour
Board and Committee Meetings (The meeting fee is for 3 hours)	\$575.00	\$585.00
Each hour or fraction thereof in excess of 3 hours	\$200.00/hour	\$210.00/hour
Paralegal Time	\$125.00/hour	\$135.00/hour

2. In addition to the charges for professional fees set forth in Subsection 1, above, BOARD shall reimburse COUNSEL for out-of-pocket expenses reasonably incurred in the course of rendering such legal services, including costs of long distance calls, printing, costs of telecopying, reproduction, secretarial overtime, computer time, and necessary travel expenses incurred in accordance with the requirements of Chapter 112, F.S. COUNSEL shall not charge for travel of attorneys between its offices so that it can provide the best available and most appropriate lawyer in any of its office locations for the issues involved.
3. COUNSEL shall submit invoices on a monthly basis for the payment of out-of-pocket expenses. Each invoice shall include a signed certificate listing all costs, expenses, vouchers, invoices and other documentary evidence that will describe in reasonable detail the basis for expenditures for which reimbursement is sought.
4. In the event that COUNSEL is required or requested to perform any additional or extraordinary services not herein contemplated, COUNSEL shall be entitled to apply for additional compensation, the amount of which shall be subject to the approval of BOARD and no such additional compensation in excess of the amount herein stated shall be paid unless specifically authorized in advance by BOARD, in its sole discretion.

OLD

AGREEMENT
Between
BROWARD COUNTY BOARD OF RULES AND APPEALS
and
ROBERT E. ZIEGLER, ESQ.
FOR
LEGAL SERVICES

105

DLT

AGREEMENT

Between

BROWARD COUNTY BOARD OF RULES AND APPEALS

and

ROBERT E. ZIEGLER, ESQ.

FOR

LEGAL SERVICES

This is an Agreement (the "Agreement"), made and entered into by and between: **BROWARD COUNTY BOARD OF RULES AND APPEALS**, hereinafter referred to as "BOARD,"

and

ROBERT E. ZIEGLER, ESQ., (hereinafter referred to as "COUNSEL").

WHEREAS, the BOARD wishes to enter into an agreement with COUNSEL for his employment in connection with certain legal representation; NOW THEREFORE,

In consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, parties agree as follows:

ARTICLE I

SCOPE OF SERVICES

- 1.1 COUNSEL agrees to provide legal services to and on behalf of BOARD in all matters involving BOARD as BOARD'S General Counsel.
- 1.2 COUNSEL is permitted to delegate the performance of services and work with other attorneys and staff in the law firm of Rogers, Morris & Ziegler.

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OLD

ARTICLE II

COMPENSATION: METHOD OF PAYMENT

- 2.1 Compensation shall be paid to the COUNSEL in accordance with the terms set forth in Exhibit A and its attached schedule.
- 2.2 All amounts paid by BOARD to COUNSEL shall be subject to audit by BOARD and Broward County. All charges incurred under this Agreement shall be due and payable only after services have been rendered or expenses incurred and invoice submitted.
- 2.3 Payment shall be made on a monthly basis to:

ROBERT E. ZIEGLER, ESQ.

ARTICLE III

TERM AND TERMINATION OF AGREEMENT

- 3.1 This Agreement shall commence on March 13, 1995 and shall continue for ~~a period of one year.~~
UNTIL SEPTEMBER 30, 1997
- 3.2 It is expressly understood and agreed that the occurrence of an Event of Default, as set forth in Article IV herein, will give rise to a right of termination by the non-defaulting party. Termination shall be upon ten (10) days written notice to the Defaulting Party after the expiration of the cure period provided for in Article IV herein. In the event of termination by BOARD, COUNSEL shall not undertake any new work under this Agreement after the date of receipt of such notice.
- 3.3 In the event of termination and upon receipt of written notice from BOARD of such termination, COUNSEL shall promptly submit an invoice to BOARD for the out-of-pocket expenses actually incurred and not reimbursed prior to the termination date and a final invoice for all services rendered prior to the termination of this Agreement. Upon payment of such invoices by BOARD, COUNSEL shall have no further obligation to COUNSEL monetarily or otherwise. Likewise, COUNSEL'S obligations to the BOARD as provided for hereunder shall cease, except for participating in an orderly and professional transfer of such responsibilities and files or copies of files to the BOARD or its designee.

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OLD

ARTICLE IV

DEFAULT

- 4.1 Failure or refusal of either party to perform or do any act herein required of that party after thirty (30) days written notice from the non-defaulting party shall constitute a default ("Event of Default").
- 4.2 In the event of any default, in addition to any other remedy available to the non-defaulting party, this Agreement may be terminated pursuant to Article III hereof. Such termination shall not waive any other legal remedies available to the non-defaulting party.

ARTICLE V

RECORD AUDIT AND INSPECTION

- 5.1 COUNSEL agrees to maintain and make available all financial records, supporting documents, records, and any other documents pertinent to the funding under this Agreement.
- 5.2 COUNSEL shall maintain such data and financial records in an accessible location and condition for a period of not less than three (3) years after final payment under this Agreement or until after final audit has been resolved, whichever is later.
- 5.3 COUNSEL shall permit BOARD or its designees to audit, examine and make excerpts and transcripts from such records.

ARTICLE VI

CONFLICT OF INTEREST

- 6.1 COUNSEL states that it is familiar with and will comply with the terms and conditions of Chapter 112, Part III, Florida Statutes (Code of Ethics).
- 6.2 COUNSEL certifies that it does not know of any facts concerning this Agreement and the services to be performed which constitute a violation of said section and acknowledges that BOARD'S conflict of interest policy is more restrictive than the Code of Ethics governing attorney conduct.
- 6.3 It is important that COUNSEL be independent and impartial in order to properly conduct its services to the BOARD. COUNSEL shall not act as counsel in any lawsuit or other adversary

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OLD

proceeding in which BOARD is named as an adversary party or in which COUNSEL takes an adverse position to the BOARD.

ARTICLE VII

PUBLIC RECORDS LAW

- 7.1 COUNSEL has been advised that the BOARD and all its activities are subject to the Public Records Law (Chapter 119, F.S.) and the Sunshine Law (Section 286.011, F.S.) and agrees to observe and comply with the requirements of said laws in performing the services required hereunder.
- 7.2 COUNSEL agrees that it will comply with all BOARD policies and procedures in observing the requirements of said laws.

ARTICLE VIII

INSURANCE

- 8.1 COUNSEL will maintain in force, during the life of this Agreement, Professional Liability Insurance with limits not less than Five Hundred Thousand Dollars (\$500,000.00) each occurrence with the maximum deduction of Fifty Thousand Dollars (\$50,000.00).

ARTICLE IX

OWNERSHIP OF RESULTS

Any interest of COUNSEL in reports, memoranda, or other documents prepared or received by COUNSEL in connection with services performed or to be performed under this Agreement shall be the property of the BOARD and will be transmitted to the BOARD or its designee upon request.

ARTICLE X

INDEPENDENT CONTRACTOR

COUNSEL is an independent contractor under this Agreement. Services provided by COUNSEL shall not be as an officer, employee or agent of BOARD.

OLD

ARTICLE XI

SUBCONTRACTING

- 11.1 Neither party to this Agreement shall contract on behalf or in the name of the other party. Any violation of this provision shall confer no rights in favor of anyone and shall be void.
- 11.2 COUNSEL is expressly prohibited from subcontracting the legal services required hereunder unless such subcontracting is agreed to in writing by BOARD.

ARTICLE XII

WAIVER

The omission by either party at any time to enforce any default or right reserved to it, or to require performance of any of the terms, covenants, or provisions hereof by the other party at the time designated, shall not be a waiver of any such default or right to which the party is entitled, nor shall it in any way affect the right of the party to enforce such provisions thereafter.

ARTICLE XIII

VENUE AND WAIVER OF JURY TRIAL

This Agreement shall be construed according to the laws of the State of Florida and the appropriate venue for any actions arising out of this Agreement shall be the Circuit Court of Broward County, Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, the parties hereby waive any rights that either may have to a trial by jury of any such litigation.

ARTICLE XIV

SEVERABILITY

In the event any term or provision of this Agreement shall be determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or be construed or deleted as such authority determines, and the remainder of the Agreement shall be construed to be in full force and effect.

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OLD

ARTICLE XV

AMENDMENTS; ASSIGNMENTS

- 16.1 No modification, amendment or alteration in the terms or conditions of this Agreement shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.
- 16.2 COUNSEL shall not transfer or assign any duties or obligations hereunder without the prior written consent of BOARD.

ARTICLE XVI

NOTICES

Whenever either party desires to give notice unto the other, it must be given by written notice, sent by registered or certified United States mail, with return receipt requested, addressed to the party for whom it is intended, at the place last specified, and the place for giving of notice shall remain such until it shall have been changed by written notice in compliance with the provisions of this paragraph. For the present, the parties designate the following as the respective places for giving of notice, to-wit:

FOR BOARD:

Broward County Board of Rules and Appeals
955 So. Federal Highway, Room 401
Fort Lauderdale, FL. 33316

FOR COUNSEL:

Robert E. Ziegler, Esq.
Rogers, Morris & Ziegler
1401 E. Broward Blvd., Suite 300
Fort Lauderdale, FL 33301

ARTICLE XVII

ENTIRE AGREEMENT

This Agreement constitutes the entire understanding and agreement between the parties and no warranties, express or implied, representations, promises, or statements have been made by either party unless endorsed herein.

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OLD

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the respective dates under each signature; BROWARD COUNTY BOARD OF RULES AND APPEALS through its BOARD OF DIRECTORS, signing by and through its Chair, authorized to execute same by Board action on the ____ day of _____, 1995.

BOARD

ATTEST:

BROWARD COUNTY BOARD OF RULES AND APPEALS

By _____

____ day of _____, 1995.

COUNSEL

ROBERT E. ZIEGLER

____ day of _____, 1995.

OLD
1995
A

EXHIBIT A

COMPENSATION AND STAFFING

BOARD agrees to compensate COUNSEL under the Agreement in the amount and manner set forth below for the term of this Agreement.

1. For professional services rendered, COUNSEL'S fee shall be based on the hourly rate as follows:

Office & Non-Litigation Time - \$ 125.00/hr.

Litigation Time - \$ 140.00/hr.

Board & Committee Meetings - \$ 300.00

(The meeting fee is for 3 hours, and, therefore, for each hour or fraction thereof in excess of 3 hours, there would be an additional charge of \$100.00)

Paralegal Time - \$ 65.00/hr.

2. In addition to the charges for professional fees set forth in subsection 1 above, BOARD shall reimburse COUNSEL for out-of-pocket expenses reasonably incurred in the course of rendering such legal services, including costs of long distance calls, printing, costs of telecopying, reproduction, secretarial overtime, computer time, and necessary travel expenses incurred in accordance with the requirements of Chapter 112, F.S. COUNSEL shall not charge for travel of attorneys between its offices so that it can provide the best available and most appropriate lawyer in any of its office locations for the issues involved.

3. COUNSEL shall submit invoices on a monthly basis for the payment of out-of-pocket expenses. Each invoice shall include a signed certificate listing all costs, expenses, vouchers, invoices and other documentary evidence that will describe in reasonable detail the basis for expenditures for which reimbursement is sought.

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OLD

4. In the event that COUNSEL is required or requested to perform any additional or extraordinary services not herein contemplated, COUNSEL shall be entitled to apply for additional compensation, the amount of which shall be subject to the approval of BOARD and no such additional compensation in excess of the amount herein stated shall be paid unless specifically authorized in advance by BOARD, in its sole discretion.

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From: [Dipietro, James](#)
To: [Boselli, Ruth](#); [Kong, Maria](#)
Subject: FW: pay ranges - for county legal staff
Date: Thursday, May 14, 2020 12:01:22 PM

FYI

From: Dipietro, James
Sent: Thursday, May 14, 2020 11:47 AM
To: 'Chuck Kramer' <ckramer@bmvlawyers.net>
Subject: FW: pay ranges - for county legal staff

Chuck. Thank you for the call the other day on the topic of contract renewal. I have some initial feedback for you to consider.

Please look the info below over. I was giving some thought to the idea that we should discuss and negotiate a flat 20 hours to 25 hour per week amount for BORA legal services, after considering the county attorney pay classifications below, and then having some after the fact BORA vote on the bills for work authorized above the 20 to 25 hours per week. What do you think of the concept?

In the days ahead I will forward some additional data, much of it you have seen before, but our support needs another few days to gather and send to you. Thank you very much for your time and consideration. Jim

954-931-2393 (cell)

From: Dipietro, James
Sent: Thursday, May 14, 2020 11:29 AM
To: Cuervo, Mary <MCUERVO@broward.org>
Subject: FW: pay ranges

Thank you.

From: Cuervo, Mary <MCUERVO@broward.org>
Sent: Wednesday, May 13, 2020 5:18 PM
To: Dipietro, James <JDIPIETRO@broward.org>
Subject: RE: pay ranges

Yes,
Here you go:

Asst County Atty

\$69,999.90	\$199,999.90
-------------	--------------

Deputy County Attorney

\$150,000.03	\$283,000.02
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From: Dipietro, James <JDIPIETRO@broward.org>

Sent: Wednesday, May 13, 2020 5:13 PM

To: Cuervo, Mary <MCUERVO@broward.org>

Subject: Re: pay ranges

Are there ranges for ACA and DCA?

Sent from my iPhone

On May 13, 2020, at 4:49 PM, Cuervo, Mary <MCUERVO@broward.org> wrote:

Pls see below:

[NA166](#)
[ATTORNEY](#)
[E](#)
[PG118](#)
[\\$66,505.71](#)
[\\$106,143.02](#)

[NA167](#)
[ATTORNEY, SENIOR](#)
[E](#)
[PG120](#)
[\\$76,855.79](#)
[\\$122,662.18](#)

mary

From: Dipietro, James <JDIPIETRO@broward.org>

Sent: Wednesday, May 13, 2020 4:29 PM

To: Cuervo, Mary <MCUERVO@broward.org>

Subject: RE: pay ranges

Mary, thank you for the quick response to my e-mail. Can I get the pay ranges for those two titles you mentioned as well? The BORA attorney contract is coming up soon and the information will help me to sort out how to handle with my BORA Board. Jim

954-931-2393 (cell)

From: Cuervo, Mary <MCUERVO@broward.org>
Sent: Wednesday, May 13, 2020 4:25 PM
To: Dipietro, James <JDIPIETRO@broward.org>
Subject: RE: pay ranges

Those are the only attorney positions here besides the Assistant County Attorney, and Deputy County Attorney. Hope you are well.
mary

From: Dipietro, James <JDIPIETRO@broward.org>
Sent: Wednesday, May 13, 2020 2:57 PM
To: Cuervo, Mary <MCUERVO@broward.org>
Subject: pay ranges

Hello Mary. For the attorney classifications and pay scale I see NA 166, attorney and NA 167 attorney, senior. What are the other titles and ranges? I would like to compare to the BORA attorney rates. Thank you. Jim

Jim DiPietro
Administrative Director
Broward County Board of Rules and Appeals
1 North University Drive, Suite 3500 B
Plantation Fl 33324
954-931-2393 (cell)

Broward County Pay Ranges /

NA166 ATTORNEY \E PG118

Minimum YEAR \$66,505.71- Hour \$31.97

Maximum YEAR \$106,143.02 – Hour \$51.03

NA167 ATTORNEY, SENIOR \E PG120

Minimum YEAR \$76,855.79 – Hour \$36.95

Maximum YEAR \$122,662.18 – Hour \$58.97

ASST COUNTY ATTY

Minimum YEAR \$69,999.90 – Hour \$33.65

Maximum YEAR \$199,999.90 – Hour \$96.15

DEPUTY COUNTY ATTORNEY

Minimum YEAR \$150,000.03 – Hour \$72.11

Maximum YEAR \$283,000.02 – Hour \$136.05

Section 9



BROWARD COUNTY
Board of Rules & Appeals
1 North University Drive, Suite 3500B, Plantation, Florida 33324

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

From: Administrative Director

Date: July 9, 2020

Re: Requested Ratification by the Administrative Director for the Appointment of the new Chief Code Compliance Officer – Energy

RECOMMENDATION

It is recommended that the Board of Rules and Appeals approve, by motion, the appointment of Mr. Timothy de Carion as the Board of Rules and Appeals new Chief Code Compliance Officer Energy, pursuant to the terms and conditions of the attached letter dated May 29, 2020.

REASONS

The Chief Code Compliance Officer – Energy position was advertised in the Sun-Sentinel on December 8, 2020 in print and for a month online. This position was also posted at governmentjobs.com for one month and posted on our agency’s website. In addition, the job advertisement was mailed out to all the Mechanical and Electrical plan’s examiners within Broward County. Seven individuals applied, one was un-qualified, one withdrew his application and five were selected to be interviewed. All applicants were interviewed on February 28, 2020 by an independent screening committee. Mr. Tim de Carion was recommended by the committee as their top choice by scoring 323 points and favored as top choice by the scores of three of the five panel members. Due to COVID-19, bringing forth this recommended appointment to the Board was delayed to the July 2020 Board meeting, our first session since March.

This is a new position in the history of the Broward County Board of Rules and Appeals which will be responsible for the enforcement of the Energy Conservation volume of the Florida Building Code. When Miami-Dade County first funded a similar position several years ago, they discovered that the Energy Code was not being properly enforced throughout the county resulting in a large amount of energy being lost. I believe Mr. de Carion has the background and experience to help lead the Board in the active review of this integral part of the Florida Building Code, and that he can help ensure that the cities and the county are properly approving plans to enhance energy conservation. In my view, Mr. de Carion has the professional background experience, and temperament to be an integral part of the Board of Rules and Appeals team and the ability to work well with Building Officials, contractors, industry personnel and the public. He was approved by vote of the Board of Rules Appeals as Chief Mechanical Inspector on October 20, 2005 with the Town of Davie, and he currently remains in that position, on numerous occasions Mr. de Carion has served as the interim Building Official. In 2004 and in prior years, he was the Mechanical Plans Examiner (1998-2004) and Mechanical Inspector for the same town. From 1992 to 2002, Mr. de Carion served as Teacher/Instructor for the Dade County School Board & Local Union 725

Air Conditioning/Refrigeration & Pipe Fitting Apprenticeship School. The candidate was also a Mechanical Inspector with Metro Dade County from 1993 to 1994 and prior years served in different positions in the private sector.

Mr. de Carion's current certifications include being a Certified Building Code Administrator, holds the ICC Certified Commercial Energy Inspector and Certified Residential Energy Inspector/Plans Examiner and he is a Certified Mechanical Contractor, State Certified Building Official, Mechanical Plans Examiner, and Inspector.

Mr. de Carion is well known throughout the industry and well respected by his peers. He taught apprentice students for approximately 10 years. He was also an instructor at the BOIEA annual conference.

The Screening Committee felt that Mr. de Carion's interview was outstanding, at which time he displayed an exceptional understanding of the Board of Rules Appeals goals and objectives. We all believe Tim was a good communicator, that he presented himself very well and he is very knowledgeable of what needs to be accomplished with this new position. I have had one member of the BORA code compliance staff tell me that in his opinion, Tim is one of the few people in Broward County properly enforcing the energy code.

Based upon his background, I believe he will have a shorter learning curve than many others in assuming this first-time position with the Broward County Board of Rules and Appeals. Mr. de Carion has the ability in my judgment to help move us forward in our efforts towards achieving greater uniformity in the application of the Building Code throughout Broward County.

For the above reasons, Mr. Tim de Carion is my choice to fill the position of Chief Energy Code Compliance Officer, and I therefore respectfully request your ratification of his appointment.

ADDITIONAL INFORMATION

The panel participants included: Dave Rice, Member of the Board of Rules and Appeals who served as Chair, Brian Lomel, P.E, Jack Mitchell, P.E, Pete Quintela who is the Energy Building Code Specialist for Miami Dade County, and Rolando Soto, Mechanical CCCO.

Mr. de Carion will receive an annual salary of \$106,750 and, following 26 weeks of service, a merit review which may result up to a \$1,750 increase culminating in a revised salary of \$108,500. Tim will assume this position on August 10, 2020.

Respectfully Submitted,



James DiPietro



BROWARD COUNTY BOARD OF RULES AND APPEALS

May 29, 2020

Sent via Email and US Mail

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324

PHONE 954-765-4500
FAX 954-765-4504

www.broward.org/codeappeal

2020 Voting Members

Chair

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

Vice-Chair

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

Vacant

Representative Disabled Community
Mr. Sergio Pellecer
Fire Service Professional

2020 Alternate Board Members

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

Board Attorney
Charles M. Kramer, Esq.

Board Administrative Director
James DiPietro

—ESTABLISHED 1971—

Timothy G. de Carion
300 NW 87th Ave.
Pembroke Pines, FL 33024

Dear Mr. de Carion:

I am pleased to offer you the position of Energy Chief Code Compliance Officer for the Broward County Board of Rules and Appeals. The appointment is subject to ratification by the Board of Rules and Appeals at its regular meeting of June 11, 2020 or July 9, 2020 to be held at 7:00 p.m. in the BC Governmental Center, Room 422, 115 S. Andrews Avenue, Fort Lauderdale. This meeting could be virtual or live as may be determined. Employment is also contingent upon application information verification, criminal background screening, and pre-employment physical examination.

Your starting salary will be \$106,750 per year, with a starting date to be determined but no later than Monday August 10, 2020. Six months after your initial hire date, you will receive a performance evaluation review which may warrant up to \$1,750 merit increase resulting in a \$108,500 annual salary. For administrative purposes, all our employee's anniversary dates are set for a first payroll day of the fiscal year in the month of October, effective for you in October 2021. All pay changes are subject to a merit review. You will receive the customary benefits afforded by Broward County to all employees in your classification. All positions at the Board of Rules and Appeals are considered "at will" and your employment would continue as authorized by the Administrative Director. As long as you are a Broward County resident, you will have the option for a take-home vehicle, which is subject to BORA and Broward County policies, at a cost of \$30 per week (\$1,560 per year), which should you select, would decrease your take home pay accordingly. Your usual work hours are 8:00 am to 4:30 pm.

If you are in acceptance of this position, please sign below in the space provided and return a copy of this letter to me by email: jdipietro@broward.org, and also please mail to: 1 N. University Drive, Suite 3500 B, Plantation, FL 33324. You can also contact me should additional information is desired; my cellphone is 954-931-2393.

We look forward to you joining our staff and to the contributions you will be making to this organization and the community. Thank you.

Sincerely,

James DiPietro
Administrative Director

Applicant's acceptance signature

Timothy G. de Carion

DEC 7 2019

CONTACT INFORMATION

Cell Phone: [REDACTED]

Email: [REDACTED]

Application Position:

Chief Code Compliance Officer-Energy

EDUCATION

1981-1985 *Graduated Journeyman, Local Union 725 Air Conditioning/Refrigeration & Pipefitting Apprenticeship School*
1979-1981 *A.S. Degree, Engineering Drawing Design, Miami Dade Community College*
1973-1977 *H.S. Diploma, Miami Norland Sr. High*

EMPLOYMENT HISTORY

2004-Present *Chief Mechanical Inspector, Town of Davie*
1998-2004 *Mechanical Plans Examiner, Town of Davie*
1994-1998 *Mechanical Inspector, Town of Davie*
1992-2002 *Teacher/Instructor, Dade County School Board & Local Union 725 Air Conditioning/Refrigeration & Pipefitting Apprenticeship School*
1993-1994 *Mechanical Inspector, Metro Dade County*
1991-1993 *Maintenance Engineer, Mount Sinai Medical Center*
1989-1991 *Foreman A/C & Pipefitting Mechanic, Hill York Corp.*
1984-1989 *Journeyman A/C & Pipefitting Mechanic, Hill York Corp.*
1980-1984 *Apprentice A/C & Pipefitting Mechanic, Multiple Contractors*

LICENSES

- Certified Chief Mechanical Inspector, Broward County
- Certified Plans Examiner (Mech.) Broward County
- Certified Journeyman (Mech) Broward County #CMJ-3098
- Certified Building Code Administrator, DBPR #BU1708
- Certified Standard Plans Examiner (Mech) DBPR #BN131
- Certified Standard Inspector (Mech) DPBR #PX 977
- Certified Mechanical Contractor #CMC056751
- Certified Building Official ICC #CB-8058891
- Certified Commercial Energy Inspector ICC #77-8058891
- Certified Residential Energy Inspector/Plans Examiner ICC #79-8058891

REFERENCES

Nicholas Todaro, Building Official, Town of Davie 954-797-1160
Ted Fowler, Chief Code Compliance Officer, Broward County
Chip Lafferty, Hill York Corp. 954-525-2971
Kenneth E. Scott, Business Manager, Local 725, 305-681-8596



Ron DeSantis, Governor

Halsey Beshears, Secretary



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

BUILDING CODE ADMINISTRATORS & INSPECTOR

**THE BUILDING CODE ADMINISTRATOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 468, FLORIDA STATUTES**

DECARION, TIMOTHY GRAHAM

LICENSE NUMBER: BU1708

EXPIRATION DATE: NOVEMBER 30, 2021

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



Ron DeSantis, Governor

Halsey Beshears, Secretary



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

BUILDING CODE ADMINISTRATORS & INSPECTOR

THE STANDARD PLANS EXAMINER HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 468, FLORIDA STATUTES
MECH

DECARION, TIMOTHY GRAHAM



LICENSE NUMBER: PX977

EXPIRATION DATE: NOVEMBER 30, 2021

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Ron DeSantis, Governor

Halsey Beshears, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BUILDING CODE ADMINISTRATORS & INSPECTOR

THE STANDARD INSPECTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 468, FLORIDA STATUTES

MECH

DECARION, TIMOTHY GRAHAM

LICENSE NUMBER: BN131

EXPIRATION DATE: NOVEMBER 30, 2021

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

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State of Florida

Department of Business & Professional Regulation

2601 BLAIR STONE ROAD
TALLAHASSEE, FL 32399-0783

DECARION, TIMOTHY GRAHAM



Dear valued licensee,

All active and inactive licensees are required to maintain a current mailing address with the Department. Each licensee is solely responsible for notifying the Department in writing of the licensee's current email and mailing addresses. The Department will use the email address for official communication with license holders.

At least 90 days prior to the expiration date shown on this receipt, a notice of renewal will be sent to your last known address. If you have not received your notice 60 days prior to the expiration date, please call (850) 487-1395.

STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION INACTIVE RECEIPT

DATE	LICENSE NUMBER	EXPIRATION DATE
06/21/2018	CMC056751	08/31/2020

Notice: This is a receipt for your Inactive License. Retain this receipt for your records. This is not a license and may not be used for purposes of employment. You will receive a license to practice your profession in the State of Florida when you reactivate your license. If you wish to reactivate your license please contact the Department at 850.497.1395 or visit our website at www.MyFloridaLicense.com.



Scan to verify
status of this
license

DECARION, TIMOTHY GRAHAM





INTERNATIONAL CODE COUNCIL TIMOTHY DECARION

The International Code Council attests that the individual named on this certificate has satisfactorily demonstrated knowledge as required by the International Code Council by successfully completing the prescribed written examination based on codes and standards then in effect, and is hereby issued this certification as:

Certified Building Official

Given this day August 4, 2010

Certificate No. 8058891

Greg Wheeler, CBO
President, Board of Directors

Dominic Sims, CBO
Chief Executive Officer





INTERNATIONAL CODE COUNCIL TIMOTHY DECARION

The International Code Council attests that the individual named on this certificate has satisfactorily demonstrated knowledge as required by the International Code Council by successfully completing the prescribed written examination based on codes and standards then in effect, and is hereby issued this certification as:

Residential Energy Inspector/Plans Examiner

Given this day April 24, 2012

Greg Wheeler, CBO
President, Board of Directors

Certificate No. **8058891**

Dominic Sims, CBO
Chief Executive Officer





INTERNATIONAL CODE COUNCIL TIMOTHY DECARION

The International Code Council attests that the individual named on this certificate has satisfactorily demonstrated knowledge as required by the International Code Council by successfully completing the prescribed written examination based on codes and standards then in effect, and is hereby issued this certification as:

Commercial Energy Inspector

Given this day April 24, 2012

Certificate No. **8058891**

Greg Wheeler, CBO
President, Board of Directors

Dominic Sims, CBO
Chief Executive Officer





Board of County Commissioners, Broward County,
Florida
"An Equal Opportunity Employer"

HUMAN RESOURCES USE ONLY			
Entered Reg.			
Rating	E.P.	V.P.	Total Score
		Dis.	

Division of Human Resources
Human Resources Staffing Center
115 S. Andrews Avenue
Ft. Lauderdale, FL 33301
(954) 357-6444

**Broward County
Board of Rules & Appeals**

ONE NORTH UNIVERSITY DRIVE, SUITE 3500-B
PLANTATION, FLORIDA 33324
PHONE: 954-765-4500
FAX: 954-765-4504
WWW.BROWARD.ORG/CODEAPPEALS

APPLICATION FOR EMPLOYMENT

POSITION APPLYING FOR

CHIEF CODE COMPLIANCE OFFICER-ENERGY

JOB ANNOUNCEMENT NUMBER

INSTRUCTIONS: Please print or type all information. The application must be filled out completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). If you need additional space to answer a question fully, you may use full sheets of paper that are the same size as this page. On each additional page, be sure to include your name, the position title, and the announcement number. You may also attach copies of documents or certificates which support your application. All materials submitted become the property of the County and will not be returned. Nothing can be added to your application after the announcement period has closed. All statements made on the application are subject to verification. Exaggerated, false, or misleading statements may be cause for rejection and/or termination of employment. **THIS APPLICATION MUST BE SIGNED ON THE LAST PAGE OR IT WILL BE VOIDED.**

1. PRESENT LEGAL NAME

Last Name

deCARION

First Name

TIMOTHY

M.I.

G.

3. WHEN AVAILABLE

2 weeks NOTICE

If you require assistance with testing due to a disability, please notify our staff.

EMPLOYMENT TYPE (check all responses that apply)



Full time



Part time (19 Hours - No Benefits)



20+ (Benefits)



Will Call (No Set Hours/No Benefits)

5. HOME PHONE NUMBER

Area Code

CELL

Number

954

OTHER TELEPHONE NUMBER

Area Code

WK

Number

954

6. DRIVERS LICENSE

Do you have a valid license?



Yes



No

License Type:



Operator



CDL



Class

Endorsement Code

License #

State

Exp. Date

FL

12-28-2020

7. PRESENT ADDRESS

Street Address

Apt #

City

State

FL

Zip Code

How long have you lived at present address?

20

Years

4

Months

8. PREVIOUS ADDRESS

Street Address

Apt #

City

State

FL

Zip Code

How long did you live at this address?

9

Years

Months

9. EDUCATION AND SPECIAL TRAINING

Check Highest grade completed: 1 2 3 4 5 6 7 8 9 10 11 12

High School Diploma? (X) Yes No If yes, date received: 6/1977

Equivalency - GED (X) Yes No If yes, date received: _____

Name and location of last HIGH SCHOOL ATTENDED: MIAMI NORLAND SR HIGH

Name MIAMI GARD City FL State

List Special Training (Business, Trade, Vocational, Armed Forces Schools, etc.) Below

Name and Location	Dates Attended				Total Months Completed	Courses or Subject Taken	Certificates Given or Other Pertinent Information
	From		To				
	Mo	Yr	Mo	Yr			
<u>LOCAL 725 AIR COND APPR. SCHOOL</u>		<u>81</u>		<u>85</u>	<u>48</u>	<u>A/C/Ref.</u>	<u>TECH. RAYMAN</u>

List Colleges and Universities Attended Below:

Name and Location	Dates Attended				Credit Hours		Grade Point Average	Major/Minor Degree Field or Program of Study	Degree Received
	From		To		Received				
	Mo	Yr	Mo	Yr	Sem	Qtr			
<u>MIAMI DADE COLLEGE</u>		<u>79</u>		<u>81</u>		<u>60</u>	<u>A</u>	<u>AS ENGINEERING</u>	<u>ASD</u>

10. EMPLOYMENT RECORD - List all jobs in the last TEN years and any other jobs relevant to the position for which you are applying. Major changes in duties or job titles with the same employer should be listed as separate jobs. Start with your PRESENT or MOST RECENT position and work back. BE SPECIFIC - all or part of your rating may depend on the information you provide. If additional space is needed, please use continuation sheet. You may submit a resume in lieu of completing this section, providing it contains all the information requested. Periods of unemployment should be listed separately in Section 11.

NOTE: We may contact previous employers to verify your descriptions of past duties.

May we contact your present employer regarding your record of employment? Yes No

(Job 1) Present or Most Recent Job						Employer <u>TOWN OF DAVIE</u>
From		To		Total Time		Address <u>6591 ORANGE DR</u>
Mo	Yr	Mo	Yr	Yrs	Mths	Telephone <u>954-797-1100</u>
						Your Job Title <u>CHIEF MECH INSPECTOR</u>
Hours per week _____						Supervisor's Name and Title <u>NICHOLAS TADNARO</u>
Starting Salary \$ <u>60</u> Per <u>year</u>						Reason for Leaving Position _____
Last Salary \$ <u>100000</u> Per <u>year</u>						

Specific Duties REVIEW PLANS FOR COMPLIANCE WITH FLORIDA BUILDING CODE, ISSUE PERMITS FOR MECH WORK, INSPECTIONS AND SUPERVISION OF INSPECTORS OF PLANS REVIEWERS, INTERPRET MECHANICAL CODE, INTERIM BUILDING OFFICIAL WHEN NEEDED.

Number of employees supervised (if applicable) 2

(Job 2) Previous Job MECH PLANS EX

From		To		Total Time	
Mo	Yr	Mo	Yr	Yrs	Mths
4	1998	9	2005	7	5

Hours per week 40

Starting Salary \$45,000 Per YR

Last Salary \$60,000 Per YR

Employer TOWN OF DAVIE

Address 6591 ORANGE DN

Telephone 954-797-1100

Your Job Title MECH PLANS EXAMINER

Supervisor's Name and Title DON MARTIN (DECEASED)

Reason for Leaving Position PROMOTION

Specific Duties Review PLANS FOR CODE COMPLIANCE FOR FL BUILDING CODE. ISSUE PERMITS FOR MECH WORK, INSPECT JOBS FOR COMPLIANCE WHEN NEEDED. COMMUNICATE WITH ARCHITECT AND ENGINEERS AND CONTRACTORS TO BRING PLANS INTO COMPLIANCE.

Number of employees supervised (if applicable) N/A

(Job 3) Previous Job MECH INSP

From		To		Total Time	
Mo	Yr	Mo	Yr	Yrs	Mths
11	94	4	98	3	7

Hours per week 40

Starting Salary \$39,000 Per YRS

Last Salary \$45,000 Per YRS

Employer TOWN OF DAVIE

Address 6591 ORANGE DN

Telephone 954-797-1100

Your Job Title MECHANICAL INSPECTOR

Supervisor's Name and Title SIO NEY WOLFMAN (DECEASED)

Reason for Leaving Position PROMOTION

Specific Duties INSPECT CONSTRUCTION FOR COMPLIANCE WITH SOUTH FLORIDA BUILDING CODE (BROWARD) MECH ASSIST CHIEF MECHANICAL INSPECTOR IN CODE COMPLIANCE

Number of employees supervised (if applicable) NA

(Job 4) Previous Job MECH INSP

From		To		Total Time	
Mo	Yr	MO	Yr	Yrs	Mths
6	93	11	94	1	3

Hours per week 40

Starting Salary \$28,000 Per YR

Last Salary \$30,000 Per YR

Employer MIAMI DADE COUNTY

Address 111 NW 1ST MIAMI FL 33128

Telephone Number 305-375-1364

Your Job Title MECH INSPECTOR

Supervisor's Name and Title RUSSELL BERGSMAN

Reason for Leaving Position MOVED TO BROWARD

Specific Duties INSPECT CONSTRUCTION FOR COMPLIANCE WITH SOUTH FLORIDA BUILDING CODE (DADE) MECH ASSIST CHIEF MECHANICAL INSPECTOR FOR CODE COMPLIANCE

Number of employees supervised (if applicable) N/A

11. LIST ANY RELEVANT VOLUNTEER WORK AND ALL PERIODS OF UNEMPLOYMENT DURING THE PAST 10 YEARS

From		To		Description of Activity or Volunteer Work
Mo	Yr	Mo	Yr	
	92		02	TEACH APPRENTICESHIP STUDENTS FOR APPROX. 10 YEARS, TAUGHT CLASSES FOR CONTINUING EDUCATION AT BOIEA CONFERENCE, TEACH ADULT SUNDAY SCHOOL AT CHURCH

12. SPECIFIC SKILLS - List below the Job Number from your Employment Record (Section 19) and total number of months of experience in skillfully operating the equipment and/or total number of months of substantial experience in craft(s), or technical profession(s).

No. of Mths.	Job No.	List of Office & Related Equipment Operated	No. of Mths.	Job No.	List of All Other Equipment Operated	No. of Mths.	Job No.	List of Crafts, Trades & Technical Professions
	All	COMPUTER	All		WORD EXCEL POWERPOINT			

13. List membership(s) in professional BOIEA, BOAR LOCAL # 725 A/C + REF, FARGMI

14. List any active professional, technical, occupational licenses or certificates and registrations
SEE RESUME

15. List awards, commendations, or other recognition received for outstanding achievement in school, military service, your work, or civic
ASSOCIATE OF SCIENCE DEGREE "WITH HONORS"

16. Have you ever used a legal name other than the one indicated on Page 1 No Yes
If Yes indicate name(s) and dates used _____

17. Veteran Preferences: In keeping with Florida State Law and Broward County Civil Service rules, one point for each year of County service, to a maximum of five points, may be added to the numerical score of eligible applicants who are County employees; and honorably discharged wartime veterans, service connected disabled veterans presently receiving disability benefits, and disabled veteran or MIA person spouses, who are Florida residents, may be eligible for 5 or 10 points preference. Veterans who have been employed by the State of Florida or one of its Counties, Cities, etc., are excluded from these Statutes. POINTS WILL BE AWARDED ONLY IF SUPPORTING DOCUMENTATION IS SUBMITTED AT THE TIME OF APPLICATION. Acceptable documentation is a copy of a DD-214 and/or proof of receipt of disability benefits dated within six months of the date of application. Materials supplied with the application become the property of the County. Do not submit original/sole copies of documents.

Did you serve in the Armed Services? No Yes

Are you claiming Veteran's Points? No Yes

Are you or have you ever been employed by the State of Florida or one of its Counties, Cities, etc.? No Yes

Is your discharge honorable? No Yes

Are you retired from the military? No Yes

18. Have you ever worked for the Broward County Board of County Commissioners? No Yes
If yes, give date(s) of _____
Employing Division(s) _____

19. Are you related to a county employee or is any member of your Household employed by the Broward County of County Commissioners? No Yes
If yes, give the person's:
Name _____
Relationship to you _____
Employing Division(s) _____

20. Since your 18th birthday, have you been CONVICTED of ANY violation of the law, other than minor traffic offenses, or pleaded NOLO CONTENDERE to criminal charges, even if adjudication was withheld? No If yes, please give:

Name of offense _____

Name of and location of court _____

Deposition of case _____

Date: _____

NOTE: A conviction does not automatically mean you cannot be employed by the County. The nature of the offense, how long ago it occurred, relationship to this job, etc. are given consideration.

21. How did you learn of the position for which you are applying? - Check the response that applies.

Newspaper ad

Visit to Division of Human

Florida State Employment Agency

County Employee

Human Resources Analyst

Recruiting Program - Career Day

High School

College Counselor (Please _____)

Other Source (please specify) _____

Professional Journal

22. REFERENCES: List three (3) personal references who are not relatives or former employers.

Name and Occupation	Address	Telephone No.	Years Known
JEFF MORRIS RETI. VP FINANCE MIAMI HEAT	1813 SW 96 TER MIRAMAR		39 yrs
ALEX MARTINEZ CARRIER REP.	655 W 77 ST HIALEMA FL 33014		15 yrs
JEFF EVANS ARCHITECT	13860 ALEXANDER LOT DAVIE FL 33325		22 yrs

IMPORTANT: Employment is subject to verification of an applicant's background and conviction record. Persons selected for employment must (1) present a valid social security card, (2) take a Loyalty Oath, as per Florida Statute Section 876.05 and, (3) subsequent to an offer of employment, pass a medical examination by a County physician. The medical examination may include testing for current use of drugs and/or controlled substances. If traces of drugs or controlled substances are present in a candidate's blood or urine and have NOT been obtained and taken as directed by a valid prescription, the candidate WILL NOT be given further consideration under the present announcement for this classification. Additionally, Broward County is required by federal law to verify having seen documents, which the applicant must provide as part of employment processing, that show the applicant's identity and right to work in the United States.

APPLICATION MUST BE SIGNED.

APPLICANT: PLEASE READ THIS STATEMENT CAREFULLY BEFORE SIGNING BELOW. UNSIGNED APPLICATIONS WILL BE VOIDED.

I hereby certify that each response on the application and all other information I have furnished in applying for employment with Broward County Board of County Commissioners is true and correct. I understand that any incorrect, incomplete, or false statement or information I have furnished may subject me to disqualification in an examination or to discharge at any time. Subsequent to an offer of employment, I give my voluntary consent to be medically examined and to provide a sample of my blood or urine which may be tested for recent use of drugs and/or controlled substances. Further, I release Broward County, its officers, agents, and employees from any liability whatsoever in connection with such a medical examination or the use of the test results therefrom.

Signature

Shirley Sol. Carver

Date

3/4/2020

Section 10



BROWARD COUNTY

Board of Rules & Appeals

1 North University Drive, Suite 3500B, Plantation, Florida 33324

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

Date: May 14, 2020

Re: FY 2021 Budget (October 1, 2020 – September 30, 2021)

RECOMMENDATION

It is recommended that the Board of Rules and Appeals authorize, by motion, an operating budget for Fiscal Year (FY) 2021 in the amount of \$2,106,154. This is the amount provided by Broward County in the “core budget” allocation for personnel services and operating expenses. In addition, the Board of Rules and Appeals is requested to approve \$89,849 for capital expenditures and \$60,000 for a grant to support small cities e-permitting between the cities and the county. Therefore, the total budget request is \$2,256,003. In comparing the FY 20 adopted budget of \$2,244,250 with the FY21 requested budget of \$2,256,003 there is an increase of \$11,753 or 0.5%.

REASONS

As of April 2020, the BORA fund balance is officially \$8,286,250 and it's anticipated to increase this year by \$245,476 for a total of \$8,531,726 or about 3% (2.96%) by September 30th, 2020, even with reduced revenues in FY20 resulting from the Coronavirus situation (COVID-19).

We agree with the County's Budget Office that the monies provided in the core budget and capital items requested are sufficient for operating purposes for the Board of Rules and Appeals for fiscal year 2021.

ADDITIONAL INFORMATION

A. Revenue Impact of COVID-19

Over the course of FY 2021, 2022 and 2023 revenues are forecast to decrease as a result of the COVID-19 situation by \$1,345,245. The fund balance as of September 30th, 2023 is projected to be \$ 6,941,005. (*please see page 10*)

Although revenues are declining as a result of the COVID-19 economic slowdown, no rate increases are anticipated for the foreseeable future. This belief results from our substantial financial reserves which are a result of the rate recommendation decisions that the Board of Rules and Appeals decided by a series of votes over the last 11 years.

B. Revenues in General.

A history of municipal fees received and projected for each year since 2007 is listed below:

FY 2007	Actual	\$1,596,990
FY 2008	Actual	\$ 976,551
FY 2009	Actual	\$ 860,298
FY 2010	Actual	\$ 962,560
FY 2011	Actual	\$1,172,469
FY 2012	Actual	\$1,550,833
FY 2013	Actual	\$1,860,839
FY 2014	Actual	\$2,208,817
FY 2015	Actual	\$2,541,382
FY 2016	Actual	\$2,872,666
FY 2017	Actual	\$3,212,168
FY 2018	Actual	\$3,496,287
FY 2019	Actual	\$ 3,742,517
FY 2020	Estimated	\$ 2,089,400
FY 2021	Projected	\$ 1,316,300

Please note that in the figures above 2008 revenues are approximately 31% less than FY 2007 revenues and FY 2009 revenues are 46% less than FY 2007. This illustrates how quickly income can drop in an economic recession.

C. Expenses in General

Personnel Services, including salaries and employee benefits, will be \$1,600,044 in FY 2021 compared to \$1,457,200 in the FY 2020 adopted budget. This represents an increase of \$142,844, or 9.8%, primarily reflecting the fact that an employee was hired at almost 50% of the pay range as authorized by Board of Rules and Appeals' vote yet the monies contained in the prior fiscal year were budgeted for an entry level salary position. Therefore, in the following FY 2021 salary figures were adjusted to reflect the true salary of all employees. The determination of salary adjustments is usually considered following the completion of the Broward County budget process in September. Therefore, this matter will be reviewed in the last quarter of the calendar year.

Operating Expenses, in FY 2021 will be \$598,010 as compared to \$617,200 in the FY 2020 adopted budget, a decrease of \$19,190 or 3.1%, primarily reflecting a reduction of \$18,860 in the Cost Allocation Chargeback account for services provided by Broward County.

The requested Capital Expense Outlay in FY 2021 is \$148,850 as compared to \$172,350 in FY 2020 a decrease of \$22,501, or 1.5%. This decrease is primarily the result of no monies being budgeted in FY 21 for furniture as the project was scheduled for completion in the current fiscal year 2020 saving \$15,900. Last year, the Board of Rules and Appeals approved of a grant program for both large and small cities, which was not contained in the final adopted Broward County budget. We are expecting approval this year for a revised program which will be limited to smaller sized jurisdictions. This program will reimburse the cities for equipment necessary (\$7,500 x 8 local jurisdictions) to allow customer access for one-time non-recurring expenses to host county and city e-permitting system communication (each payment is subject a BORA board reimbursement authorizing vote). Included in the capital budget are funds that relate to book purchases for the beginning of the 3-year code cycle which begins at midnight on December 31st, 2020. For more detailed information on the Fiscal Year 2020 Capital Expenses requested. (please see page 11)

D. Forms and the Budgeting Process

Attached you will find standard forms requested by Broward County's Budget Office as part of their annual budget development process.

E. Conclusion

The recommended budget includes adequate funding for operating expenses and substantial reserves which are sufficient to weather the current financial economic storm. Accordingly, the FY 2021 budget is submitted for your consideration and requested approval.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James DiPietro". The signature is stylized with a large, looped initial "J" and a long, sweeping underline.

James DiPietro

BegBalance	
Contact Name	Ruth Boselli
Contact Phone	954-765-4500 x 9889 Cell 954-882-6517
Program Description	<p>The responsibilities of the agency include reviewing inspections and plan reviews conducted by jurisdictional employees for compliance with both the County and State Building and Fire Codes as well as conducting random, requested, and investigative inspections to provide uniformity to the interpretation of the codes throughout Broward County. The agency conducts educational seminars to aid in the uniform enforcement of the building codes, fire codes, national electrical code, floodplain codes and many other referenced standards. Staff makes recommendations to the Board of Rules and Appeals on interpretations, appeals and also on amendments pertaining to the Florida Building Code and Fire Code and maintains certifications for approximately 900 building and fire inspectors, plans examiners and building officials.</p>

General	If Mandated	Outcomes and Goals	Fee Data	Revenue
If Program Mandated				
Describe Essential Elements		Florida Statutes 71-575 and Section 9.02 of the Broward County Charter		
Cite the Federal or State Law				
Cite Level of Service				

Scenario Budget	Entity	Version	Years	Fund	Requests
	SEC_201020_01	Program Proposals	FY21	F_10035	Core
General	If Mandated	Outcomes and Goals	Fee Data	Revenue	

Program Outcomes	Uniformity of the application of the Florida Building Code in all Building Departments, including all life safety requirements. To have a well trained
Customers Served	NA
Utilization Data Spreadsheet	NA

General	If Mandated	Outcomes and Goals	Fee Data	Revenue			
	Name of Fee	Broward County Fee Data	Fee Data Comparison 1	Fee Data Comparison 2	Fee Data Comparison 3	Material Variances	Year Fee updated
Fee Data							
Fee 1	Municipal Fee per \$1000 of construction cost	.52					2019
Fee 2	Miami Dade		.60				

General	If Mandated	Outcomes and Goals	Fee Data	Revenue
General Fund Questions				
Potential Additional Revenue				
Actions to Implement Fee				
Revenue Estimate and Assumptions				
Provide the Service				
Impact if Program Removed				
Self Supporting Fund Questions				
Rate Increase to Support Program				
FY21 Rate Change				0%
FY22 Rate Change				0%
FY23 Rate Change				0%
FY19 Rate Change				-4.4%
FY20 Rate Change				-20%
Assumptions Used to Forecast				
Recurring Difference				
Recurring Difference Explanation				
Internal Fund Questions				
Policy Changes				
Policy Change Description				

BORA Budget FY 2021

Section Budget Summary

Requests: Core Section_User_Variable: SEC_201020_01

		FY20	FY21	FY21		
		Budget	Budget	Budget		
		Final	OMB Core	Working		
		YearTotal	Ongoing	Total	\$ Increase	% Increase
F_10035	Total Revenues	10,431,500	600	1,316,300	-9,115,200	-1
	Salaries	1,123,930	1,219,285	1,219,285	95,355	0
	Fringe	333,270	380,759	380,759	47,489	0
	Total Personnel Service	1,457,200	1,600,044	1,600,044	142,844	0
	Operating Expenses	617,200	596,110	598,010	-19,190	-0
	Capital Outlay	140,850			-140,850	-1
	Other Budgetary Reserves	8,286,250			-8,286,250	-1
	Total Non Personnel	9,044,300	596,110	598,010	-8,446,290	-1
	Total Expense	10,501,500	2,196,154	2,198,054	-8,303,446	-1

Revenue Input

Requests: Core Section_User_Variable: SEC_201020_01

				FY19	FY20	FY20	FY21	Rev_Comments
				Actuals	Budget	Forecasted Revenues	Budget	
				Final	Final	Working	Working	
				YearTotal	YearTotal	Ongoing	Ongoing	
F_10030	A_405820	D_20102000	No_Program	17,206				
F_10035	A_405820	D_20102000	No_Program	3,692,440	2,500,000	2,089,400	1,316,300	Revenue decrease as a result of the Covid19 emergency situation.
	A_405880	D_20102000	No_Program	93				
	A_465515	D_20102000	No_Program	500				
	A_467010	D_20102000	No_Program	0		0	0	
	A_473025	D_20102000	No_Program	3,515				
	A_421120	D_20102000	No_Program	115				
	A_499005	D_20102000	No_Program		-128,500			
	A_499010	D_20102000	No_Program		8,060,000			



Position Cap Review i



Requests
Core

Account
Cap Positions

Section_User_Variable
SEC_201020_01



	FY19	FY20	FY21	
	Modified Budget PBCS	Budget	Budget	
	Revised PBCS	Revised PBCS	Working	
	YearTotal	YearTotal	Ongoing	
Total	11	11	12	
F_10035	11	11	12	

BORA EXPENSES FY 21

Core

		FY19 Actuals Final YearTotal	FY20 Budget Final YearTotal	FY21 Budget OMB Core Ongoing	FY21 Budget Working Ongoing	FY21 Budget Working Comments
		686165.8	9044300	596110	596110	
A_511010	Fleet Svcs-Motor Pool Chrgbk	25738.75	26920	26860	26860	
A_511040	Cty Svcs-Print Shop		4000	4000	4000	
A_512010	Prof Svcs-Auto Sys-Doors		1500			Funds moved to 512770 per agency request.
A_512140		2868.76				
A_512730	Prof Svcs-Software Supp-Maint	637.5	4250	4250	4250	
A_512770	Prof Svcs-Temp Personnel	671.2	35000	36600	36600	increased per agency request.
A_519010	Tvl-Airfare	314				
A_519030	Tvl-Hotels	8603.28				
A_519040	Tvl-Mileage	871.72				
A_519050	Tvl-Meals	2011				
A_519060	Tvl-Oth Allowbl Incidntl Csts	3258.84				
A_519070	Tvl-Conference Registration	170				
A_519080	Tvl-Educational Course Fee	2856.13				
A_519TRV	Travel		28800	28800	28800	
A_520010	Comm Svcs-Landline Svcs	163.83	260	230	230	
A_520030		2313.67				
A_520040	Comm Svcs-E911 Dispatch		300	300	300	
A_520080	Comm Svcs-Wireless-Cellular	1836.26	5050	4550	4550	
A_522010	Frt-Postage Cost	2406.45	1800			
A_526010	Rntl-Lsg- Rental Office-Bldgs	81890	81900	81900	81900	
A_526020	Rntl-Lsg- Other Equipment	7210.87	7000	7000	7000	
A_530701	Oth Ins-Self Insurance	560	580	740	740	
A_540050	RM-Equipment Maint		100	100	100	
A_545010	Printing Services	1985.19	500	500	500	
A_546010	Prmtl Act-Advertising	5385.27	2500	2500	2500	
A_547020	Chrg-Commissions and Fees	195008.54	65000	65000	65000	
A_547030	Chrg-Credit Card fees	63.61	200	200	200	
A_552020	Cost Allocation Chargeback	111710	78320	59460	59460	
A_552310	Office Supplies	11119.53	12240	12240	12240	
A_555730	Chemicals-Other		100			Funds moved to 512770 per agency request.
A_556110	Professional Dues-Memberships	5255.76	4330	4330	4330	
A_556120	Subscriptions	1678.28	1150	1150	1150	
A_556310	Training	177079.08	255400	255400	255400	
A_560310	Machinery-Equip GT \$1,000		23000			
A_560320	Replacement Equipment	8188.55	20400			
A_560360	Communication Equipment		1000			
A_560370	Computer Hardware	9088.5	7500			
A_565010	Books and Lib Mat	14495.06	88950			
A_567010		726.17				
A_597060	Other Restricted Reserves		100000			
A_597430	Reserve-Revenue Stabilization		8186250			
		686165.8	758050	596110	596110	

BORA Personnel FY 21

Budget Working Core FY21

No_BL	No_BL	No_BL	No_BL	No_BL	No_BL	No_BL	No_BL	-	No_BL
No_PE	No_PE	No_PE	No_PE	No_PE	No_PE	No_PE	Total Salary	-	Total Pay Element
BegBalance	BegBalance	BegBalance	BegBalance	BegBalance	BegBalance	BegBalance	YearTotal	-	YearTotal
Position_Status	Job_Class	Emp_Status	Cap_Status	Salary_Grade	Days_Vacant	Emp_Number	Salary Amount	Budgeted Salary	Total Compensation
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460		1000249481	119921	119921	153403.0565
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460		1000239028	111418	111418	143399.277
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460		1000328381	107412	107412	138686.218
Active	ADMINISTRATIVE SPEC - NA146	1-FT	Cap	PG112		1000281776	52897	52897	74549.3205
Active	R&A ADMIN DIRECTOR - Z9767	1-FT	Cap	Z8383		1000036372	164442	164442	209602.309
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460		1000179785	121693	121693	155487.8145
Active	R&A ADMIN COORD II - Z9766	1-FT	Cap	Z6430		1000161959	74220	74220	99635.83
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460		1000209897	132369	132369	168048.1285
Active	ADMINISTRATIVE SPEC - NA146	1-FT	Cap	PG112		1000282179	49051	49051	70024.5015
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460		1000290481	113909	113909	146329.9385
Active	ADMINISTRATIVE SPEC - NA146	1-FT	Cap	PG112		1000296587	47445	47445	68135.0425
Active	R&A CHIEF CODE COMP OFF - Z9760	1-FT	Cap	Z6460	119		82938	82938	109892.557
Active	1025	12	12	771119	119		1177715	1177715	1537193.994

Revenues and Expenses Projection FY20 - FY 23

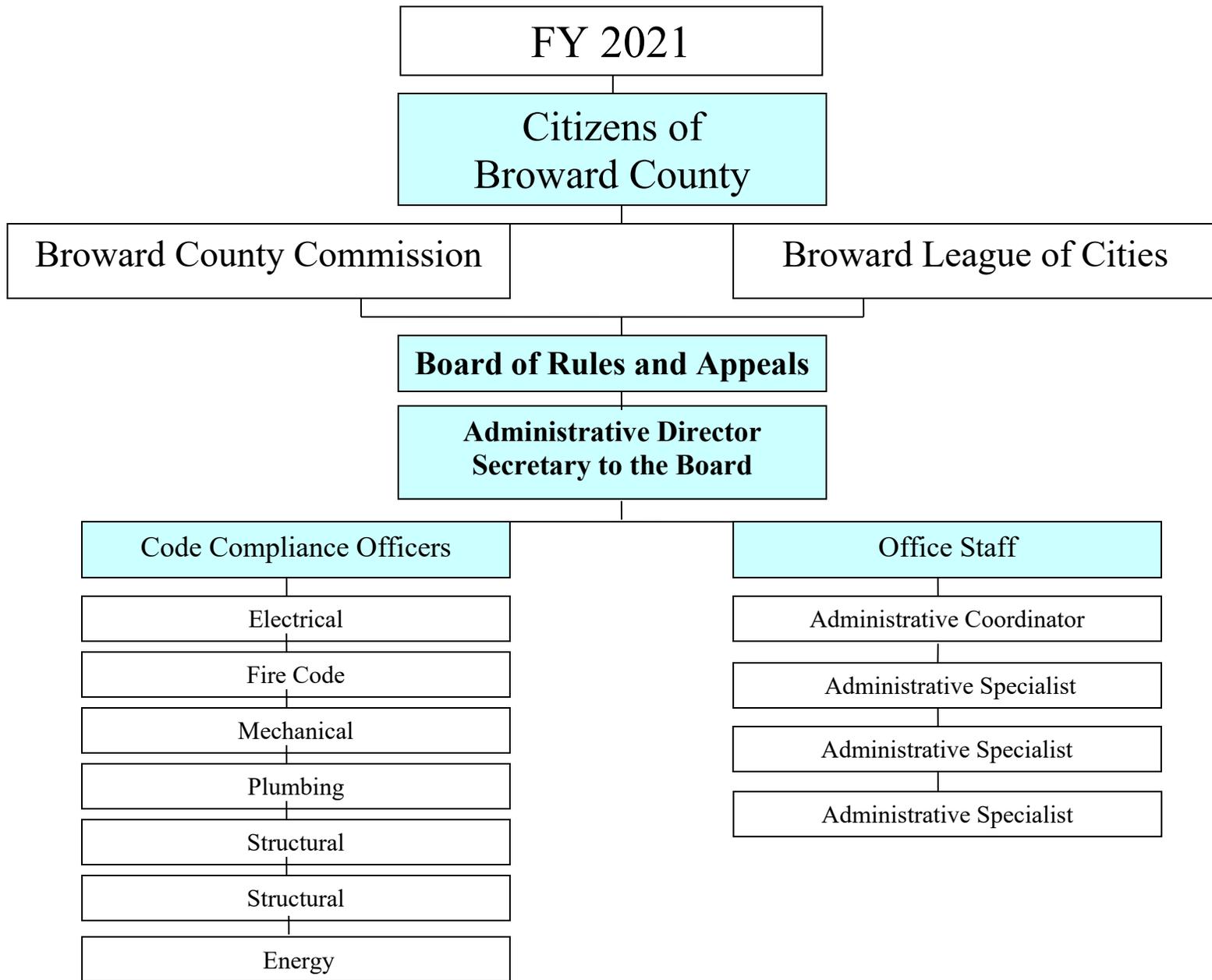
	FY20	FY21	FY22	FY23
REVENUES	2,199,400	1,364,300	1,811,000	2,328,340
Pers expenses	1,086,001	1,600,044	1,664,050	1,730,612
Non Pers EXPENSES	738,827	506,110	521,290	536,930
Capital	129,096	149,849	80,000	60,000
total expenses+capital	1,953,924	2,256,003	2,265,340	2,327,542
SURPLUS	245,476	-891,703	-454,340	798

Revenues account projection

	FY20	FY21	FY22	FY23
<u>Municipal Fees</u>	2,089,400	1,316,300	1,776,000	2,298,340
<u>6110 Int earnings</u>	110,000	48,000	35,000	30,000
GRAND TOTAL	2,199,400	1,364,300	1,811,000	2,328,340

**Broeard County Board of Rules and Appeals
Capital Budget Request FY 2020**

Capital Budget Request				
Account	FY 2021 - Request Justification			
		quantity	unit	total
560370 Computer Hardware	Extra large display monitor for library		8,000	8,000
			Subtotal	8,000
565010 Books		quantity	unit	total
	Loaner library for potential new inspectors and plans examiners (26 x 325)	26.00	325	8,450
	Loaner library program for Building Code Administrators (4 x 1,700)	4.00	1,700	6,800
	30 - Florida Fire Prevention code - 7th edition - for Board members , BORA attorney and staff	30.00	285	8,550
	1- Florida Fire Prevention code -7th edition for County Attorney Office	1.00	285	285
	32- Florida Prevention code 7th edition for cities and County	32.00	285	9,120
	30- Florida Building Code 7th edition for Board members, BORA attorney and staff	30.00	550	16,500
	1 -Florida Building Code 7th Edition for County Attorney Office	1.00	550	550
	32- Florida Building Code -7th edition for Cities and County	32.00	550	17,600
	7- electronic copy of the Florida Building Code 7th edition for staff and board members	7.00	550	3,850
	32 - National Electric Code 2017 handbooks for Cities and staff	32.00	94	3,008
	12- National Electric Code 2017 Handbooks, for Board members and staff	12.00	94	1,128
	32 - ASHRAE 188-2018 Standard 188 2018 - Legionella	32	94.00	3,008
	Other publications for staff , State statutes, NEC, ICC Codes reference and standards		3,000	3,000
	BOOKS SUB-TOTAL			81,849
	GRAND TOTAL			89,849



Board of Rules and Appeals – Organizational Chart - Fiscal Year 2021

BORA Vehicle Assignments – FY 2020

<i>Car Ownership</i>	<i>Employee</i>	<i>Car#</i>	<i>Make/Model (midsize)</i>	<i>OVA Year</i>	<i>Next Time to be Mileage^(*)</i>	<i>OVA assigned (Y/N)</i>	<i>replaced by</i>	<i>Annual Contribution</i>
BORA	*Rolando Soto	2322	Ford Fusion	2015	18,640	N	BORA	N/A
BORA	Ted Fowler	2319	Dodge Avenger	2012	62,670	N	BORA	N/A
BORA	Ken Castronovo	BR01	Ford Fusion Hybrid	2018	28,068	Y	BORA	\$1,560
BORA	Mike Guerasio	2323	Ford Fusion Hybrid	2017	34,418	Y	BORA	\$1,560
BORA	**Bryan Parks	2320	Ford Fusion	2015	34,731	Y	BORA	N/A
County	Otto Vinas	2321	Ford Fusion Hybrid	2015	65,052	Y	BORA ***	\$1560
BORA	Energy							

Millage updated 4/6/2020

* Employees who reside outside of Broward County cannot have a take home vehicle.

** This employee pre-date BORA requirement for employee to contribute \$1,560 towards the cost of a take-home vehicle.

*** County paid for vehicle, but BORA paid for the difference in price for the hybrid version.

BORA SUPPLEMENT REQUEST

SUPPLEMENT 46 Screens from Budget Program Proposal

Manage Department Supplements

Years	Scenario	Version	Dept_Div_User_Variable	All Revenues	All Expenses	Revenues Minus Expenses
FY21	Budget	Request List	DIV_2010_01			
			Supplement Type	Funding Request		
Request 46	D_20102000	Operating Supplement	E- Permitting system-cost reimbursement to small Cities in Broward County		60,000	-60,000
-	Total				60,000	-60,000

Supplement Text Input

Manage Department Supplements > Supplement Text Input

Supplement Narrative | Impacts | Attachments

Years Scenario Version Requests
 FY21 Budget Request List Request 46

Type of Supplement	Operating Supplement
Funds Usage Part 1	
Funds Usage Part 2	
Funding Request Input	E- Permitting system-cost reimbursement to small Cities in Broward County.
Staff Contact Name	James DiPietro 954-931-2393
Support of Commissioner Values	
Actions Required to Implement Part 1	
Actions Required to Implement Part 2	
Is Mandated	
State Statute	
Level of Service	

Request List | Deferred Supplements

Supplement Text Input

Manage Department Supplements > Supplement Text Input

Supplement Narrative | **Impacts** | Attachments

Years Scenario Version Requests
 FY21 Budget Request List Request 46

What performance measures would your agency use to measure the impact of this supplement and indicate if any industry	
Impact on PMs	Improve the uniformity of the e-permitting system through out Broward County small cities. This supplement will provide incentives for the jurisdictions to join the e-permitting system.
Utilization Data	
Impact if Not Funded	Impact of not funding this level will mean that the small cities will have to cover the entire e-permitting effort without any subsidies from the Board of Rules and Appeals - \$7,500 of financial support is a significant amount of funds for a small or
Service Currently Provided	



Impact of not funding this level will mean that the small cities will have to cover the entire e-permitting effort without any subsidies from the Board of Rules and Appeals - \$7,500 of financial support is a significant amount of funds for a small or medium size jurisdictions having a population of 50,000 or less. Without this level of support they will be less likely to join the program ..

Supplement Narrative | Impacts | **Attachments**

Years Scenario Version Requests
 FY21 Budget Request List Request 46

Mandated by Contract or Agreement	
Utilization Attachment	Please see attachment
New Position Org Chart Attachment	

Broward County - Municipality Population

1	Fort Lauderdale	177,175
2	Pembroke Pines	166,530
3	Hollywood	149,750
4	Miramar	136,415
5	Coral Springs	130,110
6	Pompano Beach	107,542
7	Davie	101,543
8	Sunrise	92,272
9	Plantation	92,126
10	Deerfield Beach	79,468
11	Lauderhill	70,963
12	Weston	69,802
13	Tamarac	64,262
14	Coconut Creek	59,154
15	Margate	57,045
16	Oakland Park	44,085
17	North Lauderdale	43,574
18	Hallandale Beach	39,285
19	Cooper City	35,081
20	Lauderdale Lakes	34,744
21	Dania Beach	31,526
22	Parkland	28,901
23	West Park	14,960
24	Wilton Manors	12,407
25	Lighthouse Point	11,042
26	Southwest Ranches	7,820
27	Pembroke Park	6,491
28	Lauderdale-By-The-Sea	6,441
29	Hillsboro Beach	1,465
30	Sea Ranch Lakes	572
31	Lazy Lake	30

Source: Broward County
 Planning and Development
 Management Division (2018)
<https://bcgis.maps.arcgis.com/apps/MapSeries/index.html?appid=948a41100ff84e25a8d49d564814075d>



Section 11



BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE
SUITE 3500-B
PLANTATION, FLORIDA 33324
PHONE: 954-765-4500
FAX: 954-765-4504

www.broward.org/codeappeal

2020 Voting Members

Chair

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

Vice-Chair

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

Mr. John Famularo,
Roofing Contractor

Mrs. Shalanda Giles Nelson,
General Contractor

Mr. Daniel Rourke
Master Plumber

Mr. Gregg D'Attila,
Mechanical Contractor

Mr. Ron Burr
Swimming Pool Contractor

Mr. John Sims,
Master Electrician

Mr. Dennis A. Ulmer
Consumer Advocate

Mr. Abbas H. Zackria, CSI
Architect

Mr. Robert A. Kamm, P.E.
Mechanical Engineer

Vacant

Representative Disabled Community

Mr. Sergio Pellecer

Fire Service Professional

2020 Alternate Board Members

Mr. Jeff Falkanger
Architect

Mr. Steven Feller, P.E.
Mechanical Engineer

Mr. Alberto Fernandez,
General Contractor

Mr. Robert Taylor
Fire Service

Mr. Gary Elzweig, P.E., F.ASCE
Structural Engineer

Mr. David Rice, P.E.
Electrical Engineer

Mr. James Terry,
Master Plumber

Mr. David Tringo,
Master Electrician

Mr. William Flett,
Roofing Contractor

Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

To: Members of the Board of Rules and Appeals
From: Michael Guerasio, Chief Structural Code Compliance Officer
Date: July 9th, 2020
Re: Calculation and structural plan review summary by Johnson Structural Group 6 months report from October 1, 2019.

Subject

Johnson Structural Group, calculation, and structural plan review 6-month summary report from October 1, 2019.

Reason

Johnson Structural Group, Inc. has been under contract with BORA since the fall of 2019 to perform cursory reviews of structural calculations and plans for single family residences, townhouse projects, and other commercial projects submitted to municipalities throughout Broward County. Board member, Mr. Abbas H. Zackria recommended that a six-month report be brought in front of the Board to keep them updated on the progress of said reviews. Attached you will find Johnson Structural Group six-month report.

Respectfully submitted,

Michael Guerasio, Chief Structural Code Compliance Officer



BROWARD COUNTY BOARD OF RULES & APPEALS

SEPTEMBER 12, 2019

MEETING MINUTES

Call to Order

Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m. The meeting was held in Room 422 of the Broward County Governmental Center East, 115 S. Andrews Avenue, Fort Lauderdale, Florida.

Present:

Daniel Lavrich, Chair
Stephen E. Bailey, Vice Chair
Jeffrey Lucas
Ron Burr
John Famularo
Robert A. Kamm
Abbas H. Zackria
Dennis A. Ulmer
Daniel Rourke
David Rice
James Terry
Jeff Falkanger

Approval of Minutes – June 13, 2019

Mr. Lucas made a motion and Mr. Bailey seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 12-0.

AGENDA AMENDMENT

Mr. Lucas made a motion and Mr. Rice seconded the motion to approve a modification to the agenda, adding "Declaration of surplus property for outdated Building and Fire Code books and other code reference publications". The motion carried by unanimous vote of 12-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

Mr. Zackria noticed scupper sizing which was previously in the code is missing. He asked staff to follow up. Mr. Bailey believed that the last column in the Storm Drain Pipe Sizing Table should be titled, ½ inch. With respect to the scupper sizing, there was consensus for this item to be presented to the Plumbing Committee at their upcoming joint meeting with the Electrical Committee.

A motion was made by Mr. Terry and seconded by Mr. Bailey to approve the item as recommended along with the Storm Drain Pipe Sizing Table title correction noted above. The motion passed by unanimous vote of 12-0.

6. Agreement with Johnson Structural Group to provide cursory random plan review at building departments throughout Broward County for a 2-year period, not to exceed a total cost of \$34,800
 - a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019, including some historical background. Thirty-five thousand dollars cannot be exceeded without it requiring a formal bid procedure. With the Board having worked with Johnson Structural, Mr. Zackria asked if there is any written report in terms of compliance findings.

Mr. Mark Johnson of Johnson Structural Group indicated a summary was written after the first year, noting some of the deficiencies that were discovered.

Mr. Zackria recommended that a 6-month or 1-year recurring findings report to the Board. He went on to comment that potentially some findings should be referred to the engineering licensing board. Mr. DiPietro advised that with this organized approach and the results objective of at least two plan reviews in every department. He provided additional background information of what is done in Miami-Dade and throughout the state. In response to Mr. DiPietro, Mr. Johnson agreed to provide reports. He went on to say that the intention is to create a live spreadsheet. Discussion followed as to the scope of the plan review and deficiencies that have been discovered in the past.

- b. Board Action

A motion was made by Mr. Lucas and seconded by Mr. Terry to approve the item as recommended. The motion passed by unanimous vote of 12-0.

7. Request for ratification of Administrative Director's appointment of Chief Code Compliance Officer - Structural
 - a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019.

- b. Board Action

May 15, 2020

Mr. Jim DiPietro
Administrative Director
Broward County Board of Rules and Appeals
1 North University Drive, Suite 3500 B
Plantation FL 33324
954-765-4500 X9892
954-931-2393 (cell)



RE: Calculation and Structural Plan Review Summary
May 2020
JSG #: 19070

Dear Mr. DiPietro,

Johnson Structural Group, Inc. has been under contract since the fall of 2019 to perform a cursory review of the submitted structural calculations and plans for single family residences, townhouse projects, and other commercial projects. The commercial projects are not required to have supported calculations, so we reviewed the submitted plans only for completeness. Since the program's inception, we have visited eight different building departments and reviewed 16 house/townhouse projects and 7 commercial projects. This is two more since the summary at the end of the year due to the Covid-19 shutdown.

In our developed rating system, each category in the spreadsheet is rated as a (1) Yes; (0) Insufficient Data; (-1) Not Applicable. The total score is then the total sum of their score divided by the total number of applicable categories. In the following page we present two bar graphs that show the project number and the overall score. For the house/townhouse projects, the scores ranged from 0% (No calcs presented) to 100% with the average overall of 65.2%. For commercial projects the range was 50% to 100% and the average is 87.6%.

We will continue to prepare a similar summary every six months to document our progress. We are please to continue working on this project for you throughout the 2020 year.

Sincerely,

JOHNSON STRUCTURAL GROUP, INC.

Mark Johnson, P.E.
Florida PE# 51983
President

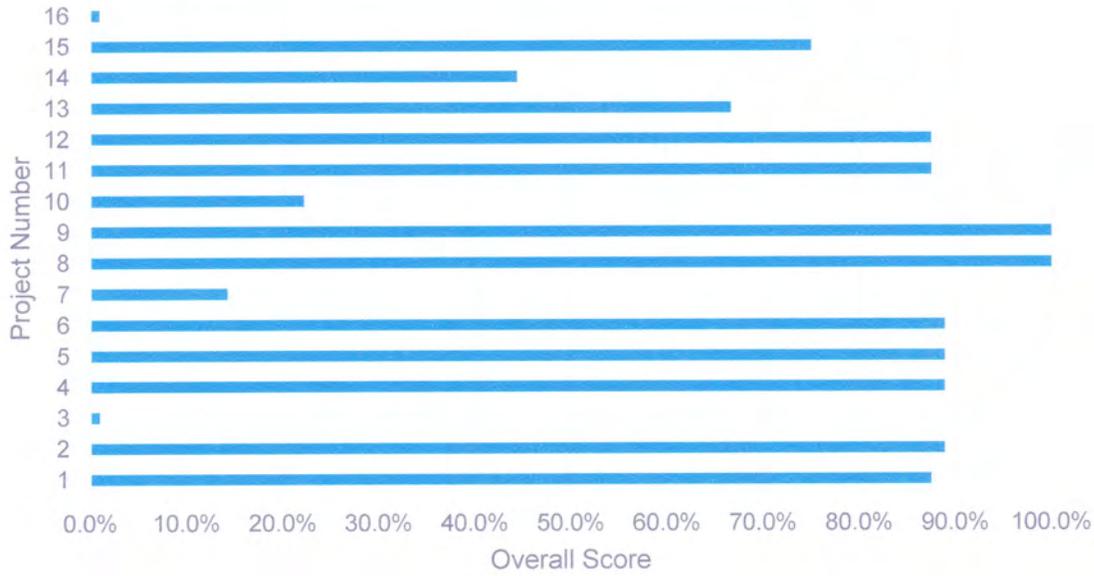


Digitally signed by Mark
Johnson, PE 51983
Date: 2020.05.15 10:47:24
-04'00'

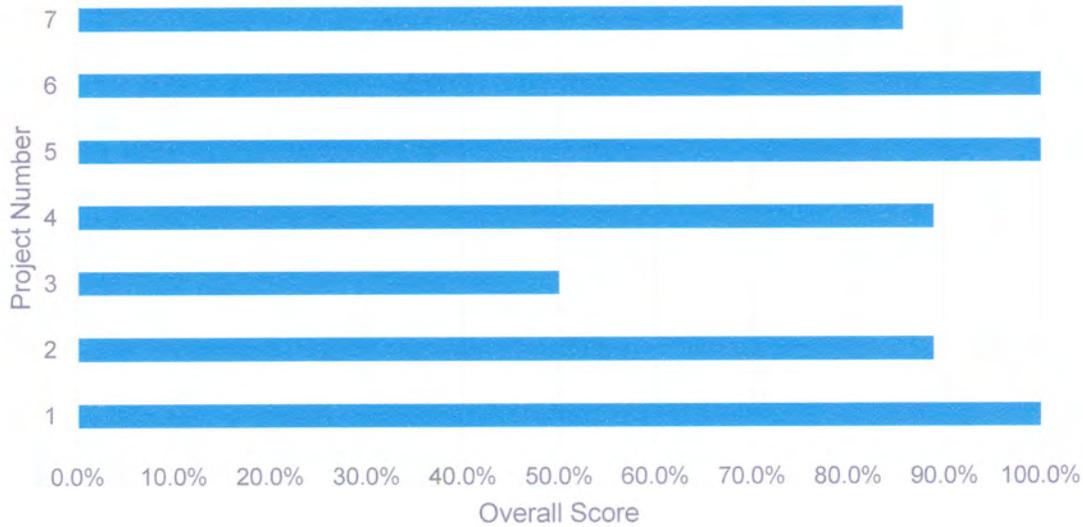


20423 State Road 7, Suite F6215 • Boca Raton, FL 33498
phone 561-982-8999 • www.johnsonstructural.com

May 2020 Summary for Houses / Townhouse



May 2020 Summary for Commercial Projects



Section 12



BROWARD COUNTY
Board of Rules & Appeals

ONE NORTH UNIVERSITY DRIVE, SUITE 3500-B, PLANTATION, FLORIDA 33324

PHONE (954) 765-4500 FAX: (954) 765-4504

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

TO: Broward County Board of Rules and Appeals

FROM: Administrative Director

DATE: July 9, 2020

SUBJ: Amendment to Board of Rules and Appeal Policy 15-02 entitled "Delegation by Board of Rules and Appeals to the Administrative Director of the Board's Authority to obtain Goods and Services up to and including \$9,500 (Nine Thousand Five Hundred dollars) per year per vendor for the purpose of funding of duties as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02, and to assist carrying out those duties as reasonable and as legislatively contemplated." The policy allows for the inclusion of the Building Officials and Inspectors Educational Association (BOIEA) doing business as the Code Officials Educational Association (COEA) and the Fire Inspectors Association of Broward County (FIABC) to use funds for the payment of instructors. These payments will be made directly to the instructors and not the organizations mentioned above.

RECOMMENDATION

It is recommended that the Board of Rules and Appeals decide on approving by vote the amendment to policy 15-02 to include the Building Officials and Inspectors Educational Association (BOIEA) doing business as the Code Officials Educational Association (COEA) and the Fire Inspectors Association of Broward County (FIABC) to use funds for the payment to instructors. These payments will be made directly to the instructors and not the organizations mentioned above.

REASONS

The BOIEA doing business as the Code Officials Educational Association (COEA) and the FIABC are private not for profit organizations that charge a fee for inspectors and contractors to attend their seminars. For this reason, it would be appropriate for the Board to authorize by vote instead of approving or denying the funding at the staff level.

Should the Board adopt this policy revision, it will no longer be necessary for the staff to place on the agenda a request to approve expenditures for two private, not for profit organizations.

ADDITIONAL INFORMATION

Historically, for more than 20 years, Board of Rules and Appeals has been part of these conferences by way of providing staff support and helping to organize classes for the seminars. However, it was not until January 10, 2019 that BORA voted to directly subsidize the program. At that time of which amount only \$1,750 was expended for one instructor. In 2020 the Board of Rules and Appeals funded the BOIEA conference approximately \$13,362 for four instructors.

Expenses for the FIABC during the last several years the BORA has provided \$1,000 to 1,500 each year to aid their conference.

The justification for these BORA expenditures is to improve the quality of the instructors that the BOIEA and the FIABC might not normally be able to afford which would therefore benefit the Building and Fire departments as well as the construction industry.

All approved payment would be made directly to each individual instructor and not to the association and will be processed in accordance with the Broward County accounts payables policies. The vendors must adhere to the separate Broward County requirements to register in the County's vendor list.

A legal opinion from the County Attorney dated January 19, 2007 (attached) states that " ... the BORA is not required to comply with the Broward County Procurement Code when obtaining goods and services"

A separate legal opinion from the Board of Rules and Appeals attorney dated June 24, 2015 states " ... that the BORA has the authority as an independent body to determine and effect funding for duties or activities as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02 to authorize funding for the purpose of carrying out its duties, reasonable activities and promoting furtherance of the Building Code, and as otherwise legislatively contemplated."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James DiPietro". The signature is stylized with a large, looped initial "J" and a trailing flourish.

James DiPietro

Board Policy #15-02

Effective Date: July 10, 2015

Amended: August 10, 2017

Amended: July 9, 2020

SUBJECT: Amendment to Board of Rules and Appeal Policy 15-02 entitled “Delegation by Board of Rules and Appeals to the Administrative Director of the Board’s Authority to obtain Goods and Services up to and including \$9,500 (Nine Thousand Five Hundred dollars) per year per vendor for the purpose of funding of duties as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02, and to assist carrying out those duties as reasonable and as legislatively contemplated.” The policy allows for the inclusion of the Building Officials and Inspectors Educational Association (BOIEA) doing business as the Code Officials Educational Association (COEA) and the Fire Inspectors Association of Broward County (FIABC) to allow the use of funds for the payment of instructors. These payments will be made directly to the instructors and not the organizations mentioned above.

POLICY

The Board of Rules and Appeals hereby delegates to the Administrative Director its authority to expend up to and including \$9,500 (Nine Thousand Five Hundred dollars) with each individual vendor in any fiscal year (October - September) for the purpose of funding of duties as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02, and to assist in carrying out those duties as reasonable and as legislatively contemplated. The acquisition of these goods and services must be supported by a budget appropriation.

The vendor must adhere to the separate Broward County requirements to register on the County’s vendor list.

This policy authorizes the BORA staff to include the Building Officials and Inspectors Educational Association (BOIEA) doing business as the Code Officials Educational Association (COEA) and the Fire Inspectors Association of Broward County (FIABC) to use funds for the payment to instructors ~~for instructors fees~~. These payments will be made directly to the instructors and not the organizations mentioned above.

It is recognized by the Broward County Board of Rules and Appeals that the BOIEA doing business as the Code Officials Educational Association (COEA) and the FIABC are private not for profit organizations that charge a fee for inspectors and contractors to attend their seminars. The Board of Rules and Appeals has determined the activities of these two associations to be educationally appropriate for BORA Certified code officials. Accordingly, it is appropriate for the Board to authorize these expenditures.

Jeffrey J. Newton
County Attorney

954-357-7600 • FAX 954-357-7641

January 19, 2007

Our Files: 07-013 & 07-049

MEMORANDUM

TO: Pam Madison, Director
Office of Public and Governmental Relations

Alfred J. Newton

FROM: Jeffrey J. Newton, County Attorney

RE: Broward County Board of Rules and Appeals

*Please see
NEXT PAGE*

[Signature]

This is in response to questions that have arisen regarding the authority of the Broward County Board of Rules and Appeals ("BORA") to hire personnel and procure goods and services. The BORA and its responsibilities were established by Chapter 71-575, Laws of Florida, as further codified in the Florida Building Code and the Broward County Charter. These responsibilities include the monitoring and overseeing of the inspection practices and procedures employed by the various governmental authorities charged with enforcing the Florida Building Code, conducting training and educational programs for BORA-certified inspectors, determining the suitability of alternate materials and types of construction to provide for reasonable interpretation of the provisions of the Florida Building Code, and assisting in the control of the construction of buildings and structures.

The BORA generally operates independently of the County. Section 9.02(C) of the Broward County Charter authorizes the BORA to employ administrative and clerical personnel as shall be required to perform the duties and functions provided in the Florida Building Code and the Charter and to determine, in its sole discretion, those positions which shall be subject to civil service classifications and procedures. The funding of the personnel for the Board of Rules and Appeals, however, is subject to the County Commission's budgetary process.

Subsection 116.1.1 of the Florida Building Code specifically authorizes the BORA to hire a full-time secretary. If the BORA determines that additional personnel are necessary, however, this Section requires that the BORA obtain the permission of the

Board of County Commissioners. Office space, office equipment and such other material, equipment, and services required to operate the BORA's office are to be furnished by the Board of County Commissioners.

While the foregoing provisions provide the BORA with the authority to employ personnel and to purchase materials and services, the hiring of personnel other than a full-time secretary must be approved by the Board of County Commissioners. In addition, the BORA's employment and purchasing activities are further limited by its budget, which must also be approved by the Board of County Commissioners.

A question was also presented as to whether the BORA is required to use Broward County's Procurement Code. The BORA is an independent board which was not created by and does not report to the Board of County Commissioners. Section 21.6 of the Broward County Procurement Code states that it applies only to procurements of the Board of County Commissioners. In addition, the Florida Building Code and the Broward County Charter do not require the BORA to use the Procurement Code. Accordingly, the BORA is not required to comply with the Broward County Procurement Code when obtaining goods and services.

If you have any questions or need additional information, please do not hesitate to contact me.

JJN/MA/lt

LEGAL ADVISORY OPINION AS TO PURCHASING AUTHORITY
OF THE BROWARD COUNTY BOARD OF RULES AND APPEALS

Issue: Whether or not there is a need for a formal Board of Rules and Appeals vote and authorization/approval from the Purchasing Department of Broward County when making reasonably small and readily justifiable purchases of goods and/or services in accordance with its duties as contemplated in Special Act 71-575.

The BORA was created through Special Act 71-575 of the Laws of Florida and pursuant to the Broward County Charter, Article IX, section 9.02 charged with various duties including but not limited to:

“[c]onduct 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.”

The BORA generally operates independently of the County. This helps to avoid the possibility of conflicts of interest and to help keep the position of BORA as one of an independent authority whose determinations may not be steered, sidetracked, or otherwise delayed by extraneous administrative issues.

Section 9.02 (c) specifically authorizes the BORA to employ administrative and clerical personnel as shall be required to ensure performance of the aforestated duties and that BORA has sole discretion which functions shall be subject to civil service classifications and procedures. The County Commission has the right to review and approve funding of those personnel/staff.

June 24, 2015

Insofar as BORA having the authority to make purchases of materials, training or personnel who are not *staff* (e.g. instructors, consultants, etc.) for the purposes set forth in Broward County Code Section 9.02 (c) and Special Act 71-575, it again is noted that the BORA is an independent authority. Any interested party is directed to Section 21.6 of the Broward County Procurement Code which states that it applies only to procurements of the Board of County Commissioners. The BORA is separate and distinct entity from the Board of County Commissioners.

Nowhere in the Florida Building Code nor the Broward County Charter does it state that BORA must use the Procurement Code and the language being statutory must be strictly construed. No court can add or remove language where the intent is clear. See Whitaker v. Department of Ins., 680 So. 2d 528 (Fla. 1st DCA 1996); Florida Nat'l Bank v. Alfred & Ann Goldstein Foundation, Inc., 327 So. 2d 110 (Fla. 1st DCA 1976).

It is the opinion of this attorney that the BORA has the authority as an independent body to determine and effect funding for duties or activities as contemplated under the Florida Building Code, Special Act 71-575, and Broward County Code 9.02 to authorize funding for the purpose of carrying out its duties as reasonable, activities promoting furtherance of the Building Code, and as otherwise legislatively contemplated.

Charles M. Kramer, Esq., B.C.S.



Code Officials Educational Association

In conjunction with the

Building Officials & Inspectors Educational Association

&

Broward County Board of Rules and Appeal

Presents:

2020 South Florida Building Code Educational Conference 2 Day Code Conference - 3 To Choose From

Required - Choose 1 *on back of form*

Required 1
Nova Southeastern University
March 4, 2020

- Florida Lien Law
- Laws & Rules
- Wind Mitigation
- Workers Comp
- Workplace Safety
- Tiny Houses

7 Hours of Continuing Education
Check In 7:30
Announcements 8:00

Required 2
Pompano Beach
April 29, 2020

- Florida Lien Law
- Laws & Rules
- Wind Mitigation
- Workers Comp
- Workplace Safety
- Chapter 1 FBC

7 Hours of Continuing Education
Check In 7:30
Announcements 8:00

Required 3
Hollywood
May 27, 2020

- Florida Lien Law
- Laws & Rules
- Wind Mitigation
- Workers Comp
- Workplace Safety
- Chapter 1 FBC

7 Hours of Continuing Education
Check In 7:30
Announcements 8:00

General Classes - Choose 1 *on back of form*

General 4 - Nova Southeastern University - March 5, 2020

Building	Plumbing	Electrical	Mechanical
<ul style="list-style-type: none"> • Advanced Training • Significant Changes 7th Ed FBC, Building Ch. 1-7 • Significant Changes to the 7th Ed. FBC – R, Ch. 3 • Significant Changes 7th Ed. FBC, Energy 	<ul style="list-style-type: none"> • Advanced Training • Significant Changes 7th Ed. FBC, Plumbing 1-7. • Significant Changes 7th Ed. FBC, Plumbing 8-13. • FRC Plumbing Fundamentals 	<ul style="list-style-type: none"> • Emergency & Standby Systems • Grounding & Bonding • Hazardous Locations • Healthcare • UL Product Specifications 	<ul style="list-style-type: none"> • Advanced Training • Significant Changes 7th Ed. FBC, Mechanical. • Basic Concepts of the FBC, Mechanical

Check In 7:30 - Classes Start at 8:00

General 5– Pompano Beach - April 15, 2020

- Tiny Houses
- Containers in Construction
- Commercial Provisions of the Florida Building Code Energy

Check In 7:30 - Classes Start 8:00

General 6 - Hollywood - May 13, 2020

- Tiny Houses
- Containers in Construction
- Commercial Provisions of the Florida Building Code Energy

Check In 7:30 - Classes Start 8:00



Code Officials Educational Association
In conjunction with the
Building Officials & Inspectors Educational Association
 &
Broward County Board of Rules and Appeal

Presents:

2020 South Florida Building Code Educational Conference
2 Day Code Conference - 3 Dates To Choose From - Choose 1 Required & General

Registration Fee
\$160.00 for Inspectors - \$190.00 for Contractors - Additional \$40 for day of Registration
Make Check Payable to:
Building Officials & Inspectors Educational Association (BOIEA)
Mail Checks & Applications to
Code Officials Educational Association 1126 South Federal Highway, Suite 394 Fort Lauderdale, FL 33316
Contact Information
Steve Pizzillo 954-394-3381 stevepizzillo@gmail.com Pat Richardson 954-605-5545 PatrickRichardson@Tamarac.org
Locations
Nova Southeastern University Health Profession Division - 3200 South University Dr., Davie Pompano Beach - Emma Lou Olsen Civic Center - 1801 NE 6 St., Pompano Beach Hollywood - Boulevard Heights Community Center - 6770 Garfield St., Hollywood
NO ALL COURSES APPROVED BY ALL BOARDS, COURSES SUBJECT TO CHANGE

Name: _____	Work Address: _____
Work Number: _____	Cell Phone: _____
Email Address: _____	Employer: _____
Position: _____	Discipline: _____
<i>Licenses</i>	
Inspector: BN _____	Plans Examiner : PX _____
	Building Official: BU _____
Contractor #1: _____	Contractor #2: _____
	Other: _____

Please Choose One Required and One General Session - seating in Hollywood and Pompano Beach limited to 100

Required 1 NOVA <input type="checkbox"/>	Required 2 Pompano Beach <input type="checkbox"/>	Required 3 Hollywood <input type="checkbox"/>
General 1 NOVA <input type="checkbox"/>	General 2 Pompano Beach <input type="checkbox"/>	General 3 Hollywood <input type="checkbox"/>



*Presents a 4-day Seminar at Volunteer Park
March 10th, 11th, 2020*

****Days 3 and 4 have been Postponed***
New dates to be announced*

(Approved for Fire Safety Inspector and Instructor CEU's)

Tuesday, March 10th, 2020

7:15 am – 8:00 Registration

8:00am – 10:00pm – Fire Sprinkler Protection of Rack Storage
George Stanley Sr., VP of Wiginton Fire Protection Engineering, Inc.

8:00am – 12:00pm – Fire Pumps
George Stanley Sr., VP of Wiginton Fire Protection Engineering, Inc.

12:00pm – 1:00pm - *Lunch prepared by Vendor – Char-Hut*

1:00pm – 5:00pm – NFPA 101A – Guide to Alternative Approaches to Life Safety
Buddy Dewar, Lobbyist, Retired State Fire Marshal

Wednesday, March 11th, 2020

7:15 am – 8:00 Registration

8:00am – 10:00am – Annual Fire Door Inspection... Code Compliance Program “Everyone Wins!”
Daniel Arce CEO & Robert Arce, President of National FireDoor, LLC

10:00am – 12:00pm – Reaching Today’s Learners
Yvonne Feijoo, Life Safety Education Systems, Inc.

12:00pm – 1:00pm - *Lunch prepared by Vendor Mission BBQ*

1:00pm – 3:00pm – Another Day, Another Fraud
Chris Butler, Investigations Manager for Eagle Eye Investigative Solutions

3:00pm – 5:00pm – Bi-Directional Amplifiers
Kevin Magoon, Potter Electric Signal Company, LLC

Wednesday, March 18th, 2020

7:15 am – 8:00 Registration

8:00am – 10:00am – Arc Flash Safety for Fire Inspectors
Marty Perrone, Director of Electrical Safety and Code Compliance

10:00am – 12:00pm – Florida Alternative Power Requirements for Assisted Living Facilities
Marty Perrone, Director of Electrical Safety and Code Compliance

12:00pm – 1:00pm - *Lunch prepared by Vendor Char-Hut*

1:00pm – 2:00pm – Be the Spark!
Mary-ellen Harper, Project Manager – Emergency Services Consulting International

2:00pm – 3:00pm – ISO and the Fire Inspector
Stuart McCutcheon, Eastern Regional Manager – Emergency Services Consulting International

3:00pm – 5:00pm – Understanding 61G15-32
Steve Kowkabany, P.E. Neptune Fire Protection Engineering

Thursday, March 19th, 2020

7:15 am – 8:00 Registration

8:00am – 10:00am – Honeywell Analytics – Commercial Gas Monitoring
William Sudah, Business Development Manager for Xtralis/Honeywell

10:00am – 12:00pm – The Planning “P” of Fire and Life Safety Plans Review
Yvonne Feijoo, Life Safety Education Systems, Inc.

12:00pm – 1:00pm - *Lunch prepared by Vendor Mission BBQ*

1:00pm – 3:00pm – Supporting Residential Fire Sprinklers
Tommy Demopoulos, Assistant Fire Marshal – Tamarac Fire Rescue

3:00pm – 5:00pm – Review of the Broward County Amendment’s
Bryan Parks, Chief Fire Code Official BORA &
Tommy Demopoulos, Assistant Fire Marshal – Tamarac Fire Rescue

FIABC 2020 SPRING SEMINAR

Schedule

3 sessions

#1. 10 Mar 2020, 08:00 17:00 (EDT)

#2. 11 Mar 2020, 08:00 17:00 (EDT)

#3. 31 Dec 2020, 08:00 17:00 (EST)

Location

Plantation Volunteer Park 12050 W Sunrise Blvd, Plantation, FL 33323

Registration

1 Day (Member) – \$40.00

1 Day (Non-member) – \$60.00

2 Days (Member) – \$80.00

2 Days (Non-member) – \$120.00

3 Days (Member) – \$120.00

3 Days (Non-member) – \$180.00

4 Days (Member) – \$160.00

4 Days (Non-member) – \$220.00

Section 13

As of Friday, June 26, 2020 - 2:42 pm

Municipality	Fiscal Year 2020 - Decreased rate .52 effective 10/01/2019												FY 2020 Total
	October	November	December	January	February	March	April	May	June	July	August	September	
Broward County, Airport, Lazy Lake	3,180	18,966	2,571	1,776	563	4,194	961	437					32,648
Coconut Ck	1,860	2,385	2,509	4,462	2,864	2,170	1,014	1,098					18,362
Cooper City	1,421	1,147	885	1,532	1,448	1,185							7,619
Coral Spgs	6,212	17,178	5,440	3,127	6,038	6,511	4,336						48,842
Dania Bch	3,531	11,203	1,672	3,985	22,228	2,386	6,576	2,565					54,146
Davie	9,759	4,327	5,188	9,216	24,090	4,561							57,141
Deerfield Beach	11,575	16,884	20,329	6,765	10,537								66,090
Ft. Lauderdale	129,546	31,807	59,146	97,385	53,518	34,825	98,966						505,192
Hallandale Bch	1,713	1,180	5,586	1,979	830	49,921	835						62,043
Hillsboro	237	1,236	300	461	220	439	135						3,030
Hollywood	10,630	17,839	15,069	51,574	55,741	39,828	6,940						197,623
Laude by T Sea	859	783	939	1,089	1,272	398	634						5,974
Lauderdale Lks	709	1,327	567	779	1,081	1,082	945						6,490
Lauderhill	1,689	1,334	1,788	2,146	2,259	7,567	3,153						19,936
Lighthouse Pt	2,678	1,041	1,171	1,527	1,887	1,147	1,150	1,204					11,805
Margate	2,761	1,821	2,050	2,621	1,254	4,417	1,310						16,234
Miramar	31,852	12,138	6,472	38,685	33,144	7,045	6,112	6,521					141,969
North. Ldle	996	1,503	579	886	1,403	941	517						6,826
Oakl Park	2,888	1,462	2,037	2,114	3,450	2,137	1,203						15,291
Parkland	23,247	6,962	4,981	4,586	5,186	10,532	12,895	3,654					72,043
Pembroke Pk	520	816	259	1,439	712	204	142	593					4,685
Pembroke Pns	7,271	7,552	8,040	19,941	11,933	7,248	6,214	8,859					77,058
Plantation	20,942	29,694	7,979	9,802	11,833	9,042	6,179	10,975					106,446
Pomp Bch	16,435	15,375	14,514	20,180	13,883	15,259	9,338						104,984
Sea-Ranch Lks	222	314	93	170	174	77	287	163					1,500
SW Ranches	1,367	735	3,576	978	694	4,159	2,351						13,860
Sunrise	10,073	3,080	4,845	6,937	3,284	7,528	6,915						42,661
Tamarac	15,388	4,857	16,800	6,769	3,782	10,274	12,126	15,811					85,807
Weston	3,410	5,486	3,036	2,877	5,714	3,845							24,368
West Park	347	336	482	518	441	420	162						2,707
Wilton M	1,074	589	817	664	649	1,321	501						5,615
Total	324,392	221,356	199,720	306,971	282,110	240,666	191,898	51,879	0	0	0	0	1,818,993
Municipality	October	November	December	January	February	March	April	May	June	July	August	September	FY 2020 Total