

Broward County Board of Rules and Appeals Meeting Agenda

March 14, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1610236644>

Meeting ID: 161 023 6644

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES** – January 11, 2024, Board Meeting
- V. PUBLIC COMMENT (Except public hearing items on this agenda)**
Public comments are limited to 3 minutes.
- VI. CONSENT AGENDA**

1. Certifications – Staff Recommended

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Majhess, Joseph, Fire Inspector

CITY OF COCONUT CREEK

Flanagan, Sean, Building Official

CITY OF DANIA BEACH

O'Linn, Daniel F., Chief Structural Inspector

CITY OF DEERFIELD BEACH

Kirkegaard, Randy S., Mechanical Inspector (Provisional)

CITY OF FORT LAUDERDALE

Morgan, Forrest, Plumbing Inspector (Temporary 120-Day)

Miller, Jason, Assistant Fire Marshal

CITY OF HALLANDALE BEACH

Bundy, David E., Chief Plumbing Inspector

CITY OF HOLLYWOOD

Amy, Joseph, Fire Inspector

Camacho, Sonya, Fire Inspector

Chew, John, Structural Plans Examiner (Provisional)

Francois, Louis, Fire Plans Examiner

Williams, Lawrence, Fire Inspector

CITY OF LAUDERDALE LAKES

Conkie, Daniel, Chief Electrical Inspector

CITY OF NORTH LAUDERDALE

Lorenzo, Jose, Fire Plans Examiner

CITY OF PARKLAND

Robinson, Joseph III, Chief Structural Inspector

CITY OF PEMBROKE PINES

Duncanson, Howard, Jr., Structural Inspector (Temporary 120-Day)

Wansor, Douglas, Chief Electrical Inspector

CITY OF SOUTHWEST RANCHES

Bennett, Jeremie, Assistant Building Official

Mansor, Simo, Building Official

O'Linn, Daniel F., Chief Structural Inspector

CITY OF WEST PARK

Bendavid, Andre, Building Official

Bennett, Jeremie, Assistant Building Official

CITY OF WILTON MANORS

Penevolpe, Anthony, Chief Mechanical Inspector

COUNTYWIDE

Aguilar, Nelson, Structural Inspector

Aguilar, Nelson, Structural Plans Examiner

Alexander, Diko, Structural Plans Examiner

Mediavilla, Armando, Electrical Plans Examiner

VII. REGULAR AGENDA**1. Revision to Administrative Policy 95-01, Appeal Application Process**

- a. Staff Report
- b. Board Questions
- c. Board Action

2. Director's Report**3. Attorney's Report****4. Committee Reports****5. General Board Member Discussion****6. Adjournment**

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

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

January 11, 2024
Board Meeting Minutes

Broward County Board of Rules and Appeals Meeting Agenda

January 11, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1604545052>

Meeting ID: 160 454 5052

I. CALL MEETING TO ORDER

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

II. ROLL CALL

Gregg D'Attile, Chairman
Ron Burr, Vice Chairman
Shalanda Giles-Nelson
R. Art Kamm
Daniel Lavrich
Sergio Pellecer
Daniel Rourke
Robert Taylor
David Tringo
Derek A. Wassink
Abbas Zackria

On behalf of the Board, Chairman D'Attile presented a plaque of appreciation to Mr. Lavrich for his service as chair of the Board for a total of seven terms.

III. APPROVAL OF AGENDA

Mr. Lavrich made a motion, and Mr. Taylor seconded the motion to approve the agenda as posted. The motion was carried out by a unanimous vote of 10-0.

IV. APPROVAL OF MINUTES – December 14, 2023, Board Meeting

Mr. Lavrich made a motion, and Ms. Giles-Nelson seconded the motion to approve the December 14, 2023, minutes as submitted. The motion was carried out by a unanimous vote of 10-0.

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

Public comments are limited to 3 minutes.

Mr. Tim Slack advised that he is a licensed contractor doing primarily paving work in Broward County. House Bill 735 will put him out of business because the State does not license this type of work. His license would be terminated in June.

Mr. Charles Kramer, Board Attorney, advised that this bill is problematic for several reasons. The Administrative Director has initiated a letter-writing campaign. All building officials, assistant building officials, chief inspectors and interested parties are being asked to write to the congressman involved, Marty Casinni, attorney for Intergovernmental Affairs, Mo Madani of the Florida Building Commission, and the assistant attorney for Broward County, expressing strong objection to the bill. The legislative session just opened January 9th. He felt the best course would be rescission of the bill. He encouraged Mr. Slack to provide his email address to Dr. Barbosa to receive a letter format that

can be used by as many people he may contact to express opposition. Mr. Kramer emphasized that time is of the essence.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

CITY OF DANIA BEACH

O'Linn, Daniel F., Assistant Building Official

TOWN OF LAZY LAKE

Puentes, Ronald J., Building Official

CITY OF PEMBROKE PINES

Rodriguez, Alexander, Electrical Inspector (Provisional)

CITY OF SUNRISE

Khan, Sajjad, Fire Inspector

COUNTYWIDE

Juarez, Ernesto J., Mechanical Plans Examiner

O'Linn, Daniel F., Structural Inspector

O'Linn, Daniel F., Structural Plans Examiner

Rosenkoff, Gilbert, Structural Plans Examiner

Torres, Christopher, Electrical Inspector

Vayalinkal, Sebastian, Structural Inspector

Mr. Pellecer made a motion, and Mr. Lavrich seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 11-0.

VII. REGULAR AGENDA

1. Second reading of the Broward County Amendments to the 8th Edition (2023) of the Florida Fire Prevention Code

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, noted the amendments passed by unanimous vote of the Fire Code Committee. There have not been any modifications since the first reading.

b. Public Hearing

Chairman D'Attilio opened the floor for public comment but there was no one wishing to speak.

c. Board Questions – none

d. Board Action

Mr. Lavrich made a motion, and Mr. Pellecer seconded the motion to approve the amendments on second reading as recommended. The motion was carried out by a unanimous vote of 11-0.

2. Director's Report

Dr. Barbosa indicated that she is working on administrative policies that she will be presenting a couple at a time to the Board.

3. Attorney's Report

Mr. Kramer noted that My Amelia representatives filed a motion requesting a written opinion or clarification from the 4th District Court to proceed to the Florida Supreme Court. The court denied the motion, and a subsequent letter of closure was issued.

4. Committee Reports

5. General Board Member Discussion

Dr. Barbosa announced that the Board's upcoming open discussion is set for Wednesday, January 17th at 9 AM. Chairman D'Attile announced that this is an opportunity for anyone to meet with the Board members, and staff. There is no agenda aside from questions and answers.

Mr. Burr pointed out anyone affected by House Bill 735 could attend the open discussion.

6. Adjournment

The meeting adjourned at 7:18 PM.

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

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

Consent Agenda

Section 1

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Majhess, Joseph, Fire Inspector

CITY OF COCONUT CREEK

Flanagan, Sean, Building Official

CITY OF DANIA BEACH

O'Linn, Daniel F., Chief Structural Inspector

CITY OF DEERFIELD BEACH

Kirkegaard, Randy S., Mechanical Inspector (Provisional)

CITY OF FORT LAUDERDALE

Morgan, Forrest, Plumbing Inspector (Temporary 120-Day)

Miller, Jason, Assistant Fire Marshal

CITY OF HALLANDALE BEACH

Bundy, David E., Chief Plumbing Inspector

CITY OF HOLLYWOOD

Amy, Joseph, Fire Inspector

Camacho, Sonya, Fire Inspector

Chew, John, Structural Plans Examiner (Provisional)

Francois, Louis, Fire Plans Examiner

Williams, Lawrence, Fire Inspector

CITY OF LAUDERDALE LAKES

Conkie, Daniel, Chief Electrical Inspector

CITY OF NORTH LAUDERDALE

Lorenzo, Jose, Fire Plans Examiner

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Wansor, Douglas, Chief Electrical Inspector

CITY OF SOUTHWEST RANCHES

Bennett, Jeremie, Assistant Building Official

Mansor, Simo, Building Official

O'Linn, Daniel F., Chief Structural Inspector

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Penevolpe, Anthony, Chief Mechanical Inspector

COUNTYWIDE

Aguilar, Nelson, Structural Inspector

Aguilar, Nelson, Structural Plans Examiner

Alexander, Diko, Structural Plans Examiner

Mediavilla, Armando, Electrical Plans Examiner

Regular Agenda

Section 1



Broward County Board of Rules and Appeals

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

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

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

FROM: Administrative Director

DATE: March 14, 2024

RE: Revision to Administrative Policy 95-01, Appeal Application and Process

Recommendation

It is recommended that the Board of Rules and Appeals adopt, by vote, the revised Administrative Policy 95-01, Appeal Application and Process.

Reasons

To streamline and update BORA's administrative policies with current and acceptable language, the first administrative policy to be revamped is Policy 95-01. As BORA is at the beginning stages of going paperless, Policy 95-01 is written as such that it will only allow the office to receive an original paper application. The format and order of the policy were also updated to clarify the appeals process and the internal process of handling appeals. In addition, words such as fax, Board Technician, and his/hers were removed.

Additional Information

Policy 95-01 was created in January 1995 after the Court of Appeals heard a case on a previous Board ruling. The judge upheld the City after the Board ruled in favor of the appellant. The City maintained that it had not been given proper notice when the Board was to hear the appeal since the governing body did not receive notice that the appeal would be heard. There have been many iterations and updates to Policy 95-01, and there is no longer any question over who has jurisdiction regarding the decision regulated by the Florida Building Code.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "A. Barbosa", is written over a horizontal line.

Dr. Ana C. Barbosa

Appeals Process

AUTHORITY

The Board of Rules and Appeals shall hear all appeals relating to the Florida Building, Fire, and Administrative Codes. Appeals shall include Broward County Chapter One, Section 104.31 for Alternate Types of Construction, and Section 104.37 for Construction Appeals, questioning the safety, quality, or strength of a building. The Board of Rules and Appeals is not authorized to grant variances or waivers to the requirements from the Building Code.

APPLICATION PROCESS

Any person filing an appeal shall complete the Board of Rules and Appeals approved Appeal Application online, in person, or by mail. The application shall be filled out in its entirety. An incomplete application will be returned to the appellant. Before any appeal can be considered by the Broward County Board of Rules and Appeals or a committee, the following conditions must be met:

- A. The Building or Fire Code Official or the delegated representative must have rendered an interpretation of the applicable Building/Fire Code that the appellant considers erroneous or denied the use of an alternate method that the appellant feels is demonstrably equal to or better than adherence to the letter of the Code.
- B. The appeal shall be appropriately investigated by staff, and a report shall be generated for the Administrative Director's review before a committee or Board hearing is set.

Once the appeal form is filed, the Board of Rules and Appeals staff will request a written response from the Building or Fire Code Official explaining their decision. Board staff will work with the appellant and the Building or Fire Code Official to facilitate a mutually satisfactory solution when possible.

BOARD ACTION

If the issue goes forward, the Board may decide regarding the appeal at that meeting, or if it deems it necessary, the Board may send the appeal to the appropriate technical committee or defer it pending additional information, etc. If the Board feels enough information has been presented, the Board will render a decision by vote to the appeal. **The Board cannot, by law, grant a variance or waiver to the requirements of the applicable code.**

PRESENTATION BY THE APPELLANT

The presentation of graphic materials in plans and renderings to the Board to describe each appeal is encouraged. However, because of the recording and transcription of each presentation, appellants are requested to avoid verbally referring to the graphics as "this" or "that" or any reference to colors.

Any handouts or documentation must be presented as part of the *initial* appeal package. **No handouts will be permitted during the meeting.**

Note: At any time during the process, the person filing the appeal (appellant) may request postponement or withdrawal by submitting a written request. The assigned Chief Code Compliance Officer will be responsible for notifying the appropriate interested parties of the withdrawal of the appeal.



Broward County Board of Rules and Appeals

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

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

Appeal Application

Appellant Information:

Name _____
Address _____
City _____ State _____
Business/Profession _____
Phone _____
Email _____

Project Information:

Address _____
Type of Construction _____
Height of Building _____
Square Footage per Floor _____
Permit Number _____
Permit Application Date _____
Group Occupancy _____
Number of Stories _____

Office Use Only

Date Of Receipt _____
Appeal #: _____
Hearing Date _____
Notice Mailed _____
Code In Effect _____
Electrical _____
Fire Code _____
Mechanical _____
Plumbing _____
Structural _____
Alternate Material _____
Alternate Method _____

I, the undersigned, appeal the decision of the Building/Fire Code Official of _____
as it pertains to Chapter _____, Section _____, of the (check one):

- ☐ South Florida Building Code ☐ Florida Building Code ☐ Florida Fire Prevention Code
☐ Other _____, as applicable to Broward County. (Attach copy of relevant Code sections).

Note: The Board shall base their decision upon the section(s) of the Code you have indicated above. If these are in error, you must re-submit your appeal. The Board is not authorized to grant variances from the Code.

Summary of appeal (attach additional sheets as necessary): _____

Results desired (attach additional sheets as necessary): _____

Fee: Waived

Note: Exhibits intended for distribution to the Board supporting the appeal must be submitted with the appeal. All material shall be kept from the appeal hearing. A letter from the Building or Fire Code Official rejecting the applicant's appeal must be included in the appeal packet submitted to the Board of Rules and Appeals.

Appellant Name (Please Print): _____

Appellant Signature: _____

INTERNAL PROCEDURE FOR HANDLING APPEALS

- Once an Appeal Application is received, the application shall be recorded with a date and time stamp and assigned a reference number. An incomplete application will be returned to the appellant.
- Upon assignment of a reference number, the application will be forwarded to the Administrative Director or Operations Manager, who will assign the appeal to the Chief Code Compliance Officer whose specialty is involved.
- The Chief Code Compliance Officer(s) shall review for compliance with administrative procedures and attempt to resolve the issue before being reviewed by a committee or heard by the Board of Rules and Appeals.
- The assigned Chief Code Compliance Officer will send a copy of the appeal via email and certified mail to the respective Building or Fire Code Official, who will be given at least five (5) working days upon receipt to respond to the Board in writing, defending their decision or interpretation. A Building or Fire Official may waive this requirement to resolve an appeal faster.
- Once the appeal is reviewed by staff and a written report is completed, the Administrative Director will establish a hearing date. In all cases, when the appeal relates to a matter regulated by a committee, the committee shall hear the appeal before it is submitted to the Board.
- At least fifteen (15) days before any committee meeting or hearing, but at most thirty (30) days, a notice of hearing will be sent via email (with read receipt), and a certified mail return receipt is required to the governing body. A copy of the notice will also be sent to the appellant. The appellant will be advised and encouraged to attend the hearing or send a representative to defend their position.
- If the appeal proceeds to a hearing before the Board of Rules and Appeals, the assigned Chief Code Compliance Officer shall prepare for the Board a concise statement of facts, a copy of any relevant sections of the Code involved, along with the recommendation of the appropriate committee or staff that the Board may adopt.
- Within five (5) working days of the Board meeting, at which disposition of the appeal has taken place, the Administrative Director or Board Attorney will notify, in writing, all respective parties in the appeal of the results of the Board's ruling.