

# Broward County Board of Rules and Appeals Meeting Agenda

May 8, 2025  
Time: 7:00 PM

Zoom Meeting Information:  
<https://broward-org.zoomgov.com/j/1614944003>  
Meeting ID: 161 494 4003

- I. **CALL MEETING TO ORDER**
- II. **ROLL CALL**
- III. **APPROVAL OF AGENDA**
- IV. **APPROVAL OF MINUTES** – March 13, 2025, Board Meeting
- V. **PUBLIC COMMENT (Except public hearing items on this agenda)**  
Public comments are limited to 3 minutes.
- VI. **CONSENT AGENDA**

1. **Certifications** – Staff Recommended

**BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE**

Berger, Peter, Fire Plans Examiner  
Juliano, Marc, Fire Plans Examiner

**BROWARD COUNTY (UNINCORPORATED)**

Cepinho, Gustavo Medeiros, Structural Inspector – Limited (Provisional)

**CITY OF COCONUT CREEK**

Lashley, Bryan Scott, Fire Inspector

**CITY OF CORAL SPRINGS**

Botting, Philippe, Fire Plans Examiner

**CITY OF FORT LAUDERDALE**

Bias, Jonathan, Fire Plans Examiner  
Chang, Vanessa L., Fire Inspector  
Paul, Thomas J., Mechanical Inspector (120-Day Temporary)  
Surlis, Ryan, Fire Inspector

**CITY OF HOLLYWOOD**

Clark, Brandon, Fire Inspector  
Hernandez, Kevin, Fire Inspector

**CITY OF MIRAMAR**

Agrenot, Rolando, Fire Inspector  
Cordova, Luis, Fire Inspector  
Dieppa, Andrew, Fire Inspector  
Gendreau, Robert, Fire Inspector  
Enriquez, Michael, Fire Inspector  
Pratt, Garrett, Fire Inspector

## **TOWN OF PEMBROKE PARK**

Agbenohevi, Emmanuel K., Building Official

Agbenohevi, Emmanuel K., Chief Structural Inspector

## **CITY OF SUNRISE**

Balean, Mircea D., Chief Mechanical Inspector

Mesa, Michel, Assistant Building Official

## **COUNTYWIDE**

Balean, Mircea D., Mechanical Inspector

Balean, Mircea D., Mechanical Plans Examiner

Fajardo, Alejandro, Electrical Inspector

Mesa, Michel, Structural Inspector

Mesa, Michel, Structural Plans Examiner

Sarmiento, Jeffrey Alberto, Roofing Inspector

## **VII. REGULAR AGENDA**

1. **First Reading of Proposed New Code Section F-104.2.1, Certification of Assistant Fire Marshal and F-107.4, In-Progress (Rough) Inspections. Update F-123.3 and F-123.4 to reflect the correct NFPA 96, 2021 code section**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
2. **Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit # B24-01261 Inspection Results Pursuant to Florida Building Code Section 1515.2.5**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
3. **Proposed Modification to the Florida Building Code, Broward County Administrative Amendments, 8<sup>th</sup> (2023) Edition, Section 110.13.1.3, Virtual Inspections**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
4. **Proposed Purchase of Electronic Tablets for BORA Business**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
5. **Request to Approve a 180-Day Extension for Stephen Nesmith**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
6. **Director's Report**
7. **Attorney's Report**

8. Committee Reports
9. General Board Member Discussion
10. Adjournment

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

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

March 13, 2025  
Board Meeting Minutes

# Broward County Board of Rules and Appeals

## Meeting Minutes, March 13, 2025

### I. CALL MEETING TO ORDER

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

### II. ROLL CALL

R. Art Kamm, Chairman	Shalanda Giles-Nelson
Stephen E. Bailey, Vice Chairman	Daniel Lavrich
Ron Burr	Daniel Rourke
Gregg D'Attile	Dennis Ulmer
Peter Deveaugh	Lynn Wolfson
John Famularo	Abbas Zackria

### III. APPROVAL OF AGENDA

Mr. D'Attile made a motion, and Mr. Rourke seconded the motion to approve the agenda as posted. The motion was carried out through a unanimous vote of 12-0.

### IV. APPROVAL OF MINUTES – February 13, 2025, Board Meeting

Mr. Lavrich made a motion, and Mr. Zackria seconded the motion to approve the February 13, 2025, minutes as submitted. The motion was carried out through a unanimous vote of 12-0.

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

Public comments are limited to 3 minutes.

Mr. Greg Keeler, Technical Services Leader with Owens Corning, indicated that the HVHZ Section 1516 of the Building Code is different than for non-HVHZ. It specifies that roof assemblies required to be listed by this section shall be tested in accordance with ASTM E108 or UL790. However, a listing is not required anywhere in that section.

Mr. Keeler stated that they do this testing regularly on all their products and use PRI as the quality assurance and listing agency. There are several jurisdictions in Broward County that will not accept PRI listings and require exclusively Underwriter's Laboratories (UL). There are several laboratories accredited to perform ASTM E108 and UL790. He asked the Board to inform the building departments that any approved listing agency can provide a listing for fire classification of roof coverings. Outside of the HVHZ, Section 1505 of the Building Code indicates that roof assemblies shall be listed but does not specify the testing agency.

Mayor Joy Cooper of the City of Hallandale Beach and a member of the Ad Hoc Committee indicated that she was unable to attend the last meeting of the Committee. She believed that BORA, not the municipalities, is the proper place for regulating any changes in positions, punitive damages, or recommendations with respect to licenses. She encouraged the Board to support the Committee's recommendations.

### VI. CONSENT AGENDA

#### 1. Certifications – Staff Recommended

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

## VII. REGULAR AGENDA

### 1. Second Reading of Proposed Changes to the Florida Building Code, Broward County Administrative Amendments, Chapter 1, 8th (2023) Edition, Section 104.18, Recertification of Building Departments and Building Code Inspection Enforcement Personnel

#### a. Staff Report – Michael Guerasio

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, noted that “of” was removed from the second sentence, and “continuing education” was added to the last sentence for clarity and consistency.

#### b. Public Hearing

Chairman Kamm opened the floor for public hearing but there was no one wishing to speak.

#### c. Board Questions – none

#### d. Board Action

Mr. D’Attile made a motion, and Mr. Famularo seconded the motion to adopt the amendment on the second and final reading. The motion was carried out through a unanimous vote of 12-0.

### 2. Amendment to Board Policy #14-02, Policy/Affidavit to ensure compliance with Chapter 71-575, Section 4(b), Laws of Florida

#### a. Staff Report – Dr. Ana Barbosa

Dr. Ana Barbosa, Administrative Director, noted that the Ad Hoc Committee recommended the adoption of the proposed amendment to Board Policy #14-02. It will allow inspectors to engage in free enterprise outside of Broward County. There was considerable public comment and support for the change at the Committee meetings. The Committee recommendation is for compliance within Broward County only. She brought attention to penalties for violations of Policy #14-02 listed in the agenda memorandum.

Chairman Kamm asked for comments from the public, but there was no one wishing to speak.

#### b. Board Questions

Mr. Burr wanted the penalty language to be more specific. He favored probation and suspension only. Moreover, those penalties should be articulated in detail.

Mr. Lavrich questioned how a building official or inspector could engage in free enterprise (contracting, engineering, or architecture) anywhere and devote the necessary time to do both. When an individual uses their license, they have a prime responsibility to supervise that activity, and they are the primary responsible party for all the activity performed under their license. People should decide upon a single profession. With respect to ethics, he felt it is self-evident that an individual should not inspect the work of a competitor. Also, it should be clearly understood that it is not permitted for anyone other than the licensee to use that license. If an individual allows another to use their license, the individual is becoming part of that business and is responsible for supervising all activity under the scope of the license. One also takes on all professional liability for activity that occurs under their license. He was opposed to this agenda item.

Mr. Bailey supported maintaining a formal reprimand as the first step. He did not think that BORA’s role is to legislate ethics. He believed an individual could work in two different roles. He pointed out that all but two municipalities in Miami-Dade County allow inspectors to practice free enterprise. In Palm Beach County, all municipalities except Boca Raton have no restrictions on their inspectors. He believed this recommendation of Broward County alone is more restrictive than either county’s. He advocated for supporting the staff and the Ad Hoc Committee’s recommendations.

Mr. Deveaugh agreed with Mr. Burr to increase the stringency of the penalties. He pointed out that several legislative measures have increased the restrictions on plan review time. This would be a way to allow people to do plan reviews even remotely. Many municipalities have policies requiring employees to disclose secondary employment. He supported allowing municipalities not to allow inspectors to practice free enterprise in Broward County. He strongly supported the policy amendment.

Mr. D'Attile asked if this has been presented to the construction licensing board. Dr. Barbosa indicated that this is not a licensing issue. Inspectors are not required to get rid of their license upon being certified. Mr. D'Attile pointed out that with private providers being certified, it is not proper for them to also engage in free enterprise.

Mr. Zackria was aware of individuals who chose to accept employment as an inspector outside of Broward County because of this policy. He has projects that take over a year to secure a building permit. Broward County is the only county with this policy, and with the proposed amendment, Broward County would remain more restrictive. He supported the recommendation.

c. Board Action

Mr. Bailey made a motion, and Mr. Zackria seconded the motion to approve the amended Policy #14-02. The motion was carried out through a unanimous vote of 7-5. The following Board members voted no: Mr. Burr, Mr. Famularo, Ms. Giles-Nelson, Mr. Lavrich, and Mr. Ulmer.

During discussion of the motion, Mr. Burr reiterated his concern that the penalties should be stronger, starting with probation. Mr. Zackria drew attention to the Probable Cause Committee process. He suggested that the penalty section of the policy indicate those items listed as possible penalties, giving the Probable Cause Committee the leeway to apply what they see as appropriate. Mr. Burr agreed with the suggestion, provided it is placed on the form that the inspectors sign.

Mr. Deveaugh made a motion, and Ms. Giles-Nelson seconded the motion to call the question and close the discussion. The motion was carried out through a unanimous vote of 12-0.

**3. Extension Request to Close Out an Open Permit for Mr. Fabio Sarmiento**

a. Staff Report – Jack Morell

Mr. Jack Morell, Chief Structural Code Compliance Officer, indicated that Mr. Sarmiento had trouble obtaining a permit for a remodel and is requesting an extension.

b. Board Questions – none

c. Board Action

Mr. Zackria made a motion, and Mr. Lavrich seconded the motion to grant the 180-day extension. The motion was carried out through a unanimous vote of 12-0.

**4. Director's Report**

Dr. Barbosa thanked the Board members who participated in the one-on-one agenda preparation meetings and stated that she would do them monthly.

Dr. Barbosa noted her survey with respect to having at least one in-person Board meeting passed. She recommended that in-person meetings be held when there is an appeal on the agenda.

Mr. Zackria recalled that when the Board changed from in-person to virtual, it was left to the Chair's discretion. He preferred to limit the in-person meetings to once or twice a year. In response to Mr. Lavrich, Dr. Barbosa indicated there was no reason to choose in-person meetings when there were

appeals on the agenda. The objective was to satisfy those Board members who wanted the opportunity for an in-person meeting. She went on to say that staff has been instructed to resolve issues at the lowest possible level. Mr. Zackria felt it should be entirely at the Chair's discretion; however, an in-person meeting should be held at least once a year.

Mr. Burr wanted to know the cost for the Board to convert to electronic agenda material with a provided tablet. Dr. Barbosa noted the cost savings for converting as well as pricing on tablets. Mr. Burr favored determining how many Board members would be in favor. Mr. D'Attile supported the idea. Mr. Zackria asked that it be placed on a future agenda for a vote. Dr. Barbosa indicated it could be provided only to those who would like to convert.

5. **Attorney's Report** - none

6. **Committee Reports** - none

7. **General Board Member Discussion**

Mr. D'Attile suggested moving the meetings to 4:30 PM for the next three months as a trial. Chairman Kamm noted that a meeting time change was discussed at length at the last meeting.

8. **Adjournment**

The meeting adjourned at 8:08 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).*

# Consent Agenda: Item 1

**BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE**

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Juliano, Marc, Fire Plans Examiner

**BROWARD COUNTY (UNINCORPORATED)**

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Bias, Jonathan, Fire Plans Examiner  
Chang, Vanessa L., Fire Inspector  
Paul, Thomas J., Mechanical Inspector (120-Day Temporary)  
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**CITY OF HOLLYWOOD**

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**CITY OF MIRAMAR**

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**TOWN OF PEMBROKE PARK**

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Mesa, Michel, Assistant Building Official

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Balean, Mircea D., Mechanical Plans Examiner  
Fajardo, Alejandro, Electrical Inspector  
Mesa, Michel, Structural Inspector  
Mesa, Michel, Structural Plans Examiner  
Sarmiento, Jeffrey Alberto, Roofing Inspector

# Regular Agenda: Item 1



# Broward County Board of Rules and Appeals

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

[broward.org/CodeAppeals](http://broward.org/CodeAppeals) | 954-765-4500 | [rulesboard@broward.org](mailto:rulesboard@broward.org)

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**TO:** Members of the Board of Rules and Appeals

**FROM:** Fire Code Compliance Officer

**DATE:** May 8, 2025

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

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## **Recommendation**

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

## **Reasons**

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

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

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

## **F-107.4 In-Progress (Rough) Inspections:**

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

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

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

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

## **Additional Information**

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

Respectfully Submitted,

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

Bryan Parks

# *Broward County Local Amendments to the Florida Fire Prevention Code*

## **SECTION F-101 GENERAL**

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

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

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

### **F-101.2.2 Definitions.**

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

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

### **K. External Defibrillator (AED)**

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

### **L. Bleeding Control Kit (BCK)**

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

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

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

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

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

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

## **SECTION F-102 Applicability.**

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

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

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

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

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

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

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

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

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

**F-103.3.1.2** The maintenance and regulation of fire escapes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **F-103.5 Hurricane Protection Devices**

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

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

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

**F-103.5.3** Other obstructions such as security grill.

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

**F-103.5.4** Reserved

**F-103.5.5** Reserved

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

**F-103.5.7** Reserved

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

### **F-104 Certifications**

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

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

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

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

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

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

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

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

#### **F-104.2 Certification of an Assistant Fire Marshal.**

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

**F-104.2.1** 1 An engineer or a degree in Fire Science or a degree in Fire Prevention and shall have been employed as a County or City Fire Inspector for three (3) years within the State of Florida and shall possess a Broward County certification.

**F-104.2.2** 2 A county or city Fire Plans Examiner with at least four (4) years of experience within the State of Florida and shall possess a Broward County certification.

**F-104.2.3** 3 Seven (7) years experience as a Fire Inspector, employed in a county or city within the State of Florida with at least five (5) years of experience within the jurisdiction of the FFPC and be a Broward County Certified Fire Inspector.

**F-104.2.4** 4 Have been fulfilling the duties of an Assistant Fire Marshal with three (3) years of continuous service as such within a county or city in the State of Florida and shall possess a Broward County Certification.

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

Inspector in Florida and shall possess a Broward County Certification.

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

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

### **F-104.3 Fire Plans Examiner.**

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

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

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

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

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

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

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

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

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

### **F-104.5 Fire Inspector.**

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

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

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

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

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

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

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

**F-104.6 Retention.**

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

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

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

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

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

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

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

**C)** Falsification of records relating to the certificate.

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

**E)** Failure to meet any of the renewal requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION F-105 Broward County Board of Rules and Appeals**

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

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

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

## **SECTION F-106 Broward County Fire Code Committee**

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

**F-106.2** Membership: The BCFCC shall consist of:

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

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

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

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

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

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

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

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

##### **F-107.1 Authority**

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

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

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

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

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

##### **F-107.3 Removal or Destruction of Signs or Tags**

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

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

##### **F-107.4 In-Progress (Rough) Inspections:**

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

#### **SECTION F-108 Standby Fire Watch**

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

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

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

### **F-109.1 General.**

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

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

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

### **F-109.1.2 Reserved.**

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

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

### **F-109.3 Smoking and Open Flame.**

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

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

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

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

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

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

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

### **F-109.7 Seating Arrangements.**

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

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

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

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

### **F-109.9 Vehicular Access.**

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

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

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

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

## **SECTION F-110 Reserved**

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

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

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

**F-111.2.1** Fire Service AHJ.

**F-111.2.2** Building Department (Mechanical) AHJ.

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

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

### **SECTION F-112. Automatic Sprinklers Required.**

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

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

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

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

**F-112.3 Reserved.**

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

### **F-112.5 Limited Access Structures**

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

## **SECTION F-113 Corridors**

### **F-113.1 Corridors.**

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

## **SECTION F-114 Reserved**

## **SECTION F-115 Reserved**

## **SECTION F-116 Flammable and Combustible Liquids.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Table F-116.2.4**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION F-117 Dispensing Areas**

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

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

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

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

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

## **SECTION F-119 Liquefied Petroleum Gases**

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

**F-119.2 Reserved.**

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

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

#### **F-119.4 Location of Containers and Limits:**

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

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

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

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

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

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

LP Gas storage tank and the flammable liquid dispensing devices.

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

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

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

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

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

#### **F-119.6 Prohibited Use of Liquefied Petroleum Gas:**

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

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

#### **F-119.7 Dispensing and Overfilling.**

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

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

#### **F-119.8 Safety Devices.**

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

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

#### **F-119.9 Abandonment of Liquefied Petroleum Gas Equipment.**

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

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

**F-119.9.2.1** Removal of all liquefied petroleum equipment.

**F-119.9.2.2** Burn-off content of the container.

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

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

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

### **SECTION F-120 Fireworks and Sparkler/Novelty Items**

#### **F-120.1 General Requirements.**

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

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

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

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

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

**F-120.1.4** Reserved

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

**F-120.1.6** Permit Requirements and Operator Qualifications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**F-120.1.6.2.9** **Standby Firewatch Requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

**F-120.2.7** **Reserved**

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

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

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

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

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

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

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

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

#### **F-120.4 Safety Precautions for Outdoor Fireworks.**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **F-120.5.7 Reserved.**

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

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

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

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

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

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

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

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

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

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

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

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

## **F-120.6 Separation.**

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

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

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

**Exception:** Canopies and approved steel storage vaults or containers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**F-121.2.1 Assembly Occupancy.**

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

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

**F-121.2.2 Business Occupancy.**

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

**F-121.2.3 Day Care Occupancy.**

- a) All adult daycare facilities.

**F-121.2.4 Educational Occupancy.**

- a) All charter and private schools.

**F-121.2.5 Healthcare occupancy:**

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

**F-121.2.6 Mercantile occupancy:**

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

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

**F-121.2.7 Residential occupancy:**

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

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

**F-121.3 Installation and Operation.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **F-122 Mobile and Temporary Cooking Operations**

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

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

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

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

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

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

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

## **F-122.2 Cleaning**

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

## **F-122.3 General**

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

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

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

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

## **F-122.4 Leak Detection**

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

## **F-123 Permanently Installed Cooking Exhaust Systems**

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

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

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

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



**Broward County Board of Rules and Appeals  
Fire Code Committee Meeting Minutes  
April 17, 2025**

I. Meeting Call to Order:

Chairman Pellecer called a published virtual meeting of the Fire Code Committee to order at 2 PM. The roll was called, and the following members were present:

Present:

Sergio Pellecer, Chair	Phil London
Stephen E. Bailey	Pete McGinnis
Tommy Demopoulos	Jason Miller
James Godfrey	Patricia Morales
Lecio Gomes	Don Perdue
Garret Granitto	John Preston
Harlan L. Kuritzky	Timothy A. Reger
Mark LeBlanc	Lynn E. Wolfson

II. Introduction of New Members

III. Approval of Minutes – November 16, 2023

Mr. Preston made a motion, and Mr. Bailey seconded the motion to approve the minutes as submitted. The motion passed by a unanimous vote of 16-0.

IV. Regular Meeting

1. Amending Section F-104.2 Assistant Fire Marshal, by adding Code Section F-104.2.1 to include the requirement as found in other certification sections related to firefighter requirements.

a. Staff Report – Bryan Parks, Chief Fire Code Compliance Officer

Mr. Bryan Parks, Chief Fire Code Compliance Officer, explained that when the certification language for all other positions was updated, it was not also included for assistant fire marshals.

b. Public Input

Chairman Pellecer opened the floor for public input, but there was no one wishing to speak.

c. Committee Questions

Mr. Demopoulos recommended removing “/Fire Code Official” because the section does not apply to fire code officials. Mr. Parks agreed.

d. Committee Action

2. Add a new Code Section to F-107.4 by including verbiage in F-107.4.1 to provide uniform procedures involving in-progress (rough) inspections on life safety systems before the final inspection is requested.

a. Staff Report – Bryan Parks, Chief Fire Code Compliance Officer

Mr. Bryan Parks, Chief Fire Code Compliance Officer, advised that it has come to staff’s attention that municipalities use different forms for reporting in-progress inspections. There does not appear to be any time frame in the Code for conducting such inspections. The new language would give the Authority Having Jurisdiction the option to conduct a rough inspection prior to the final inspection. This amendment also addresses the use of a uniform application.

b. Public Input

Chairman Pellecer opened the floor for public input, but there was no one wishing to speak.

c. Committee Questions – none

d. Committee Action

The Committee agreed upon adding that the Fire Code Official shall have the authority to require an in-progress (rough) inspection of any life safety system.

Mr. Preston made a motion, and Mr. Demopoulos seconded the motion, to recommend to the Board of Rules and Appeals that the above-referenced code amendment be adopted with the above-noted amendment agreed upon by the Committee. The motion passed by a vote of 16-0.

3. Correct an existing out-of-date NFPA 96.11.6.14 code section found in F-123.4 to reflect the current NFPA 96.12.6.14 code section found in the 8<sup>th</sup> Edition FFPC, 2021 Code.

a. Staff Report – Bryan Parks, Chief Fire Code Compliance Officer

Mr. Bryan Parks, Chief Fire Code Compliance Officer, noted that the old code section does not reference this particular item. It is recommended that it be added to the 8<sup>th</sup> Edition.

b. Public Input

Chairman Pellecer opened the floor for public input, but there was no one wishing to speak.

c. Committee Questions – none

d. Committee Action

Mr. Demopoulos pointed out that F-123.2 also references 96.11.6.14. Therefore, he suggested that it also be changed to 96.12.6.14.

Mr. Demopoulos made a motion, and Mr. Preston seconded the motion to recommend to the Board of Rules and Appeals that the above-referenced code amendment be adopted, including the same amendment for F-123.2. The motion passed by a unanimous vote of 16-0.

4. General Committee Member Discussion - none

5. Adjournment – 2:23 PM

# Item 2



# Broward County Board of Rules and Appeals

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

[broward.org/CodeAppeals](http://broward.org/CodeAppeals) | 954-765-4500 | [rulesboard@broward.org](mailto:rulesboard@broward.org)

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

**FROM:** Chief Structural Code Compliance Officer  
Chief Mechanical Code Compliance Officer

**DATE:** May 8, 2025

**RE:** Appeal #25-02 Xiaohui Guo seeks to reverse the City of Weston Permit #B24-01261 Inspection Results Pursuant to Florida Building Code Section 1512.2.5

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## **Recommendation**

It is recommended that the Board of Rules and Appeals approve, by vote, the appeal submitted by Xiaohui Guo requesting to reverse the City of Weston Permit #B24-01261 Inspection Results Pursuant to Florida Building Code Section 1512.2.5.

## **Summary of Ms. Guo's Appeal:**

1. Ms. Guo alleges that the Florida Building Code Section 1512.2.5 was not followed when installing the underlayment.
2. Ms. Guo alleges that she reported to Inspector Wagner that the underlayment was delaminated in the valleys.
3. Ms. Guo alleges that the TAS 106 test results are false.
4. Ms. Guo alleges that the contractor, Roofing and Construction Corporation, and the subcontractor installed the underlayment without sealing the laps.
5. Ms. Guo alleges the fish mouths were torched down instead of being repaired according to the manufacturer's instructions.

## **Appellant's Desired Outcome:**

1. To have the inspections reversed.

## **Additional Information:**

- City of Weston Response
- Florida Building Code, Section 1512.2.5
- Miami-Dade Notice of Acceptance 23-052.03
- Westlake Installation Instructions
- Westlake Tile Seal HT installation guide
- Email from Owens Corning, manufacturer of Westlake Tile Seal HT
- Technical Bulletin from Owens Corning dated August 2023

Respectfully Submitted,

Handwritten signature of Jack Morell in black ink.

Jack Morell

Handwritten signature of Rolando Soto in black ink.

Rolando Soto



**Broward County Board of Rules and Appeals**  
 1 N. University Drive Suite, 3500B, Plantation, FL 33324  
[broward.org/CodeAppeals](http://broward.org/CodeAppeals) | 954-765-4500 | [rulesboard@broward.org](mailto:rulesboard@broward.org)

**Appeal Application**

**Appellant Information:**

Name Xiaohui Guo  
 Address 2516 Montclair Circle  
 City Weston State FL  
 Business/Profession \_\_\_\_\_  
 Phone 7862818802  
 Email xiaohui\_guo@yahoo.com xiaohui.guo2022@gmail.com

**Project Information:**

Address 2516 Montclair Circle, Weston, FL 33327  
 Type of Construction single house  
 Hight of Building \_\_\_\_\_  
 Square Footage per Floor \_\_\_\_\_  
 Permit Number B24-01261  
 Permit Application Date 03/25/2024  
 Group Occupancy \_\_\_\_\_  
 Number of Stories 1

**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 James Wagner  
 as it pertains to Chapter 15, Section 1512.2.5 and 110.5, of the (check one):

- South Florida Building Code     Florida Building Code     Florida Fire Prevention Code
- Other FL Stat. 468.621(1)(f) and 468.621(1)(g), 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): "Roofing Component Approval" page 3: "Membrane: ...All end laps and laps without black selvage area shall be sealed under lap using an SBS modified mastic." The roofer did not seal any laps but Mr. James Wagner only required them to conceal the fish mouths along the valleys.  
On February 27, 2025, the manufacturer voided the warranty, stating "...end laps were not sealed with roofing mastic/cement per the installation instructions..."  
The City Inspector also lied under oath at his February 4th, 2025 deposition. For details, please see attached "Summary," "Statement," and Exhibits.  
 Results desired (attach additional sheets as necessary): re-conduct the inspections  
See attached "Conclusion."

**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): Xiaohui Guo

Appellant Signature: \_\_\_\_\_

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# Item 3



# Broward County Board of Rules and Appeals

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

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

**FROM:** Administrative Director

**DATE:** May 8, 2025

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

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## **Summary of Proposed Modification**

My Amelia Inc. (dba Inspected.com) requests that the Board of Rules and Appeals review and vote on their application for the proposed modification to Florida Building Code, Broward County Administrative Amendments, 8th (2023) Edition, Section 110.3.13, Virtual Inspections. This request for a formal code change which proposes unlimited virtual inspection by any licensed and qualified professional.

## **Additional Information**

Florida Statute 553.73(4)(a) specifies "Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. Chapter 1, Section 110.3.13 of the FBC defines the four types of inspections that may be performed virtually. Any other inspections must involve a more comprehensive, in-person evaluation beyond a mere visual inspection.

According to the proponent, My Amelia Inc., Broward County Administrative Amendments to Chapter 1, Section 110.3.13, Virtual Inspections is in direct conflict with and preempted by Fla. Statutes 553.791(8), 468.604, and 468.621, which expressly authorize private providers to perform inspections in person or virtually (without restriction) and Fla. Statutes 553.791(17)(a) prohibits local authorities from adopting or enforcing any laws, procedures, policies, qualifications, or standards more stringent than the Statute.

Respectfully Submitted,

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

Dr. Ana Barbosa

The 2024 Florida Statutes (including 2025 Special Session C)

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553

BUILDING CONSTRUCTION STANDARDS

[View Entire Chapter](#)

553.73 Florida Building Code.—

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must 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 subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

## Proposed Modification to the Florida Building Code

Per Section 553.73, Fla Stat

Name: My Amelia, Inc. dba Inspected.com

Address: 1250 S Pine Island Rd, 5<sup>th</sup> Floor, Plantation, FL 33324

E-mail: ian@inspected.com

Phone: (917) 903-8626

Fax: \_\_\_\_\_

Code: Broward County Administrative Code

Section #: 110.3.13

REPEAL OR MODIFICATION of BCAC #110.3.13

Text of Modification (additions **underlined**; deletion ~~stricken~~) Please see attachment.

Respond to the following questions:

1. How is the local amendment more stringent than the minimum standards described in the FBC? The existing version of local amendment 110.3.13 limits the types of inspections that can be performed virtually to just four (4) instances when no such restriction exists in the Florida Building Code. Notably, there is no cross-reference to the FBC in the statutory comparison chart that accompanies the local amendments to Broward County Code and nor does the FBC include the ability for to determine what can or cannot be inspected virtually.
2. Demonstrate or provide evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the FBC beyond the needs or regional variation addressed by the FBC.

There is no legal justification for Broward County to have stronger regulations regarding virtual inspections than otherwise required by the FBC. In fact, it appears that the selection of which things can be inspected remotely is arbitrary and was made hastily in March 2022 in large part due to a White Paper drafted by Calvin Giordano & Associates which contained no data supporting its conclusions or recommendations to oppose virtual inspections. More importantly, the discretion of the local AHJ (including this Board) is limited to “strengthening” the FBC, but there is no authority to include additional criteria which are not part of the FBC. No other jurisdiction has restrictions on virtual inspections and currently the Building Departments in Miami-Dade and Palm Beach use virtual inspections to be able to keep up with the demand. With the adoption of HB267 in 2024 the FBC makes no distinction between inspections conducted in person or virtually when conducted by a licensed inspector under 468. More specifically, the definition of building inspection services pursuant to 553.791(1)(d) expressly includes inspections performed virtually. Furthermore, 553.791(8) states “A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. **Such inspection may be performed in-person or virtually.”**

Broward Administrative Code 110.3.13 arbitrarily restricts virtual inspections, where no such provisions exist in the FBC. Previously the FBC did not address virtual inspections, but now expressly states that inspections can be conducted **virtually or in person** See 553.791(8). Still, the FBC does not contain any restrictions on which inspections require in person rather than virtual. Even if this Board or the local Building Official does not wish to utilize virtual inspections for those inspectors under their supervision, 110.3.13 does not recognize and acknowledge the provisions of 553.791(17)(a) which is applicable to private providers and states "A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section." Continuing to enforce 110.3.13 without an exception for private providers is problematic where private providers are statutorily authorized to conduct virtual inspections.

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

Broward is experiencing significant shortages in inspectors and plan reviewers which is causing significant delays in getting jobs completed. The use of remote virtual inspections (RVI) will significantly and materially reduce cycle times for contractors providing a tremendous benefit to the constituents of Broward County since jobs will be inspected, with verifiable digital documentation in a more efficient manner with the goal of getting permits closed out faster. It will also bring a level of consistency as only one county in Florida is restricting the use of remote virtual inspections. RVI. Lastly, Building Officials want this capability as it will provide them with the opportunity to retain and utilize inspectors who may not be able to work due to physical restrictions.

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

TO THE CONTRARY, the existing local amendment 110.3.13 is **more stringent** than necessary to address the local need, even if the opinion at the time differed (See Attached). 110.3.13 now fails to recognize the changes in the FBC which authorize inspections to be conducted in person or virtually, the guidelines of the ICC for Remote Virtual Inspections (attached), nor the limitations of 553.791(17)(a) which expressly prevent Broward County from **continuing to enforce** restrictions on virtual inspections conducted by private providers now that the FBC recognize virtual as an alternative and allow private providers to virtually inspect 553.791(8).

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

As written, the Local Administrative Code 110.3.13 is discriminatory against Private Providers who have the same demonstrated capabilities as local municipal building officials and in fact have the exact same licenses and qualifications. Furthermore, Private Provider Inspectors and Plan Reviewers are not certified by BORA nor does this Board govern how Private Providers operate. Instead, Private Providers are regulated only by the Florida Building Commission, and the municipal Building Departments are merely responsible for processing the permits and inspection reports provided by the licensed private provider. Therefore, Broward Administrative Code 110.3.13 should be repealed based on the recent update to the FBC expressly authorizing virtual

inspections OR Alternatively amended to exclude reference to inspections performed by private providers. See recommended language attached.

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

The local code 110.3.13 DID introduce a new subject that was not already addressed by FBC, when it was adopted in 2022. The FBC has never included any restrictions on what types of inspections can be performed virtually and has recently been amended to expressly permit inspection to be conducted either in person or virtually. Notably local amendment 110.3.13 does not contain any cross reference to a parallel section of the FBC.

7. Include a fiscal impact statement which documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include a, b, and c:

- a) Impact to local government, relative to enforcement.
- b) Impact to property and building owners relative to cost of compliance.
- c) Impact to industry relative to the cost of compliance

a) This proposed change would NOT have a DETRIMENTAL FISCAL IMPACT to local government relative to enforcement. In fact, local government is already fully indemnified and insured from any liability when plan reviews and inspections are performed by private providers. To perform services in any local municipality, the Private Provider must register and provide verification of insurance, and the minimum amount of insurance is mandated by State Statute.

b) There is NO NEGATIVE impact to property and building owners who have the legal option to elect to use a private provider to perform inspections (in any manner permitted by law) rather than suffer delays in obtaining inspections from Broward County Building Department (many of whom are actually contracted private providers themselves). The County and the Local Building Department are merely required to be a repository for the permits and inspection records conducted by a private provider. The Local Building Department is prohibited from reinspecting or denying an inspection based on the methodology or individual who performs the inspection, provided they are properly licensed. In the event that a private provider failed to adhere to these guidelines, a complaint could be made to the State against the license of the private provider, but no liability or cost would be assumed by County as a result of repealing or amending local 110.3.13 to recognize the ability of private providers to perform inspections virtually under the FBC without local limitations. See 553.791(17)(a).

c) There is no detrimental fiscal impact to the industry relative to the cost of compliance. The building department is not required to maintain records other than the plan specifications, permit application and inspection results, and closure of the permit--even if plan review or inspections are conducted by a private provider. Therefore, their fiscal obligations would not be impacted by this proposed amendment. Many building officials actually want to conduct inspections virtually in order to reduce the backlog based inadequate staff at the municipal building department(s). Additionally owners and contractors would benefit based on the expediency, detailed digital documentation and reduced permit fees that are involved with the option to have private providers conduct virtual inspections. Arguably, there would be FISCAL SAVINGS to the County if the proposed amendment were adopted, since the Building Department does not have to oversee or regulate Private Provider's methodology, nor outsource personnel to perform the inspections when an owner/contractor opts to hire a private provider.

**RECOMMENDED AMENDMENT**  
**(Additions noted in Bold Underline) deletions**

110.3.13 Virtual Inspections. When approved by the Building Official, virtual inspections conducted **by any party regulated by BORA** as set forth in Section 101.2.2, are limited to,

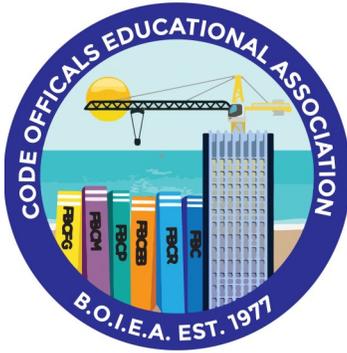
1. Attachment of mullion bars in the window and door installations for like-in-kind replacement.
2. Reroofing under one thousand five hundred (1,500) square feet in compliance with Section 1512.4.3.2<sup>1</sup> of this code.
3. Tunnel replacement of building drains and water lines.
4. Water heater replacement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

**Nothing in this section shall apply to inspections conducted by provide provider as defined by 553.791(1)(n) or a Private Provider Firm defined by 553.791.(1)(o).**

Prepared with assistance of Counsel:  
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<sup>1</sup> Section 1512.4.3.2 relates to HIGH-VELOCITY HURRICANE ZONES-GENERAL regulations which may be redundant based on [FBC Sec. R4402.1.4.3.2](#) which incorporates nearly identical language and making a provision for when the building official is not able to perform any of the above requested inspection in a timely manner, the building official may authorize to continue with the work and may require that satisfactory evidence be provided to show that the covered work was performed in compliance with this code, but has no bearing on whether the inspection must be performed in person or virtually.



# Code Officials Educational Association

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*Executive Secretary  
City of Tamarac*

February 23, 2021

Jim Dipietro  
Board of Rules & Appeal  
1 North University Drive  
Plantation, FL 33324

Mr. Dieptro,

Please include the enclosed white paper on virtual inspections in your agenda packet for your next Board hearing.

Thank You,

*Steve Pizzillo, C.B.O.*

Steve Pizzillo, C.B.O.  
President  
Code Officials Educational Association

**Building Departments  
A White Paper on the  
Building Department  
and Inspections**

*By Steve Pizzillo, CBO*

## Executive Memo

The first thing I need to say is that this report, due to time restraints, was prepared in an extremely shorter period of time than normal. Please digest the content of the paper and pause and think.

This report is a general overview of inspection services that are performed by Building Departments mainly in Broward County. Departments from Miami Dade and Palm Beach County also weighed in the processes, expectations, and concerns. Individual Departments are not mentioned by name, but a limited consensus did appear on certain issues when research and interviews were performed. On other issues the consensus was overwhelming. Hopefully after this report is digested there can be a clear though process that will be instituted on how to proceed or not proceed with matters that have been brought forward.

### ***“Prepare for the worst and pray for the best”***

The requirement for this paper became apparent during the recent pandemic crisis. Building Departments and their service of “Protecting Lives and Property” could not shut down just because. Building Officials, their licensed professionals as well as the rest of the employees of the Department would need to work on the “fly” to overcome the problems that would arise almost on a daily basis and the conditions that would change from day to day. But it needs to be remembered that this was brought on by a once in a century event.

Although municipalities as well as Building Departments specifically train and prepare for disasters, none had thought of or prepared for what the pandemic presented. It was to the credit and training of the local Building Officials that they as a group were able to work together, think tank and overcome the problems that were presented to them. Initially the Board of Rules and Appeal as well as the Broward County building Officials through their association, Code Officials Educational Association, met virtually each week to discuss what each were doing, what was working, what was not and coming up with solutions as to what needed to be done to better serve the construction field and keep construction sites open but more importantly still providing for life safety issues. Departments used this forum to hear what was working or what problems other departments were having. But there was no clear consensus that every department would do.

There was a wide range of procedures that were employed by the Building Departments in Broward County. This varied from business almost as usual to complete shutdowns of Departments. Some departments were able to close their lobbies and deal with electronic

applications and plans to others placing a drop box in front of their doors for applications and plans to be put in.

The Departments that had spent the time and funds to modernize their Departments for the most part did better during the pandemic than those that did not. I say for the most part because no matter how much you spent on the process it still needed to be a well thought out cohesive progression which had been well vetted or else it became very problematic, extremely fast.

A County Building Department in the State tried turning on the electronic process full force after the pandemic struck and when permit runners were asked on what worked and what didn't all commented on how frustrating it was to work with that Department and how much was changing from day to day. When permit runners or contractor tries to apply for a permit and receive an entirely different list of requirements than they did they day before you end up with an extremely frustrated customer. Although millions of dollars had been spent by the county the process did not work.

After looking at issues that arose during the height of the pandemic there were main issues for Departments that came from this pandemic, as well as other natural disasters that can be bullet pointed as follows:

- All Departments need to modernize.
- Including the ability to accept, process and issue digital permits and plans.
- Funds need to be expended on hardware for the field.
- Inspectors need the ability to access Municipal records to be able to perform inspection services.
- The hardware should also avail the Inspector the ability to perform virtual inspections for a certain limited application.
- Modernization would also bring the ability to provide faster services to spend less time inside Departments or no time at all.
- Other forms of inspection services need to be reviewed, vetted and see if they are viable
- Training of licensed individuals needs to be increased so they are better prepared for situations like this. If you only train to the minimum you will only train to the usual.
- The same goes for the permit technicians they also had to work on the "fly" and be trained as the days progressed. A better trained permit technician will be more able to adjust, adapt and progress.
- In the case of this pandemic the age of inspectors became problematic. The program that the Next Generation of Inspectors program which the Code Officials Educational Association has been proposing over the last few years would potentially alleviate this problem.

## **Results of This Report**

The best consensus of the report could be summed up in a few sentences.

First trust the Building Officials, they do this for a living and in reality, they do not have an agenda other than protecting the lives and property of all those who live, work and visit their municipalities.

Second there needs to be an in-depth review of the viability of virtual inspections before just putting the process into practice.

Third look at the process that electronic plan review took and is still taking. The process has taken over a decade and is still going. Do not believe that virtual inspections will take a month or two.

## **Why this Report**

The objective of the paper was to discuss the viability of virtual inspections. Discussions were had with Building Department personnel as to their thoughts about this type of inspection service. In addition to discussing this with Building Department personnel discussions were also had with contractors.

Even Though modernization will usually happen when new technologies become available it may or may not fit into the mission of Building Departments of saving lives and property. At first the thought process would be modernization and technology would make a building inspector more efficient.

We must remember that it was not that long ago that the last Building Department in the county went away from paper and pens to come into the computer age. Even the process of digital plans took the better part of a decade to figure out what was problematic with the process, and it is not done yet. The process of plan review is taking a two dimensional plan and converting it digitally to be reviewed on a two dimensional screen. Basically, you are performing the same process just using a different medium, but even with this there are problems.

Building Departments during emergency situations sometimes must adapt due to many problems that could come up. For example, during other disasters departments have dealt with:

- Unavailability of technology
  - Due to lack of power
  - Lack of internet access
  - Lack of equipment
- Shortage of licensed personnel
- Shortage of equipment
- Lack of procedures

After every disaster there is a process where, during an easier time, a review is done to look at what was done, the good, the bad and ugly. Although there is normally a review of emergency management for municipalities extraordinarily little review is done of the Building Department, it is always an afterthought. The pandemic truly raised new situations that had never been thought of for the emergency management of Building Departments. A cursory look at the situation revealed that many Departments had to work on the “fly” and figure out how to keep the doors open and inspection services continuing. The aforementioned after-action review and report for the pandemic has not been done and may not be done for a while.

Most Departments in South Florida especially those in Broward County had, over the past few years, performed disaster training. The disaster training was not pandemic specific but most of the training performed by local emergency managers was designed to deal with the crisis at hand and change on the fly. Without taking the training into account Building Departments can be divided into different categories:

- Those that modernized completely
- Those that started the modernization process
- Those in the planning stages
- And those that have done little to nothing

The majority of the Building Departments in South Florida fall into the first two categories, but there are some that fall into the third and four categories. Those that fall into the first category were mainly well-funded or where a true enterprise fund that the Building Official had a say in how funds were spent. Category two was a mix of those that were well-funded and others that did the best with what they had. Category three and four contained Departments that may have been treated as after thoughts or necessary evils.

## **Why a Building Department**

The regulation of building construction is not a recent phenomenon. It can be traced through recorded history for over 4,000 years. This provides evidence that people have become increasingly aware of their ability to avoid the catastrophic consequences of building construction failures.

In early America, George Washington and Thomas Jefferson encouraged the development of building regulations to provide for minimum standards that would ensure health and safety. Today, most of the United States is covered by a network of modern building regulations ranging in coverage from fire and structural safety to health, security and conservation of energy.

Public safety is not the only by-product afforded by modern codes. Architects, engineers, contractors, and others in the building community can take advantage of the latest technological advances accommodated in these codes with resultant savings to the consumer. For codes to be effective, an understanding and cooperative relationship must exist between building officials and the groups that they serve: contractors, homeowners, developers, urban planners, designers as well as elected officials. Codes must therefore be responsive to Government's need to protect the public. They must provide due process for all affected and they must keep pace with rapidly changing technology which gives birth to innovative ideas. The inability of communities individually to provide such a code process is understandable, but collectively these communities can work together to develop and maintain codes. This approach has given birth to the model code system.

During the early 1900's, model building codes were authored by the code enforcement officials of various communities with key assistance from all segments of the building industry. Model codes have now become the central regulatory basis for the administration of building regulatory programs in cities, counties, and states throughout the United States. They simply represent a collective undertaking which shares the cost of code development and maintenance while ensuring uniformity of regulations so that the advantages of technology can be optimized. Building safety code enforcement has historically been accomplished by defraying the costs of administration through a system of fees relating to a specific project- a system that is self supporting. These fees are generally on average around one to two percent of the overall cost of the building project. Public protection is thus obtained in a cost-effective manner with the entire process, from plan review to field inspection, carried out in a professional manner. The system is so well developed that the true complexity of the process is obscure to many. This has been achieved by having a professional building code administrator, the authority having jurisdiction, in charge of the modern professional Building Department. Through a combination of education, testing, licensing and/or degrees the modern Building Official is truly in charge of a Department that:

### **“Protects Lives and Property”.**

The main problem that the Building Official of today has is that they are required to fight on many different fronts from many different people that question the requirements of a building code.

## **Why a White Paper on Building Departments?**

Building Departments over the past few decades have been treated in many cities as the problem department. In early days, the department was a necessary evil that was required under Florida Statute. Over the years and through major disasters the consensus of elected officials, the

construction industry, the insurance industry, and rating agencies like Insurance Service Office (ISO) have come to the conclusion that a professional well run building department is necessary for a vibrant and sustainable municipality or county. If the local Building Department is a well-run professional organization, buildings are safer, people are safer, and all their insurance rates are lower. Safer Buildings - Equals Lower Insurance Rates. Here lies the underlying problem for years the Building Department has lacked credibility, not from the licensed individuals that devote their lives to “Protecting Lives and Property” but from the powers that be. It took disasters like 9/11 to really propel 1st Responders to the forefront. Prior to that 1st Responder agencies where well-funded but afterwards training money, new equipment, and technology advancements where virtually rubber stamped, until maybe recently.

On the other hand, Building Departments funds where consistently for years transferred to general fund activities. Building Departments had to fend for themselves even though that if the funds where to have remained in the Department required staffing would have been employed, technology would have been state of the art and reserve funds would be full. One of the many items that most Building Departments must deal with is ensuring that there are funds to continue inspections if permits are not being pulled. Any department will need to continue services for a minimum of a year to provide inspections for those permits which were previously issued. This was a major problem that many departments had to deal with during the economic downturn of a decade ago. Permits came to a screeching halt but those that had been issued where still calling for inspection services. You saw many Departments going to skeleton crews with overloaded inspection loads.

## **Pandemic and Other Disasters**

When natural disasters strike a community and cause damage to the built environment, the local building department plays a key role. This role typically includes Damage Assessment, the initial phase of inspecting the damage inflicted on each structure, and Damage Recovery, the much longer phase during which a community rebuilds. In each phase citizens rely heavily on building department staff for expertise, guidance, and assistance. In these emergency situations it is important that the building department respond immediately, knowledgeably, and effectively. Few other departments work as closely with citizens whose lives have been placed in turmoil. Not only must building departments perform damage assessment inspections amid this turmoil, but it is also necessary to assist the public by effectively communicating the role the building department is performing and what citizens should do to repair and reoccupy their homes. Often, the local building official may have little or no previous experience responding to these types of emergencies. The local jurisdiction may have a City Emergency Management Plan with the building official's duties listed; however, this duty list is often very general with few of the specifics necessary for proper guidance. The Building Official will sometimes feel overwhelmed

as they are riding out the disaster, not knowing what will be waiting for them when the all clear is sounded.

The Building Department will have to immediately respond to make sure their Department has not been damaged and is functional and then begin the task of damage assessment which is critical to ensure that agencies like Florida Department of Emergency Management and FEMA deploy much needed supplies, equipment and personnel to the hardest hit areas.

Now enter a new disaster, COVID 19, in this case no Building Official or Building Department has had any experience dealing with anything of this magnitude. There was going to be no damage assessment, no push back, no windshield inspection, no emergency permits and no business as usual. A new list of problems that needed to be overcome arose and Departments had to deal with all of them on the fly. The new types of problems were but not limited to:

- Social Distancing
- Groups limited to ten
- Personal Protective Equipment
- Corona shields in Departments that opened
- Virtual Inspections
- Protection of Older Personnel

Most Departments had to shoot from the hip because there were no guidelines on how to run a Building Department under these conditions. Large Departments had to go from forty or fifty people in the lobby to allowing five, five customers and five employees. They had to rush and place markings on the floor to ensure social distancing. Not to mention that those Departments that remained open to the public and where doing intake saw an increase in daily customer visits.

Those Departments that closed because they could not socially distance in their building or because the municipality closed their buildings to the public, had to deal with other problems. One major problem would be spacing of employees in Departments with smaller physical areas. Some Departments would require personnel to stagger hours to limit contact with other employees. This would lead to the problem of personnel not being able to coordinate with contractors or discuss plans face to face. Departments that had standard hours where the contractor or design professional could call and go from one examiner to another now had to coordinate with Permit Techs, also on staggered or reduced hours, to gain the ability to talk to all those that they needed to.

Some, but very few, had already instituted digital submissions for all types of permits and plans which was easy to fully turn on. But as was stated there were very few of these Departments. Those that fell into the later categories, for the most part, tried to turn on the faucet, some with little success. Departments, on the fly, started to accept application and plans digitally for certain permit types usually the smaller ones with fewer or smaller plans. Many of these Departments ended up utilizing a drop box in front on their Department so they could take in plans the old

fashion way but this time with no human contact. With this process came a whole new problem how to sanitize plans before Building Department personnel would come into contact with them. Next up came the process of plan review. Once again those in category one had little or no problem. They were either already doing digital reviews and only had to do nothing if the personnel reported to work at the office or open the system to remotely working from their homes. The only problem with remotely working was the hardware that the personnel had to use. Large monitors vs. laptops, multi-screen vs. one screen and possibly band width at the remote location. Compared to the other problems that would be encountered from the other categories these were minor. Some of the hurdles that were overcome included:

- Utilizing large screen TV's as monitors to examine large plans.
- Reviewing plans on off hours because of band width either at the municipality or the home office
- Staggered review of plans because of limited software licensing

Some of those Departments that were in the latter category made a valiant effort to at the minimum attempt to turn on a system that they were either working on or had not fully vetted. The majority of these either did not get off the ground or failed miserably. For the most part the Building Official and their crew that were thrust into this predicament had to waste valuable time and resources. Some of the hurdles were encountered during this attempted process included:

- Software not compatible for digital reviews
- Que systems that could not notify examiners that plans needed review.
- Digital storage
- Security of plans
- Ability of examiners to contact contractors and design professionals, some applications only had spaces for phone numbers.
- Writable forms
- Accepting documents from other agencies

These problems occurred because of the inability or not properly funding the digital permit platform. The next problem encountered by Building Officials and their Departments was the requirement of inspection services.

## **Inspection Services**

Building codes affect every member of modern society, from contractors and their clients to students, office workers, and anyone who spends anytime indoors. These regulations shape our buildings and infrastructure, and they determine the decisions that construction professionals

make. No matter how good a design professional prepares a plan to be code compliant it is still up to the contractor in the field to follow those plans. Which equates to the field personnel doing it correctly. The building code enforcement system has evolved significantly over the past few centuries, and its influence on industries has changed as well.

When construction teams "build to code," what does that really mean? Unfortunately, it means complying with the bare minimum of legal requirements. No reputable builder will defy codes intentionally, but if builders' only goal is to make sure a property is not illegal, they may not have incentive to go above and beyond with quality or safety. You don't have to see into the future to know what happens when builders stick to the bare minimum requirements.

What about bare minimum requirements of a building inspection. Over the year's problems have arisen from inspection services where the bare minimum inspection was performed. Hurricane Andrew showed what happened when larger number of inspections would-be put-on building inspectors. In other states where licensed contractors only needed to sign affidavits that the project was built to code there are many many examples of buildings that failed because the project was not code compliant.

Now, due to the pandemic and the cautionary practice of social distancing, many departments utilized some form of virtual inspections to protect their inspection staff. The opening of the door for virtual inspections ushered in a new method of inspections that had never been utilized before. There are software programs that specifically for virtual inspections, but they also are new, relatively rarely used and have not been tested over time. Some Departments worked on the fly and required that their inspectors would go to the construction site and do a virtual inspection from outside the structure. This method would avail the inspector of directly visualizing the entire site and if they perceived a problem the inclination to reposition or if available enter the structure for a shorter time period to conduct inspections. This was also used by some municipalities with older inspectors that were in problematic groups. Another inspector would visit the construction site and "facetime" with the inspector that could not visit the site. This allowed a licensed inspector to be on the site for a review of the entire area.

We need to remember that trying something on the "fly" and vetting it through a process are two completely different items. As stated, before the process of digital plan review was worked on over the better part of a decade and there continues to be problems that are discovered to this day that have to be worked on. We now have the difficulty of taking a procedure that has been done live in the past and now putting it on a computer screen. We all know that the experience of attending a live sporting event is very different from watching it on TV. Some will say that you see it better on TV, but you see what the production staff wants you to see.

Which brings you to the discussion between two dimensional and three dimensional. Even when reviewing digital plans two dimensions are used as was the same when reviewing paper plans. Many design professionals have started to use three dimensional CAD drawings because it shows problems that were not evident on two dimensional plans.

Now we can look at virtual inspections. You are taking an item that was visualized in three dimensions by the eye when an inspector was on site for an inspection and now looking at in two dimensions on a screen. It is difficult for an inspector to realize sizes, distances and depths on a screen.

Unfortunately the lack of time to prepare this report we cannot provide an in depth analysis of visual inspections, but we have done some minor looks. We employed the help of some contractors and asked them to aid us in looking at the validity of the process. Inspectors went to jobsites and did a virtual inspection from the outside of the building and then went into the building and redid the same inspection. It needs to be stated that younger inspectors who are more adapt in the using of virtual medias were utilized. In each case the inspector found problems on the live inspection that was not evident on the virtual inspection. Which lends to the question what can happen long term if virtual inspections are performed. Unfortunately, we would not necessarily know about the deficiencies until some form of disaster happens, whether it is a weather event or a disaster of construction mistakes. During the virtual inspections some of the items missed were:

- Spacing of attachments
- Missing components
- Attachments overdriven
- Additional work
- Difficulty in seeing fasteners that are embedded
- Difficulty in verifying boring depths in framing
- Confirming continuous caulking
- To name just a few

After an evaluation of the procedures and ability to perform virtual inspections it became clear that their needs to be a more intensive evaluation and review of the capability of performing these types of inspections

## **Building Department Responses**

As part of the process, we reached out to Building Departments in Broward County and asked the authority having jurisdiction about their thoughts on virtual inspections. We did come back with a slightly mixed group of comments. A large number of Building Officials did have problems with virtual inspections as a whole. A smaller number saw an ability to utilize the process on specific types of inspections.

Some of the comments provided by Building Officials that where negative on utilizing virtual inspections are:

- There could no customer interactions. Inspectors on a regular basis when performing inspections due outreach to property owners, this would become problematic now.
- What inspectors are shown virtually might not be enough to safely insure a proper inspection. Missing would be the 360-degree view that is available for an inspector who is on site to perform their duties.
- Homeowners find a comfort in a third party in-person inspector which provides them an opportunity to ask questions.
- Legality. If something is overlooked or not shown who takes is responsible for any damage caused by neglect. Contractors will stand behind approved inspections.
- Lack of an opportunity to teach and give firsthand advise to a less than experienced contractors
- Inspections times will dramatically increase.
- Inspection with many components could not be done proficiently.
- Are attachments securely fastened or overdriven?
- Correct fasteners used, size and or length.
- Privacy issues of being recorded. Legal ramification when a contractor does not divulge aspects of inspection.
- Some types of inspections may need to be limited: for example, it would difficult to examine rotten fascia board virtually. This then leads to confusion on what can and cannot be done virtual.
- When performing roof inspection in person you have the opportunity to see and inspect a greater portion of the roof
- Walking on the roof will lend to feel soft or bad portions.
- Difficult to tell the size of fasteners
- Cannot tell adequate pitch on pipes
- Can only see what the contractor wants us to see, onsite inspection lends to peripheral vision.
- What we do for one contractor we will have to do for all contractors. We will not be able to limit virtual inspections to those contractors that do it right
- Fasteners on window / doors are they secure?
- Rough inspections, plumbing, electrical, mechanical, have to many components to visualize them all.
- Viewing plans from filming on a handheld device
- Verifying spacing on rebar
- Reviewing all paperwork, batch tickets, engineer reports, noa's and other field reports will be problematic
- Seeing indicia's on glass

Many licensed individuals talked to where of the opinion that inspections, because of the process being used would actually take longer to perform than an onsite live inspection. They also felt

that it would not lend to inspection on demand but would be more of a two-to-three-hour window because of the uncertainty of length of time of inspection, something that is currently done. Due to the fact that the inspector is now relying on the contractor to show them what they need to see this might lend to rereviewing the job because of the two-dimensional process that would be used.

There was a group of Building Officials who felt that on a limited basis smaller more controlled inspections may have shown some viability. For example, water heater and Air conditioning direct replacements, but others told of problems with these inspections.

It was also stated that reinspections for minor corrections might lend themselves too virtual. But this would then be up to the field inspector and might not be across the board.

We hope that this white paper makes you pause and think. In the past decisions were made that may or may not have included the Building Official but they eventually had to deal with good, the bad and the ugly. Consider the comments from those that have devoted their lives to protecting lives and property. We have all had a calling and most of us could make a better living not doing what we do.

Thank you for taking the time to read this.

December 22, 2020

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

**ADVISORY OPINION REGARDING VIRTUAL  
INSPECTIONS AND INSPECTIONS PERFORMED  
IN WHOLE OR IN PART VIA ELECTRONIC MEDIA**

Jim,

You have asked the Office of General Counsel if virtual building inspections performed by electronic media are permissible in Broward County and further, if no law presently governs such inspections, whether the Broward County Board of Rules and Appeals may establish such law.

**Summary:**

Virtual inspections and the type, methods, and scope of such inspections are neither specifically permitted nor precluded under current Florida Statutes or Building Code. The Board of Rules and Appeals has the authority under Special Act 71-575 and the Broward County Charter to establish the law on a county-wide basis where there is no statutory pre-emption

**Qualification and provisions:**

The rules governing the means of building inspection incorporate at least four primary fields of engineering- chemical, civil, electrical, and mechanical, with hundreds if not thousands of engineering analysis techniques. The question you pose pertains to the methods of inspection, the current legal status of performing visual inspection, and the Board’s authority to create law through amendments to the Florida Building Code, Broward County Edition. This Advisory is confined to same.

**Case precedent and historical perspective:**

The methods for building inspection are set forth in Florida Statutes Sec. 468, and 553 and further to those statutory requirements, you have provided what you believe to be precedent in the form of:

- 1) a “Petition for Declaratory Statement Before the Building Code Administrators and Inspectors Board”(“BCAIB”) date stamped November 15, 2018 which includes an Exhibits “A” incorporating
  - i) a “Petition for Declaratory Statement Before the Building Code Administrators and Inspectors Board”(“BCAIB”) date stamped May 4, 2017 November 15, 2018
  - ii) a “Memorandum in Support of Petition for Declaratory Statement Before the Building Code Administrators and Inspectors Board” date stamped June 15, 2017; and
  - iii) a “Final Order” #DS 2017-038 and date stamped July 28, 2017 which was issued by the BCAIB.

- 2) a “Final Order” #DS 2018-078 date stamped February 27, 2019 from the Building Code Administrators and Inspectors Board (“BCAIB”) which includes a Petition and support documents.
- 3) a “Final Order” #DS 2019-031 Date stamped August 1, 2019 from the Building Code Administrators and Inspectors Board (“BCAIB”) which includes a Petition and support documents.

The forecited documents pertain to the practice of conducting virtual inspections via electronic media including through the use of a smartphone application or “app” and may entail coordination of video conferencing with GPS technology to provide live and recorded video of building inspections. However, the questions posed are not directed at any technical aspect nor the safety or efficacy of virtual inspection. Rather the Petitions all seek a determination of an inspector’s status as to potential disciplinary action for conducting a virtual inspections where such inspections are not specifically forbidden by statute.

We see the propounding of a question as to protection from individual liability under F.S. Sec 468 as troubling from the onset because the precedent you cite appears to place a premium on expedience and convenience at the expense of requirements to safeguard the public health, safety and general welfare. See Florida Building Code Sec 101.3.<sup>1</sup> In all cases the BCAIB Final Orders go to great lengths to limit their application and to not only correct, but to openly state disagreement with numerous misrepresentations made by Petitioners with respect to

accuracy, desirability, efficacy, and any endorsements by BCAIB. *See for example* Final Order #DS2018-078 *infra*.

**Analysis:**

**i) Statute, Code and Home Rule**

The well-established rule under Florida law is that a special act takes precedence over a general act when the two cannot be harmonized. *See Hillsboro Island House Condo. Apartments, Inc. v. Town of Hillsboro Beach*, 263 So. 2d 209, 212 (Fla. 1972). Florida courts have outlined exceptions to this general rule in certain circumstances. A subsequent general law may, by its terms, supersede a special law in conflict with it, but only if the manifest intent of the subsequent general law is to introduce a new and exclusive rule on the subject. *See Florida Power & Light Co. v. City of Miami*, 72 So. 2d 270 (Fla. 1954). *See also American Bakeries Co. v. Haines City*, 131 Fla. 790, 180 So. 524 (1938). A general law that is merely inconsistent with a special law or local provision of a charter, however, does not supersede such provision. *Oceancoast Corp. v. City of Miami Beach*, 221 So. 2d 802 (Fla. 3d DCA 1969). In so saying, a **municipality or local governing authority has the power to act under either the general law creating the exception or its special charter.** *See Broward County Charter Section 9.02 et al.*

The question of whether more stringent local government action conflicts with the less burdensome state statute or statewide code is best answered through the use of the underlying language. If no portion of the

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<sup>1</sup> By way of example, the question posed in the Petition for Declaratory Statement Before the Building Code Administrators and Inspectors Board (“BCAIB”) date stamped November 15, 2018 Petition to Final Order #DS 2018-078 states as follows: “Without any limiting conditions or restrictions as set forth in Section 553.791(1)(i), Fla. Stat, will the virtual inspection of any and all required inspections under the Florida Building Code for both residential and commercial construction, including but not limited to new construction, renovations, alterations, and additions, conducted via Petitioner’s smartphone application, as described herein, in and of itself subject Petitioner or properly licensed employees of his corporation, Innovative Construction Inspections, Inc., to disciplinary action under Chapter 468, Pat XII, Fla. Stat.?” This is essentially the same question posed to three (3) different jurisdictions, in all of the cited Final Orders of BCAIB.

statute or code expressly forbids more stringent regulation, the local government, or governing authority, may enact the regulation.<sup>2</sup>

The Broward County Board of Rules and Appeals was granted its authority by Special Act Ch. 71-575 and incorporated in the Broward County Charter. Additionally, BORA was granted the authority to make special amendments to the Florida Building Code by and through the provisions of the Charter of Broward County. As such, all provisions of the Broward County Board of Rules and Appeals acting within its scope of authority, are authorized by special act of the Florida legislature. Therefore, under the general rule, clarifications and more stringent provisions instituted by the Board of Rules and Appeals which are not pre-empted by previous legislation have the power of state law within Broward County. This is axiomatic where BORA is legislatively established as the governing authority.

The Florida legislature has long recognized that the building regulations of Broward County require great local deference. This is illustrated by Broward County's designation as a High Velocity Hurricane Zone in the Florida Building Code. For this reason, the state has granted Broward County and BORA great independence in amending and enforcing its building regulations. With this legislative history in mind, it is not logical to conclude that the legislature or any other administrative or even legislative body intends to supersede the authority of BORA .

**ii) Precedent as cite in Final Orders of the State of Florida Building Code Administrators and Inspectors Board**

We have given careful review of all documents attendant to the three (3) Final Orders of the BCAIB and find that none of them create a statutory or code pre-emption with respect to limiting or precluding virtual building inspections via electronic media. More to the point, the BCAIB made it clear that its findings were very specific and only determined that the use of electronic media to conduct a virtual inspection does not "ipso facto subject an inspector's license to disciplinary action." See #DS 2019-031. The BCAIB went further in its Final Order #DS 2018-078 where it disagreed with almost every point which the Petitioner asserted as to efficacy, safety, or desirability of virtual inspections by stating *inter alia*:

The Board also made specific findings of fact that differ from the statements presented in the petition as follows:

- a. **The Board does not endorse** the means or method of performing inspections using the process or the product which forms the foundation of the petition and as it relates to disciplinary action.
- b. **The Board disagrees** with the statement in the last sentence of page 3 of the petition that this process and product which forms the foundation of the petition has been "allowed" by the Board.
- c. **The Board disagreed** with the statement in the last sentence of the 3rd paragraph of page 4 of the petition that;  
"inspectors will be able to conduct more thorough and in- depth inspections allowing for safer construction across the board".
- d. **The Board disagreed** with the statement in the second sentence of the first paragraph on page 6 of the petition that;

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<sup>2</sup> §155.021(1), Fla. Stat. (2020) determines that municipalities may not enact legislation concerning subjects expressly preempted to the state by general law. In this case, the proposed code standard is not only not pre-empted, it is specifically permitted by the Broward County Charter and Special Act 71-575.

"There are no inherent differences between the process conducted by the limited scope inspections and the expanded scope of use. Conducting such virtual inspections is in keeping with the responsibilities of a licensed building inspector as outlined in § 468.604 (2), Fla. Stat."

e. ***The Board disagreed*** with the 3rd paragraph on page 6 of the petition that; Further, the ability of an inspector to conduct a virtual inspection for the expanded scope as opposed to the limited scope inspections, in no way inhibits the inspector's ability to conduct an efficient, complete, and comprehensive inspection. The inspector is still able to properly enforce the applicable building codes and permit requirements in the state as provided under §468.621. (1)(g), Fla. Stat., and, because the inspector has more resources available to him while conducting such an inspection, the inspector is in a better position to verify the applicable codes and permitting requirements than an onsite inspector.

See Final Order #DS2018-078 at pg. 2

In so saying, any position that a virtual inspection is: 1) safer; 2) no different than a physical inspection; 3) necessarily in keeping with the responsibilities of a licensed building

inspector as outlined in §468.604 (2), Fla. Stat. (4) or is specifically allowed or endorsed by the BCAIB, is false.

#### **Conclusion:**

With the exception of recent, limited action **permitting virtual inspections as the result of COVID-19**, the issue of virtual building inspection is a question of first impression for the Broward County Board of Rules and Appeals.

The Final Orders of the BCAIB in all prior cases **make no determination as to a right to perform virtual inspections by previously existing legislation.**

**The issue of virtual inspections is something which is not specifically countenanced in the Florida Statutes or the Florida Building Code.**

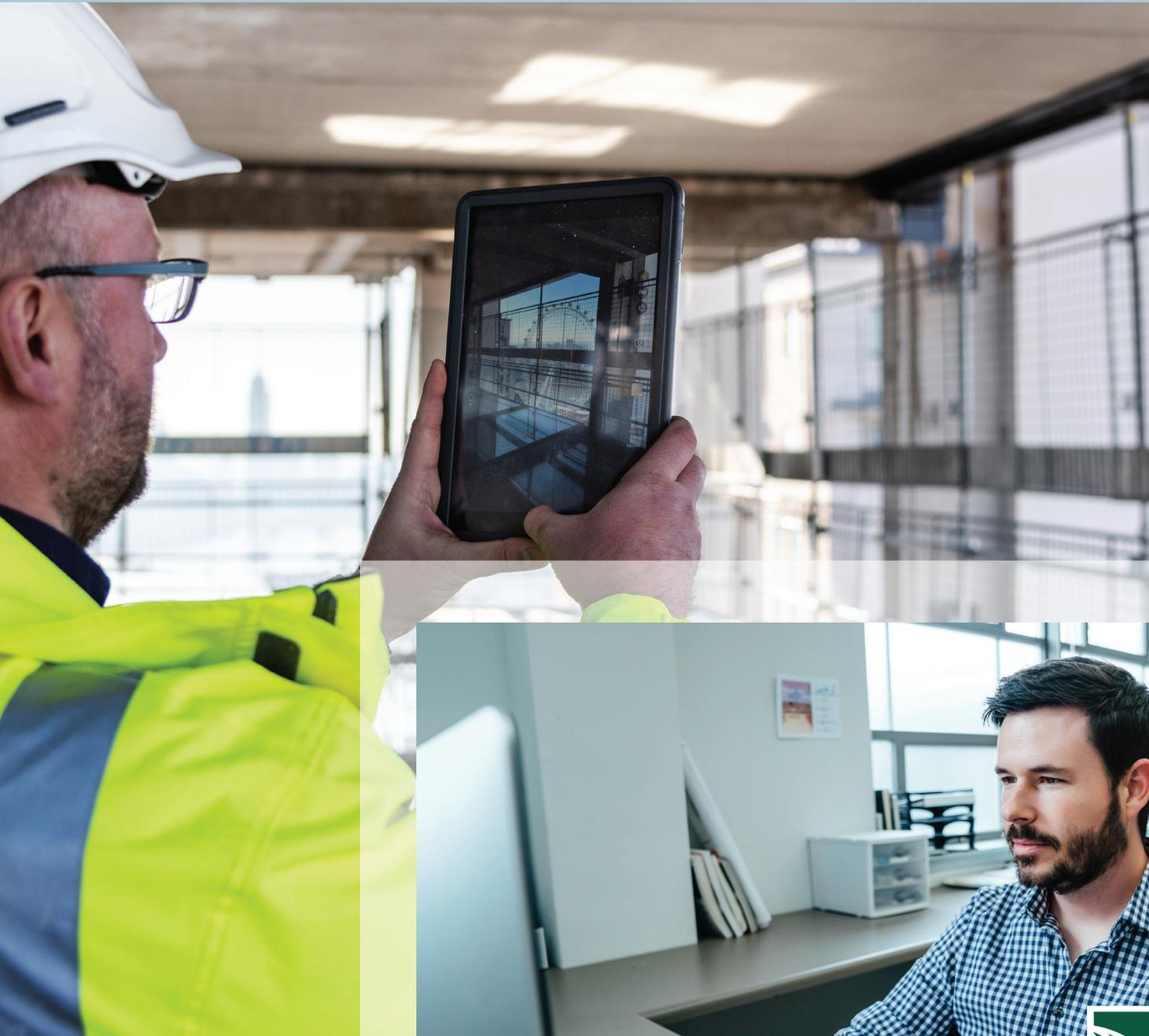
By the power of Special Act 71-575, the Board of Rules and Appeals has the authority to make special amendments to the Florida Building Code by and through the provisions of the Charter of Broward County. As such, governing action and determinations of the Broward County Board of Rules and Appeals while acting within its scope of authority, are authorized by Special Act of the Florida legislature and have the power of State law.

The Broward County Board of Rules and Appeals has the right to amend those sections of Chapter One of the Florida Building Code, Broward County Edition to preclude or **allow virtual inspections** including any limitations in scope as to the type, method, and scope of any virtual inspections.

Highest regards,

Charles M. Kramer, Esq.  
Board Certified by the Florida Bar

# Recommended Practices for Remote Virtual Inspections (RVI)



## **Recommended Practices for Remote Virtual Inspections (RVI)**

First Printing: May 2020

ISBN: 978-1-952468-23-0

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## Preface

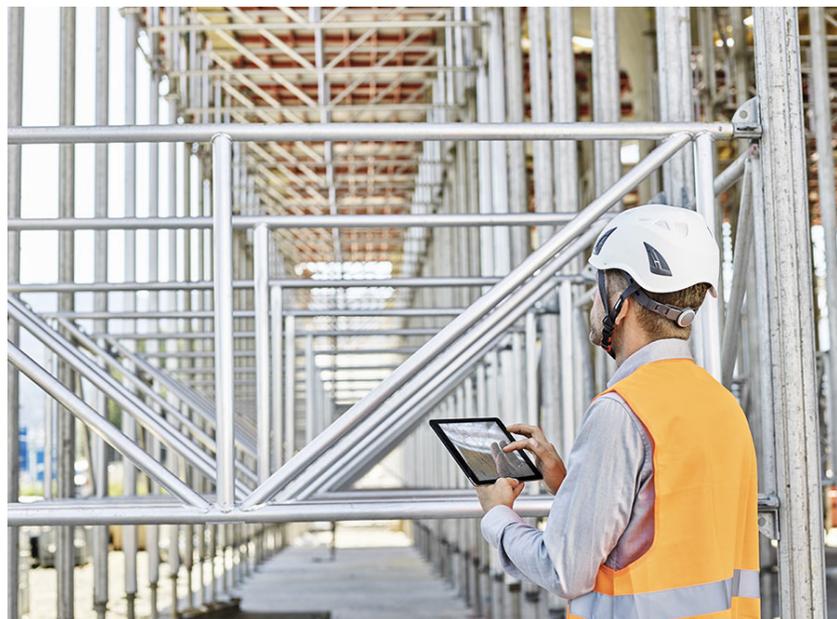
Technological advances have created enormous possibilities in all aspects of life, including the building construction and safety industry. Digital and online tools for building design, construction and administrative functions, such as permit application, plan review, inspection and commissioning, have drastically increased the efficiency and accuracy of achieving safe and resilient communities. Local, state and national governments have taken advantage of advancing technologies and have incorporated various levels of digitization into their processes in order to save time and reduce costs. Examples of such efforts include online offering of permit applications, payment of permit fees, submittal of plans and digital plan review.

The speed of adoption and implementation of technology, however, varies by geographic region and depends on a number of factors, including the availability of financial resources and the infrastructure needed to support the technology. Many Authorities Having Jurisdiction (AHJs) have implemented technology at various levels with good success and have embraced greater reliance on digitization as time goes by.

The 2020 global coronavirus pandemic created an impetus in speeding the implementation of modern technologies and taking advantage of new ideas in a much shorter time frame. The spread of COVID-19 and the closing of most businesses and social activities in many parts of the world to create social distancing resulted in many sectors of the economy searching to find new solutions for conducting business.

Many AHJs needed to come up with solutions to perform all aspects of codes and standards administration from remote locations and/or home offices. One such solution using available technology is Remote Virtual Inspections (RVI).

RVI is a method of inspection that allows the needed inspections to proceed in a timely manner by the owner or contractor located on the jobsite and the inspector or inspection teams performing the inspection remotely. While this practice gained good acceptance and implementation during the weeks and months of COVID-19 social distancing, its advantages are so great that it will likely become a popular and routine tool for the foreseeable future.



The advantages and opportunities created by RVI locally, nationally and globally are enormous, allowing those with technical expertise in their specific subjects to offer their services across the globe. Building code specialists, inspectors and consultants will be able to provide services and consulting from far distances and to help building safety and resiliency anywhere needed at the local, national or global level.

*Recommended Practices for Remote Virtual Inspections (RVI)* was developed based on study, research, and discussions related to items that should be considered and addressed for an effective and consistent RVI program and to assist AHJs in implementing the readily available technologies in the adoption and implementation of their own RVI program.

ICC welcomes your comments and feedback to improve future editions of this Recommended Practices publication. Submit feedback at [www.iccsafe.org/RVI](http://www.iccsafe.org/RVI).

## About the International Code Council®

The International Code Council is a nonprofit association that provides a wide range of building safety solutions including product evaluation, accreditation, certification, codification and training. It develops model codes and standards used worldwide to construct safe, sustainable, affordable and resilient structures. The mission of the Code Council is to provide the highest quality codes, standards, products and services for all concerned with the safety and performance of the built environment. ICC Evaluation Service (ICC-ES) is the industry leader in performing technical evaluations for code compliance fostering safe and sustainable design and construction.

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## 1.0 Introduction

Hand-held devices such as smartphones and tablets have capabilities for real time, online communication of videos and photos. Use of advanced tools and technologies, combined with the power of such hand-held devices, has made it possible for anyone to observe the construction activities of a jobsite from any location, near or thousands of miles away. Using Remote Virtual Inspection (RVI) allows construction projects to continue without impediment and allows the Authority Having Jurisdiction (AHJ) to continue to provide the vital services needed for construction of safe buildings.

### Purpose and Scope

The purpose and scope of these Recommended Practices is to provide guidance to the Authority Having Jurisdiction (AHJ) when implementing a Remote Virtual Inspection (RVI) program as well as to the construction industry user. This document specifically addresses implementation and administration of RVI. These procedures are organized in a fashion that can be readily implemented by the AHJ as part of their inspection procedures. This document also provides recommended practices to construction industry professionals submitting to an RVI.

Until recently, Remote Virtual Inspections have been conducted only by a few AHJs at varying levels. As a result, there has not been a standardized program that addresses how to prepare for, conduct and participate in these types of inspections.

## 2.0 Definitions and Acronyms

1. **RVI: Remote Virtual Inspection:** Remote Virtual Inspection, also known as RVI, is a form of visual inspection which uses visual or electronic aids to allow an inspector or team of inspectors to observe products and/or materials from a distance because the objects are inaccessible or are in dangerous environments, or whereby circumstances or conditions prevent an in-person inspection.
2. **AHJ: Authority Having Jurisdiction.**

## 3.0 Remote Virtual Inspection Process

Remote Virtual Inspections (RVI) may provide benefits to AHJs and customers alike. In certain circumstances, an RVI may provide a better quality inspection with an increase in efficiency and cost savings. It will increase the efficiency of the inspection process utilizing modern technology. Depending on the loca-



tion and complexity of a project, some limitations may impact its use. In cases where an RVI is not suitable or technology fails to provide sufficient visual clarity (i.e., poor/no service or Wi-Fi, poor lighting, etc.), an onsite inspection may be required. Subject to local approval, the AHJ may choose to use an approved third-party inspection agency or utilize staff inspectors. Where Wi-Fi and/or cellular reception are poor or not available, some AHJs may consider allowing the contractor to provide an acceptable electronic documentation of the area that needs an inspection for review by the assigned inspector or team of inspectors.

A clear understanding of the RVI requirements and communication throughout the process by both parties is paramount to the completion of a successful inspection. The inspector will check all aspects of the permitted construction project to the adopted codes and other applicable laws and regulations no differently than if it were an onsite inspection. Identification of the project jobsite location, posted address and its location within the building will be a critical part of the process.

The applicable Codes and Standards to be used for RVI are the same as the adopted codes and referenced standards of the AHJ. The implementation of the RVI is intended to achieve the same results as the typical in-person site inspection by applying the provisions of adopted codes such as the IBC<sup>®</sup>, IRC<sup>®</sup>, IPC<sup>®</sup>, IFC<sup>®</sup> and other applicable and adopted International Codes.

## AHJ: Scheduling Remote Virtual Inspection

1. Schedule Inspection Time.
  - 1.1. All remote inspections should be scheduled a minimum of one business day prior to the requested date.
  - 1.2. Schedule inspection either online or by telephone.
  - 1.3. Schedule sufficient time for the type of inspection requested.
  - 1.4. AHJ to send an inspection confirmation email or text to the customer with the date, approximate time of RVI and name of inspector.
2. Time slots for inspections.
  - 2.1. Anticipated length of inspections per type (i.e., water heater installation, HVAC replacement, etc.) needs to be established.
  - 2.2. Each customer will be given an approximate time window for inspection.
3. Post the earliest available time for remote inspections and the latest time of the day a remote inspection may be scheduled Monday through Friday or other days selected by the AHJ.
4. Schedule after-hours or emergency inspections on a case-by-case basis.
5. Determine the types of inspections allowed for remote inspections. See Appendix A for examples of qualified inspection activities.
  - 5.1. All inspections may qualify for an RVI, depending on the AHJ's resources and policies.
6. Determine which type of videotelephony is available for use and is compatible with the AHJ's permitting software and videotelephony equipment.
  - 6.1. Videotelephony platform examples: FaceTime, Google Duo, Zoom, WhatsApp, Skype, Tango, WebEx, Microsoft Teams, GoToMeeting, etc.

## Customer: Scheduling Remote Virtual Inspection

1. Ensure there is an active permit issued or certificate application filed or obtain the appropriate one prior to attempting to schedule an inspection for the project in question.
2. Electronically sign a notice indicating that the permit holder of record or representative:
  - 2.1. Consents to the use of the remote inspections.
  - 2.2. Is responsible for their own safety during the remote inspection.
  - 2.3. Allows the complete use of the videos and photos of the remote inspection by the AHJ.
  - 2.4. Certifies they are making available the site and inspection items truthfully and to the best of their ability.
  - 2.5. Is responsible for compliance with all codes and standards applicable to the project.
  - 2.6. Acknowledges that participation in the remote inspection program is voluntary (if not a mandatory program within the AHJ's jurisdiction).
  - 2.7. Acknowledges that the decision to perform an RVI is at the sole discretion of the AHJ.
3. Prior to scheduling the inspection, confirm that the minimum criteria for a remote inspection are met. See Appendix A for examples of qualified inspection activities.
  - 3.1. Note that some types of inspections may be too complex or otherwise not compatible for remote inspections.
4. Call to schedule an appointment with the AHJ.
5. Must be at least 18 years old or with an adult to perform the video inspection.
6. When scheduling the inspection, provide the address, permit number, and type and number of requested inspections.

## Customer: Prepare for Remote Virtual Inspection

1. Prior to the inspection, ensure that:
  - 1.1. The jobsite is safe at all times for the individual(s) using the device during the remote inspection including health safety.
  - 1.2. The device (smartphone, tablet, drone, etc.) is fully charged and has a suitably charged additional power supply (battery pack).
  - 1.3. The use of a noise-canceling headset is recommended.
  - 1.4. The jobsite has high-speed Wi-Fi connectivity or minimum 4G cellular service with a strong signal.



- 1.5. The necessary tools based on type of inspection are readily available.
  - 1.5.1. For example, carry a flashlight, tape measure, level, step ladder (for close ups of ceiling), GFCI tester, etc. An extending pole for the video device, such as selfie pole, may be very helpful in taking the smartphone or other video device closer to the point of inspection in various places such as very high ceilings.
2. Have approved plans, permit card, and other necessary construction documents available onsite.
3. Make sure good lighting is available and clear the area of any unnecessary objects.
4. All features applicable to the required inspection must be visible at the time of the remote inspection. These features must be captured sufficiently and clearly for the inspector to evaluate.
5. If at any point the inspector believes that the remote inspection process is not allowing them to properly assess compliance, they may require that a site inspection be conducted at a future date or instruct the customer to make different arrangements.
  - 5.1. In areas within the jobsite where there is no Wi-Fi or cell service, at the sole discretion of the inspector, the contractor may be allowed to provide video and/or photographic documentation of the item(s) to be inspected for review by the authorized inspector at a later time.
6. The onsite inspection may be conducted by an approved third-party inspection agency or by the AHJ's inspection staff.

### **Prepare to Receive Remote Virtual Inspection Call**

1. Ensure that the lens and screen of any device being used to capture images or video has been cleaned. Dust, grit, smudges, etc., might interfere with the image quality and distorting the inspector's view.
2. To minimize interruptions during the RVI and to ensure that the video feed will be uninterrupted, make sure that all notifications are turned off in the Settings of the mobile device used for the RVI. Should the video be interrupted, the inspection could be delayed or have to be rescheduled.
3. Be prepared to answer the inspector's call at any time during the scheduled timeframe. Be cooperative and closely follow the inspector's instructions.
4. As each site and inspection is different, allot the proper amount of time for the type of inspection and accessibility of the site.
5. Carefully follow the inspector's instructions for where to direct the device and for covering the site. Do not rush the inspector but allow him or her adequate time to conduct the RVI to his or her satisfaction.
6. As much as possible, minimize background noise as that can interfere with communication with the inspector.

## What to Expect During the Inspection

1. Begin inspection at the street view looking at the structure with the address or other required jobsite identification in the video display.
  - 1.1. Inspector may also verify location through GPS/Geotagging where the service is available.
2. Follow the directions of the inspector with respect to the order and direction of inspection.
3. As the inspection progresses, write down any items that the inspector finds that need to be corrected. Be sure the notes are detailed and ask questions of or seek clarification from the inspector at the time of the RVI.
4. If provided a permit card, do not write on it. During the next in-person visit, the inspector should update it then.
5. In most cases, the inspector will relay the results of the inspection before the end of the RVI of passing, failing or not ready for inspection.
6. Do not cover any work needing corrections until corrections are verified by reinspection. Reinspection fees may apply in accordance with the AHJ's policies.
7. Note: At a minimum, there must be an adult of the required legal age on site who will represent the owner/representative during the entire duration of the RVI.
8. The owner/representative must be able to verbally communicate with the remote inspector at all times during the inspection.

## Inspection Results

1. Results of the inspection will be entered into the AHJ's permit database as soon as practicable after the RVI is completed. It is important to note that the inspection was completed using the RVI process.
2. Where an approval tag for utility connections is required, the AHJ should work directly with the utility company.
3. Following the inspection:
  - 3.1. Inspection comments will be available on the AHJ's website, within the AHJ's normal timelines, indicating passing or failing with the list of corrections when applicable.
  - 3.2. In addition, the inspector may email the inspection information upon request to the customer as soon as inspection information is available.
  - 3.3. The inspector will determine whether additional fee(s) for reinspection is required.
4. Scheduling a reinspection or the next inspection needed is based on availability of time slots.
5. The authorized inspector may provide an option for the owner/representative to submit electronic documentation that a deficiency or deficiencies have been corrected.
6. It is incumbent on the owner/representative to provide the address and permit number on all submitted correspondence or communications.

## Maintaining Records of Inspections

Required inspection records, including, but not limited to, correction notices, electronic media, recordings or photo documentation, shall be maintained in accordance with the AHJ's policy, laws, regulations, and applicable codes, and may be subject to disclosure.

## 4.0 Training and Communication

Training and effective communication of processes, procedures and requirements are essential and a critical part to the success of any program. This program is no different as it lends itself to new technology, new programs, and methods that are in many cases, new to the building construction and safety industry. Therefore, training of the AHJ's staff as well as the building industry on the various programs and procedures will save time and money and make the administrative and enforcement process a positive experience with minimal confusion. Training also leads to better communications between an AHJ and its customers.



## Staff Training

1. Ensure all staff are trained in the appropriate areas of responsibility.
2. Permit Technicians:
  - 2.1. Review of approved permit applications relative to RVI requirements.
  - 2.2. Required departmental approvals are complete.
  - 2.3. Fee collection process.
  - 2.4. Required documents for the project (plans, calculations, etc.).
3. Remote Inspection Staff:
  - 3.1. Inspection software and hardware.
  - 3.2. Remote inspection procedures.
  - 3.3. Types of platforms used (Facetime, Skype, etc.).
  - 3.4. Reinspection fee procedures.
  - 3.5. Recording inspection results in permit tracking system.

## Customer/Applicant

1. Ensure the owner and representative are trained in their areas of responsibility.
2. Permit applicant:
  - 2.1. Knowledge of the AHJ's departmental approvals required for the project.
  - 2.2. Knowledge of the AHJ's RVI protocol.
  - 2.3. Ensuring project meets RVI protocol.
  - 2.4. Ensure that the project is ready for the RVI at the scheduled time.
  - 2.5. Comply with the inspector's direction.
3. Owner/Contractor/Subcontractor:
  - 3.1. Requesting remote inspection process.
  - 3.2. Knowledge of remote inspections procedures.
  - 3.3. Platform required (Facetime, Skype, Google Duo, etc.).
  - 3.4. Jobsite communication requirements (Wi-Fi, 4G, etc.).
  - 3.5. Communication skills.

## Additional Considerations

1. Adopt basic online security practices. Consult with your IT department for guidance.
2. Consult with your legal counsel to ensure compliance with all federal, state and local requirements related to your RVI program. For example, you may want to consult counsel to find out whether a homeowner's release is needed to conduct an RVI.
3. Ensure that all staff have access to the codes and standards that are applicable to what they are inspecting. The Code Council's Digital Codes Library (<https://codes.iccsafe.org/>) offers online access to all ICC model codes and standards and most state codes.
4. Document lessons learned to improve your RVI program and to support potential long-term establishment of virtual inspection processes.



## 5.0 Appendix A (Examples of Potential Activities)

The following are a few examples of construction activities that may be considered to be included in a RVI Program. This list is not all-inclusive. The determination of whether an inspection can be conducted remotely is at the sole discretion of the AHJ.

- Plumbing system repairs or fixture replacements.
- Construction trailer installations.
- Swimming pool excavations.
- Gas line repairs or gas utility clearance.
- Electric utility clearances.
- HVAC direct replacement or repair.
- Minor residential electrical.
- Miscellaneous repair/exterior repair or upgrades (stucco, windows, etc.).
- Re-roofing/roof covering replacement.
- Water heater or water softener direct replacement.
- New residential plumbing rough-in.
- New residential rough framing inspections.
- Residential rooftop-mounted photovoltaic panel systems.
- HUD manufactured home installation verification.
- Any other inspection approved by the AHJ.

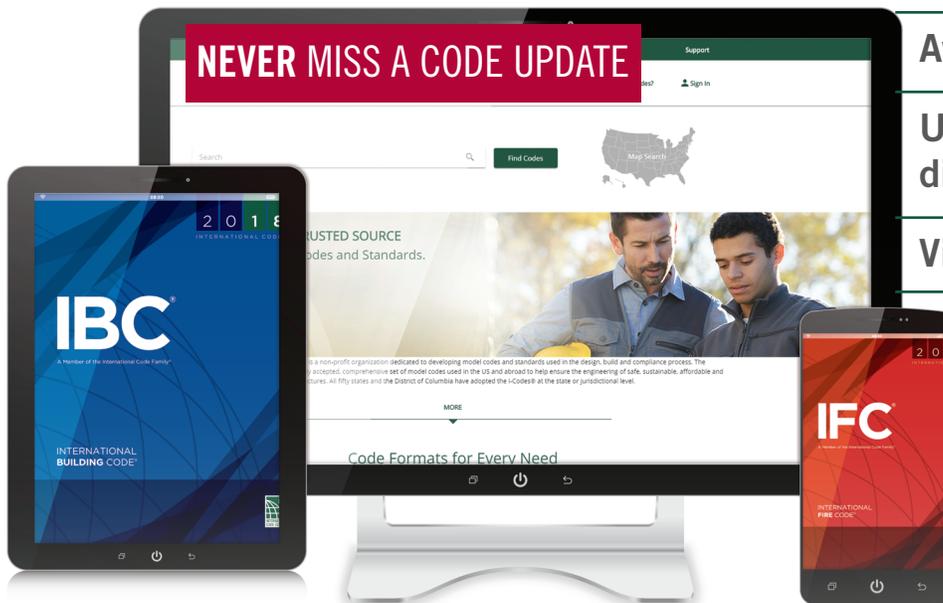




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19-17590

# Recommended Practices for Remote Virtual Inspections (RVI)

*Recommended Practices for Remote Virtual Inspections (RVI)* is the most complete source of information on remote inspections. RVI is an alternative to on-site inspections using a video call on a 4G or WiFi telephony (smartphone, tablet, etc.) in order to interact with the inspector. It is a comprehensive tool for local jurisdictions and the building industry alike that desire to implement a remote inspection program.

This publication covers the RVI process, inspection scheduling, preparation, what the owner/contractor should expect, training and communications, and recording and maintaining records. While all types of inspections may not be suitable for RVI, a list of potential construction activities suitable for remote inspections is provided.

RVI also lends itself to connect seamlessly as part of an overall online program that will allow jurisdictions to provide complete services to the public utilizing the latest technology. Online permitting and electronic plan review, together with remote virtual inspections, can provide a complete program that keeps the construction industry moving while providing a healthy environment for all participants.

ISBN 978-1-952468-23-0



Item No. 7072S1



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# Item 4



# Broward County Board of Rules and Appeals

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

[broward.org/CodeAppeals](http://broward.org/CodeAppeals) | 954-765-4500 | [rulesboard@broward.org](mailto:rulesboard@broward.org)

---

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

**FROM:** Administrative Director

**DATE:** May 8, 2025

**RE:** Proposed Purchase of Electronic Tablets for BORA Business

---

## **Recommendation**

It has been recommended that the Broward County Board of Rules and Appeals review and decide whether BORA should pay for electronic tablets for the Board Members to use to conduct BORA business. The tablets would replace a printed agenda.

## **Reasons**

At the March 13, 2025, Board meeting, it was recommended that the options for converting to an electronic agenda and funding by BORA be reviewed and put to a vote.

## **Additional Information**

1. Receiving a tablet would be optional for each Board member
2. Board members would only keep the tablet for the duration of their appointment
3. The average monthly cost for a printed agenda is \$5,918.00
4. The average one-time cost of a tablet averages from \$199.00 to \$599.00

Respectfully Submitted,

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

Dr. Ana Barbosa

ITEM	ITEM DESCRIPTION	ITEM TOTAL PRICE	ITEM UNIT PRICE	COST PER AGENDA	NOTES
Agenda Cover	ACCO 2-Prong Report Cover, Letter	\$ 1.50	\$ 1.50	\$ 1.50	
Copy Paper	TRU RED™ 8.5" x 11" Copy Paper, 20 lbs., 92 Brightness, 500 Sheets/Ream, 10 Reams/Carton (TR56958)	\$ 37.74	\$ 0.01	\$ 3.00	5,000 Sheets
Divider Printer Paper	Staples Brights Multipurpose Paper, 24 lbs., 8.5" x 11", 500/Ream (20107)	\$ 8.49	\$ 0.02	\$ 0.14	500 Sheets
Envelopes	Coastwide Professional #6 Self-Sealing Poly Mailer, 14.5" x 19", White, 250/Pack (CW56604)	\$ 56.43	\$ 0.23	\$ 0.23	250 Count
Dividers (1-7, VI, VII)	The Tab Factory, White 90# Standard, 3-Hole, Side Tab	\$ 438.30	\$ 0.88	\$ 8.80	\$43.83 per number; 50 Sheets in Pack; 500 total w/ 10 tabs ordered
Toner	Broward County Contract w/ Toshiba - B/W Copier Cost Per Copy		\$ 0.02	\$ 6.30	

UPS Postage	Ground Residential, Simple Rate, Small	\$ 12.40	\$ 12.40	\$ 12.40	
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Staff – Preparation	3 Hours of Admin. hourly pay.		\$ 25.63	\$ 76.89	
Staff – Delivery	1 Hour of CCCO hourly pay.		\$ 67.25	\$ 67.25	

\$ 554.86	\$ 107.93	\$ 176.51
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29 Total for Board Members, C. Kramer and BORA Staff
Average 300 Page, 7-Item Agenda, with 10 tabs. (VI, 1 (C), VI, 1 (R) - 7)
iPad (9th Generation) <a href="https://www.apple.com/shop/buy-ipad">https://www.apple.com/shop/buy-ipad</a>
Microsoft - Surface Go 3 – \$399.99 <a href="https://www.bestbuy.com/site/microsoft-surface-go-3-10-5-touch-screen-intel-pentium-gold-4gb-memor-y-64gb-emmc-device-only-latest-model-platinum/6478759.p?skuld=6478759">https://www.bestbuy.com/site/microsoft-surface-go-3-10-5-touch-screen-intel-pentium-gold-4gb-memor-y-64gb-emmc-device-only-latest-model-platinum/6478759.p?skuld=6478759</a>
Samsung - Galaxy Tab A8 – \$139.99 <a href="https://www.bestbuy.com/site/samsung-galaxy-tab-a8-10-5-32gb-latest-model-wi-fi-gray/6492906.p?skuld=6492906">https://www.bestbuy.com/site/samsung-galaxy-tab-a8-10-5-32gb-latest-model-wi-fi-gray/6492906.p?skuld=6492906</a>

\$ 5,118.79 total for 29 agendas.
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# Item 5



# Broward County Board of Rules and Appeals

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

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---

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

**FROM:** Chief Structural Code Compliance Officer

**DATE:** May 8, 2025

**RE:** Request to Approve a 180-Day Extension for Stephen Nesmith

---

## **Recommendation**

It has been recommended that the Board approve, by vote, an additional 180 days to close out the existing permit number BP23 00010735. This extension will expire on October 31, 2025.

## **Reasons**

Delays in the manufacturing of trusses and materials.

## **Additional Information**

Email Request for extension May 5, 2025

Respectfully Submitted,

A handwritten signature in black ink that reads "John Morell".

Jack Morell

**Morell, John**

---

**From:** Stephen Nesmith <SNesmith@fortlauderdale.gov>  
**Sent:** Monday, May 5, 2025 2:26 PM  
**To:** Barbosa, Ana; Morell, John  
**Cc:** William Kraemer  
**Subject:** Open permit

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Dr Barbosa

My name is Stephen Nesmith, I am employed at the City of Fort Lauderdale as a Building Inspector. I currently have an open permit# BP23-00010735 a single-family home for my primary residence .I understand an extension of six months was granted; because of many trusses' delays, I am required to request an additional six-month extension to closed out this permit .

Sincerely  
Stephen L Nesmith