

# **Broward County Board of Rules & Appeals Meeting Agenda**

October 10, 2019

Broward County Governmental Center  
115 S. Andrews Avenue, Room 422, Fort Lauderdale, FL.  
Time: 7:00 P.M.

Call Meeting to Order

Roll Call

Approval of Minutes – September 12, 2019

**7:00 PM - Ethics, Sunshine, and Public Records training** – presented by Rocio Blanco Garcia  
Board Certified in City, County & Local Government, Office of the County Attorney

## **CONSENT AGENDA – *Estimated meeting start time 7:20 pm***

### **1. Certifications - Staff Recommended.**

#### **BROWARD COUNTY SHERIFF'S OFFICE**

CHAVEZ, IVAN, FIRE INSPECTOR

#### **CITY OF CORAL SPRINGS**

HELLER, JOHN, CHIEF STRUCTURAL INSPECTOR

#### **CITY OF DEERFIELD BEACH**

RICH, DALE W., ASSISTANT BUILDING OFFICIAL

#### **CITY OF FORT LAUDERDALE**

VERA, ANDRES L., CHIEF MECHANICAL INSPECTOR

MCCARTY, MICHAEL, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

#### **CITY OF HALLANDALE BEACH**

CHARLES, JACK-LUIS JR., FIRE PLANS EXAMINER

#### **CITY OF LIGHTHOUSE POINT**

LONG, ANTHONY, FIRE INSPECTOR

#### **CITY OF MIRAMAR**

ARNAIS, CARLOS, FIRE INSPECTOR

#### **CITY OF NORTH LAUDERDALE**

MARTINEZ, RODOLFO, CHIEF STRUCTURAL INSPECTOR

#### **CITY OF POMPANO BEACH**

RADA, MICHAEL, BUILDING OFFICIAL

#### **COUNTYWIDE**

BRINA, ANTONIO, STRUCTURAL INSPECTOR

BRINA, ANTONIO, STRUCTURAL PLANS EXAMINER

CHIN-SANG, DAVE C., MECHANICAL PLANS EXAMINER

CRUZ-VELLON, JOSE, PLUMBING PLANS EXAMINER

GIBBONS, ANDRELL, STRUCTURAL PLANS EXAMINER

GRANBERG, JR., WILLIAM, PLUMBING PLANS EXAMINER

HOWLAND, LESTER, STRUCTURAL PLANS EXAMINER

ROSINSKI, CHRISTOPHER J., PLUMBING PLANS EXAMINER

SMILEN, GERALD, STRUCTURAL PLANS EXAMINER

TRANA, JAN, PLUMBING PLANS EXAMINER

## REGULAR AGENDA

### 2. Code Amendments for 1<sup>st</sup> reading

- a- "The Board will consider adopting amendments to sections 107.3 and 110.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code regarding Photovoltaic inspections and plan review guidelines".
  - a. Recommendation of the Structural and Electrical joint committee
  - b. Board action
- b.- "The Board will consider adopting amendments to sections 104.1 thru 104.16.3.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code, impacting certification's standards".
  - a. Recommendation of the Certification committee
  - b. Board action
- c.- "The Board will consider proposed changes to Broward County Administrative Provisions for the 2017 FBC (6th Edition), section 105 Permits, subsection 105.3.2 Time Limitation, 105.3.2.5.1 due to changes to Florida Statute (FS) 553.79. that became effective October 1, 2019.
  - a. Staff Report
  - b. Board action

### 3. Code amendment for 2nd reading to include Public Hearing.

- "The Board will consider adopting Amendments to the Broward Local Fire Code Sections: Modifications Fire Marshal Certification F-103.3.1, F-103.3.2, F-103.3.3, F-103.3.4, F-103.3.5 and New F-103.3.6. Modification Fire Plans Examiner Certification F-103.4.3.1, F-103.4.3.2, F-103.4.3.3, F-103.4.3.4 and New F-103.4.3.5."
- a. Staff Report
  - b. Public Hearing
  - c. Board action

### 4. Formal Interpretation "Required signatures on the Broward County Uniform Permit Application".

- a. Staff Report
- b. Public comment (2 minutes limit)
- c. Board action

### 5. Formal Interpretation for the Swimming Pool Safety Act FS 515.27, Chapter I, 110.3 A, #24, a.3.

- a. Recommendation of the Structural and Electrical joint committee
- b. Board action

### 6. Requested ratification of the Administrative Director's recommended appointment for the Chief Energy Code Compliance Officer position.

- a. Recommendation of the Administrative Director
- b. If desired, motion approving of appointment

### 7. Request of City of Plantation to extend the code specified maximum period of service of the Interim Chief Structural position, for approximately 60 days, pending a city decision to make a permanent appointment.

- a. Written request
- b. Board action

### 8. Director's Report.

### 9. Attorney's Report.

### 10. Committee Report.

11. General Board Members Discussion.

12. Public Comment (3-minute limit per person) and written communications.

13. Adjournment.

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (Sec. 286. 0105.FS). *(Members: If you cannot attend the meeting, please contact Mr. DiPietro @ (954) 931-2393, between 6:00 p.m. & 7:00 p.m.)*



**BROWARD COUNTY BOARD OF RULES & APPEALS  
SEPTEMBER 12, 2019  
MEETING MINUTES**

**Call to Order**

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

**Present:**

Daniel Lavrich, Chair  
Stephen E. Bailey, Vice Chair  
Jeffrey Lucas  
Ron Burr  
John Famularo  
Robert A. Kamm  
Abbas H. Zackria  
Dennis A. Ulmer  
Daniel Rourke  
David Rice  
James Terry  
Jeff Falkanger

**Approval of Minutes – June 13, 2019**

Mr. Lucas made a motion and Mr. Bailey seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 12-0.

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**AGENDA AMENDMENT**

Mr. Lucas made a motion and Mr. Rice seconded the motion to approve a modification to the agenda, adding "Declaration of surplus property for outdated Building and Fire Code books and other code reference publications". The motion carried by unanimous vote of 12-0.

**CONSENT AGENDA**

1. Certifications - Staff Recommended.

**BROWARD COUNTY (UNINCORPORATED)**

FERNANDEZ, JOSE, MECHANICAL PLANS EXAMINER (TEMPORARY 120-DAY)

TEDIM, JOSE, MECHANICAL INSPECTOR (PROVISIONAL)

**CITY OF DEERFIELD BEACH**

GUENDJOIAN, ARMEN, CHIEF PLUMBING INSPECTOR

**CITY OF FORT LAUDERDALE**

FIGUEROA, ROY G., PLUMBING PLANS EXAMINER

PASQUARIELLO, JOSEPH, ASSISTANT BUILDING OFFICIAL

**CITY OF MIRAMAR**

HILTON, ADAM, PLUMBING INSPECTOR (TEMPORARY 120-DAY)

**TOWN OF PEMBROKE PARK**

BESU, JOHN, CHIEF MECHANICAL INSPECTOR

**CITY OF PEMBROKE PINES**

PALACIOS, OTONIEL M., CHIEF MECHANICAL INSPECTOR

**CITY OF SUNRISE**

CASTILLO, ALEJANDRO, FIRE INSPECTOR

**CITY OF TAMARAC**

GEIMER, REBECCA, FIRE PLANS EXAMINER

**COUNTYWIDE**

BARTLETT, EDWARD LIAM, MECHANICAL PLANS EXAMINER

BENITOA, ANTONIO, PLUMBING PLANS EXAMINER

CANFIELD, BRIAN SHAW, MECHANICAL PLANS EXAMINER

FARIS, JOSEPH A., JR., ELECTRICAL PLANS EXAMINER

KUNES, SCOTT, PLUMBING PLANS EXAMINER

REGER, TIMOTHY A., PLUMBING PLANS EXAMINER

SWITALSKI, JOSEPH D., MECHANICAL PLANS EXAMINER

A motion was made by Mr. Bailey and seconded by Mr. Zackria to approve all submitted certifications. The motion passed by unanimous vote of 12-0.

**REGULAR AGENDA**

1a Request of Mr. Reese Menard to be certified as a Plumbing Inspector for City of Deerfield Beach, FL

a. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed information in his memorandum to the Board, dated September 12, 2019, indicating the experience documentation is not specific and Mr. Menard does not possess a certificate of competency as a Journeyman Plumber from Broward or Miami-Dade counties. Mr. Menard does not possess any licenses from the State of Florida. Mr. Vinas inquired to Illinois about reciprocity and was advised that he would need to sit for the exam. There is no reciprocity by the state agencies.

Ms. Sheila Oliver, Building Official, City of Deerfield Beach, advised this is a request for Mr. Menard to be certified as a plumbing inspector for the City of Deerfield Beach. She advised that he has passed the State of Florida inspector test. Mr. Menard has been a plumbing contractor and certified inspector for the State of Illinois and City of Chicago for thirty years. She was instructed by the Board's staff to include his employment history on the contractor letterhead and the signature notarized. She felt this points to being a closed state. Although she understood a distinction being made for structural, plumbing, mechanical and electrical are very similar throughout the United States.

Chairman Lavrich asked if Mr. Menard meets the code requirements and Ms. Oliver advised the only requirement he does not meet is possession of a license from the Florida Construction Industry Licensing Board, but rather from the State of Illinois and the Department of Health for the City of Chicago. He does not have anything from the Broward Central Examining Board because he has it from the City of Chicago Department of Health and the State of Illinois Licensing Board. The same applies with the Board of Professional Engineers.

In response to Mr. Rourke, Ms. Oliver indicated that Mr. Menard just moved to Florida. Mr. Falkanger pointed out that Mr. Menard could take the local examining board tests.

Mr. Vinas advised that staff is not questioning experience but rather the qualifications. The State of Illinois has its own building code and it is not close to the International Code Council (ICC).

Mr. Menard was sworn in.

Mr. Menard advised that Illinois does not have a building code; it follows the ICC code. He confirmed for Mr. Zackria that he has the required seven years of experience. He also confirmed that he could take the test for the Broward County license.

Mr. Zackria asked about a provisional approval until Mr. Menard takes the Broward County test. Mr. Vinas advised that he could take the State of Florida contractor's examination and to Broward County for the Master or Journeyman Plumber's exam or in Miami-Dade County in the same fashion. He does not have any license as a plumbing contractor or as a Journeyman in the State of Florida.

After further discussion, Chairman Lavrich pointed out that it comes down to the code requirement for a license which he does not possess. In response to Mr. Lucas, Mr. Vinas explained that the Mr. Menard's submittal did not specify the times. Further, two different people signed the documentation yet only one license was used. Ms. Oliver confirmed for Mr. Famularo that Mr. Menard can provide the IRS W-2 support information. She asked if the Board will accept his seven years of experience outside of Broward County. Mr. Vinas advised yes and reiterated the issue is not experience, but rather qualifications. The notarized statement does not specify the number of employment years. Ms. Oliver was concerned of the potential for experience from out of Florida not being accepted.

Chairman Lavrich understood this matter will be presented to the Certification Standards Review Committee this coming Monday. He explained that this Board has to evaluate whether something complies with the code and cannot deviate. He did not see an option for this Board to certify someone without the requirements being fulfilled. In response to Ms. Oliver, Chairman Lavrich indicated the item could be tabled until the next Board of Rules and Appeals meeting.

- b. City Request
- c. Board Action

A motion was made by Mr. Lucas and seconded by Mr. Zackria to table this item. The motion passed by unanimous vote of 12-0.

- 1b. Request of Mr. Cesar Tellez, to be certified as a Plans Examiner for the City of Weston, FL
  - a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, advised that this item is similar to the previous item. He reviewed information in his memorandum to the Board, dated September 12, 2019, indicating Mr. Tellez lacks eleven months experience of practicing with his license to meet the minimum 5-year requirement. There is only one path for design professionals. Several proposals are currently being brought forward to the Certification Standards Review Committee that may work this out.

**With respect to Item 1a**, Mr. Jack Fisher, Assistant Building Official, City of Weston, commented briefly about the licensing examination process and options.

Mr. Fisher commented that Mr. Tellez has five years of experience as an architect. He asserted to his qualifications. Chairman Lavrich noted that one cannot practice as an architect without being licensed to do so.

In response to Chairman Lavrich, Mr. Guerasio indicated that regardless of the Certification Standards Review Committee deliberation, Mr. Tellez would still need two years as an inspector and he currently only has one year and five months. Nevertheless, this matter could be discussed by the Committee. The experience requirement would be fulfilled on April 10, 2020.

- b. City Request
- c. Board Action

A motion was made by Mr. Zackria and seconded by Mr. Rourke to table this item. The motion passed by unanimous vote of 12-0.

## 2. Code Amendment for 1<sup>st</sup> reading.

“The Board will consider adopting amendments to the Broward Local Fire Code Sections: Definitions (K to U), Modifications Fire Marshal Certification F-103.3.1, F-103.3.2, F-103.3.3, F103.3.4 and New F-103.3.6, Modification Fire Plans Examiner Certification F-103.4.3.1, F-103.4.3.2, F-103.4.3.4 and New F-103.4.3.5. New Uniform Generator Code F-124.”

### a. Recommendation of the Fire Code Committee

Mr. Bryan Parks, Chief Fire Code Compliance Officer, advised that this originated from the Broward County Fire Marshals. These modifications have been approved by the Broward County Fire Chiefs. He went on to review information in his memorandum to the Board, dated September 12, 2019. These amendments will encourage more people to work in Broward County. He noted the large loss of life that occurred in a Hollywood assisted living facility due to power failure. Amendments made to the Florida Administrative Code were not clear in that the type of generator was not specified. The purpose of this amendment is to provide guidance on a uniform basis throughout the county.

### b. Board Action

Mr. Parks responded to questions of the Board as follows:

He commented that there are other types of uses, such as group homes and kidney dialysis businesses. It was discovered that facilities were using portable generators with electrical cords running into back doors and yards with no re-wiring, for example. The level of generator was also not being followed. People are not getting a permit.

He addressed language that facilitates people being able to qualify to work in Broward County.

Mr. Kamm distributed copies of the Florida Statutes addressing nursing home emergency power (59A-4.1265) that the Agency for Healthcare Administration published this information (attached). Mr. Parks advised that nursing homes are not presenting the problem, but rather the assisted living facilities and group homes. In speaking with the State, they indicated that for facilities in a flood zone, those people would be moved away as part of the emergency plan. This is why a portable generator was allowed. Section 59A does not specify important particulars. Mr. Kamm was concerned about the length of time it takes for permit approval. He elaborated upon an example. He believed there is a conflict between the proposal and Section 59A. Mr. Parks did not believe there is a conflict but suggested the item could be tabled and the information be presented at the committee level for their review.

During discussion of referring the matter to the Electrical and Fire Code Committees, Mr. Rice emphasized that time is critical because there is confusion as to what should be done. Mr. Lucas pointed out the lack of enforcement. He emphasized this was more

about putting the codes and regulations together into something that could be enforced countywide.

The generator part of the item was withdrawn with direction to address the matter at a joint meeting of the Electrical and Fire Code Committees to be scheduled at the earliest possible time. Mr. Rice suggested two separate meeting dates be decided upon in order to expedite the process.

There was consensus to move forward with the certification amendments at the October Board meeting. This will allow the provisions relating to generators to be addressed separately. Items 1 F-101.2.2, Definitions and 6 F-124, Uniform Generator Code (New) are withdrawn.

A motion was made by Mr. Lucas and seconded by Mr. Kamm to pass Modifications Fire Marshal Certification F-103.3.1, F-103.3.2, F-103.3.3, F103.3.4, F103.3.5, and New F-103.3.6, Modification Fire Plans Examiner Certification F-103.4.3.1, F-103.4.3.2, F103.4.3.3, F-103.4.3.4 and New F-103.4.3.5 on first reading, The motion passed by unanimous vote of 12-0.

3. Code Amendment for 1<sup>st</sup> reading.

“The Board will consider adopting amendments to Sections 111.5 “Certificate of Completion” of the Broward County Administrative Provisions for the FBC 6<sup>th</sup> Edition (2017) code.”

a. Recommendation of the Structural Committee

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, reviewed information in his memorandum to the Board, dated September 12, 2019.

b. Board Action

Mr. Burr was concerned about an additional potential consumer cost. Mr. Charles Kramer, Board Attorney, believed language could be added to Chapter 1 to address this.

Mr. George Kropp, Building Official, City of Pembroke Pines, advised that Pembroke Pines charges for a certificate of completion if a certificate of occupancy is required. Otherwise the website will indicate “permit complete”. He predicted opposition from municipalities if a code amendment would prohibit charging such a fee to cover labor costs.

Both Chairman Lavrich and Mr. Rice expressed the viewpoint that the Board of Rules and Appeals does not get involved with dictating to municipalities what their fees should be. Mr. Zackria thought a code amendment to require issuance of a certificate of completion would essentially mandate a charge. Mr. Rice saw fees as a political issue whereas the Board is interested in code issues. Chairman Lavrich pointed out that the

language allows for an electronic proof. Mr. James DiPietro commented that some cities might have a high revenue balance and, consequently, there would be no need to impose an additional fee. Mr. Kramer pointed out that the cities may have a point as to compensation for additional work. Mr. Burr pointed out that the information can be obtained online as to status of the permit, therefore he was opposed to imposing any fee.

Ms. Debra Mink, Alliance Permitting Action Team Chair, elaborated upon some of the challenges associated with not having a certificate of completion. For example, in leases, the tenant cannot be reimbursed without a certificate of completion. Some insurance companies look for this document. She felt this amendment would help the general public. Mr. Burr felt the contractor can obtain proof of permit completion. Mr. Famularo indicated as a roofing contractor; he simply provides a copy of the permit to the customer. Mr. Ulmer highlighted the permit cost for a shed in Fort Lauderdale was \$400. He would not support adding more cost to the consumer.

Mr. Zackria made a motion and Mr. Burr seconded the motion to not approve the item. The motion not to approve passed by a vote of 9-3, with Messrs. Rice and Falkanger and Chairman Lavrich voting no.

4. Formal Interpretation to the Florida Building Code, 6<sup>th</sup> Edition (2017)  
“Replacement of Air Conditioning (A/C) systems and filter hazard areas”

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, reviewed information in his memorandum to the Board, dated September 12, 2019. It will clarify to the building officials that an A/C replacement is not a substantial improvement to the property. He also made a typographical correction, should be “air conditioning (A/C) systems in flood hazard areas”.

b. Board Action

A motion was made by Mr. Terry to approve the item as recommended and seconded by Mr. Lucas. The motion passed by unanimous vote of 12-0.

5. Formal Interpretation to the Florida Building Code, 6<sup>th</sup> Edition (2017) “Storm drainage pipe sizing conversion charts from gallon per minute to square footage”

a. Recommendation of Plumbing Committee

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, reviewed information in his memorandum to the Board, dated September 12, 2019.

b. Board Action

Mr. Zackria noticed scupper sizing which was previously in the code is missing. He asked staff to follow up. Mr. Bailey believed that the last column in the Storm Drain Pipe Sizing Table should be titled, ½ inch. With respect to the scupper sizing, there was consensus for this item to be presented to the Plumbing Committee at their upcoming joint meeting with the Electrical Committee.

A motion was made by Mr. Terry and seconded by Mr. Bailey to approve the item as recommended along with the Storm Drain Pipe Sizing Table title correction noted above. The motion passed by unanimous vote of 12-0.

6. Agreement with Johnson Structural Group to provide cursory random plan review at building departments throughout Broward County for a 2-year period, not to exceed a total cost of \$34,800

- a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019, including some historical background. Thirty-five thousand dollars cannot be exceeded without it requiring a formal bid procedure. With the Board having worked with Johnson Structural, Mr. Zackria asked if there is any written report in terms of compliance findings.

Mr. Mark Johnson of Johnson Structural Group indicated a summary was written after the first year, noting some of the deficiencies that were discovered.

Mr. Zackria recommended that a 6-month or 1-year recurring findings report to the Board. He went on to comment that potentially some findings should be referred to the engineering licensing board. Mr. DiPietro advised that with this organized approach and the results objective of at least two plan reviews in every department. He provided additional background information of what is done in Miami-Dade and throughout the state. In response to Mr. DiPietro, Mr. Johnson agreed to provide reports. He went on to say that the intention is to create a live spreadsheet. Discussion followed as to the scope of the plan review and deficiencies that have been discovered in the past.

- b. Board Action

A motion was made by Mr. Lucas and seconded by Mr. Terry to approve the item as recommended. The motion passed by unanimous vote of 12-0.

7. Request for ratification of Administrative Director's appointment of Chief Code Compliance Officer - Structural

- a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019.

- b. Board Action

A motion was made by Mr. Famularo and seconded by Mr. Lucas to approve appointment of Theodore Fowler as Chief Structural Code Compliance Officer pursuant to the terms and conditions in a letter provided in the agenda backup. The motion passed by unanimous vote of 11-0. Chairman Lavrich recused himself from discussion as he was a member of the screening committee for this position.

Mr. Fowler thanked the Board for their expression of confidence and support.

8. Choosing from three options for selecting the Chief Code Compliance Officer – Energy position

a. Report of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019.

Mr. Bailey wanted to see the resume of the recommended individual in that he did not see the connection between structural candidates and this position. Mr. DiPietro explained that it would be available at a later date; the position is not official until the County Commission adopts the budget next week. Mr. Zackria agreed with Mr. Bailey. He recommended Option 2: Director chooses from existing list of candidates recently interviewed for chief structural code compliance officer and provides a recommended name at the Board's October meeting for ratification. Mr. Lucas questioned selecting from structural individuals. He leaned toward Option 1: advertise and interview for the position; director selects a candidate subject to the Board's ratification. Mr. DiPietro expanded on his reasoning and due diligence in selecting an individual from the structural candidate list.

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, provided insight into the scope of work for an energy position, indicating it is generally handled by the individual with mechanical expertise. He went on to comment why a structural individual would be well qualified in the field of energy.

Further discussion ensued as to the options including the composition of the screening committee for the chief structural code compliance officer position.

b. Board Action

A motion was made by Mr. Zackria and seconded by Mr. Bailey to approve Option 2 detailed above and in the Administrative Director's memorandum of September 12, 2019 the item as recommended. The motion passed by a vote of 8-3 with Messrs. Falkanger, Terry, Lucas voting no. Chairman Lavrich recused himself from discussion as he was a member of the screening committee noted in this option.

9. Rule change clarifying the authority of the administrative director to amend the Board of Rules and Appeals pay plan consistent with the actions of the Broward County Commission to amend the County pay plan.

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019.

b. Board Action

A motion was made by Mr. Kamm and seconded by Mr. Terry to approve the item as recommended. The motion passed by unanimous vote of 12-0.

10. Disposition of incomplete certification application records

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019, recommending a six-month retention schedule.

b. Board Action

A motion was made by Mr. Zackria and seconded by Mr. Lucas to approve the item as recommended. The motion passed by unanimous vote of 12-0.

11. Disposition of employment applications and selection records

a. Recommendation of Administrative Director

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019, recommending a four year retention schedule provided any litigation is resolved.

b. Board Action

A motion was made by Mr. Lucas and seconded by Mr. Falkanger to approve the item as recommended. The motion passed by unanimous vote of 12-0.

ADDED TO AGENDA

Declaration of surplus property for outdated Building and Fire Code books and other code reference publications per the schedule provided

Mr. James DiPietro, Administrative Director, reviewed information in his memorandum to the Board, dated September 12, 2019.

A motion was made by Mr. Zackria and seconded by Mr. Rice to approve the item as recommended. The motion passed by unanimous vote of 12-0.

12. Director's Report

Mr. James DiPietro, Administrative Director, advised that the reserve is now over \$8 million.

Mr. DiPietro went on to recommend a representative from the County Attorney's Office provide ethics training at the beginning of the Board's October 10, 2019 meeting.

### 13. Attorney's Report

**Requirement for owner certification on permit application** - Mr. Charles Kramer, Board Attorney, provided a brief overview concerning an advisory opinion as to requirement for owner certification on permit application provided with the agenda backup. He spoke with the Florida Building Commission staff and received concurrence. Essentially an owner affidavit would not be required, and it could provide uniform interpretation of the code countywide.

Mr. DiPietro, Administrative Director, indicated that in order to implement this advisory opinion staff would present a formal interpretation at the October 10, 2019 Board meeting.

Ms. Debra Mink, Alliance Permitting Action Team Chair, commented that a tenant could potentially hire a contractor without the owner's knowledge. Mr. Kramer indicated that there is no confirmation that the owner's signature is provided in the first place. Further discussion ensued on this point wherein Mr. Kramer explained that the language specifies owner or agent including contractor.

Mr. George Kropp, Building Official, City of Pembroke Pines, believed there is a potential for fraud to be committed. Property owners will not be required to sign a permit application for work that is being performed on their property. He indicated that building department staff make the verification for commercial properties. Mr. Kramer explained that he is simply interpreting the statute and not imparting a meaning that does not exist.

Mr. Zackria inquired about referring this to a committee so that a solution would be available along with the interpretation at the October meeting. Mr. DiPietro advised that would be possible. He went on to indicate perhaps the GC/Architect Committee in conjunction with another committee would be appropriate or an ad hoc committee could be established by the Chairman. Chairman Lavrich asked the Administrative Director to work through it with staff. If a committee is needed, it could be considered at that time.

**Service on multiple boards by BORA staff** – Mr. Kramer provided a brief overview concerning an advisory opinion as to whether staff could serve on more than one board, including licensing boards of the state, county or local municipality without creating a conflict of interest. Essentially it would be permissible for BORA employees to do so.

**General counsel to BORA & Fort Lauderdale Building Officials** – Mr. Kramer advised that five questions were presented to BORA by the Fort Lauderdale Building

Official. He provided a brief overview relating to permitting and emergencies such as ZIKA; auditing; fees and auditing when private provider is used; and retrofit fire sprinkler systems.

**Electronic signatures and electronic records retention** – Mr. Kramer provided a brief overview relating to this issue by the Administrative Director. An electronic signature is as good as a physical signature. Mr. DiPietro advised that the intention is to move toward electronic certification applications for new applicants.

**John Madden vs. Broward County Board of Rules and Appeals** - Mr. Kramer noted that Mr. Madden's reply brief to BORA's response was struck by the Appellate Review Board because it exceeded the page limit. They had to refile. He has not heard from the court but understood that the information has not been furnished to that board by their clerk.

#### 14. Committee Reports

**BDA (Bi-Directional Amplifiers) Committee** - Mr. Rice announced that another meeting is being held on September 17<sup>th</sup>. He explained the goals of the Committee, being uniform code interpretation. Information was sent out nationwide.

#### 15. General Board Member Discussion

**Wind-driven Water Intrusion from Hurricane Irma** - Mr. Ulmer recalled the topic of wind-driven water intrusion after Hurricane Irma raised by the Chairman that was referred to a committee. He asked if the Board could be furnished with a report on it. Chairman Lavrich advised that the Florida Building Commission appointed a wind-driven rainwater intrusion work group. The work group recommended further study as to why it occurs. It seems self-evident in that the building code only requires that windows and doors be tested to only fifteen percent of their design pressures. The University of Florida has developed protocols and recommendations for testing purposes. A structural technical advisory committee webinar conference call will take place at the end of the month to discuss three proposed research projects and one has to do with this topic.

#### **BORA Quarterly Newsletter**

Mr. Falkanger complimented staff on the newsletter. In response to his question, Mr. DiPietro elaborated upon the distribution. Mr. Falkanger thought the mailing list could be expanded.

#### **Agenda Item 2 - Generators**

Mr. Kamm asked about informally approaching the building official before bringing a generator issue before the Board of Rules and Appeals. Mr. DiPietro noted that the appeal process is available. Mr. Rice explained how he approaches conflict issues, utilizing the chief code compliance officers.

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

17. Adjournment.

Having no further business to go before the Board, the meeting adjourned at 9:52 p.m.

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Daniel Lavrich, P.E. - Chair

**59A-4.1265 Emergency Environmental Control for Nursing Homes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

Provided by Board member Robert Kamm, P.E. at September 12, 2019 meeting

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

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

**(6) POLICIES AND PROCEDURES.**

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

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

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

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

**(8) COMPREHENSIVE EMERGENCY MANAGEMENT PLAN.**

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

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

**(9) NOTIFICATION.**

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

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

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

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

# Ethics, Sunshine and Public Records Training

**BROWARD COUNTY ATTORNEY'S OFFICE**  
**ETHICS WORKSHOP**  
The logo for Broward County, Florida, featuring the word "BROWARD" in a large, bold, sans-serif font. Below it, the word "COUNTY" is in a smaller, bold, sans-serif font. At the bottom, the word "FLORIDA" is in a bold, sans-serif font, with each letter inside a black square. A stylized sun or flower graphic is positioned behind the word "BROWARD".

1

## overview

**Main Potential Issues for Board Members:**

1. Statement of Financial Interests
2. Gifts
3. Conflicting Employment or Contractual Relationships
4. Voting Conflicts

2

2

## Disclosure of financial interests

### Who Must File Form 1:

- 1) boards having the power to enforce local code provisions;
- 2) boards of adjustment;
- 3) community redevelopment agencies;
- 4) planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction;
- 5) pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits; and
- 6) Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

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## Disclosure of financial interests

### When to File:

- **Initially:** Must file within 30 days of the date of his or her appointment.
- **Thereafter:** July 1 following each calendar year in which board members holds his or her position.
- **Finally:** File Form 1F within 60 days of leaving office.

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## gifts

Florida gift provisions only applicable to reporting individuals.

- If Board member NOT a reporting individual = not subject to Fla. Law.

County gift provisions applicable to all board members. So, regardless of whether you have to file a financial disclosure, the County provisions will apply to you as a board member.

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## Gifts

### **GIFT:**

- 1) Something received
- 2) Directly or indirectly
- 3) Value
- 4) Donee does not give equal or greater consideration w/in 90 days.

Source: 112.312 (12)(a).

- SAME DEFINITION UNDER COUNTY'S CODE.

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## GIFTS

### NOTABLE EXCEPTIONS:

#### State Law

1. Honorarium or an expense related to an honorarium
2. Awards, certificates, plaques, etc. given in recognition of donee's public, civic, charitable, or professional services
3. Use of a public facility or public property for a public purpose
4. Transportation in connection with officially approved governmental business

Source: § 112.312(12)(b).

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## Gifts

### WHO THE DONOR IS MATTERS!

#### Florida Law

- Cannot accept gift (directly or indirectly) from vendor, contractor, lobbyist, or principal of a lobbyist if public officer knows gift has value \$100+.
- No limitation on gifts from other sources.

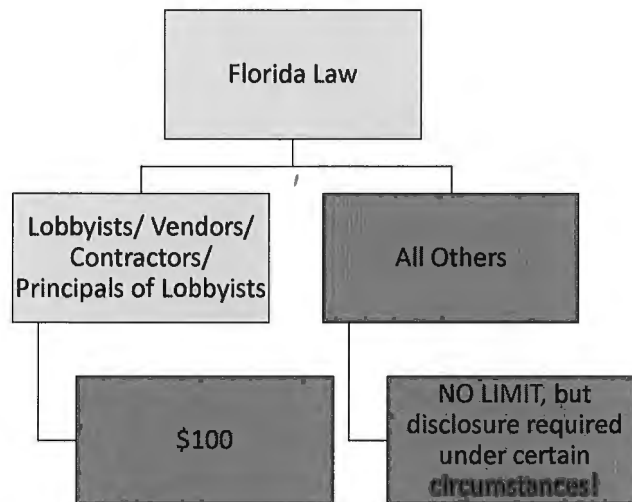
#### County's Code

- Cannot accept gift (directly or indirectly) from vendor, contractor, lobbyist, or principal of a lobbyist, regardless of value.
- Cannot accept gift from other sources in their official capacity if \$50+.
- No limitation for gifts in personal capacity.

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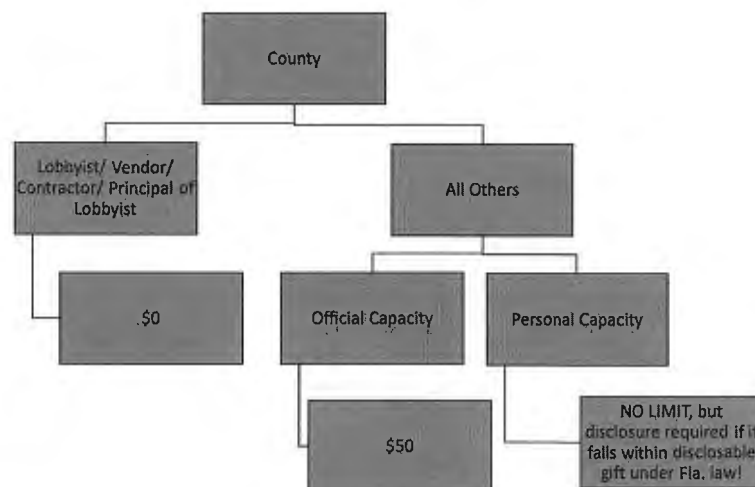
# GIFTS



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# gifts



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## gifts

- If Board member accepts gift in excess of \$100 (where allowed), Board member might need to File a Form 9 disclosure or Form 10 disclosure (if gift came from County or direct support organization). See Forms 9 and 10 to determine whether gift falls within class that must be disclosed.

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## Conflicting employment or contractual relationship

### General Rule

- Public Officers (including board members) and Employees cannot have employment/contractual relationship:
  - with a business or agency **that is regulated by or is doing business with** the agency in which officer or employee serves, or
  - that will create **continuing or frequently recurring conflict** between employee/officer's private interests and his/her public duties.

Source:  
Fla Stat. 112.313(7)  
BCC 26-73(c)

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## Conflicting employment or contractual relationship

### Agency?

- Advisory v. decision-making bodies.

### Doing business with?

- Lawyers v. everyone else

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## Conflicting employment or contractual relationship

### Example:

- County Board member serving in an advisory board will not be able to have a contract with Uber.
  - Why not?
    - The agency of an advisory board member is the County.
    - The County regulates Uber.
    - Advisory member cannot have a business or contractual relationship with an entity that is regulated by Board member's agency (here County).

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## Conflicting employment or contractual relationship

### Example 2:

- Member of the Housing Finance Authority can have a contractual relationship with Uber.
- Why?
  - The agency of a member of a board that has decision-making power is the board itself, so the agency of Housing Finance Authority member is the Housing Finance Authority.
  - Uber is regulated by County, but not by the Housing Finance Authority.
  - There is no indication that there would be a frequently recurring conflict of interest.

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## Conflicting employment or contractual relationship

- If a conflicting relationship arises, the appointing Board (Broward County Commission) can waive the conflict under Section 112.313(12) upon full disclosure of the conflict and 2/3 vote of the Board.
- Full disclosure requires completion of a Form 4A. See <http://www.ethics.state.fl.us/Documents/Forms/Form4a.PDF?cp=2018524>
- Other exemptions may apply, so consult with your board's counsel if you believe you might have a conflicting employment or contractual relationship.

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## Voting conflicts

Public officer (including board members) **cannot vote** on matter which benefits:

1. Public officer;
2. Public officer's principal;
3. Parent company or subsidiary of officer's principal;
4. Public officer's relatives; or
5. Public officer's business associate.

**Source:**

§ 112.3143(3)(a), Fla. Stat.

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## Voting conflicts

### **Family Member?\***

1. Father/mother
2. Son /daughter
3. Brother/sister
4. Father in law/mother in law
5. Husband/wife
6. Son in law/daughter in law

\*Do not look at the definition of "relative" in 112.312!!

**Source:**

§ 112.3143 (1)(c), Fla. Stat.

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## voting conflicts

### **Business Associate?**

1. Any person or entity
2. Carrying out business w/ public officer, employee or candidate
3. As partner, joint venturer, co-owner of property, or shareholder where shares not listed on any national or regional stock exchange.

**Source:**

§ 112.312(4), Fla. Stat.

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## Voting conflicts

### **Principal by Whom Retained?**

1. Employer
2. Client
3. Parent /subsidiary/sibling organization of one's client or employer

**Source:**

§ 112.3143(1)(a), Fla.  
Stat.

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## Voting conflicts

### Benefit?

1. Remote and speculative benefits do not count.
2. The benefit and cost must be special and private.
3. Typically a financial interest.

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## Voting conflicts

### Example:

- Member of BC's Health Facilities Authority is a lobbyist for Memorial Hospital
- Memorial is coming before the Health Facilities Authority to seek the issuance of bonds to fund its new state-of-the-art maternity wing.
- May member vote on the issuance of the bonds?

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## Voting conflicts

### **The Analysis:**

1. Is member a public officer?
2. Is Memorial an employer, client...?
3. Would a private special gain inure to member, member's employer, or member's client?

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## Voting conflicts

### **We have an actual conflict... Now what?**

#### **YOU MUST:**

1. announce nature of conflict
2. abstain from voting
3. File disclosure within 15 days

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## Voting conflicts

**We have an apparent conflict... Now what?**

**Florida Law:**

**YOU MAY:**

1. abstain from voting

**IF YOU CHOOSE TO ABSTAIN, THEN YOU MUST:**

1. Disclose nature of the conflict prior to abstention
2. File disclosure within 15 days.

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## VOTING CONFLICTS

**County Law:**

If the conflict falls within Section 1-234 of the County's Code (member of a county-created board also serves as employee of public entity or as officer or member of board of directors of a private entity which stands to specifically gain or lose from action taken by the board) special rules apply:

**YOU MUST:**

1. Abstain from voting and participating on item
2. Announce nature of conflict (per Fla. law)
3. File disclosure within 15 days (per Fla. law)

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## Voting conflicts

### Example

- Member of the Health Facilities Authority is a big pro-life advocate.
- Memorial Hospital is coming before the Health Facilities Authority to seek the issuance of bonds to fund its new state-of-the art maternity wing.
- Memorial Hospital has the highest rate of abortion procedures of any hospital in the County. As such, Member refuses to vote on any matter involving Memorial.
- May he abstain from voting?

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## Voting conflicts

**CANNOT ABSTAIN** from voting unless there is a conflict or appearance of a conflict under:

1. 112.311: conflict arising from financial interest, business transaction, professional activity, or other obligation.
2. 112.313: conflicting employment or contractual relationship
3. 112.3143: voting conflict

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Questions?

**BROWARD COUNTY ATTORNEY'S OFFICE**

**ETHICS WORKSHOP**



# Section 1

OCTOBER 10, 2019 BOARD MEETING  
CERTIFICATIONS

**BROWARD COUNTY SHERIFF'S OFFICE**  
CHAVEZ, IVAN, FIRE INSPECTOR

**CITY OF CORAL SPRINGS**  
HELLER, JOHN, CHIEF STRUCTURAL INSPECTOR

**CITY OF DEERFIELD BEACH**  
RICH, DALE W., ASSISTANT BUILDING OFFICIAL

**CITY OF FORT LAUDERDALE**  
VERA, ANDRES L., CHIEF MECHANICAL INSPECTOR  
MCCARTY, MICHAEL, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

**CITY OF HALLANDALE BEACH**  
CHARLES, JACK-LUIS JR., FIRE PLANS EXAMINER

**CITY OF LIGHTHOUSE POINT**  
LONG, ANTHONY, FIRE INSPECTOR

**CITY OF MIRAMAR**  
ARNAIS, CARLOS, FIRE INSPECTOR

**CITY OF NORTH LAUDERDALE**  
MARTINEZ, RODOLFO, CHIEF STRUCTURAL INSPECTOR

**CITY OF POMPANO BEACH**  
RADA, MICHAEL, BUILDING OFFICIAL

**COUNTYWIDE**  
BRINA, ANTONIO, STRUCTURAL INSPECTOR  
BRINA, ANTONIO, STRUCTURAL PLANS EXAMINER  
CHIN-SANG, DAVE C., MECHANICAL PLANS EXAMINER  
CRUZ-VELLON, JOSE, PLUMBING PLANS EXAMINER  
GIBBONS, ANDRELL, STRUCTURAL PLANS EXAMINE  
GRANBERG, JR., WILLIAM, PLUMBING PLANS EXAMINER  
HOWLAND, LESTER, STRUCTURAL PLANS EXAMINER  
ROSINSKI, CHRISTOPHER J., PLUMBING PLANS EXAMINER  
SMILEN, GERALD, STRUCTURAL PLANS EXAMINER  
TRANA, JAN, PLUMBING PLANS EXAMINER

# Section 2

# Section 2a



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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**TO:** Broward County Board of Rules and Appeals Staff

**FROM:** Kenneth Castronovo, Chief Electrical Code Compliance Officer

**DATE:** October 10, 2019

**SUBJECT:** The Board will consider adopting amendments to sections 107.3 and 110.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code regarding Photovoltaic inspections and plan review guidelines

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**RECOMMENDATION:**

It has been recommended that the Broward County Board of Rules and Appeals consider and approve the following additions to Section 107.3 (Plan review) and 110.3 (Inspections) of the Florida Building Code, Broward County Amendments.

**Reasons:**

At the September 9<sup>th</sup>, 2019, the Electrical and Structural Committees met to discuss the addition of inspection and plan review guidelines to our Broward County Amendments. The committee was presented with the proposed changes due to the ever-growing solar industry in our area and the need to provide extra guidance and understanding for inspecting purposes for the Authorities Having Jurisdiction. After discussion and clarification's, the Joint Electrical and Structural Committee agreed upon the enclosed amendments.

**ADDITIONAL INFORMATION:**

Approving these recommendations will provide consistency in Broward County for Solar Plan Reviews and Solar Inspections

Respectfully Submitted

A handwritten signature in cursive script that reads "Kenneth Castronovo".

Kenneth Castronovo, Chief Electrical Code Compliance Office

Ch. 1, Broward County Administrative Provisions for the 2017 FBC (6<sup>th</sup> Edition)

**110.1.3** No inspection shall be made until sanitary facilities have been provided, as required in Section 311.1 of the FBC Plumbing.

**110.1.4** When the services and reports of inspection and testing laboratories are required by this Code, only such services and reports shall be accepted as are submitted from impartial inspecting and testing laboratories having an Engineer in active responsible charge of the work of sampling and testing.

**110.1.5** Testing laboratories engaged in the sampling and testing of concrete and steel products shall have complied with the Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection ASTM E329-14a.

**110.1.6** Testing laboratories located out of this State and under the supervision of an Engineer legally qualified in the State in which the laboratory is located, and where such testing laboratory has complied with the above Standard, may submit test reports as required by this Code.

**110.1.7** All equipment, material, power, coordination for access and labor, necessary for inspection and/or test shall be supplied by the permit holder.

**110.2 Preliminary inspection.** Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**110.3 Required Inspections.** The Building Official, upon notification from the permit holder or his or her agent, shall make the following inspections performed by Inspectors BORA certified in the categories involved who shall either release that portion of the work completed or shall notify the permit holder or his or her agent of any violations which shall be corrected in order to comply with the technical codes. The Building Official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

#### A. Building

1. **Piling:** To be made during the installation of piles by Special Inspector.
2. **Foundation Inspection:** Include piling/pile caps, footer/grade beams, stem-wall, and monolithic slab-on-grade to be made after necessary excavation, form erection, and reinforcing steel placement, prior to pouring of concrete.
  - a. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the AHJ.
3. **Floor Slab on Grade and/or Elevated:** To be made after necessary excavations, form erection as may be required, placement of

reinforcing steel, mesh, and vapor barrier when specified, and prior to pouring concrete.

4. **Concrete Columns:** To be made after the placement of reinforcing steel and prior to complete erection of forms and pouring of concrete.
5. **Concrete Unit Masonry:** To be made at each successive pour after placement of the reinforcement and prior to the pouring of grout. See Sections 110.10.2.2 and 110.10.5.
6. **Concrete Beams:** To be made after the erection of forms, placement of reinforcing steel, hangers, bracing and shoring and prior to pouring of concrete.
7. **Framing Inspection:** To be made after the installation of all structural elements, including: the roof, furring, fire stops, fireblocking, nailers, anchors, and bracing is in place, chimneys, and prior to the installation of interior cladding, but after inspection of rough in electrical, mechanical and plumbing, which shall be completed prior to request for framing inspection. See mandatory inspections for electrical, mechanical and plumbing. Framing inspection shall at a minimum include the following building components:
  - a. Window/door framing
  - b. Vertical cells/columns
  - c. Lintel/tie beams
  - d. Framing/trusses/bracing/connectors
  - e. Draft stopping/fire blocking/fire stopping
  - f. Curtain wall framing
  - g. Accessibility.
  - h. Verify rough opening dimensions are within tolerances.
8. **Roof/Floor Trusses:** To be made after the erection of truss members, permanent and temporary bracing, roof sheathing and bottom chord furring members and anchors.
9. **Roof Sheathing:** To be made after placement of panels or planking and sheathing fasteners; prior to application of base or anchor coat of roofing.
10. **Wall/Floor Sheathing:** To be made after placement of panels or planking and sheathing fasteners.
11. **Roofing Inspection:** To be made in accordance with Chapter 15 of the FBC & Chapter 44 of the Florida Residential Code and Section 611 of the FBC Existing Building.
12. **Window and Door Inspection:** Two inspections to be made, one after door and window bucks have been installed, and the second, after window and door assemblies have been installed and before attachments

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and connections to the building frame are concealed.

13. **Wire Lath:** To be made after installation of all metal lath and accessories prior to application of any coatings.
14. **Energy insulation:** After installation in compliance with type and "R" values stipulated in energy calculations and prior to installation of rock lath and drywall.
15. **Rock Lath:** To be made after installation of all rock lath, corner beads, strip reinforcement and nailers for molding and trim and prior to application of plaster basecoat.
16. **Drywall:** To be made after installation of drywall panels and prior to taping and spackling.
17. **Curtain Wall Inspection:** To be made at each floor level after curtain walls are installed and before curtain wall attachments are concealed.
18. **Storefront Inspection:** To be made after storefronts are installed and before store front attachments are concealed.
19. **Concealed Work:** The Building Official or his or her duly authorized representative may order portions of the structural frame of a building and/or structure to be exposed for inspection when, in his or her opinion, there is a good reason to believe that a building or portion thereof is in an unsafe or dangerous condition or that there is willful or negligent concealment of a violation of this Code.
20. **Hurricane Shutters:** To be made before the attachments and connections to the building are concealed and when job is completed. All shutters shall be installed for final inspection. On occupied buildings, all required means of egress and emergency exits shall be left uncovered.
21. **Photovoltaic**
  - a. **Rough**
    1. Check specifications, model numbers and lay out.
    2. Check attachments, penetrations on roof, torque requirements.
  - b. **Final**
22. **Final Inspection:** To be made after installation and completion of all elements of construction, safeguards and protective devices, and after final electrical, mechanical and plumbing. Approval of Fire Department accessibility and all tests of fire alarm detection and suppression systems, smoke evacuation systems and life safety systems shall be approved prior to final inspection and issuance of Certificate of Occupancy.
  - a. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be

submitted to the authority having jurisdiction.

23. **Certificate of Occupancy:** This final inspection shall signify the completion of all work and that the structure is safe for Occupancy. Final adjustments to mechanical devices may be made after this inspection and during Occupancy.
24. **Fence:** Final only
25. **Swimming Pools/Spas Inspection:** First inspections to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete, gunite or shotcrete. Second inspection(s) of perimeter plumbing, pressure test, deck electrical perimeter bonding and deck structural (includes soil reports as applicable, paver type decks, special perimeter footings or deck features) is (are) to follow after the completion of each phase. Child barrier (exit) alarms (if applicable), and yard barriers that are part of the fourth wall protection as described in FBC Building Section 454.2.17, shall be completed and approved inspection prior to the swimming pool/spa being filled with water. Final zoning (if applicable) is to be completed prior to the swimming pool/spa being completed. Electrical final is to be completed prior to the swimming pool/spa being filled with water. Final structural and plumbing are to be completed after the swimming pool/spa is filled with water and the filtration system is in operation.
  - a. **Structural inspections:**
    - (1) Steel
    - (2) Deck (includes soil reports as applicable, paver type decks, special perimeter footings or deck features)
    - (3) Child barrier fences (if applicable) and yard barriers that are part of the fourth wall protection prior to the swimming pool/spa being filled with water
    - (4) Final structural (after filling of the swimming pool/spa with water and the filtration system is in operation)

## B. Electrical:

1. **General:** All Underground, Slab, low voltage and Rough Electrical Installations shall be left uncovered and convenient for examination until Inspected and approved by the Electrical Inspector.
2. **Temporary Electrical Service Installations**
  - a. Rough.
  - b. Final
3. **Underground Electrical Inspection:** To be made after trenches or ditches are excavated,

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underground conduits or cables installed, and before any backfill is put in place.

4. **Slab Electrical Inspection:** To be made and after conduits and boxes are installed, and prior to pouring concrete.
  - a. Grounding Electrode Conductor to Foundation Steel
5. **Rough Electrical Inspection:** To be made after the roof, framing, fire blocking bracing are in place, and the building is deemed dry, and conduits, cables, panels, receptacles, etc. are installed, and prior to the installation of wall or ceiling membranes.
6. **Electrical Service Inspection:**
  - a. Electrical rough
  - b. Electrical Final Inspection
7. **Miscellaneous Electrical Inspection:**
8. **Swimming Pool/Spa Electrical Inspection:**
  - a. Steel Bonding
  - b. Underground
  - c. Deck perimeter bonding
  - d. Final electrical prior to the swimming pool/spa being filled with water
9. **Temporary Electrical 30-Day Power for Testing**
10. **Photovoltaic**
  - a. Rough. Before modules are installed
    1. Check specifications, model numbers and lay out.
    2. All wiring for junction boxes, combiner, and inverter completed.
    3. Grounding system completed, torque requirements.
  - b. Final. Module must be available for inspection.
    1. Verify proper labeling
    2. Test system
  - c. Service Change if required by design.
11. **Final Inspection:** To be made after the building is complete, all electrical fixtures are in place and properly connected, or protected, and the structure is ready for occupancy and deemed safe for power by the Building Official.

Final Electrical Inspection shall be made prior to Final Structural Inspection.

### C. Gas:

1. **General:** To be made for all underground work, and at each floor and roof level where gas work is installed. All gas work shall be left uncovered and convenient for examination until inspected and approved by the Plumbing Inspector.
2. **Underground inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

3. **Rough piping inspection:** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
4. **Final Gas inspection:** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Final Gas Inspection shall be made prior to Final Structural Inspection.

### D. Mechanical:

1. **General:** To be made for all underground work, and at each floor and roof level where mechanical work is installed. All mechanical work shall be left uncovered and convenient for examination until inspected and approved by the Mechanical Inspector.
2. **Underground inspection:** To be made after trenches or ditches are excavated, underground duct and all piping installed, and before any backfill is put in place.
3. **Rough-in inspection:** To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
4. **Final Mechanical inspection:** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Final Mechanical Inspection shall be made prior to Final Structural Inspection.

### E. Plumbing:

1. **General:** To be made for all underground work, and at each floor and roof level where plumbing work is installed. All plumbing work shall be left uncovered and convenient for examination until inspected and approved by the Plumbing Inspector.
2. **Underground inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
3. **Rough-in inspection:** To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes. Floors shall be left open in all bathrooms and elsewhere above all sanitary plumbing, and water-supply

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**107.3.4.0.6** Compliance with the specific minimum requirements of this Code shall not be in itself deemed sufficient to assure that a building or structure complies with all of the requirements of this Code. It is the responsibility of the Architect and/or Engineer of Record for the building or structure to determine through rational analysis what design requirements are necessary to comply with this Code.

**107.3.4.0.7** Plans and/or specifications for work that is preponderantly of a structural nature shall be prepared by and bear the impress seal of an Engineer.

**107.3.4.0.8** Plans and/or specifications for new construction requiring an aggregate electrical service capacity of more than 600 amperes or more than 240 volts on residential or more than 800 amperes or more than 240 volts on commercial or industrial or an electrical system having a value greater than \$125,000 or any electrical system(s) for an assembly area having an area greater than 5,000 square feet or a fire alarm and/or security alarm system(s) which cost more than \$5,000.00 shall be prepared by and signed, dated and bear the impress seal of an Engineer who is competent in this field of expertise. All plans and/or specifications prepared by an Architect or an Engineer pursuant to the requirements of this Code shall be hand signed, dated and sealed by the respective Architect or Engineer who prepared such plans and/or specifications.

**107.3.4.1** Deferred submittals. Reserved.

**107.3.4.2** Certification by contractors. Reserved.

**107.3.4.3** Application for Examination of Plans.

**107.3.4.3.1** Complete plans and/or specifications shall be submitted in duplicate and with a third copy of the plot plan showing parking, landscaping and drainage; or such plans may be submitted in single copy where it is evident that code interpretation is needed before final working drawings can be prepared.

**107.3.4.3.2** Plans and/or specifications for proposed construction, where such plans and/or specifications are not required to be prepared by and bear the impress seal of an Architect or Engineer shall be submitted by the designer with the application as set forth in Section 105.3.

**107.3.4.3.3 Construction Inspection.** The Professional Engineer of Record or the Architect of Record in responsible charge of the structural

design shall include in the construction documents the following:

1. Special inspections required by Sub-section 110.10.2.
2. Other structural inspections required by the Professional Engineer of Record or the Architect of Record in responsible charge of the structural design.

**107.3.4.3.4** Application for permit for new construction and additions shall be accompanied by a registered land surveyor's certificate and plan in duplicate on which shall be clearly indicated the property-corner stakes, property-line dimensions, existing structures and their location, existing right-of-way, sidewalks, easements, street zoning and property zoning of record, critical elevations and building setbacks required by law, general block plan and other plan and other pertinent survey data which may be required. The Building Official may waive the requirements for such survey when property-line stakes are existing and known to be in place, and the work involved is minor and/or is clearly within building lines.

**Exceptions:**

1. The Building Official may authorize the issuance of a permit without plans and/or specifications for small or unimportant work, but in no instance where the work is of a structural nature except as set forth below.
2. The Building Official will authorize the issuance of a permit for a single-family fall-out shelter without a professional seal on the plans where the cost of such work does not exceed \$5,000.

**107.3.5 Minimum plan review criteria for buildings.**

The examination of the documents by the Building Official, or his or her duly authorized representative and/or Fire Marshal/Fire Code Official, or his or her duly authorized representative for that discipline qualified under section 104 of this Code shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

**A. Building**

**1. Site Requirements:**

- a. parking
- b. fire access
- c. vehicle loading
- d. driving/turning radius
- e. fire hydrant/water supply/Post

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- Indicator Valve (PIV)
- f. setback/separation (assumed property lines)
- g. location of specific tanks, water lines and sewer lines
- h. flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
- 2. Occupancy group and special occupancy requirements shall be determined.
- 3. Minimum type of construction shall be determined (see Table 503) (Table 500).
- 4. Fire resistant construction requirements shall include the following components:
  - a. fire resistant separations
  - b. fire resistant protection for type of construction
  - c. protection of openings and penetrations of all rated components
  - d. fire blocking and draftstopping
  - e. calculated fire resistance
- 5. Fire suppression systems shall include:
  - a. early warning
  - b. smoke evacuation systems
  - c. fire sprinklers
  - d. standpipes
  - e. pre-engineered systems
  - f. riser diagram
- 6. Life Safety systems shall be determined and shall include the following requirements:
  - a. occupant load and egress capacities
  - b. early warning
  - c. smoke control
  - d. stair pressurization
  - e. systems schematic
  - f. BDA submittal, if applicable
- 7. Occupancy Load/Egress Requirements shall include:
  - a. occupancy load
  - b. gross occupancy
  - c. net occupancy
  - d. means of egress
  - e. exit access
  - f. exit
  - g. exit discharge
  - h. stairs construction/geometry and protection
  - i. doors
  - j. emergency lighting and exit signs
  - k. specific occupancy requirements
  - l. construction requirements
  - m. horizontal exits/exit passageways
- 8. Structural requirements shall include:
  - a. soil conditions/analysis
  - b. termite protection
  - c. design loads
  - d. wind requirements
  - e. building envelope
  - f. structural calculations (if required)
  - g. foundation
  - h. impact resistant coverings or systems
  - i. wall systems
  - j. floor systems
  - k. roof systems
  - l. threshold inspection plan
  - m. stair systems
  - n. Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
- 9. Materials shall be reviewed and shall at a minimum include the following:
  - a. wood
  - b. steel
  - c. aluminum
  - d. concrete
  - e. plastic
  - f. glass
  - g. masonry
  - h. gypsum board and plaster
  - i. insulating (mechanical)
  - j. roofing
  - k. insulation
- 10. Accessibility requirements shall include the following:
  - a. site requirements
  - b. accessible route
  - c. vertical accessibility
  - d. toilet and bathing facilities
  - e. drinking fountains
  - f. equipment
  - g. special occupancy requirements
  - h. fair housing requirements
- 11. Interior requirements shall include the following:
  - a. interior finishes (flame spread/smoke develop)
  - b. light and ventilation
  - c. sanitation
- 12. Special systems:
  - a. elevators
  - b. escalators
  - c. lifts
- 13. Swimming Pools:
  - a. barrier requirements
  - b. spas
  - c. wading pools
- 14. Photovoltaic
  - a. Site Plan
  - b. Roof penetration approval
  - c. Roof sealing detail
  - d. Wind resistance ratings of modules
  - e. Roof live load approval
  - f. Fire classification of building and modules

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g. Roof top shingle module ratings if installed.

h. Design load path.

**B. Electrical**

1. Wiring Methods and materials.
2. Services, including riser diagram electrical and/or fire
3. Feeders and Branch Circuits, include circuit and location, AFCI's and GFCI's
4. Overcurrent Protection
5. Grounding and Bonding
6. Equipment Location, sizes all equipment
7. Special Occupancies
8. Emergency Systems
9. Communication Systems
10. Low Voltage
11. Load calculations and panel schedules
12. Design flood elevations
13. Short circuit analysis
14. Electrical legend
15. Lighting specifications
16. Accessibility requirements
17. Selective coordination study if required by NFPA 70-2011
18. Emergency generator, if applicable

**19. Photovoltaic**

- a. Lay out plan including combiner box and accessible junction boxes.
- b. Size of system, number of modules
- c. Wire size at coldest temperature
- d. Listing and model numbers of all equipment and racking
- e. Inverter rating and location
- f. Three-line diagram
- g. Connection to utility. Line side or load side. Buss bar ratings
- h. Grounding
- i. Labeling

**C. Gas:**

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation

**D. Mechanical**

Energy Calculations as required by FBC Energy Conservation

A complete duct layout with:

1. Specified materials
2. Duct sizes

3. Ventilation calculations, outside air intakes/make up air
4. CFM air volumes at each duct inlet and outlet
5. Diffuser sizes
6. Routing and location of ducts, including risers
7. Thermal resistance ratings for ducts and duct insulation
8. Heating, ventilation, air conditioning and refrigeration equipment, boilers and appliances, show:
  - a. Equipment manufacturer
  - b. Equipment model numbers
  - c. Equipment locations
  - d. Equipment efficiency ratings
  - e. Equipment mounting/support details (Mechanical equipment exposed to the wind must comply with Section 301.15 of the Florida Mechanical Code)
9. Roof mounted equipment – Detail of equipment attachment to roof stand/curb and attachment of roof stand/curb to supporting structure (Must comply with requirements of the High Velocity Hurricane Zone):
  - a. Equipment accessibility
  - b. Equipment capacity in tonnage and/or horsepower
  - c. Air conditioning refrigerant type and amount of refrigerant in system (pounds)
10. Fire protection assemblies and devices – Show make, model, type, location and installation details for:
  - a. Fire dampers
  - b. Ceiling dampers
  - c. Smoke dampers
  - d. Smoke detectors (duct)
  - e. Heat detectors
  - f. Automatic fire doors
11. Exhaust systems – Show:
  - a. Bathroom ventilation
  - b. Kitchen equipment exhaust
  - c. Clothes dryer exhaust
  - d. Specialty exhaust systems
  - e. Laboratory
12. Piping – Show:
  - a. All piping materials and sizes
  - b. Piping locations and terminations
  - c. Piping insulation materials and thickness
13. Chimneys, fireplaces and vents – Show:
  - a. Location
  - b. Venting requirements
  - c. Combustion air
14. Other:
  - a. Details for exterior ventilation devices
  - b. Any available product specifications, and

# Section 2b



BROWARD COUNTY

## Board of Rules & Appeals

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

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Michael Guerasio, Chief Structural Code Compliance Officer.  
**Date:** October 10<sup>th</sup>, 2019  
**Re:** The Board will consider adopting amendments to sections 104.1 through 104.16.3.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code impacting certification standards.

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### **RECOMMENDATION:**

It is recommended that the Broward County Board of Rules and Appeals consider and approve, by vote, the proposed language change to Sections 104.1 through 104.16.3.3 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code "Powers and Duties of the Building Official, Assistant Building Official, Chief Inspector, Plans Examiner and Inspector".

### **REASONS:**

At the Certification Standard Review Committee's scheduled meeting on September 16th, 2019, the committee reviewed and approved by unanimous vote the amendments to sections 104.1 through 104.16.3.3 for reasons as followed.

1. The proposed changes create's new paths for certification of code professionals within Broward County.
2. The proposed changes lessen the confusion caused by repetitive language within sequential sections.
3. Adjusting structural verbiage to coordinate with the MEP's formatting so there is uniformity and consistency throughout section 104.
4. Removing paths within sections that the requirements were previously met and not necessary to repeat in sequential sections.
5. Inserting a limited plans examiner path so that the limited inspectors have a way to advance in their career which was not an option previously.
6. Inserting two paths into the roofing inspector category so individuals whose career has been within the roofing trade, have a way to become inspectors which was not an option previously.

### **ADDITIONAL INFORMATION**

In staff's opinion, these changes lessen confusion and open numerous paths in which we can bring individuals into our profession and help fill the voids that may exist throughout the Broward County.

Respectfully submitted,

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

Michael Guerasio, Chief Structural Code Compliance Officer.

**BMW** BENSON MUCCI & WEISS P.L.  
Attorneys at Law

MARK S. MUCCI, P.A.  
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September 27, 2019

**ISSUE**

You have asked your attorney for an Advisory Opinion with respect to the proper terms to use within the reference certification standards of Chapter One of the Florida Building Code, Broward County Edition.

**RULE**

In matters of appointing personnel, the municipality (ies) is /are the "appointing authority." Although the Florida Building Code governs the authority of building services/department personnel, it is nevertheless the duty and responsibility of each municipality to make the appointments.

As noted in Raben-Pastal v. City of Coconut Creek, 545 So.2d 885,889 (Fla. 4<sup>th</sup> DCA 1989)

The appointment and duties of a building official and provisions for review of his decisions by the Board of Rules and Appeals are specifically enumerated in the Building Code. It is the Building Code, rather than city officials, that grants and governs the authority of the building official to impose or lift stop-work orders. The Code not only provides guidance, it also provides for review of the building official's decisions, thus specifically denying him "final policy-making authority" over construction projects.

Staff and administrative appointments are within the purview of the elected officials of municipality(ies) powers as determined by F.S. Sec 421.05.

At the same time, the respective building departments are charged with enforcement although subject to supervision and review by the Broward County Board of Rules and Appeals. See Special Act 71-575 Section 3(c) and Broward County Charter Section 9.02. See Trianon Park Condominium Ass'n, Inc. v. City of Hialeah, 468 So.2d 912 (Fla. 1985); (*A governmental entity exercises its discretionary police powers of building code enforcement through the building department just as fire department inspectors, health department inspectors, elevator inspectors, hotel inspectors, environmental inspectors, and marine patrol officers exercise that authority.*).

The enforcement authority is properly addressed as the Authority Having Jurisdiction where Florida Statutes Section 553.71 states *inter alia*:

Definitions:

...

(5) "Local enforcement agency" means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

F.S. § 553.71(5).

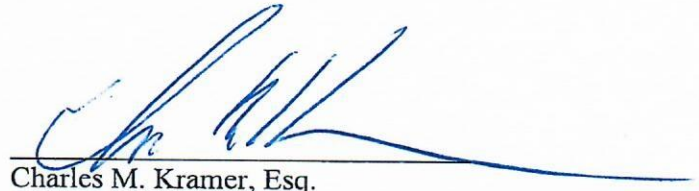
Florida Statutes Sec 553.72 provides guidance as to intent for local governments:

(2) It is the intent of the Legislature that local governments shall have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public health, safety, and welfare pursuant to chapters 125 and 166.

F.S. §553.72 (2)

Thus, the municipality(ies) is /are the appointing authority and are properly referenced as the "Appointing Authority".

The building departments are vested with the authority to enforce matters pertaining to the Florida Building Code and are properly referenced as the "Authority Having jurisdiction."



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# Proposed Language

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the FBC except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the FBC relating to roof mounted mechanical units.

## **SECTION 103 DEPARTMENT OF BUILDING SAFETY RESERVED**

### **SECTION 104 POWERS AND DUTIES OF THE BUILDING OFFICIAL, ASSISTANT BUILDING OFFICIAL, FIRE CODE OFFICIAL, CHIEF INSPECTOR, PLAN EXAMINER, AND INSPECTOR**

**104.1 Building Official.** As set forth herein:

**104.1.1 Appointment of a Building Official.** ~~There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.1.3 to serve as a Building Official. To be eligible for appointment as a Building Official, such person shall be certified by BORA. The Building Official shall be the principal enforcing officer of this Code. The appointing authority shall appoint a Building Official, and such person shall meet the following minimum qualifications and be certified by BORA, as specified in Section 104.1.3. Based on current technology, ‡ The Building Official does not have to be personally present at the governmental department as long as he or she is available by telephone/computer etc. and can perform his or her duties.~~

#### **104.1.1.1 Appointment of an Interim Building Official.**

- a) In the event that the Building Official is not available to perform his or her duties, each governmental ~~AHJ~~ appointing authority shall appoint an Interim Building Official provided such person is qualified as set forth in Section 104.1.3 of this Code, BORA shall be timely notified in writing by the Building Official or governmental ~~AHJ~~ appointing authority of the starting date and period of time that the Interim Building Official or Assistant Building Official will assume the Building Official's duties. The name of the Interim Building Official will be recorded by BORA, but he or she will not be issued a certification card as a Building Official. If there is one Inspector hired by a governmental AHJ in Broward County, that Inspector shall be a Building Official. The Building Official shall have the authority to delegate powers, duties and assignments to subordinate regular employees working under his or her authority, but only to those employees certified by BORA as qualified to perform such powers, duties and

assignments. It shall be his or her duty and responsibility to supervise and coordinate the work of all subordinate Assistant Building Officials, Chief Inspectors, Plans Examiners and Inspectors.

- b) In the event that the Building Official's employment with the jurisdiction is terminated, an Interim Building Official may be appointed while the Building Official is being replaced with a permanent appointee. The Interim Building Official shall be qualified as a Building Official as specified in 104.1.3. An Interim Building Official's appointment will be limited to 90 calendar days. At the written request of the chief executive officer (City Manager, Acting City Manager, or Mayor) for demonstrated cause, a one-time 90 calendar days extension may be granted by BORA's Administrative Director. Any additional extensions beyond this point must be requested in writing to BORA's Administrative Director a minimum of 45 calendar days prior to the second period expiration date. This request must be reviewed and approved by the Board of Rules and Appeals at its next regularly scheduled meeting. The name of the Interim Building Official will be recorded by BORA, but he/she will not be issued a certification card as a Building Official.

**104.1.2 Powers and Duties of the Building Official.** The Building Official shall be vested with the powers and subject to regulations, as provided by Chapter 468 Florida Statutes and BORA, as set forth in Section 113 of this Code. The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall delegate powers, duties and assignments to BORA certified Chief Inspectors to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of the technical provisions of this Code in categories in which the Building Official is not certified. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

**104.1.3 Certification of the Building Official and the Assistant Building Official.** To be eligible for appointment as a Building Official or Assistant Building Official, such person shall be certified as required by BCAIB as a Building Code Administrator.

**104.1.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications.

**104.1.3.1.1** A Florida Registered Architect or Florida licensed Professional Engineer having practiced for at least seven (7) years, a minimum of five (5) years shall have been within the jurisdiction of the HVHZ.

**104.1.3.1.2** Ten (10) years combined experience as a Master Electrician, Electrical Contractor, General Contractor, Master Mechanical, Mechanical Contractor, Class A Air Conditioning Contractor, Master Plumber, Plumbing Contractor, Chief Inspector, Standard Plans Examiner or Standard Inspector employed appointed by an municipality or private company contracted with a municipality AHJ or school board within the State of Florida. A minimum of five (5) years shall have been within the jurisdiction of the HVHZ.

**104.1.3.2** As part of the ~~combined~~ experience requirements above, the applicant shall have been ~~employed appointed as Chief Inspector, Standard Plans Examiner or Standard Inspector by an municipality or private company contracted by a municipality in AHJ or school board within~~ the State of Florida for a minimum of two (2) years.

**104.1.3.3** Each of the applicants shall possess a current Certificate of Competency or a Professional Engineer license or Architect registration issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board as a General Contractor, Mechanical Contractor or Plumbing Contractor.
- B. Florida Electrical Contractors Licensing Board as an Electrical Contractor.
- C. Broward County Central Examining Board of Building Construction Trades. (As Class "A" Unlimited General Contractor).
- D. Broward County Central Examining Board of Electricians as a Master Electrician and/ or Electrical Contractor.
- E. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors as a Mechanical Contractor or Class A Air Conditioning Contractor.
- F. Broward County Central Examining Board of Plumbers as a Master Plumber.
- G. Miami-Dade County Construction Trades Qualifying Board, for any of the above-referenced disciplines.
- H. Florida Board of Architecture and Interior Design.
- I. Florida Board of Professional Engineers.

**104.1.3.4** An applicant for Certification as Building Official or Assistant Building Official under the provisions of this section may only substitute two years HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

**104.1.3.5** An applicant for Certification as a Building Official or Assistant Building Official under the provisions of this section who is a graduate from an

accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction from an accredited school may be credited for a maximum of ~~three~~ two (32) years for Bachelor's Degree or a maximum of one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under section 104.1.3.1.1.

**104.2 Assistant Building Official:** As set forth herein:

**104.2.1 Appointment of an Assistant Building Official.**

There may be appointed by each governmental ~~AHJ~~ appointing authority a person qualified as set forth in Section 104.1.3 to serve as an Assistant Building Official. To be eligible for appointment as an Assistant Building Official, such person shall be certified by BORA and shall meet the qualifications equal to the requirements for Building Official. No other title is recognized for certification by BORA.

**104.2.2 Powers and Duties of the Assistant Building Official.**

The Assistant Building Official shall be vested with the powers and subject to regulations, as provided by Chapter 468 Florida Statutes and BORA, as set forth in Section 113 of this Code. The Assistant Building Official shall be responsible for duties as assigned by the Building Official. The Assistant Building Official shall fulfill the duties of the Building Official during the absence of the Building Official with full responsibilities of the position.

**104.3 Appointment of the Chief Electrical, Mechanical, Plumbing and Structural Inspector:** As set forth herein.

There shall be appointed by each governmental AHJ a person qualified as set forth in the below Sections to serve as Chief Inspector in each discipline stated above. If there is one Inspector (each discipline stated above) hired by a governmental AHJ in Broward County, that Inspector shall be a Chief Inspector (Chief or Head of the Division). ~~Based on current technology that~~ The Chief Inspector (Chief or Head of the Division) does not have to be personally present at the governmental department as long as he or she is available ~~by telephone/computer etc.~~ and can perform their duties. To be eligible for appointment as a Chief Inspector (each discipline stated above), such person shall be certified by BORA.

**104.3.1 Interim Chief Inspector.**

In the event that a Chief Inspector's employment is terminated with a jurisdiction, or is otherwise unavailable, an Interim Chief Inspector may be appointed for up to 90 days while the Chief Inspector is being replaced with a permanent appointee. An approved application for a Chief Inspector must be submitted to BORA prior to the expiration of the 90 days. The Interim Chief Inspector shall be qualified as a Chief Inspector as specified in 104.5, 104.6, 104.7 or 104.8 of this code. BORA shall be notified in writing by the Building Official of the name and starting date of the Interim Chief Inspector. The name of the Interim Chief Inspector will be recorded by BORA but he or she will not be issued a certification card as the Chief Inspector.

**104.4 Powers and Duties of the Chief Electrical, Mechanical, Plumbing and Structural Inspector.** The Chief Inspector (each discipline stated above) shall be vested with the powers and subject to regulations by BORA as set forth in Section 113 of this Code. The Chief Inspector shall have the power to delegate powers, duties and assignments to subordinate regular employees working under his or her authority, but only to those employees certified by BORA as qualified to perform such powers, duties and assignments within his or her particular discipline. It shall be his or her duty and responsibility to supervise and coordinate the work of all subordinate Plans Examiners and Inspectors within his or her particular discipline. The Chief Inspector shall have the sole authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions within his or her particular discipline. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waving requirements specifically provided for in this Code. ~~The Inspection Department shall consist of one (1) Chief Inspector, one (1) or more Plans Examiner and one (1) or more Inspectors within his or her particular discipline. The Chief Inspector may hold any or all of these positions within his or her particular discipline.~~

**104.5 Certification of the Chief Electrical Inspector.** To be eligible for appointment as a Chief Electrical Inspector, such person shall be certified as required by BCAIB as an Electrical Plans Examiner and as an Electrical Inspector. Engineers are exempt from BCAIB certification.

**104.5.1** Such person shall be certified by BORA and shall meet the following qualification:

~~**104.5.1.1** An Electrical Plans Examiner employed by a municipality or private company contracted with a municipality or school board within the State of Florida for a minimum of one (1) year and who complies with at least one (1) of the qualifications of Section 104.10.2.1.~~ **104.5.1.1** An Electrical Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.2.1.

**104.5.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineer

**104.6 Certification of the Chief Mechanical.** To be eligible for appointment as a Chief Mechanical Inspector, such person shall be certified as required by BCAIB as a Mechanical Plans

Examiner and as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

**104.6.1** Such person shall be certified by BORA and shall meet the following qualification:

~~**104.6.1.1** A Mechanical Plans Examiner employed by a municipality or private company contracted with a municipality or school board within the State of Florida for a minimum of one (1) year and who complies with at least one (1) of the qualifications of Section 104.10.3.1.~~ **104.6.1.1** A Mechanical Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.3.1.

**104.6.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Mechanical or Mechanical Contractor or Class "A" Air Conditioning Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.7 Certification of the Chief Plumbing Inspector.** To be eligible for appointment as a Chief Plumbing Inspector, such person shall be certified as required by BCAIB as a Plumbing Plans Examiner and as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

**104.7.1** Such person shall be certified by BORA and shall meet the following qualification:

~~**104.7.1.1** A Plumbing Plans Examiner employed by a municipality or private company contracted with a municipality or school board within the State of Florida for a minimum of one (1) year and who complies with at least one (1) of the qualifications of Section 104.10.4.1.~~ **104.7.1.1** A Plumbing Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.4.1.

**104.7.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Plumbers
- C. Miami-Dade County Construction Trades Qualifying Board

**D. Florida Board of Professional Engineers.**

**104.8 Certification of the Chief Structural Inspector.** To be eligible for appointment as a Chief Structural Inspector, such person shall be certified as required by BCAIB as a Structural Standard Plans Examiner and Structural Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.8.1** Such person shall be certified by BORA and shall meet ~~at least one of~~ the following qualification:

**104.8.1.1** ~~Six (6) years combined experience including all of the following:~~

- ~~A. Architect or an Engineer having practiced within the HVHZ for a minimum two (2) years.~~
- ~~B. A minimum of one (1) year as a Structural Plans Examiner within the HVHZ employed by a municipality or private company contracted with a municipality.~~
- ~~C. A minimum of two (2) years as a Structural Inspector within the HVHZ employed by a municipality or private company contracted with a municipality, or a Florida School Board, within the HVHZ. Be a Standard Plans Examiner employed appointed as such, municipality or private company contracted with a municipality for a minimum of one (1) year by an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.1.1.~~

**104.8.1.2** ~~Eight (8) years combined experience including all of the following:~~

- ~~A. Experience as General Contractor (Unlimited) licensed by the CILB, Broward County Central Examining Board or Miami Dade County Construction Trades Qualifying Board.~~
- ~~B. A minimum two (2) years construction experience in the Structural discipline within the HVHZ.~~
- ~~C. A minimum of one (1) year as a Structural Plans Examiner employed by a municipality or private company contracted with a municipality or a Florida School Board within the HVHZ.~~
- ~~D. A minimum of two (2) years as a Structural Inspector employed by a municipality or private company contracted with a municipality or a Florida School Board within the HVHZ.~~

**104.8.2** An applicant for Certification as a Chief Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for three (3) years for Bachelor Degree or one (1) year for an Associate

~~Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.8.1.1.~~

~~**104.8.3.2** An applicant for Certification as Chief Structural Inspector under the provisions of this section may only substitute two years of HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.~~

**104.8.2** Each of the applicants shall possess a current Certificate of Competency as a G.C. or a Professional Engineer license or Architect registration issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Building Construction Trades
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers
- E. Department of Business and Professional Regulation as an Architect

~~**104.8.2** An applicant for Certification as a Chief Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for three two (32) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.8.1.1.~~

~~**104.8.3** An applicant for Certification as Chief Structural Inspector under the provisions of this section, who has passed BORA HVHZ Competency exam may substitute experience within the State of Florida for the required HVHZ experience requirements as specified in Section 104.8.1.1 or 104.8.1.2.~~

**104.9 Appointment of the Electrical, Mechanical, Plumbing and Structural Plans Examiner.** As set forth herein: There shall be appointed by each governmental AHJ a person qualified as set forth in the above and below Sections to serve as Plans Examiner in each discipline as stated above. To be eligible for appointment as a Plans Examiner, such person shall be certified by BORA.

**104.10 Powers and Duties of the Electrical, Mechanical, Plumbing and Structural Plans Examiner.** The Plans Examiner shall be responsible for duties as assigned by the Chief Inspector within his or her particular discipline. The Plans Examiner shall fulfill the duties of the Chief Inspector during the absence of the Chief Inspector with full responsibilities of the position within his or her particular discipline. The Plans Examiner shall examine all plans and/or specifications and applications for permits within his or her particular discipline. When approvals by other agencies having authority may logically be required to be affixed to the plans and/or specifications before approval by the Plans Examiner, such

approval shall be affixed to the plans and/or specifications before examination by the Plans Examiner. If the application or plans and/or specifications do not conform to the requirements of all pertinent laws or regulations, the Plans Examiner shall reject such application in writing, stating the reasons therefore and citing the relevant code section(s). Plans and/or specifications which are rejected, as stated herein above, shall be returned for correction. Pen notations on mechanically reproduced plans and/or specifications may be accepted for only minor corrections. If the applications, plans and/or specifications, upon examination, are found to comply with the requirements of this Code, the plans and/or specifications shall be signed and marked approved.

**104.10.1 Certification of the Structural Plans Examiner.** To be eligible for appointment as a Structural Plans Examiner, such person shall be certified by BCAIB as a Structural Standard Plans Examiner or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.10.1.1** Such person shall also be certified by BORA by meeting at least one of the following:

**104.10.1.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer, in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida, with two (2) years of which shall have been within the HVHZ experience or by passing BORA's HVHZ exam.

**104.10.1.1.2** ~~Be a BCAIB certified Structural Inspector with seven (7) years of experience, two (2) years of which shall have been within the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami Dade Construction Trades Qualifying Board, within one (1) year of initial certification. Be a Standard Inspector appointed as such, for a minimum of one (1) year by an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.16.3.1.~~

**104.10.1.1.3** ~~Be a State Licensed G.C. with at least seven (7) years of combined experience in the structural discipline of which a minimum of two (2) years as a BCAIB certified Structural Inspector and two (2) years shall have been within HVHZ or by passing BORA's HVHZ exam.~~

**104.10.1.1.4** ~~Be an unlimited G.C., licensed by either, Broward County Examining Board or the Miami Dade Construction Trades Qualifying Board with at least seven (7) years of combined experience of which a minimum of two (2) years~~

~~as a BCAIB certified Structural Inspector and two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.~~

**104.10.1.2** ~~An applicant for Certification as a Structural Plans Examiner under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for three (3) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.10.1.1.1. Limited Plans Examiner certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope of work authorized by their license.~~

**104.10.1.3** ~~An applicant for certification as Structural Plans Examiner under the provisions of this section may only substitute the required two year HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam. Each of the applicants shall possess a current Certificate of Competency or a Professional Engineer license or Architect registration issued by at least one of the following entities:~~

- ~~A. Florida Construction Industry Licensing Board~~
- ~~B. Broward County Central Examining Board of Building Construction Trades~~
- ~~C. Miami-Dade County Construction Trades Qualifying Board~~
- ~~D. Florida Board of Professional Engineers Department of Business and Professional Regulation as an Architect~~

**104.10.2 Certification of the Electrical Plans Examiner.** To be eligible for appointment as an Electrical Plans Examiner, such person shall be certified as required by BCAIB as an Electrical Plans Examiner and as an Electrical Inspector. Engineers are exempt from BCAIB certification.

**104.10.2.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.10.2.1.1** An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

**104.10.2.1.2** ~~An Electrical Inspector employed by a municipality or private company contracted with a municipality or school board within the State of Florida for a minimum of one (1) year and who complies at least one (1) of the qualifications of Section 104.12.3.1. An Electrical Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and~~

who complies with at least one (1) of the qualifications of Section 104.12.3.1.

**104.10.2.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.10.3 Certification of the Mechanical Plans Examiner.** To be eligible for appointment as a Mechanical Plans Examiner, such person shall be certified as required by the BCAIB as a Mechanical Plans Examiner and as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

**104.10.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.10.3.1.1** An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

**104.10.3.1.2** ~~A Mechanical Inspector employed by a municipality or private company contracted with a municipality or school board within the State of Florida for a minimum of one (1) year and who complies with at least one the qualifications of Section 104.13.3.1.~~ A Mechanical Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.13.3.1.

**104.10.3.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.10.3.2.1** Individuals holding licenses as a Class “B” Air Conditioning Contractor, with a current Certificate of Competency issued by the above-mentioned Boards, shall have duties

limited to the examination of air conditioning and mechanical plans within the scope of his or her Certificate of Competency.

**104.10.4 Certification of the Plumbing Plans Examiner.**

To be eligible for appointment as a Plumbing Plans Examiner, such person shall be certified as required by BCAIB as a Plumbing Plans Examiner and as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

**104.10.4.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.10.4.1.1** An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

**104.10.4.1.2** ~~A Plumbing Inspector employed by a municipality or private company contracted with a municipality or school board within the State of Florida for a minimum of one (1) year and who complies with the at least one (1) of the qualifications of Section 104.14.3.1.~~ A Plumbing Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.14.3.1.

**104.10.4.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Plumbers
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.11 Powers and Duties of the Electrical, Mechanical, Plumbing, Roofing and Structural Inspector.** The Electrical, Mechanical, Plumbing, Roofing, and Structural Inspectors shall comply with rules and regulations of this Code, enforcing all the laws, rules and regulations relating thereto in the area of jurisdiction and enforcing all the provisions of this Code. If defects, omissions or violations exist on any other part 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 and the same are made to comply with this Code. The Inspector shall serve notice to the contractor/representative or owner/representative in writing, stating the reasons therefore and citing the relevant code section(s) of this Code.

**104.12 Electrical Inspector.** As set forth herein:

**104.12.1 Appointment of an Electrical Inspector.** There shall be appointed by each governmental AHJ a person

qualified as set forth in Section 104.12.3 to serve as an Electrical Inspector. To be eligible for appointment as an Electrical Inspector, such person shall be certified by BORA.

#### **104.12.2 Powers and Duties of the Electrical Inspector.**

**104.12.2.1** Such employee shall have the duties and powers as delegated by the Chief Electrical Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Electrical Code.

**104.12.2.2** It shall be the duty of the Electrical Inspector to inspect any work on electrical installations shall be held to include and govern all work and materials used in installing, maintaining and/or extending a system of electrical wiring for the use of light, heat, power or low voltage systems, and all appurtenances, apparatus, or equipment used in connection therewith, inside of or attached to any building or structure, lot or premise) and every electrical system or device, (all wiring, apparatus and equipment, and all installations for light, heat, power and low voltage systems), installed in new construction, additions, alterations or repairs to existing electrical systems, apparatus or equipment in existing construction.

**104.12.2.3** The Electrical Inspector shall issue an Approval for all installations of light, heat, power and low voltage systems (burglar alarms, central vacuums, communications, computer systems, fiber optics, fire alarms, telephone, television and all other systems 98 volts and less) that comply with the rules and regulations of this Electrical Code.

**104.12.2.4** A 30-day temporary electrical service connection shall be approved by the Electrical Inspector, where the need for electrical power exists, if the wiring installation, apparatus or equipment is found to be in a safe operating condition. Under these circumstances, an application for temporary service shall be made in writing by the electrical contractor, firm, corporation, or owner requesting a temporary service connection to the public utility system or isolated generating plant.

**104.12.2.5** The Electrical Inspector is hereby empowered to inspect or re-inspect any wiring, equipment or apparatus used in the installation of light, heat, power or low voltage systems and if this wiring, equipment, apparatus or low voltage system is found to be unsafe to life or property, the Electrical Inspector shall serve notice to the owner and/or operator, in writing, stating the reasons therefore and citing the relevant code section(s) of this Electrical Code, that the hazardous wiring, or equipment exists and shall be corrected within a reasonable period of time.

**104.12.2.6** The Electrical Inspector is hereby given the power to disconnect extension cords, temporary wiring,

branch circuits, feeder conductors or the main service supplying electrical energy to any portion of an electrical wiring system in buildings, or on premises, if this wiring is in the opinion of the Electrical Inspector, considered to be hazardous to life or property. Any person, firm or corporation supplying current, shall disconnect service from the source of supply upon instructions from the Chief Electrical Inspector where hazards are deemed to exist, after receiving written notice citing the appropriate Code Section(s) of this Electrical Code from the Electrical Inspector.

**104.12.3 Certification of the Electrical Inspector.** To be eligible for appointment as an Electrical Inspector, such person shall be certified as required by BCAIB as an Electrical Inspector. Engineers are exempt from BCAIB certification.

**104.12.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.12.3.1.1** An Engineer in the discipline requested.

**104.12.3.1.2** Five (5) years construction experience in the electrical discipline in a supervisory capacity and possess a Certificate of Competency as a Master Electrician or Electrical Contractor.

**104.12.3.1.3** Five (5) years construction experience in the electrical discipline and five (5) years experience as an Electrical Inspector certified by BCAIB and possess a Certificate of Competency as a Master Electrician or Electrical Contractor.

**104.12.3.1.4** Seven (7) years construction experience in the electrical discipline and possess a Certificate of Competency as a Journeyman Electrician.

**104.12.3.1.5** Ten (10) years experience as an Electrical Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.12.3.2.

**104.12.3.2** Each of the applicants shall possess a current Certification of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Journeyman Electrician or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board, Block proctored

#### **D. Florida Board of Professional Engineers**

**104.12.3.3** An applicant for Certification as an Electrical Inspector under the provisions of this Section who is a graduate from an accredited school holding a Bachelor or an Associate of Science Degree in Electrical Engineering may be credited for ~~three~~ two (32) years for a Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.12.3.1.1.

#### **104.13 Mechanical Inspector:** As set forth herein:

**104.13.1 Appointment of a Mechanical Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.13.3 to serve as Mechanical Inspector. To be eligible for appointment as a Mechanical Inspector, such person shall be certified by BORA.

#### **104.13.2 Powers and Duties of the Mechanical Inspector.**

**104.13.2.1** Such employee shall have the duties and powers as delegated by the Chief Mechanical Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Mechanical Code.

**104.13.2.2** The Mechanical Inspector shall issue an Approval for all installations of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems and other energy-related systems that comply with the rules and regulations of this Mechanical Code.

**104.13.2.3** It shall be the duty of the Mechanical Inspector to inspect all installations of ventilation, air conditioning and refrigeration systems and equipment. Existing installations not conforming to the requirements of this Mechanical Code shall be made to comply, when relocated, or when altered or repaired, in compliance with the FBC, Existing Building. The Mechanical Inspector shall enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of this Mechanical Code.

**104.13.3 Certification of the Mechanical Inspector.** To be eligible for appointment as a Mechanical Inspector, such person shall be certified as required by the BCAIB as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

**104.13.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.13.3.1.1** An Engineer in the discipline requested.

**104.13.3.1.2** Five (5) years construction experience in the mechanical discipline in a supervisory capacity and possess a Certificate of Competency as a Master Mechanical or Mechanical Contractor or Class "A" Air Conditioning Contractor or Class "B" Air Conditioning Contractor.

**104.13.3.1.3** Five (5) years construction experience in the mechanical discipline and five (5) years experience as a Mechanical Inspector certified by BCAIB and possess a Certificate of Competency as a Master Mechanical or Mechanical Contractor or Class "A" Air Conditioning Contractor or Class "B" Air Conditioning Contractor.

**104.13.3.1.4** Seven (7) years construction experience in the mechanical discipline and possess a Certificate of Competency as a Journeyman Mechanical.

**104.13.3.1.5** Ten (10) years experience as a Mechanical Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.13.3.2.

**104.13.3.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Mechanical or Mechanical Contractor or Class "A" Air Conditioning Contractor or Class "B" Air Conditioning Contractor or Journeyman Mechanical or Engineer issued by at least one of the following entities:

- A.** Florida Construction Industry Licensing Board
- B.** Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C.** Miami-Dade County Construction Trades Qualifying Board
- D.** Florida Board of Professional Engineers

**104.13.3.2.1** Individuals holding licenses as a Class "B" Air Conditioning Contractor, with a current Certificate of Competency issued by the above-mentioned Boards, shall have duties limited to the inspection of air conditioning and mechanical work within the scope of his or her Certificate of Competency.

**104.13.3.3** An applicant for Certification as a Mechanical Inspector under the provisions of this Section who is a graduate from an accredited school holding a Bachelor or an Associate of Science Degree in

Mechanical Engineering may be credited for ~~three~~ two (2) years for a Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.13.3.1.1.

**104.14 Plumbing Inspector.** As set forth herein:

**104.14.1 Appointment of a Plumbing Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.14.3 to serve as Plumbing Inspector. To be eligible for appointment as a Plumbing Inspector, such person shall be certified by BORA.

**104.14.2 Powers and Duties of the Plumbing Inspector.**

**104.14.2.1** Such employee shall have the duties and powers as delegated by the Chief Plumbing Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Plumbing Code.

**104.14.2.2** The Plumbing Inspector shall issue an Approval for all installations of plumbing and sanitary systems, appliances, plumbing fixtures, fittings and/or appurtenances thereto, including heating and storing water, backflow and backsiphonage, public and private sewer disposal and drainage systems that comply with the rules and regulations of this Plumbing Code.

**104.14.2.3** It shall be the duty of the Plumbing Inspector to inspect all new plumbing or drainage systems or parts thereof or additions, alterations, repairs or changes to the existing plumbing or drainage installations or fixtures or appliances shall conform to the requirements of this Plumbing Code. The Plumbing Inspector shall enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of the Plumbing Code.

**104.14.2.4** It shall be the duty of the Plumbing Inspector to inspect any Plumbing system, he or she has reason to believe has become unsanitary or defective. Nothing contained in this Plumbing Code shall be deemed to require any plumbing or drainage system or part thereof, or any other work regulated by this Plumbing Code and existing prior to the effective date of this Plumbing Code, to be altered, changed, reconstructed, removed or demolished if such work was installed in accordance with all applicable laws in effect prior to the date this Plumbing Code became effective, except when any such plumbing or drainage system or other work regulated by this Plumbing Code is dangerous, unsafe, unsanitary or a menace to life, health or property, in the opinion of the Plumbing Inspector.

**104.14.2.5** All installations regulated by this Plumbing Code or related drainage work shall be maintained and executed in such a manner as to not constitute a nuisance

or to threaten or impair the health of any individual or the public in general. The contents of such installations shall not be permitted to overflow in a building, on a premise or upon the surface of the ground, street or sidewalk. It shall be unlawful for any person, firm or corporation whether owner or agent, to create, keep, cause, maintain, propagate or permit the existence of a nuisance as defined in this Plumbing Code. Any building or premises found to be unsanitary or inadequate, or which constitute a health or safety hazard, or which by reason of illegal use or improper use, occupancy or maintenance constitute a violation of the provisions of this Plumbing Code, shall be deemed to be unsafe. The Plumbing Inspector shall have the power to abate any nuisance by the issuance of a notice to correct and/or eliminate the nuisance within a reasonable length of time.

**104.14.3 Certification of the Plumbing Inspector.** To be eligible for appointment as a Plumbing Inspector, such person shall be certified as required BCAIB as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

**104.14.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.14.3.1.1** An Engineer in the discipline requested.

**104.14.3.1.2** Five (5) years construction experience in the plumbing discipline in a supervisory capacity and possess a Certificate of Competency as a Master Plumber or Plumbing Contractor.

**104.14.3.1.3** Five (5) years construction experience in the plumbing discipline and five (5) years experience as a Plumbing Inspector certified by BCAIB and possess a Certificate of Competency as a Master Plumber or Plumbing Contractor.

**104.14.3.1.4** Seven (7) years construction experience in the plumbing discipline and possess a Certificate of Competency as a Journeyman Plumber.

**104.14.3.1.5** Ten (10) years experience as a Plumbing Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.14.3.2.

**104.14.3.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Journeyman Plumber issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Plumbers

- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.14.3.3** An applicant for Certification as a Plumbing Inspector under the provisions of this Section who is a graduate from an accredited school holding a Bachelor or an Associate of Science Degree in Mechanical Engineering may be credited for ~~three~~ two (32) years for a Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.14.3.1.1.

**104.15 Roofing Inspector.** As set forth herein:

**104.15.1 Appointment of a Roofing Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.15.3 to serve as a Roofing Inspector. To be eligible for appointment as a Roofing Inspector, such person shall be certified by BORA.

**104.15.2 Powers and Duties of the Roofing Inspector:**

**104.15.2.1** Such employee shall have the duties and powers as delegated by the Chief Structural Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Code. A Roofing Inspector, if properly certified, may be assigned to perform Roofing Inspections ~~and such other duties~~ as delegated by the Chief Structural Inspector. Certified ~~Structural Standard~~ Inspectors may be assigned duties as a Roofing Inspector.

**104.15.2.2** The Roofing Inspector shall serve notice to the Roofing Contractor/representative or owner/representative in writing, stating the reasons therefore and citing the relevant code section(s).

**104.15.3 Certification of the Roofing Inspector.** To be eligible for appointment as a Roofing Inspector, such person shall be certified by BCAIB as a ~~Structural Standard~~ Inspector or Standard Roofing Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.15.3.1** Such person shall also be certified by BORA by meeting at least one of the following:

**104.15.3.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or passing BORA's HVHZ exam.

**104.15.3.1.2** Be a BCAIB certified ~~Structural Standard~~ Inspector or Standard Roofing Inspector with five (5) years of experience within the State of Florida, two (2) years of which shall have been within the HVHZ or by passing BORA's HVHZ

exam. An individual qualifying through this path shall be required to acquire ~~an Unlimited G.C. license~~ or a Roofing Contractor license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification.

**104.15.3.1.3** Be a ~~state licensed unlimited G.C. or~~ Roofing Contractor, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board with at least five (5) years of experience within the State of Florida in the roofing discipline with that License of which two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.

**104.15.3.1.4** ~~Be an unlimited G.C. or Roofing Contractor, licensed by either, Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board with at least five (5) years of experience with that License of which two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam. Five (5) years construction experience within the State of Florida in the roofing discipline in a supervisory capacity of which at least two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. a Roofing Contractors License, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.~~

**104.15.3.1.5** Ten (10) years construction experience within the State of Florida in the roofing discipline of which at least two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a Roofing Contractors License, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.15.3.2** An applicant for Certification as a ~~Structural~~ Roofing Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for ~~three~~ two (32) years for Bachelor Degree or one (1) year for an Associate Degree towards the

combined experience requirements. This credit is not applicable towards the requirements under Section 104.15.3.1.1.

~~104.15.3.3 Individuals holding current licenses as a residential contractor or building contractor issued by any of the 3 agencies mentioned in Sections 104.15.3.1.3 and 104.15.3.1.4 may be certified as Limited Inspectors with duties limited to the scope of work they are licensed to build.~~

~~104.15.3.4~~ An applicant for certification as Roofing Inspector under the provisions of this section may only substitute the required two year HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

#### **104.16 Structural Inspector.** As set forth herein:

**104.16.1 Appointment of a Structural Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.16.3 to serve as a Structural Inspector. To be eligible for appointment as a Structural Inspector, such person shall be certified by BORA.

**104.16.2 Powers and Duties of the Structural Inspector.** Such employee shall have the duties and powers as delegated by the Chief Structural Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Code.

**104.16.2.1** The Structural Inspector shall serve notice to the Structural Contractor/representative or owner / representative in writing, stating the reasons therefore and citing the relevant code section(s)

**104.16.2.2** The Structural Inspector shall issue an Approval for installations of all building components, as listed in Section 110.3 of this Code.

**104.16.3 Certification of the Structural Inspector.** To be eligible for appointment as a Structural Inspector, such person shall be certified by BCAIB as a Structural Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.16.3.1** Such person shall also be certified by BORA by meeting the requirements of at least one of the following:

**104.16.3.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or by passing BORA's HVHZ exam.

**104.16.3.1.2** Be a BCAIB certified Structural Standard Inspector in the Structural discipline with five (5) years of experience within the State of Florida, of which, ~~either~~, two (2) years shall

have been within HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an ~~Unlimited~~ G.C. license, by exam, ~~from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board~~, within one (1) year of initial certification as an inspector.

**104.16.3.1.3** Be a ~~state (CILB)~~ licensed G.C. with at least five (5) years of experience within the State of Florida in the Structural discipline with that license of which, ~~either~~, two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.

~~104.16.3.1.4 Be an unlimited GC, licensed by either, Broward County Examining Board or the Miami Dade Construction Trades Qualifying Board with at least five (5) years of experience with that license of which, either, two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.~~

**104.16.3.1.5** Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.16.3.1.6** Ten (10) years construction experience in the Structural discipline of which at least two (2) years shall have been within the jurisdiction of the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.16.3.2** An applicant for Certification as a Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for ~~three~~ two (2) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not

applicable towards the requirements under Section 104.16.3.1.1.

**104.16.3.3** Limited Building or Residential Inspector certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses issued by any of the three (3) agencies mentioned in Sections 104.16.3.1.3 through 104.16.3.1.6 and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope of work authorized by their license.

**104.16.3.4** An applicant for certification as Structural Inspector under the provisions of this section may only substitute the required two year HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

**104.17 Certification of Building Departments and Building Code Inspection Enforcement Personnel.** BORA shall certify each and every Building Department after it has determined to its satisfaction that the Building Code Inspection Enforcement Personnel are qualified by the provisions of this Code. These positions shall include at a minimum the Building Official, Chief Electrical Inspector, Chief Mechanical Inspector, Chief Plumbing Inspector, and Chief Structural Inspector.

**104.17.1** Only such persons that have been examined and certified by BORA may be appointed or have the powers and duties of a Building Official, Assistant Building Official, or Chief Inspector. Each Building Official, Assistant Building Official, and Chief Inspector shall obtain a separate card for each governmental AHJ by which he or she is employed. Plans Examiners and Inspectors shall be issued a single certification card that is valid Countywide upon approval.

**104.17.2** The certification of Building Department Inspection Personnel may be revoked, for cause, by BORA. BORA may deny, refuse to renew, suspend, or revoke BORA certificate of a Building Official, Assistant Building Official, Chief Inspector, Plans Examiner or 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 FBC.
- 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. entered.
- F. Failure to meet any of the renewal requirements.
- G. Having been convicted of a crime in any jurisdiction which directly relates to the practice of the building code inspection, plan review, or administration.

- H. 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.
- I. Failure to properly enforce applicable building 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.
- J. 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 above grounds, shall immediately notify the Building Official, Assistant Building Official, Chief Inspector, Plans Examiner and/or the Inspector involved, who, upon notification from BORA, shall appear before the Board to explain why his or her certification should not be revoked.

**104.17.3** When Building Departments fail to meet certification criteria, they will immediately be notified to cease activities until such time as requirements of this Code are met.

**104.17.4** Application for certification shall contain such pertinent information as is considered relevant by BORA.

**104.17.5** Certification shall be for the remainder of the current biennial certification period for initial employment and shall be renewed biennially on January 1 of each even-numbered year thereafter. When a Building Official, Assistant Building Official or Chief Inspector, resigns from his or her position, his or her card becomes inactive until he or she again returns to work for a Building Department, at which time, upon proper application, he or she will be issued a new certification card, at a renewal fee in the

# Clean Language

**102.8 Existing mechanical equipment.** An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the FBC except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the FBC relating to roof mounted mechanical units.

## **SECTION 103 DEPARTMENT OF BUILDING SAFETY RESERVED**

## **SECTION 104 POWERS AND DUTIES OF THE BUILDING OFFICIAL, ASSISTANT BUILDING OFFICIAL, FIRE CODE OFFICIAL, CHIEF INSPECTOR, PLAN EXAMINER, AND INSPECTOR**

**104.1 Building Official.** As set forth herein:

**104.1.1 Appointment of a Building Official.** The appointing authority shall appoint a Building Official, and such person shall meet the following minimum qualifications and be certified by BORA, as specified in Section 104.1.3. The Building Official does not have to be personally present at the governmental department as long as he or she is available and can perform his or her duties.

### **104.1.1.1 Appointment of an Interim Building Official.**

- a) In the event that the Building Official is not available to perform his or her duties, each governmental appointing authority shall appoint an Interim Building Official provided such person is qualified as set forth in Section 104.1.3 of this Code, BORA shall be timely notified in writing by the Building Official or governmental appointing authority of the starting date and period of time that the Interim Building Official or Assistant Building Official will assume the Building Official's duties. The name of the Interim Building Official will be recorded by BORA, but he or she will not be issued a certification card as a Building Official. If there is one Inspector hired by a governmental AHJ in Broward County, that Inspector shall be a Building Official. The Building Official shall have the authority to delegate powers, duties and assignments to subordinate regular employees working under his or her authority, but only to those employees certified by BORA as qualified to perform such powers, duties and assignments. It shall be his or her duty and responsibility to supervise and coordinate the work of all subordinate Assistant Building Officials, Chief Inspectors, Plans Examiners and Inspectors.
- b) In the event that the Building Official's employment with the jurisdiction is terminated, an Interim Building Official may be appointed while

the Building Official is being replaced with a permanent appointee. The Interim Building Official shall be qualified as a Building Official as specified in 104.1.3. An Interim Building Official's appointment will be limited to 90 calendar days. At the written request of the chief executive officer (City Manager, Acting City Manager, or Mayor) for demonstrated cause, a one-time 90 calendar days extension may be granted by BORA's Administrative Director. Any additional extensions beyond this point must be requested in writing to BORA's Administrative Director a minimum of 45 calendar days prior to the second period expiration date. This request must be reviewed and approved by the Board of Rules and Appeals at its next regularly scheduled meeting. The name of the Interim Building Official will be recorded by BORA, but he/she will not be issued a certification card as a Building Official.

**104.1.2 Powers and Duties of the Building Official.** The Building Official shall be vested with the powers and subject to regulations, as provided by Chapter 468 Florida Statutes and BORA, as set forth in Section 113 of this Code. The Building Official is hereby authorized and directed to enforce the provisions of this Code. The Building Official shall delegate powers, duties and assignments to BORA certified Chief Inspectors to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of the technical provisions of this Code in categories in which the Building Official is not certified. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

**104.1.3 Certification of the Building Official and the Assistant Building Official.** To be eligible for appointment as a Building Official or Assistant Building Official, such person shall be certified as required by BCAIB as a Building Code Administrator.

**104.1.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications.

**104.1.3.1.1** A Florida Registered Architect or Florida licensed Professional Engineer having practiced for at least seven (7) years, a minimum of five (5) years shall have been within the jurisdiction of the HVHZ.

**104.1.3.1.2** Ten (10) years combined experience as a Master Electrician, Electrical Contractor, General Contractor, Master Mechanical, Mechanical Contractor, Class A Air Conditioning Contractor, Master Plumber, Plumbing Contractor, Chief Inspector, Standard Plans Examiner or Standard Inspector AHJ or school board within the State of Florida. A minimum of

five (5) years shall have been within the jurisdiction of the HVHZ.

**104.1.3.2** As part of the experience requirements above, the applicant shall have been appointed as Chief Inspector, Standard Plans Examiner or Standard Inspector by an AHJ or school board within the State of Florida for a minimum of two (2) years.

**104.1.3.3** Each of the applicants shall possess a current Certificate of Competency or a Professional Engineer license or Architect registration issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board as a General Contractor, Mechanical Contractor or Plumbing Contractor.
- B. Florida Electrical Contractors Licensing Board as an Electrical Contractor.
- C. Broward County Central Examining Board of Building Construction Trades. (As Class "A" Unlimited General Contractor).
- D. Broward County Central Examining Board of Electricians as a Master Electrician and/ or Electrical Contractor.
- E. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors as a Mechanical Contractor or Class A Air Conditioning Contractor.
- F. Broward County Central Examining Board of Plumbers as a Master Plumber.
- G. Miami-Dade County Construction Trades Qualifying Board, for any of the above-referenced disciplines.
- H. Florida Board of Architecture and Interior Design.
- I. Florida Board of Professional Engineers.

**104.1.3.4** An applicant for Certification as Building Official or Assistant Building Official under the provisions of this section may only substitute two years HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

**104.1.3.5** An applicant for Certification as a Building Official or Assistant Building Official under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction from an accredited school may be credited for a maximum of two (2) years for Bachelor's Degree or a maximum of one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under section 104.1.3.1.1.

#### **104.2.1 Appointment of an Assistant Building Official.**

There may be appointed by each governmental appointing authority a person qualified as set forth in Section 104.1.3 to serve as an Assistant Building Official. To be eligible for appointment as an Assistant Building Official, such person shall be certified by BORA and shall meet the qualifications equal to the requirements for Building Official. No other title is recognized for certification by BORA.

#### **104.2.2 Powers and Duties of the Assistant Building Official.**

The Assistant Building Official shall be vested with the powers and subject to regulations, as provided by Chapter 468 Florida Statutes and BORA, as set forth in Section 113 of this Code. The Assistant Building Official shall be responsible for duties as assigned by the Building Official. The Assistant Building Official shall fulfill the duties of the Building Official during the absence of the Building Official with full responsibilities of the position.

#### **104.3 Appointment of the Chief Electrical, Mechanical, Plumbing and Structural Inspector:**

As set forth herein. There shall be appointed by each governmental AHJ a person qualified as set forth in the below Sections to serve as Chief Inspector in each discipline stated above. If there is one Inspector (each discipline stated above) hired by a governmental AHJ in Broward County, that Inspector shall be a Chief Inspector (Chief or Head of the Division). The Chief Inspector (Chief or Head of the Division) does not have to be personally present at the governmental department as long as he or she is available and can perform their duties. To be eligible for appointment as a Chief Inspector (each discipline stated above), such person shall be certified by BORA.

##### **104.3.1 Interim Chief Inspector.**

In the event that a Chief Inspector's employment is terminated with a jurisdiction, or is otherwise unavailable, an Interim Chief Inspector may be appointed for up to 90 days while the Chief Inspector is being replaced with a permanent appointee. An approved application for a Chief Inspector must be submitted to BORA prior to the expiration of the 90 days. The Interim Chief Inspector shall be qualified as a Chief Inspector as specified in 104.5, 104.6, 104.7 or 104.8 of this code. BORA shall be notified in writing by the Building Official of the name and starting date of the Interim Chief Inspector. The name of the Interim Chief Inspector will be recorded by BORA but he or she will not be issued a certification card as the Chief Inspector.

#### **104.4 Powers and Duties of the Chief Electrical, Mechanical, Plumbing and Structural Inspector.**

The Chief Inspector (each discipline stated above) shall be vested with the powers and subject to regulations by BORA as set forth in Section 113 of this Code. The Chief Inspector shall have the power to delegate powers, duties and assignments to subordinate regular employees working under his or her authority, but only to those employees certified by BORA as qualified to perform such powers, duties and assignments within his or her particular discipline. It shall be his or her duty and responsibility to supervise and coordinate the work of all

#### **104.2 Assistant Building Official:** As set forth herein:

subordinate Plans Examiners and Inspectors within his or her particular discipline. The Chief Inspector shall have the sole authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions within his or her particular discipline. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waving requirements specifically provided for in this Code.

**104.5 Certification of the Chief Electrical Inspector.** To be eligible for appointment as a Chief Electrical Inspector, such person shall be certified as required by BCAIB as an Electrical Plans Examiner and as an Electrical Inspector. Engineers are exempt from BCAIB certification.

**104.5.1** Such person shall be certified by BORA and shall meet the following qualification:

**104.5.1.1** An Electrical Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.2.1.

**104.5.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineer

**104.6 Certification of the Chief Mechanical.** To be eligible for appointment as a Chief Mechanical Inspector, such person shall be certified as required by BCAIB as a Mechanical Plans Examiner and as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

**104.6.1** Such person shall be certified by BORA and shall meet the following qualification:

**104.6.1.1** A Mechanical Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.3.1.

**104.6.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Mechanical or Mechanical Contractor or Class "A" Air Conditioning Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board

- B. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.7 Certification of the Chief Plumbing Inspector.** To be eligible for appointment as a Chief Plumbing Inspector, such person shall be certified as required by BCAIB as a Plumbing Plans Examiner and as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

**104.7.1** Such person shall be certified by BORA and shall meet the following qualification:

**104.7.1.1** A Plumbing Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.4.1.

**104.7.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Plumbers
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers.

**104.8 Certification of the Chief Structural Inspector.** To be eligible for appointment as a Chief Structural Inspector, such person shall be certified as required by BCAIB as a Standard Plans Examiner and Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.8.1** Such person shall be certified by BORA and shall meet the following qualification:

**104.8.1.1** Be a Standard Plans Examiner appointed as such, for a minimum of one (1) year by an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.1.1.

**104.8.2** Each of the applicants shall possess a current Certificate of Competency as a G.C. or a Professional Engineer license or Architect registration issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Building Construction Trades
- C. Miami-Dade County Construction Trades Qualifying Board

- D. Florida Board of Professional Engineers
- E. Department of Business and Professional Regulation as an Architect

complies with at least one (1) of the qualifications of Section 104.16.3.1.

**104.9 Appointment of the Electrical, Mechanical, Plumbing and Structural Plans Examiner.** As set forth herein: There shall be appointed by each governmental AHJ a person qualified as set forth in the above and below Sections to serve as Plans Examiner in each discipline as stated above. To be eligible for appointment as a Plans Examiner, such person shall be certified by BORA.

**104.10 Powers and Duties of the Electrical, Mechanical, Plumbing and Structural Plans Examiner.** The Plans Examiner shall be responsible for duties as assigned by the Chief Inspector within his or her particular discipline. The Plans Examiner shall fulfill the duties of the Chief Inspector during the absence of the Chief Inspector with full responsibilities of the position within his or her particular discipline. The Plans Examiner shall examine all plans and/or specifications and applications for permits within his or her particular discipline. When approvals by other agencies having authority may logically be required to be affixed to the plans and/or specifications before approval by the Plans Examiner, such approval shall be affixed to the plans and/or specifications before examination by the Plans Examiner. If the application or plans and/or specifications do not conform to the requirements of all pertinent laws or regulations, the Plans Examiner shall reject such application in writing, stating the reasons therefore and citing the relevant code section(s). Plans and/or specifications which are rejected, as stated herein above, shall be returned for correction. Pen notations on mechanically reproduced plans and/or specifications may be accepted for only minor corrections. If the applications, plans and/or specifications, upon examination, are found to comply with the requirements of this Code, the plans and/or specifications shall be signed and marked approved.

**104.10.1 Certification of the Structural Plans Examiner.** To be eligible for appointment as a Structural Plans Examiner, such person shall be certified by BCAIB as a Standard Plans Examiner or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.10.1.1** Such person shall also be certified by BORA by meeting at least one of the following:

**104.10.1.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer, in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida, two (2) years of which shall have been within the HVHZ or by passing BORA's HVHZ exam.

**104.10.1.1.2** Be a Standard Inspector appointed as such, for a minimum of one (1) year by an AHJ or school board within the State of Florida and who

**104.10.2** Limited Plans Examiner certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope of work authorized by their license.

**104.10.3** Each of the applicants shall possess a current Certificate of Competency or a Professional Engineer license or Architect registration issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Building Construction Trades
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers  
Department of Business and Professional Regulation as an Architect

**104.10.2 Certification of the Electrical Plans Examiner.** To be eligible for appointment as an Electrical Plans Examiner, such person shall be certified as required by BCAIB as an Electrical Plans Examiner and as an Electrical Inspector. Engineers are exempt from BCAIB certification.

**104.10.2.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.10.2.1.1** An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

**104.10.2.1.2** An Electrical Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.12.3.1.

**104.10.2.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.10.3 Certification of the Mechanical Plans Examiner.** To be eligible for appointment as a Mechanical Plans Examiner, such person shall be certified as required

by the BCAIB as a Mechanical Plans Examiner and as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

**104.10.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.10.3.1.1** An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

**104.10.3.1.2** A Mechanical Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.13.3.1.

**104.10.3.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.10.3.2.1** Individuals holding licenses as a Class “B” Air Conditioning Contractor, with a current Certificate of Competency issued by the above-mentioned Boards, shall have duties limited to the examination of air conditioning and mechanical plans within the scope of his or her Certificate of Competency.

**104.10.4 Certification of the Plumbing Plans Examiner.** To be eligible for appointment as a Plumbing Plans Examiner, such person shall be certified as required by BCAIB as a Plumbing Plans Examiner and as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

**104.10.4.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.10.4.1.1** An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

**104.10.4.1.2** A Plumbing Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.14.3.1.

**104.10.4.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Plumbers
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.11 Powers and Duties of the Electrical, Mechanical, Plumbing, Roofing and Structural Inspector.** The Electrical, Mechanical, Plumbing, Roofing, and Structural Inspectors shall comply with rules and regulations of this Code, enforcing all the laws, rules and regulations relating thereto in the area of jurisdiction and enforcing all the provisions of this Code. If defects, omissions or violations exist on any other part 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 and the same are made to comply with this Code. The Inspector shall serve notice to the contractor/representative or owner/representative in writing, stating the reasons therefore and citing the relevant code section(s) of this Code.

**104.12 Electrical Inspector.** As set forth herein:

**104.12.1 Appointment of an Electrical Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.12.3 to serve as an Electrical Inspector. To be eligible for appointment as an Electrical Inspector, such person shall be certified by BORA.

**104.12.2 Powers and Duties of the Electrical Inspector.**

**104.12.2.1** Such employee shall have the duties and powers as delegated by the Chief Electrical Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Electrical Code.

**104.12.2.2** It shall be the duty of the Electrical Inspector to inspect any work on electrical installations shall be held to include and govern all work and materials used in installing, maintaining and/or extending a system of electrical wiring for the use of light, heat, power or low voltage systems, and all appurtenances, apparatus, or equipment used in connection therewith, inside of or attached to any building or structure, lot or premise) and every electrical system or device, (all wiring, apparatus and equipment, and all installations for light, heat, power and low voltage systems), installed in new construction, additions, alterations or repairs to existing electrical systems, apparatus or equipment in existing construction.

**104.12.2.3** The Electrical Inspector shall issue an Approval for all installations of light, heat, power and low voltage systems (burglar alarms, central vacuums, communications, computer systems, fiber optics, fire alarms, telephone, television and all other systems 98 volts and less) that comply with the rules and regulations of this Electrical Code.

**104.12.2.4** A 30-day temporary electrical service connection shall be approved by the Electrical Inspector, where the need for electrical power exists, if the wiring installation, apparatus or equipment is found to be in a safe operating condition. Under these circumstances, an application for temporary service shall be made in writing by the electrical contractor, firm, corporation, or owner requesting a temporary service connection to the public utility system or isolated generating plant.

**104.12.2.5** The Electrical Inspector is hereby empowered to inspect or re-inspect any wiring, equipment or apparatus used in the installation of light, heat, power or low voltage systems and if this wiring, equipment, apparatus or low voltage system is found to be unsafe to life or property, the Electrical Inspector shall serve notice to the owner and/or operator, in writing, stating the reasons therefore and citing the relevant code section(s) of this Electrical Code, that the hazardous wiring, or equipment exists and shall be corrected within a reasonable period of time.

**104.12.2.6** The Electrical Inspector is hereby given the power to disconnect extension cords, temporary wiring, branch circuits, feeder conductors or the main service supplying electrical energy to any portion of an electrical wiring system in buildings, or on premises, if this wiring is in the opinion of the Electrical Inspector, considered to be hazardous to life or property. Any person, firm or corporation supplying current, shall disconnect service from the source of supply upon instructions from the Chief Electrical Inspector where hazards are deemed to exist, after receiving written notice citing the appropriate Code Section(s) of this Electrical Code from the Electrical Inspector.

**104.12.3 Certification of the Electrical Inspector.** To be eligible for appointment as an Electrical Inspector, such person shall be certified as required by BCAIB as an Electrical Inspector. Engineers are exempt from BCAIB certification.

**104.12.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.12.3.1.1** An Engineer in the discipline requested.

**104.12.3.1.2** Five (5) years construction experience in the electrical discipline in a supervisory capacity and possess a Certificate of

Competency as a Master Electrician or Electrical Contractor.

**104.12.3.1.3** Five (5) years construction experience in the electrical discipline and five (5) years experience as an Electrical Inspector certified by BCAIB and possess a Certificate of Competency as a Master Electrician or Electrical Contractor.

**104.12.3.1.4** Seven (7) years construction experience in the electrical discipline and possess a Certificate of Competency as a Journeyman Electrician.

**104.12.3.1.5** Ten (10) years experience as an Electrical Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.12.3.2.

**104.12.3.2** Each of the applicants shall possess a current Certification of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Journeyman Electrician or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board, Block proctored
- D. Florida Board of Professional Engineers

**104.12.3.3** An applicant for Certification as an Electrical Inspector under the provisions of this Section who is a graduate from an accredited school holding a Bachelor or an Associate of Science Degree in Electrical Engineering may be credited for two (2) years for a Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.12.3.1.1.

**104.13 Mechanical Inspector:** As set forth herein:

**104.13.1 Appointment of a Mechanical Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.13.3 to serve as Mechanical Inspector. To be eligible for appointment as a Mechanical Inspector, such person shall be certified by BORA.

**104.13.2 Powers and Duties of the Mechanical Inspector.**

**104.13.2.1** Such employee shall have the duties and powers as delegated by the Chief Mechanical Inspector except that the Chief may not delegate authority to

subordinates to interpret provisions of this Mechanical Code.

**104.13.2.2** The Mechanical Inspector shall issue an Approval for all installations of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems and other energy-related systems that comply with the rules and regulations of this Mechanical Code.

**104.13.2.3** It shall be the duty of the Mechanical Inspector to inspect all installations of ventilation, air conditioning and refrigeration systems and equipment. Existing installations not conforming to the requirements of this Mechanical Code shall be made to comply, when relocated, or when altered or repaired, in compliance with the FBC, Existing Building. The Mechanical Inspector shall enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of this Mechanical Code.

**104.13.3 Certification of the Mechanical Inspector.** To be eligible for appointment as a Mechanical Inspector, such person shall be certified as required by the BCAIB as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

**104.13.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.13.3.1.1** An Engineer in the discipline requested.

**104.13.3.1.2** Five (5) years construction experience in the mechanical discipline in a supervisory capacity and possess a Certificate of Competency as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor.

**104.13.3.1.3** Five (5) years construction experience in the mechanical discipline and five (5) years experience as a Mechanical Inspector certified by BCAIB and possess a Certificate of Competency as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor.

**104.13.3.1.4** Seven (7) years construction experience in the mechanical discipline and possess a Certificate of Competency as a Journeyman Mechanical.

**104.13.3.1.5** Ten (10) years experience as a Mechanical Inspector certified by BCAIB. A

person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.13.3.2.

**104.13.3.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor or Journeyman Mechanical or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.13.3.2.1** Individuals holding licenses as a Class “B” Air Conditioning Contractor, with a current Certificate of Competency issued by the above-mentioned Boards, shall have duties limited to the inspection of air conditioning and mechanical work within the scope of his or her Certificate of Competency.

**104.13.3.3** An applicant for Certification as a Mechanical Inspector under the provisions of this Section who is a graduate from an accredited school holding a Bachelor or an Associate of Science Degree in Mechanical Engineering may be credited for two (2) years for a Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.13.3.1.1.

**104.14 Plumbing Inspector.** As set forth herein:

**104.14.1 Appointment of a Plumbing Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.14.3 to serve as Plumbing Inspector. To be eligible for appointment as a Plumbing Inspector, such person shall be certified by BORA.

**104.14.2 Powers and Duties of the Plumbing Inspector.**

**104.14.2.1** Such employee shall have the duties and powers as delegated by the Chief Plumbing Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Plumbing Code.

**104.14.2.2** The Plumbing Inspector shall issue an Approval for all installations of plumbing and sanitary systems, appliances, plumbing fixtures, fittings and/or appurtenances thereto, including heating and storing

water, backflow and backsiphonage, public and private sewer disposal and drainage systems that comply with the rules and regulations of this Plumbing Code.

**104.14.2.3** It shall be the duty of the Plumbing Inspector to inspect all new plumbing or drainage systems or parts thereof or additions, alterations, repairs or changes to the existing plumbing or drainage installations or fixtures or appliances shall conform to the requirements of this Plumbing Code. The Plumbing Inspector shall enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of the Plumbing Code.

**104.14.2.4** It shall be the duty of the Plumbing Inspector to inspect any Plumbing system, he or she has reason to believe has become unsanitary or defective. Nothing contained in this Plumbing Code shall be deemed to require any plumbing or drainage system or part thereof, or any other work regulated by this Plumbing Code and existing prior to the effective date of this Plumbing Code, to be altered, changed, reconstructed, removed or demolished if such work was installed in accordance with all applicable laws in effect prior to the date this Plumbing Code became effective, except when any such plumbing or drainage system or other work regulated by this Plumbing Code is dangerous, unsafe, unsanitary or a menace to life, health or property, in the opinion of the Plumbing Inspector.

**104.14.2.5** All installations regulated by this Plumbing Code or related drainage work shall be maintained and executed in such a manner as to not constitute a nuisance or to threaten or impair the health of any individual or the public in general. The contents of such installations shall not be permitted to overflow in a building, on a premise or upon the surface of the ground, street or sidewalk. It shall be unlawful for any person, firm or corporation whether owner or agent, to create, keep, cause, maintain, propagate or permit the existence of a nuisance as defined in this Plumbing Code. Any building or premises found to be unsanitary or inadequate, or which constitute a health or safety hazard, or which by reason of illegal use or improper use, occupancy or maintenance constitute a violation of the provisions of this Plumbing Code, shall be deemed to be unsafe. The Plumbing Inspector shall have the power to abate any nuisance by the issuance of a notice to correct and/or eliminate the nuisance within a reasonable length of time.

**104.14.3 Certification of the Plumbing Inspector.** To be eligible for appointment as a Plumbing Inspector, such person shall be certified as required BCAIB as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

**104.14.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.14.3.1.1** An Engineer in the discipline requested.

**104.14.3.1.2** Five (5) years construction experience in the plumbing discipline in a supervisory capacity and possess a Certificate of Competency as a Master Plumber or Plumbing Contractor.

**104.14.3.1.3** Five (5) years construction experience in the plumbing discipline and five (5) years experience as a Plumbing Inspector certified by BCAIB and possess a Certificate of Competency as a Master Plumber or Plumbing Contractor.

**104.14.3.1.4** Seven (7) years construction experience in the plumbing discipline and possess a Certificate of Competency as a Journeyman Plumber.

**104.14.3.1.5** Ten (10) years experience as a Plumbing Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.14.3.2.

**104.14.3.2** Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Journeyman Plumber issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Plumbers
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

**104.14.3.3** An applicant for Certification as a Plumbing Inspector under the provisions of this Section who is a graduate from an accredited school holding a Bachelor or an Associate of Science Degree in Mechanical Engineering may be credited for two (2) years for a Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.14.3.1.1.

**104.15 Roofing Inspector.** As set forth herein:

**104.15.1 Appointment of a Roofing Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.15.3 to serve as a Roofing Inspector. To be eligible for appointment as a Roofing Inspector, such person shall be certified by BORA.

**104.15.2 Powers and Duties of the Roofing Inspector:**

**104.15.2.1** Such employee shall have the duties and powers as delegated by the Chief Structural Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Code. A Roofing Inspector, if properly certified, may be assigned to perform Roofing Inspections as delegated by the Chief Structural Inspector. Certified Standard Inspectors may be assigned duties as a Roofing Inspector.

**104.15.2.2** The Roofing Inspector shall serve notice to the Roofing Contractor/representative or owner/representative in writing, stating the reasons therefore and citing the relevant code section(s).

**104.15.3 Certification of the Roofing Inspector.** To be eligible for appointment as a Roofing Inspector, such person shall be certified by BCAIB as a Standard Inspector or Standard Roofing Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.15.3.1** Such person shall also be certified by BORA by meeting at least one of the following:

**104.15.3.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or passing BORA's HVHZ exam.

**104.15.3.1.2** Be a BCAIB certified Standard Inspector or Standard Roofing Inspector with five (5) years of experience within the State of Florida, two (2) years of which shall have been within the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a Roofing Contractor license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification.

**104.15.3.1.3** Be a licensed Roofing Contractor, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board with at least five (5) years of experience within the State of Florida in the roofing discipline with that License of which two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.

**104.15.3.1.4** Five (5) years construction experience within the State of Florida in the roofing discipline in a supervisory capacity of which at least two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a Roofing Contractors

License, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.15.3.1.5** Ten (10) years construction experience within the State of Florida in the roofing discipline of which at least two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a Roofing Contractors License, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.15.3.2** An applicant for Certification as a Roofing Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for two (2) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.15.3.1.1.

**104.15.3.3** An applicant for certification as Roofing Inspector under the provisions of this section may only substitute the required two year HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

**104.16 Structural Inspector.** As set forth herein:

**104.16.1 Appointment of a Structural Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.16.3 to serve as a Structural Inspector. To be eligible for appointment as a Structural Inspector, such person shall be certified by BORA.

**104.16.2 Powers and Duties of the Structural Inspector.** Such employee shall have the duties and powers as delegated by the Chief Structural Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Code.

**104.16.2.1** The Structural Inspector shall serve notice to the Structural Contractor/representative or owner / representative in writing, stating the reasons therefore and citing the relevant code section(s)

**104.16.2.2** The Structural Inspector shall issue an Approval for installations of all building components, as listed in Section 110.3 of this Code.

**104.16.3 Certification of the Structural Inspector.** To be eligible for appointment as a Structural Inspector, such person shall be certified by BCAIB as a Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.16.3.1** Such person shall also be certified by BORA by meeting the requirements of at least one of the following:

**104.16.3.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or by passing BORA's HVHZ exam.

**104.16.3.1.2** Be a BCAIB certified Standard Inspector in the Structural discipline with five (5) years of experience within the State of Florida, of which, two (2) years shall have been within HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a G.C. license, by exam, within one (1) year of initial certification as an inspector.

**104.16.3.1.3** Be a licensed G.C. with at least five (5) years of experience within the State of Florida in the Structural discipline with that license of which, two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.

**104.16.3.1.4** Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.16.3.1.5** Ten (10) years construction experience in the Structural discipline of which at least two (2) years shall have been within the jurisdiction of the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.16.3.2** An applicant for Certification as a Structural Inspector under the provisions of this section who is a graduate from an accredited

school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for two (2) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.16.3.1.1.

**104.16.3.3** Limited Building or Residential Inspector certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope of work authorized by their license.

**104.16.3.4** An applicant for certification as Structural Inspector under the provisions of this section may only substitute the required two year HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

**104.17 Certification of Building Departments and Building Code Inspection Enforcement Personnel.** BORA shall certify each and every Building Department after it has determined to its satisfaction that the Building Code Inspection Enforcement Personnel are qualified by the provisions of this Code. These positions shall include at a minimum the Building Official, Chief Electrical Inspector, Chief Mechanical Inspector, Chief Plumbing Inspector, and Chief Structural Inspector.

**104.17.1** Only such persons that have been examined and certified by BORA may be appointed or have the powers and duties of a Building Official, Assistant Building Official, or Chief Inspector. Each Building Official, Assistant Building Official, and Chief Inspector shall obtain a separate card for each governmental AHJ by which he or she is employed. Plans Examiners and Inspectors shall be issued a single certification card that is valid Countywide upon approval.

**104.17.2** The certification of Building Department Inspection Personnel may be revoked, for cause, by BORA. BORA may deny, refuse to renew, suspend, or revoke BORA certificate of a Building Official, Assistant Building Official, Chief Inspector, Plans Examiner or 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 FBC.
- 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. entered.
- F. Failure to meet any of the renewal requirements.

- G. Having been convicted of a crime in any jurisdiction which directly relates to the practice of the building code inspection, plan review, or administration.
- H. 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.
- I. Failure to properly enforce applicable building 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.
- J. 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 above grounds, shall immediately notify the Building Official, Assistant Building Official, Chief Inspector, Plans Examiner and/or the Inspector involved, who, upon notification from BORA, shall appear before the Board to explain why his or her certification should not be revoked.

**104.17.3** When Building Departments fail to meet certification criteria, they will immediately be notified to cease activities until such time as requirements of this Code are met.

**104.17.4** Application for certification shall contain such pertinent information as is considered relevant by BORA.

**104.17.5** Certification shall be for the remainder of the current biennial certification period for initial employment and shall be renewed biennially on January 1 of each even-numbered year thereafter. When a Building Official, Assistant Building Official or Chief Inspector, resigns from his or her position, his or her card becomes inactive until he or she again returns to work for a Building Department, at which time, upon proper application, he or she will be issued a new certification card, at a renewal fee in the



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Article II. BUILDING INSPECTORS, PLANS EXAMINERS, BUILDING OFFICIALS, CHIEF INSPECTORS AND SPECIAL INSPECTORS

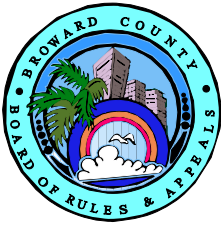
MIAMI-DADE USES  
the TERM "Appointing  
Authority" James [Signature]

## § 8-21.2. Appointment of chief building inspector, building plans examiner, structural plans examiner and building inspector.

Latest version.

- (a) **APPOINTMENT OF A CHIEF BUILDING INSPECTOR, BUILDING PLANS EXAMINER, AND STRUCTURAL PLANS EXAMINER:** There shall be appointed by the appointing authority person or persons qualified as set forth herein to serve as Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner. The above positions may be occupied by one or more persons who comply with all requirements of this Chapter to occupy those positions.
- (b) **POWERS AND DUTIES:** The Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner shall be subject to the powers vested in the Board of Rules and Appeals as set forth in [Section 8-4](#) herein and the Building Official as set forth herein. The Chief Building Inspector may delegate to certified inspectors such powers, duties and assignments as he or she may deem advisable to carry out the provisions of this Chapter and the directives of the Building Official. It shall be the duty and responsibility of the Chief Building Inspector to coordinate the work of all subordinate inspectors. The Structural Plans Examiner shall be the only person qualified to perform structural review of plans.
- (c) **CERTIFICATION OF CHIEF BUILDING INSPECTOR OR BUILDING PLANS EXAMINER:** To be eligible for appointment as a Chief Building Inspector or Building Plans Examiner, an individual shall be certified by the Board of Rules and Appeals and shall be one of the following:

# Section 2c



BROWARD COUNTY

# Board of Rules & Appeals

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

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Rolando Soto, Chief Mechanical Code Compliance Officer.  
**Date:** October 10, 2019  
**Re:** The Board will consider proposed changes to Broward County Administrative Provisions for the 2017 FBC (6th Edition), section 105 Permits, subsection 105.3.2 Time Limitation, 105.3.2.5.1 due to changes to Florida Statute (FS) 553.79. that became effective October 1, 2019.

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## **RECOMMENDATION**

It is recommended that the Broward County Board of Rules and Appeals read for the record as follows on the first reading of the proposed changes to section 105 Permits, subsection 105.3.2 Time Limitation, 105.3.2.5.1 of "Broward County Administrative Provisions for the 2017 FBC (6th Edition) and establish a public hearing date (November 14, 2019).

## **REASONS**

FS 553.79. was changed during the 2019 Florida legislative session. The changes in the FS 553.79 affect the way in which expired permits are handled and can be closed by the building official.

The proposed changes to Section 105.3.2.5.1 are underscored and are verbatim from FS 553.79, except that the phrase "may send a written notice of expiration" on the FS has been replaced with "shall send a written notice of expiration" to continue the existing notification requirement of the Broward County Board of Rules and Appeals. Please see highlighted text.

## **ADDITIONAL INFORMATION**

Please see the following revised code section and copy of FS 553.79.

Respectfully submitted,

Rolando Soto.

A handwritten signature in blue ink, appearing to read "RSoto", is placed above the printed name "Rolando Soto."

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## **Broward County Administrative Provisions for the 2017 FBC (6th Edition)**

### **105 Permits**

#### **105.3.2 Time Limitation.**

**105.3.2.1** Every permit issued shall become null and void if work, as defined in Paragraph 105.3.2.6 authorized by such permit is not commenced within 180 days from the date the permit is issued or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced.

**105.3.2.2** If the work covered by the permit has not commenced, or has been commenced and is been suspended or abandoned, the Building Official may for good cause, extend such permit for no more than two (2) periods of ninety (90) days, not to exceed 1 year, from the date of expiration of the initial permit, if an extension is requested.

**105.3.2.3** If the work covered by the permit has commenced, is in progress, has not been completed and is being carried on progressively in a substantial manner in accordance with Paragraph 105.3.2.6, the permit shall be in effect until completion of the job.

**105.3.2.4** If work has commenced and the permit is revoked, becomes null and void or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

**105.3.2.5** If a new building permit is not obtained within 180 days from the date the initial permit became null and void, the Building Official is authorized to require that any work which has been commenced or completed be removed from the building site; or alternately, he or she may issue a new permit, on application, providing the work in place and the required work to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of a new permit.

**Exception:** On written request from owner or the contractor, the Building Official may reinstate the permit one time. The job shall be completed under the jurisdiction of the code that the original permit was approved under. The reinstated permit shall be subject to the life safety requirements as determined by the Fire Code Official.

~~**105.3.2.5.1** The Building Official shall provide written notification to both the permit holder and the property owner 30 days prior to the expiration date of the permit. The notice shall include the projected expiration date and the steps necessary to continue the permit in an active status. If the Building Official fails to provide written notification, and the permit expires, the permit holder may request a one time 30-day extension of the permit so they have the opportunity to revalidate it.~~

A local government that issues building permits may shall send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire.

(a) A property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspections in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner-builder, in accordance with ss. 489.103(7) and 489.503(6).

3. For purposes of this section, the term “close” means that the requirements of the permit have been satisfied.

(b) If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design, or method of construction.

(c) A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazards exist.

(d) A local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize, sanction, or assess fees against an arms-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

(e) The local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed.

***Only the statute sections that have changed are quoted.***

The 2019 Florida Statutes

Title XXXIII REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 553 BUILDING CONSTRUCTION STANDARDS

553.79 Permits; applications; issuance; inspections.—

(1)(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire.

(15)(a) A property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspections in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner-builder, in accordance with ss. 489.103(7) and 489.503(6).

3. For purposes of this section, the term “close” means that the requirements of the permit have been satisfied.

(b) If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design, or method of construction.

(c) A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazards exist.

(16)(a) A local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize, sanction, or assess fees against an arms-length purchaser of a property for value solely because a building <sup>1</sup>permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

(b) The local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed.

# Section 3

# **NOTICE OF PUBLIC HEARING**

Notice is hereby given by the Broward County Board of Rules and Appeals that said Board will hold public hearings starting at 7:00 p.m. on October 10th, 2019, in Room 422 of the Government Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida. The Board will consider adopting Amendments to the Broward Local Fire Code Sections: Modifications Fire Marshal Certification F-103.3.1, F-103.3.2, F-103.3.3, F-103.3.4, F-103.3.5 and New F-103.3.6. Modification Fire Plans Examiner Certification F-103.4.3.1, F-103.4.3.2, F-103.4.3.3, F-103.4.3.4 and New F-103.4.3.5." The effective date for this amendment is October 21st, 2019. A copy of all proposed code changes is available for review at 1 N. University Drive, Suite 3500B, Plantation, Florida 33324. Call (954) 765-4500 to obtain a copy via email.

9/29/2019 6459345



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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

**FROM: Bryan Parks, Chief Fire Code Official**

**DATE: October 10, 2019**

**SUBJECT: The Board will consider adopting Amendments to the Broward Local Fire Code Sections: Modifications Fire Marshal Certification F-103.3.1, F-103.3.2, F-103.3.3, F-103.3.4, F-103.3.5 and New F-103.3.6. Modification Fire Plans Examiner Certification F-103.4.3.1, F-103.4.3.2, F-103.4.3.3, F-103.4.3.4 and New F-103.4.3.5.**

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**RECOMMENDATION:**

It is recommended by the Board of Rules and Appeals, Fire Code Committee by unanimous vote (9 to 0) that the submitted amendments to the Broward Local Fire Codes be accepted as by the Board of Rules and Appeals as found in the following section as per the Board direction September 12, 2019;

1 F-103.3 Certification of Fire Marshal / Fire Code Official.

Proposed Modification of F-103.3.1, F-103.3.2, F-103.3.3, F-103.3.4 and F-103.3.5

RESONS: The modifications of the code sections being proposed above by the Fire Marshals are intended to enhance the employment opportunities for applications from areas outside of Broward County.

2 F-103.3.6 New Certification Section proposed by the Fire Marshals which provides another option for individuals obtaining the NFPA Certification of CFI-1, CFPE and CFPS as provided free by the Board of Rules and Appeals.

3 F-103.4 Fire Plans Examiner

Proposed Modification of F-103.4.3.1, F-103.4.2, F-103.4.3.3 and F-103.4.3.4

RESONS: The modifications of the code sections being proposed above by the Fire Marshals are intended to enhance the employment opportunities for applications from areas outside of Broward County.

4 F-103.4.3.5 New Certification Section proposed by the Fire Marshals which provides another option for individuals obtaining the NFPA Certification of CFI-1 and CFPE as provided free by the Board of Rules and Appeals.

Effective date October 11, 2019

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

Bryan Parks  
Chief Fire Code Official

Board of Rules and Appeals Meeting 9-12-19

Modifications to Fire Marshal Certification F-103.3 and Fire Plans Examiner F-103.4

INDEX OF CHANGES

F-103.3.1	Fire Marshal Qualifications	Page 5	Revised
F-103.3.2	"		Revised
F-103.3.3	"		Revised
F-103.3.4	"		Revised
F-103.3.5	"		Revised
F-103.3.6	New Fire Marshal Qualification		New
F-103.4.3.1	Fire Plans Examiner Qualifications	Page 6	Revised
F-103.4.3.2	"		Revised
F-103.4.3.3	"		Revised
F-103.4.3.4	"		Revised
F-103.4.3.5	New Plans Examiner Qualification		New

## ***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 the FFPC and the Fire Protection Provisions of this Code and 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 Chapter 1.
- B. **BCFCC** means Broward County Fire Code Committee
- C. **BORA** means the Broward County Board of Rules and Appeals
- D. **Engineer** means 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 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 / 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 specifically 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.

**F-101.3 - Intent.** The purpose of the FFPC is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to 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 fire fighters and emergency responders during emergency operations.

**F-101.4 - Violations and Penalties.** Any person, firm or corporation, who shall violate a provision of the FFPC or a Fire Protection Provision of this Code or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and 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, and 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 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.** The other codes listed in and referenced elsewhere in the FFPC, all Fire Codes, 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 FFPCs as adopted and the Fire Protection Provisions of this Code 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, does 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 which 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**

**Fire Chief, Bureau of Fire Prevention, Fire Marshal, Fire Code Official, Fire Plans Examiner, and Fire Inspector**

**F- 103 — Bureau of Fire Prevention:** A Bureau of Fire Prevention shall be established within the Fire Service Provider/Fire Department, under the direction of the Fire Chief, which shall consist of such Fire Service Provider/Fire Department personnel as may be assigned thereto, 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, 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, Fire Plans Examiner, and/or Fire Inspector shall be certified by BORA.

**F-103.1 — Appointment of Fire Marshal/ Fire Code Official:** There shall be appointed by the Fire Chief 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. Personnel assigned to the bureau as Fire Marshal / Fire Code Official, Fire Plans Examiner, and / or 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- 103.2 Powers and Duties of a Fire Marshal /Fire Code Official:** The Fire Chief shall duly authorize his/her representative of the Fire Service Provider/Fire Department to exercise the powers and perform the duties of the Chief. He/she 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 waving requirements specifically provided for in the Fire Protection Provisions of this Code and FFPC. It shall be his/her duty and responsibility to enforce and coordinate the work of all subordinates such as Fire Plans Examiners and Fire Inspectors. Based on current technology that the Fire Marshal/Fire Code Official does not have to be personally present at the Fire Service Provider/Fire Department as long as he/she is available by telephone/computer etc. and can perform their duties. In the event that the Fire Marshal/Fire Code Official/Fire code Administrator is not available to perform his/her 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 and the FFPC. The Fire Chief or Fire Service Provider/Fire Department shall notify in writing BORA of the starting date and period of 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 he/she 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 State Statute 633 and BORA in this Code. If there is one Fire Plans Examiner or Fire Inspector hired by an inspection authority, that Plans Examiner or Inspector shall be a Fire Marshal/ Fire Code Official.

**F-103.2.1** 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-103.2.1.1** The inspection of equipment and maintenance of automatic, manual and other fire alarm systems and fire extinguishing equipment;

**F-103.2.1.2** The maintenance and regulation of fire escapes;

**F-103.2.1.3** 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-103.2.1.4** The means and adequacy of each exit in the event of fire or similar emergency, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters and all other places in which people work, live or congregate from time to time for any purpose; and

**F-103.2.1.5** The investigation of the origin, cause, and circumstances of fires.

**F-103.2.3** No enforcing agency may issue any permit 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 and/or specifications for such proposal and both officials have found the plans and/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 Chapter 633, Florida Statutes. In the event that 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-103.2.4** It shall be the duty of the Fire Chief of the Fire Service Provider/Fire Department to inspect or cause to be inspected by his/her 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 of condominium buildings, except the interior of private residential

dwelling units, (unless invited therein by the owner or occupant thereof), 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 his/her 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 include specific reference to the Code Section upon which rejection is based in writing.

**F-103.2.5 Right of Entry.** Upon presentation of proper credentials, the Fire Chief, Fire Marshal/Fire Code Official, or his/her 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 with the exception to private residential dwelling units as defined in FFPC.

**F-103.2.6 Stop-Work Orders.** If the Fire Chief becomes aware of a hazardous condition, which presents immediate danger to life, he/she 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 his/her duly authorized representative finding such hazardous condition creating 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 has been corrected. The Fire Chief, or his/her 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 his/her duly authorized representative creates an immediate danger to life, and to otherwise close 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 include specific

reference to the Code Section upon which rejection is based in writing.

**F-103.2.7** The Fire Chief or his/her duly authorized representative upon the complaint of any person or whenever he/she shall deem it necessary, shall inspect any buildings and premises within their jurisdiction.

**F-103.2.8** 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-103.2.9 Orders To Eliminate Dangerous Or Hazardous Conditions:** Whenever the Fire Chief or his/her 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 Chapter 633, Florida Statutes, or the following Paragraphs, he/she shall order such violations and dangerous conditions or materials removed or remedied.

**F-103.2.9.1** Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials.

**F-103.2.9.2** Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials.

**F-103.2.9.3** Dangerous accumulation of rubbish, wastepaper, boxes, shavings, or other flammable materials.

**F-103.2.9.4** Accumulations of dust or waste material in air conditioning or ventilation systems or of grease in kitchen or other exhaust ducts.

**F-103.2.9.5 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 which impede required egress or required light and ventilation shall be removed within 15 days.

**F-103.2.9.6** Obstructions to, on, or under fire escapes, stairs, passageways, or doors, liable to interfere with the operations of the Fire Service Provider/Fire Department or egress of occupants; locked exits shall constitute an unsafe condition.

*Exception: unless permitted by the Fire Protection Provisions of this Code and the FFPC.*

**F-103.2.9.7** Obstruction to windows. Where windows are required to provide the second means of escape from a room or area, the following are prohibited.

**F-103.2.9.7.1** Bars that cannot be opened from the inside.

**F-103.2.9.7.2** 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-103.2.9.8 Reserved**

**F-103.2.9.9 Reserved**

**F-103.2.9.10** 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-103.2.9.11 Reserved**

**F-103.2.9.12** The improper storage, transporting or handling of all classes of flammable or combustible liquids or otherwise hazardous substances any place within the enforcing jurisdiction.

**F-103.3 Certification of Fire Marshal/Fire Code Official.** The Fire Marshal/Fire Code Official shall be certified by BORA as a Fire Code Official, be a certified Firefighter as defined by 69A-37 as refereed to collectively (parts 1 and 2) as the "Minimum Standards Course", be a State certified Fire Inspector, and shall meet one or more of the following qualifications:

**F-103.3.1** An Engineer and/or a Degree in Fire Science and/or a Degree in Fire Prevention and shall have been certified 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-103.3.2** A County or City Certified Fire Plans Examiner

with at least five (5) years of experience ~~within the jurisdiction of FFPC~~ within the State of Florida and shall possess a Broward County Certification.

**F-103.3.3** 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 ~~which shall have been within the jurisdiction of FFPC~~ and shall be a Broward County and ~~State of Florida~~ Certified Fire Inspector.

**F-103.3.4** 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-103.3.5** Possesses a certification issued by the State Fire Marshal as a Fire Code Manager/Administrator in accordance with NFPA 1037 with a total of six (6) years' experience with a County or City as an fire plans examiner and inspector in Florida: and shall possess a Broward County Certification.

**F-103.3.6** Three (3) years' 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-103.4 Fire Plans Examiner.** As set forth herein:

**F-103.4.1 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 certified by BORA.

**F-103.4.2 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 and/or specifications in conjunction with the Building Department. One and two family detached residential dwelling units shall not be subject to plan review by the Fire Plans Examiner as described in this section or inspection by the Fire Plans Examiner as described in F.S. 633. When approvals by other agencies having authority may logically be required to be affixed to the plans and/or specifications before approval by the Fire Plans Examiner, such approval shall be affixed to the plans and/or specifications before examination by the Fire

Plans Examiner. If the application or plans and/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 and/or specifications that are rejected, as stated herein above, shall be returned for correction. Pen notations on mechanically reproduced plans and/or specifications may be accepted for only minor corrections. If the applications, plans and/or 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 and/or specifications shall be signed and 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.

**F-103.4.3 Certification of a Fire Plans Examiner.** The Fire Plans Examiner shall be certified by BORA as a Fire Plans Examiner, shall be a certified Firefighter as defined by 69A-37 as referred to collectively (parts 1 and 2) as the "Minimum Standards Course", be a State certified Fire Inspector, and shall meet one or more of the following qualifications:

**F-103.4.3.1** An Engineer and/or a Degree in Fire Science, and/or a Degree in Fire Prevention and having ~~practiced for a minimum of three (3) years--as a fire plans examiner with a County or City within the state of Florida and shall be Broward County Certified.~~

**F-103.4.3.2** Five (5) years of experience as a Fire Inspector employed with a County or City in the State of Florida and shall be a Broward County certified. ~~and State of Florida Certified Fire Inspector.~~

**F-103.4.3.3** Ten (10) years of experience as a firefighter, four 4 years as a state certified fire inspectors of which shall have been in the jurisdiction of the Fire Protection Provisions of this Code and the FFPC employed with a County or City having fulfilled the duties of a fire inspector and shall be a Broward County certified. ~~and State of Florida Certified Fire Inspector.~~

**F-103.4.3.4** Have been fulfilling the duties of a Fire Plans Examiner with five (5) years continuous service ~~as such within the State of Florida and be Broward County certified.~~

**F-103.4.3.5** Three (3) years' 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-103.5 Fire Inspector.** As set forth herein:

**F-103.5.1 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-103.5.2 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 Marshal/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, 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 fire or similar emergency, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters 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 therefore and citing the relevant code section(s).

**F-103.5.3 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-103.5.3.1** Be a certified Firefighter as defined by 69A-37 as refereed to collectively (parts 1 and 2) as the "Minimum Standards Course" and shall be a state certified Fire Inspector.

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

**F-103.5.3.2** Pass a written competency examination approved by BORA, to be given in May and November

(only one (1) required) of each year, or the test may be given when requested by at least three (3) applicants.

**F-103.5.3.3 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 (4) 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-103.6 Certification.** All Fire Service Provider/Fire Department Inspection Personnel shall be certified by BORA.

**F-103.6.1 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 "Broward County Commissioners."

**F-103.6.2** Broward County Certification is valid for a period of four years and shall expire on the same date as their State of Florida Fire Inspector Certification.

**F-103.6.3** 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, 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 which 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 above grounds, shall immediately notify the Fire Marshal, Fire Code Official, Fire Plans Examiner, and/ or Fire Inspector involved, who, upon notification from BORA, shall appear before the Board to explain why his/her certification should not be revoked.

**F-103.6.4** 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-103.7 Recertification.** All Fire Service Provider/Fire Department Inspection Personnel shall be recertified by BORA.

**F-103.7.1** To be recertified all Fire Marshal/Fire Code Officials, Fire Plans Examiners, Fire Inspectors or a combination thereof who are presently certified by BORA, shall meet the following criteria:

**F-103.7.1.1** Be presently employed by a governmental fire entity within Broward County.

**F-103.7.1.2** Recertification shall have the same anniversary date as provided in Florida Statutes, Chapter 633, 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-103.7.1.3** 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 State Statute 633.

**F-103.7.2** If certification is not renewed and allowed to lapse, application for recertification shall be accompanied with proof that (15) contact hours per year, in the preceding 4 years in continuing education has been met. Attendance at the BORA meetings and/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) year 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 and shall be 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-103.7.3 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 "Broward County Commissioners."

## **SECTION F-104**

### **Broward County Board of Rules and Appeals**

#### **F-104 Broward County Board of Rules and Appeals.**

**F-104.1** 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 thereto. This person shall be known as the Chief Fire Prevention Code Compliance Officer and shall be certified as Fire Marshal/Fire Code Official.

**F104.2 The Fire Code Compliance Officer** shall have the authority to make inspections in the discipline and shall be responsible to see 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-105**

### **Broward County Fire Code Committee**

#### **F-105 Broward County Fire Code Committee:**

**F-105.1** In order to determine the suitability of alternate materials and type 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, there is hereby created a Broward County Fire Code Committee, to make recommendations to BORA.

**F-105.2 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 (Florida 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-105.3 Membership,** such as membership of the BCFCC, will be for one year (with members being able to succeed themselves through reappointment by BORA Chairperson). The Chairperson of BORA will select all members, including the Chairperson of the BCFCC. The Chairperson of the BCFCC shall be a Fire Service member of BORA.

**F-105.4 Appeals from the Decisions of the Fire Chief and/or Building Official:**

**F-105.4.1** The BCFCC shall review all appeals from the decisions of the Fire Chief and/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-105.4.2 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-105.4.3** Decisions by the BOARD 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-105.5 Procedures in County Court /Code Enforcement Board:**

When charges are filed based upon a violation under this code, such charges, 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-106**

**Authority Fire Chief, Fire Marshal/Fire Code Official, or his/her duly authorized representative**

**F-106 Authority:**

**F-106.1** The Fire Chief, Fire Marshal/Fire Code Official, or his/her duly authorized representative shall investigate the origin, cause, and circumstances of every fire occurring within their AHJ. Such investigation shall begin immediately upon the occurrence of a fire, and the Fire Chief, Fire Marshal/Fire Code Official, or his/her duly authorized representative shall be immediately notified of the facts. The Fire Chief, Fire Marshal/Fire Code Official, or his/her 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 his/her duly authorized representative shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

**F-106.2 Notices and Orders.** The Fire Chief, Fire Marshal/Fire Code Official or Fire Code Manager/Administrator, or his/her 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-106.2.1** 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-106.2.2 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 permit any fire and/or life safety hazard to exist on premises or property under their control, and who shall 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 his/her 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-106.2.3 Concealed Work:** The Building Official or his/her duly authorized representative and/or Fire Marshal/Fire Code Official or his/her duly authorized representative may order portions of the structure frame of a building and/or structure to be exposed for inspection when, in his/her opinion, there is a good reason to believe that a building or portion thereof is in an unsafe or dangerous condition or that there is willful or negligent concealment of a violation of this Code, the Fire Protection Provisions of this Code, the FFPC, and all Fire Codes.

**F-106.3 Removal or Destruction of Signs or Tags:**

**F-106.3.1** 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-106.3.2** 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.

**SECTION F-107**  
**Standby Fire Watch**

**F-107 Standby Fire Watch:**

**F-107.1** Whenever in the opinion of the Fire Chief, Fire Marshal/Fire Code Official, or his/her duly authorized representative, it is essential for public safety in any place of public assembly or any other place where people congregate, due to the number of persons, or the nature of the performance, exhibition, display, contest or activity, the Fire Chief or his/her duly authorized representative may require the owner, agent or lessee to employ one or more certified Fire Inspectors or Firefighters, as required and approved by the Fire Chief, to be on duty at such

place. Said Fire Inspectors/Firefighters shall be subject to the Fire Chief's and/or his 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. Before each performance or the start of such activity, said Fire Inspector/Firefighter shall inspect all required fire/life safety equipment, to insure 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 shall take whatever action necessary to protect the occupants and public from injury or any life threatening condition.

**SECTION F-108**

**Tents, Air-Supported Structures, Temporary Structures and Uses**

**F-108 Tents and Air-Supported Structures**

**F-108.1 Places Of Assembly:** 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-108.1.1 General.** 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 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/or 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-108.1.2 Spray Application Membrane Enclosures**

Temporary Paint spraying processes of marine vessels within membrane enclosures shall use NFPA 33, 2016,

Chapter 18 as a reference.

**F-108.1.3 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-108.2 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 air-supported structure. No other automotive equipment or internal combustion engines shall be located within 50 feet of the tent except upon a public street.

**F-108.3 Smoking and Open Flame:**

**F-108.3.1** Approved "NO SMOKING" signs shall be conspicuously posted.

**F-108.3.2** An approved receptacle for the disposal of lighted smoking materials shall be provided at entrances to tents and air-supported structures.

**F-108.4 Fire Extinguishers and other Fire-Protection Equipment:** Fire extinguishers and other fire protection equipment shall be provided in every tent or air-supported structure as follows:

**F-108.4.1** A minimum of one 4A-10B:C 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-108.4.2** At least one 40-B:C 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-108.5 Storage of Flammable or Combustible Liquids:**

Flammable or combustible liquid shall not be stored in a tent or air-supported structure nor less than 50 feet from any tent or air-supported structure used for public assembly.

**F-108.6 Housekeeping:** Hay, straw, trash and other flammable material shall not be stored less than 35 feet

from any tent or air-supported structure, except as authorized by the authority having jurisdiction.

**F-108.7 Seating Arrangements:**

**F-108.7.1 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 thereof 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-108.7.2** Securing of chairs, folding and telescoping seat seating, reviewing stands, grandstands, and bleachers shall be in accordance with NFPA 102.

**F-108.8 Awnings, Tents and Canopies: — — —**

**F-108.8.1** Awnings, tents, canopies, and similar products whether attached or detached from a building shall have a flame spread rating of 25 or less.

**F-108.9 Vehicular Access:**

**F-108.9.1** Fire access roads shall be surfaced with solid pavement, grass turf reinforced by concrete grids, or by similar type surfaces approved by the authority having jurisdiction, designed to accommodate fire apparatus weighing a minimum of 32 tons.

**F-108.9.2** Buildings having ramps and/or elevated roadways shall have posted weight limit signs showing maximum load capacity.

**F-108.10 Vehicles on Display:**

**F-108.10.1** When vehicles are on display or stored inside an occupancy other than a mall or place of assembly, the fuel tanks shall be removed or made inert if required by the AHJ.

**F-108.10.2** These requirements shall not apply to automotive showrooms.

**SECTION F-109 RESERVED**

## **SECTION F-110**

### **High Piled Combustible Storage:**

**F-110** This Section, at the discretion of the AHJ, shall apply to the storage of high-piled combustible storage.

#### **F-110. 1 Classification of Contents:**

Commodity classification shall be as defined and in accordance with NFPA 13.

#### **F-110. 2 Roof Vents, Venting Ratios and Draft Stops:**

**F-110.2.1** Roof vents and draft stops shall be installed when the area used for high piled combustible storage exceeds 2,500 square feet, inclusive of aisles.

#### **F-110.3 Automatic Fire-Sprinkler Systems:**

**F-110.3** Roof vents and draft stops are not required when the area is protected by an approved automatic fire sprinkler system.

**F-110.3.1** The design and installation of roof vents and draft stops shall be as specified in the FFPC, this Code except as herein provided.

**F-110.3.2** Vents shall be installed in the roof, except that perimeter venting in the exterior walls by the use of automatic opening windows will be permitted to vent roof areas within 75 feet of an exterior wall. The top of such windows shall be located within one (1) foot of the roof or ceiling level and the windows shall be not less than 30 inches nor more than 60 inches in depth. Roof areas more than 75 feet from an exterior wall shall be provided with roof vents. Venting shall be provided in accordance with the following table.

Hazard Classification	Vent Area to Floor Area	Maximum Spacing Between Vent Centers
Classes I, II, III	1:100	120 Feet
Class IV	1:50	100 Feet
Special Hazard Commodities	1:30	75 Feet

**F-110. 3.3** The minimum dimension of any roof vent shall be not less than four (4) feet.

**F-110. 3.4** Vents shall consist of automatic roof vents or automatic opening windows equipped with a fusible link

designed to release at a higher temperature than the automatic sprinkler but not less than 165 degrees F.

**F-110. 3.5** Draft stops shall be provided to aid the operation of roof vents.

**F-110. 3.6** Draft stops shall be at least six (6) feet in height and shall be of approved materials. For Classes I, II, and III commodities, draft stops shall divide the under roof area into sections not to exceed 10,000 square feet. For Class IV and Special Hazard Commodities, draft stops shall divide the under roof area into sections not to exceed 6000 square feet.

**F-110. 3.7** Aisles of not less than 44 inches in width shall be established to provide access to exits and Fire Service Provider/Fire Department access doors.

**F-110. 3.8** Access door to building shall be provided. There shall be at least one access door not less than three (3) feet in width and not less than 6 feet 8 inches in height in 100 lineal feet or major fraction thereof of the exterior wall which faces the access roadways required by this Code. Metal roll-up doors are not acceptable for such purposes unless approved by the Fire Marshal/Fire Code Official, or his/her duly authorized representative.

## **SECTION F-111**

### **Test Criteria for Mechanical Smoke Control Systems**

#### **F-111 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-111.1** The following shall receive notice from the Mechanical Contractor so that they may witness the system's performance test:

**F-111.1.1** Fire Service AHJ.

**F-111.1.2** Building Department (Mechanical) AHJ. .

**F-111.1.3** Periodic Testing:

All smoke control systems shall be retested as per the provisions found in the FFPC by a firm (test and balance) possessing a certificate of competency as a test and balance contractor for smoke control systems as required in Broward County Ordinances, Chapter 9 and Broward Local Administrative Provisions Chapter 1 of the FBC and

shall 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 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 if operating as intended.
- 6) All smoke zone differential pressures at egress exit doors (egress doors shall have no more than 30 lbf on break and 15 lbf on swing.

## **SECTION F-112**

### **Automatic Sprinklers Required**

#### **F-112 Automatic Sprinklers Required:**

**F-112.1** Fire flow testing of the Water Supply for Automatic Fire Protection Systems (AFPS) and Automatic Standpipe Systems (ASS) using water as an extinguishing agent for new buildings and structures and existing buildings and structures where the AFPS and ASS are altered by more than seventy-five (75) percent of their value shall be as follows:

- a) Fire flow test of the water supply for AFPS and ASS shall be in accordance with NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants, Florida Administrative Code (FAC) 69A-60.
- b) The engineer of record (EOR) shall be responsible to review the fire flow results, potential drought impact and future demands to the water distribution system. Where the EOR determines that the water distribution system will be significantly impacted during drought conditions or as a result of anticipated future growth, the EOR shall provide

a safety margin in the design of the AFPS/ASS. The EOR shall utilize NFPA 13 annex as a guide in reviewing water distribution systems.

- c) Design of the water flow for the AFPS and/or ASS shall be the same as that obtained from the fire flow test.
- d) The residual pressure at the required water flow at the connection to the water main for an AFPS and/or ASS shall not be less than 20 PSI.
- e) The static pressure at the water main shall be determined by a recorded method for a minimum twenty-four (24) hour period.
- f) Fire flow test data shall not be more than one (1) year prior to the plans, hydraulic calculations and submittals for the AFPS and/or ASS being submitted to AHJs for their review and acceptance. The results of the fire flow test shall be provided to the AHJ at the time of the submittal of the plans, hydraulic calculations and submittals for the water based AFPS and/or ASS.

**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) used for the storage of combustible goods or merchandise and exceeding 20,000 square feet per floor.

#### **F-112.2.4 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 Manual Wet Standpipe.**

**F-112.5.1** Required standpipes shall be manual wet. The water connection to the manual wet standpipe shall be from a domestic water system through a minimum 1 inch water connection with an approved manufactured check valve backflow prevention device.

## **SECTION F-113 Corridors**

### **F-113 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**

### **Portable Fire Extinguishers**

**F-114 Portable Fire Extinguishers.** Portable fire extinguishers shall be installed and maintained at each floor level in multi-family occupancies in accordance with NFPA 10.

### **F-115 RESERVED**

## **SECTION F-116**

### **Flammable and Combustible Liquids**

#### **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. 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 Fire Chief, Building Official, the director of zoning, and/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 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) 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 release of hazardous materials, as well as all other information required by applicable governing and permitting agencies.

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. Permit 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** Above ground tanks having a capacity in gallons greater than 10,000 shall be approved by zoning and local AHJ.

**Exception:** Municipal, County and Special Districts installing aboveground fuel storage tanks for fixed equipment for providing governmental services. Permit shall be reviewed for compliance by the local Fire Service Provider/Fire Department 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 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** Distance separation 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, Building Official, and/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 and special districts 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. Permit shall be reviewed for compliance by the local Fire Service Provider/Fire Department 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 criteria 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 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** Area around 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. Fire Marshal/Fire Code Official, or his/her 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 liquids shall have installed on the fill hose, a UL listed emergency breakaway device 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 uncovered until inspected by 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 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 his/her duly authorized representative. This driveway shall be a minimum of twelve feet (12') wide and twenty feet (20') long, minimum. 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 classification 4A-60BC shall be provided and so located that it will be 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 his/her 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 thereto and reissues thereof.

#### **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 Definition.** Distributing Plant: A facility, the primary purpose of which is the distribution of gas, and which receives LP-Gas in tank car, truck transport or truck lots, distributing this gas to the end use by portable container (packaged) delivery, by tank truck or through gas piping. Such plants have bulk storage (2,000 gallons water capacity or more) and usually have container filing and truck loading facilities on the premises. Bulk plants are considered as being 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-119.3** A permit is not required for portable cylinders 20 lbs, or less for portable equipment.

**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 water capacity, except that in particular installations this capacity limit may be altered at the discretion of the BCFCC 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 LP Division of the State of Florida.

**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 State of Florida LP Division for approval and 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 his/her 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-117.1 shall be prohibited unless approved by the Fire Code Official/Fire Marshal or Fire Code Manager/Administrator, or his/her 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 fire-walls of approved construction, or
- 4) protected by an approved system for application of water, or
- 5) protected by other approved means, where one of these forms of protection is provided, the 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 Fire Chief, or his/her 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 to 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.

(a) It shall be illegal for any person, firm, corporation, association, club or organization to operate a self-service liquefied petroleum gas dispensing operation which 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-119.9** Abandonment of Liquefied Petroleum Gas Equipment:

**F-119.9.1** Whenever the use of liquefied petroleum gas equipment has been discontinued, it shall be abandoned in an approved manner within a period of 30 days.

**F-119.9.2** The following procedures may be used when approved by the Fire Chief or his/her duly authorized representative.

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

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

**F-119.9.3** All service openings shall be capped or plugged after contents have been removed from 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** Protecting containers from Vehicles: LP gas containers located in or adjacent to areas such as alleys,

driveways, loading docks or parking lots where they may be damaged by vehicles, shall be protected from damage.

**F-119.11 Hydrogen Fuel for Emergency Power Systems.**

Hydrogen stationary fuel cell power systems shall be installed in accordance with NFPA 853. Storage shall be in compliance with NFPA 55 (Storage, Use and Handling of Compressed Gases 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, to offer for sale, expose to store, expose for sale, sell at retail, or use or explode any fireworks and/or pyrotechnic materials.

**F-120.1.4** Approved sparklers per F. S. 791.013 and any wholesaler registered in accordance with Florida Statute 791.015 as of July 1, 1996, who has obtained all applicable governmental licenses and permits to operate from a permanent structure within Broward County as of July 1, 1996, are exempt from this subsection.

**F-120.1.5** Wholesale exemption sales of fireworks pursuant to F.S.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 Authority Having Jurisdiction to the Fire Chief, or his/her 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 Outdoor Display of Fireworks on Private Residential Property. See Section F- 120.3 for additional 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, 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 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 thereof, in such amount, character, and form as the Fire Chief, or his/her duly 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** Minimum required amount of certificates of insurance for permit issuance is as follows: \$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, the operator (pyrotechnician) and approved by the Chief of Police in accordance with F.S. 791.

**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 be issued for displays between the hours of 11:00 pm and 7:30 am.

**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 alternate method of ignition is approval 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 his/her duly authorized representative, shall require one or more standby firewatch personnel employed by the Fire Service Provider/Fire Department, to be on-duty for each display or performance. When deemed necessary the Fire Chief, or his/her 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 firewatch 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 firewatch personnel shall be maintained until 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 firewatch personnel shall be a BORA Certified Fire Inspector.

**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 the proposed display site property is required prior to approval of a permit for 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 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 his/her 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 his/her 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** A minimum of two, two and one-half gallon pressurized water fire extinguishers shall be available in the discharge area. Additional extinguishers or equipment may be required if conditions warrant. In addition, 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, or pipe, or any open flame, within 50 feet of any sales, display, merchandising, storage, or handling area. Proper receptacles for 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** A minimum of two approved two and one-half gallon pressurized water fire extinguishers shall be available within the sales, display, and handling areas; additional fire extinguishers or fire protection equipment may be required by the authority having jurisdiction.

**F-120.5.3** Precautions shall be taken to protect against fire or 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 entrance way 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/or 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** No storage of sparklers or novelty items shall be permitted in vehicles.

**Exception:** Transportation purposes only, to and from the site or at a permitted site, if approved by the authority having jurisdiction.

**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 his/her duly authorized representative. Note: Where the primary business of the occupancy is not sale of sparklers, the sale 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 which 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/or 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 building 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 copy of Building Permit for canopy.

**F-120.6.4.2** The canopy shall comply with the flame-retardant requirement. Proper flame retardant certificate 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 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 and/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 copy of permit for electrical service and equipment.

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

**F-120.6.5.2.1** Generator shall be kept 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** Durable sign to read "NO SMOKING" shall be posted at the generator site.

**F-120.7** 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** A permit application for the use of pyrotechnics before a proximate audience shall be submitted in writing to the local Fire Marshal/Fire Code Official, or his/her duly authorized representative at least 15 business days prior to the display.

**F-120.7.2** The local Fire Marshal/Fire Code Official, or his/her duly authorized representative at their discretion, shall require standby fire watch personnel employed by the AHJ of the Fire Service Provider/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. Any and 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 total restoration of 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, 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 his/her 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 approved, written notice from the FAA to the local Fire Marshal/Fire Code Official, or his/her 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 his/her duly authorized representative, the 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 post event cleanup of debris, the pyrotechnician shall furnish written proof from the party responsible for 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/or part thereof in the fallout area unless otherwise agreed to by the fire code official, as to the contracted party responsible for such cleanup.

## **F-121 Photovoltaic (PV)**

The design, installation, operation, inspection, and maintenance of all photovoltaic electrical equipment, except for that equipment used in one and two-family single residences, shall comply with this section of the Local Fire Code Amendments to the Florida Fire Prevention Code and NFPA 70 NEC.

### **F-121.1 Remote Disconnect**

a) If the PV Solar disconnect cannot be located at the utility service point, a sign / placard securely mounted to the building shall indicate the location on the exterior of the building where the solar disconnect can be found. The sign / placard for the remote disconnect shall be affixed at the utility meter, directing the Fire Service Provider/Fire Department personnel to the location where the PV Solar Disconnect can be found (sign / placard material and lettering shall be as stated above and give clear directions to the location of the PV Solar disconnect location).

**F-121.2** PV Solar systems installed in Commercial buildings where any life safety device, equipment, system, level of protection, or any other feature required for compliance with the life safety code relying on continuous electricity shall be inspected for integrity and operability as intended per its respective code.

### **F-121.3.1 Rapid Shutdown of PV Systems on Buildings:**

All buildings with solar systems shall comply with NFPA 70, section 690.12 as it relates to a means to disconnect voltage on the load side of solar panels in an emergency situation.

## **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 inspections 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** Mobile Food Dispensing Vehicles shall be separated and have a clearance of at least 10 ft. (3 m) in all directions from any vehicles, buildings, combustible materials, and other cooking operations.

**F-122.1.4** 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-122.1.5** 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 and in accordance with

## **F-122.3 Fire Extinguishers**

**F-122.7.1** There shall be a quarter-turn valve installed within the LP- gas piping for emergency shut-off use, shall be installed on the exterior of the vehicle and readily assessable.

**F-122.7.2** 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-122.7.3** 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-122.8 Leak Detection**

**F-122.8.1** 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 International Kitchen Exhaust Cleaning Association (IKECA) or other nationally recognized exhaust system cleaning association acceptable to the AHJ in accordance with NFPA 96, Section 11.6.1.

**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, 11.6.14 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.

# Section 4



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broward.org/CodeAppeals

# BROWARD COUNTY

## BOARD OF RULES AND APPEALS

### FBC 6<sup>th</sup> Edition (2017)

### FORMAL INTERPRETATION (#)

**DATE:** October 10, 2019

**TO:** All Building Officials

**FROM:** James DiPietro, Administrative Director

**SUBJECT:** Required Signatures on the Broward County Uniform Building Permit Application

#### 2019 Voting Members

##### **Chair**

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

##### **Vice-Chair**

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

Mr. Jeffrey Lucas, FM, CFI, CFEI  
Fire Service Professional

Mr. John Famularo,  
Roofing Contractor

Mrs. Shalanda Giles Nelson,  
General Contractor

Mr. Daniel Rourke  
Master Plumber

Mr. Gregg D'Attili,  
Mechanical Contractor

Mr. Ron Burr  
Swimming Pool Contractor

Mr. John Sims,  
Master Electrician

Mr. Dennis A. Ulmer  
Consumer Advocate

Mr. Abbas H. Zackria, CSI  
Architect

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

##### **Vacant**

Representative Disabled Community

#### 2019 Alternate Board Members

Mr. Jeff Falkanger  
Architect

Mr. Steven Feller, P.E.  
Mechanical Engineer

Mr. Alberto Fernandez,  
General Contractor

Mr. Robert Taylor  
Fire Service

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

Mr. David Rice, P.E.  
Electrical Engineer

Mr. James Terry,  
Master Plumber

Mr. David Tringo,  
Master Electrician

Mr. William Flett,  
Roofing Contractor

##### **Board Attorney**

Charles M. Kramer, Esq.

##### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regular meeting of October 10, 2019, the Board approved an interpretation based on an advisory opinion as to the requirements for owner signature on permit application.

The opinion from Charles Kramer, General Counsel to the Board of Rules and Appeals was dated on August 7, 2019.

#### **Formal Interpretation:**

If a Contractor is acting as the Owner's Agent, then the Contractor must sign twice. Once in their capacity as Contractor and the second time in their capacity as the Owner's agent.

If a Contractor is not acting as an Owner's agent, then there must be a second signature of either the Owner or the Owner's agent or the permit application must be denied.

The agency authority granted to the Contractor by an Owner in the course of the building permit application process is limited solely to the authority to sign a building permit application on behalf of an Owner. No other authority, control, duty(ies), responsibilities, rights, or power is intended or implied other than the authority to sign the building permit application on behalf of an Owner.

**EFFECTIVE DATE:** October 11, 2019

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

Page 1 of 1 F.I. #

#### **Attachments:**

1: Broward County Uniform Building Permit Application

2: Advisory opinion from Charles Kramer, Esq.

# BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: ☐ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Other \_\_\_\_\_

Application Number: \_\_\_\_\_

Application Date: \_\_\_\_\_

<b>1</b>	Job Address: _____		Unit: _____		City: _____	
	Tax Folio No.: _____		Flood Zn: _____	BFE: _____	Floor Area: _____	Job Value: _____
	Building Use: _____			Construction Type: _____		Occupancy Group: _____
	Present Use: _____			Proposed Used: _____		
	Description of Work: _____					
	<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Revision <input type="checkbox"/> Other: _____					
	Legal Description: _____					<input type="checkbox"/> Attachment

<b>2</b>	Property Owner: _____		Phone: _____		Email: _____	
	Owner's Address: _____		City: _____		State: _____	Zip: _____

<b>3</b>	Contracting Co.: _____		Phone: _____		Email: _____	
	Company Address: _____		City: _____		State: _____	Zip: _____
	Qualifier's Name: _____		Owner-Builder: <input type="checkbox"/>		License Number: _____	

<b>4</b>	Architect/Engineer's Name: _____		Phone: _____		Email: _____	
	Architect/Engineer's Address: _____		City: _____		State: _____	Zip: _____
	Bonding Company: _____					
	Bonding Company Address: _____		City: _____		State: _____	Zip: _____
	Fee Simple Titleholder's name (if other than owner): _____					
	Fee Simple Titleholder's Address (If other than owner): _____		City: _____		State: _____	Zip: _____
	Mortgage Lender's Name: _____					
	Mortgage Lender's Address: _____		City: _____		State: _____	Zip: _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

**OWNER'S AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.**

X \_\_\_\_\_  
Signature of Property Owner or Agent

STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

(Type / Print Property Owner or Agent Name)

X \_\_\_\_\_  
Signature of Qualifier

STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

(Type / Print Qualifier's Name)

NOTARY'S SIGNATURE as to Owner or Agent's Signature

Notary Name \_\_\_\_\_  
(Print, Type or Stamp Notary's Name)

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

NOTARY'S SIGNATURE as to Qualifier's Signature

Notary Name \_\_\_\_\_  
(Print, Type or Stamp Notary's Name)

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ Permit Officer Issue Date: \_\_\_\_\_ Code in Effect: \_\_\_\_\_

**A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.**

Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

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

5561 NORTH UNIVERSITY DRIVE, SUITE 102  
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*Board Certified in Construction Law*

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

August 7, 2019

### **ADVISORY OPINION AS TO REQUIREMENT FOR OWNER SIGNATURE ON PERMIT APPLICATION**

A question has arisen with respect to procedural differences in the permit application process amongst various municipalities in Broward County.

#### **ISSUE**

More specifically, the Board of Rules and Appeals has learned that some municipalities within Broward County are requiring the Owner's signature on the uniform permit application prior to acceptance. Other municipalities do not require an Owner's signature and will accept permit applications and documents from the Contractor.

#### **RULE**

##### **I. Florida Building Code Sec 105.3.0.1, 105.3.0.3, and 105.3.0.2.**

##### **A. We would first note that FBC Sec 105.3.0.1 states:**

105.3.0.1 Qualification of Applicant. Application for permit will be accepted from **owner, qualified persons or firms, or authorized agents.** (Emphasis added).

The use of the word "shall" determines mandatory compliance, the use of the word "may" determines permissive or permitted action See Brooks v. Anastasia Mosquito Control Dist., 148 So.2d 64 (Fla. 1st DCA 1963). Likewise, the use of the word "or" determines the right to discretion in election of action. See Celistics, LLC v. Gonzalez, 922 So.3d 824 (Fla. 3d DCA 2009). Absent

“magic words” of exclusivity such as “must” or “shall”, the language is permissive thus determining the right to make an election.

Inasmuch as the word “and” is not contained between “owner” and “qualified person” the lack of the conjunctive determines that there is no mandatory requirement for dual signatures.

**B** Furthermore, the use of the word “or” following the term “qualified persons” determines that the signature is not solely confined to an owner or builder but may be an otherwise qualified person or authorized agent. This is further confirmed by 105.3.0.3 which states:

105.3.0.3 Attesting of Application: The permit application shall be signed in a space provided, before an officer duly qualified to administer oaths, **by the owner, qualified person or firm, or authorized agents.** (Emphasis added).

Again, it is clear from the Florida Building Code (Broward County edition) that the signature on the permit application may be from any of the persons or party(ies) listed. There is also no language which determines that multiple signatures are required.

**C.** We have also reviewed FBC Sec 105.3.0.2 which states *inter alia*:

**105.3.0.2 Application Form.** Each application for a permit, shall be submitted with the required fee, and filed with the Building Department on the Broward County Uniform Building Permit Application (effective April 1, 2016) furnished for that purpose (see Appendix A of the Broward County Administrative Provisions). The application shall describe the property on which the proposed work is to be done, and shall include both the legal description and more commonly known address. The application shall also show the use or occupancy of the building or structure; shall be accompanied by plans and/or specifications as required hereafter; shall state the value of the proposed work; as specified in Section 109, shall give such other information as reasonably may be required by the Building Official to describe the proposed work; and shall be attested by the qualified applicant. **The Permit Application shall be inscribed with the application date and the Edition of the Code in effect, and comply with the requirements of Section 713.135 and (6) of the Florida Statutes.**

In so saying, sec 105.3.0.2 creates causal nexus and mandatory review of Florida Building Code sections 105.3.0.2 and 3 and Florida Statutes Sec 713.135(5) and (6) a.

## ANALYSIS

### II. Florida Statutes Section 713.135 (5) and (6)a

Florida Building Code Sec 105.3.0.2 requires conformance of section 105 with statutes 713. The question arises as to possible conflict between FBC Sec 105.3.0.1, 105.3.0.3 and Florida Statutes sec 713.135(5) and 713.135(6) a.

A. A review of 713.135.5 determines that it is not applicable to the question as to Owners signatures for the reason that nowhere does it require an Owners signature- only Owner information. More specifically the Statute specifies:

In addition to any other information required by the authority issuing the permit, each building permit application must contain:

- (a) The name and address of the owner of the real property;
- (b) The name and address of the contractor;
- (c) A description sufficient to identify the real property to be improved;
- and
- (d) The number or identifying symbol assigned to the building permit by the issuing authority, which number or symbol must be affixed to the application by the issuing authority.

All of the items required under F.S. Sec 713.135.5 pertain solely to *identification* of the Owner. *Nowhere is it required that an Owner signature be supplied.*

B. With respect to 713.135.6(a), the Statute provides a form template which includes an "Owner Affidavit." The problem with this is that the statute requires an application in "**substantially the following form**" so that the title of the document is not necessarily dispositive of the contents of the document. More to the point, the form template contains a signature line for "**Owner or Agent including Contractor.**"

If the Owner is not the applicant, and the applicant is responsible for performing the work, then it is the sworn statement of the party performing the work that it shall be performed in accordance with the code. This comports with the "substantially the same form" requirements but with the Agent or Contractor attesting to code compliance.

This does not mean that only the applicant's signature is required on the application. The application still requires the signature of the Owner or the Owner's Agent in addition to the Contractor, if the Contractor is not acting as the Owner's Agent.

### **III. Form over substance arguments are rejected**

Although F.S. 713.135(6)(a) provides a template of an "Owner's Affidavit", the Affidavit itself states *inter alia*:

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

...

**(Signature of Owner or Agent)  
(including contractor)**

We cannot place form over substance when examining the template of the Affidavit set forth under FS Sec 713.135. The fact that it is called an "Owners Affidavit" does not mean that it requires an Owner's signature or an Owner's attestation. The Affidavit specifically contemplates a signature by the "Owner, or Agent including Contractor."

This principle is well established in the Florida courts. More specifically:

[T]he trial court may not merely rely on the title of the document. With respect to the characterization of motions, Florida courts place substance over form. In other words,

"if the motion is mislabeled, the court will look to the substance of the motion, not the label." Indus. Affiliates, Ltd. v. Testa, 770 So.2d 202, 204 n. 1 (Fla. 3d DCA 2000). *See also* Fire & Cas. Ins. Co. of Conn. v. Sealey, 810 So.2d 988, 992 (Fla. 1st DCA 2002) ("We agree that the true nature of a motion must be determined by its content and not by the label the moving party has used to describe it.").

### **IV. Contractor as Owner's Agent**

We further note the signature line of the "Owner's Affidavit" and in particular the wording "Signature of Owner or Agent including Contractor". The straightforward interpretation and plain meaning rule under statutory interpretation is that either the Owner or the Agent may sign-

“including the Contractor.” Note that the Code does not state “Owner or Agent *and* Contractor” it states “Owner and Agent *including* Contractor.”

This does not mean that the signatures of two (2) persons are required. The plain language rule which determines that the Contractor may sign as the Owner’s Agent where a Contractor is acting as the Owner’s Agent is well recognized under Florida law. If a Contractor is also signing as the Owner’s Agent, it would require a second signature by the Contractor acting in his capacity as the Owner’s Agent, in the signature block of the Broward County Uniform Permit Application

The Florida courts recognize the status of a Contractor acting in the capacity of an Owner’s Agent. See Price vs. J.P. Guerry & Sons, 133, Fla. 754 (Fla. 1933) ( “Where building contractor agreed to furnish materials and complete two bungalows at a stated price under contract... contractor merely acted as owner's agent in the purchase of materials, and owner, who knew of purchases made by contractor was primarily liable, for purchase price of materials for which materialmen claimed liens under statutes.”). See also Roberts v. Lesser, 96 So. 2d 222 (Fla. 1957) (Subcontractor's suit to foreclose mechanics' lien against property improved allegedly at request of contractor acting as owner's agent.)

If a Contractor is acting in the capacity of Agent he must sign in the dual capacity with a second signature.

#### **V. Failure to be included under “any other information required” under 713.135**

The question has been raised as to the broad requirement provision contained in F.S. Sec. 713.135 wherein is stated:

**In addition to any other information required by the authority issuing the permit, each building permit application must contain:**

The question posed is whether or not the words “In addition to any other information required” provides for a degree of autonomy over statutes and compliance with the codes.

We would first note that the permit application is the “**Broward County Uniform Building Permit Application.**” The uniformity of the document is meant to determine exactly that, the application is uniform and the intention is that it be interpreted uniformly.

In this specific case, if a local municipality were to unilaterally implement changes to the Permit Application process, it will have the effect of altering administrative portion of the Building Code thus creating a “second” set of Building Code requirements.” This is not permissible under Special Act 71-575 and further constitutes the creation of a conflicting amendment to law and forbidden under common law. As noted in Palm Beach County Canvassing Bd. v. Harris, 772 So. 2d 1273 (Fla 2007):

Where two laws are in conflict, courts should adopt an interpretation that harmonizes the laws, for the legislature is presumed to have intended that both laws are to operate co-extensively and have the fullest possible effect.

Palm Beach v. Harris at 1287.

The courts have further stated:

It is presumed that laws are passed with knowledge of all prior laws already on books, and that legislature neither intended to keep contradictory enactments in force nor to repeal prior law without express intention to do so; courts have duty to adopt scheme of statutory construction which harmonizes and reconciles statutes and to find reasonable field of operation that will preserve force and effect of each.

*See* Floyd v. Bentley, 496 So.2d 862, 865 (Fla 2d DCA 1986). *See also* Woodgate Development Corp. v. Hamilton Inv. Trust, 351 So.2d 14 (Fla 1977).

It is also a fact that all of the documents attendant with permit applications in Broward County recognize signatures of the “Owner, or Agent including Contractor.” Using the “plain language rules” of statutory interpretation, all of the documents used in the application process are necessarily incorrect as a matter of law because the local municipality wishes to adopt a position contrary to the plain language of the statutorily created documents.

## **VI. Municipality amendments restricted under Florida Statutes Sec 553.73(4)a**

Local municipality amendments are restricted under Florida Statutes Sec 553.73 (4)a, which states *inter alia*:

(4)(a) ...

Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of this paragraph. Local amendments shall be more stringent than the minimum

standards described herein and shall be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this paragraph for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

Thus, a local administrative amendment must strengthen the code in some fashion.

In this case, the Statute does not state that an Owner's signature is required, only that the "Owner's or Agent's signature including Contractor" is required. (*Supra*). Without stating further, only one signature would be required. The governing authority, the Broward County Board of Rules and Appeals wishes to strengthen the administrative portion of the code as contemplated under F.S Sec 553.73 (4)a by requiring the signature of the Owner or the Agent as well as the Contractor. Furthermore, if the Contractor is acting as the Owner's Agent, the Contractor must sign twice. Once in their capacity as the Contractor and the second time verifying their status as the Owner's Agent. This would authorize the imposition of additional penalties on a Contractor who purported to represent the Owner if in fact, they did not. This being an administrative provision, it is axiomatic that the inclusion of additional penalties is a strengthening of the code because the end result is the protection of the public interest. *See State v. Murray*, 644 So.2d 533 (Fla. 4<sup>th</sup> DCA 1994) ("the primary purpose of administrative remedies is for public protection, not to punish the offender.") See also *Florida Department of Financial Services v. Cephas*, Case No. 03-0798PL (The Florida courts have adopted the federal position that administrative penalties are instituted for the protection of the public); and *Buchman v. State Board of Accountancy*, 300 So. 2d 671, (Fla. 1974) (utility of administrative penalties serves to protect the public interest).

## **VII. Creation of the Florida Building Code and the Authority of the Governing Body**

In 1996, the Florida Building Code Study Commission was appointed to review the system of over 400 local jurisdictions and state agencies with building code responsibilities. One of the most important issue was compliance. The Building Commission recommendations called for strengthened compliance through greater predictability and accountability in the building code system. The 1998 Legislature adopted the Study Commission's recommendations and amended

Chapter 553, Florida Statutes, Building Construction Standards to create a single minimum standard building code that is enforced by local governments. In so saying, safety, uniformity and accountability are recognized as critical elements of the Florida Building Code.

**a. Florida Statutes Section 553.71**

The Florida Statutes 553.71 states *inter alia*:

...

(5) "Local enforcement agency" means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

F.S. Sec 553.71(5)

**b. Florida Statutes Sec 633.208(3)(a)**

The use of the word enforcement referring to building departments and municipalities is critical where the Florida Statutes Sections 633.208(3)(a) makes the distinction between enforcement and governing bodies. More specifically:

...

(3)(a) The local governing body shall determine, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, if there is a need to strengthen the requirements of the minimum firesafety code adopted by such governing body. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the minimum firesafety code for the protection of life and property or justify requirements that meet special situations arising from historic, geographic, or unusual conditions.

F.S. §633.208 (3)(a)

Local building departments are "local enforcement agency[ies]" as statutorily indicated while the governing body, is the Broward County Board of Rules and Appeals.

**c. The authority of the Board of Rules and Appeals as governing body.**

The authority of the Board of Rules and Appeals was affirmed in the express provision of an Opinion rendered by the Attorney General of the State of Florida to this Board on August 21, 2018 wherein was stated:

With regard to requirements for Certificates of Competency, which are found within the Florida Building Code, Broward County Amendments, this office is unable to comment. Section 16.01 (3), Florida Statutes (2018), authorizes the Attorney General to render an opinion "on any question of law relating to the official duties of the requesting officer." **This authority, however, does not extend to the interpretation of local codes and ordinances.**

In so saying, the interpretation of local codes and ordinances is the province of the Board of Rules and Appeals. See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter.

#### **VIII. Input from the Florida Building Commission**

In response to inquiry from the Board of Rules and Appeals, the Florida Building Commission has declined comment citing the August 21, 2018 Opinion of the Florida Attorney General which it adopts with respect to the provision addressing interpretation of local administrative amendments.

***THIS SECTION INTENTIONALLY LEFT BLANK***

## CONCLUSION

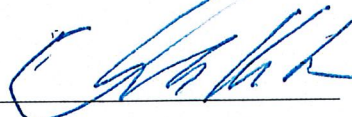
For the reasons set forth above, it is the determination of the General Counsel to the Broward County Board of Rules and Appeals that an Owner's signature shall not be required on a Broward County Building Permit Application as further established and determined under the Florida Building Code and the Florida Statutes.

Furthermore it is the determination of the Broward County Board of Rules and Appeals that in the interest of strengthening the administration provisions of the Florida Building Code and in the interest of furthering uniformity of Florida Building Code requirements amongst the various authorities in Broward County, an Owner's signature shall not be required as part of the permit application process and that if a Contractor is filing a permit application in capacity of both Contractor and as Owner's Agent, the Contractor must sign as both Contractor and as Agent in spaces provided on the face of the Broward County Uniform Building Permit Application form.

**If a Contractor is acting as the Owner's Agent, then the Contractor must sign twice. Once in their capacity as Contractor and the second time in their capacity as the Owner's agent.**

**If a Contractor is not acting as an Owner's Agent, then there must be a second signature of either the Owner or the Owner's Agent or the permit application must be denied.**

**The agency authority granted to the Contractor by an Owner in the course of the building permit application process is limited solely to the authority to sign a building permit application on behalf of an Owner. No other authority, control, duty(ies), responsibilities, rights, or power is intended or implied other than the authority to sign the building permit application on behalf of an Owner.**



**Charles M. Kramer, Esq.**

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Board of Rules and Appeals  
Florida Bar Board Certified  
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[ckramer@bmwlawyers.net](mailto:ckramer@bmwlawyers.net)**

# Section 5



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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

**FROM:** Kenneth Castronovo, Chief Electrical Code Compliance Officer

**DATE:** 10-10-2019

**SUBJECT:** Formal Interpretation for the Swimming Pool safety Act, FS 515.27. Chapter I, I 10.3, A, #24, a. 3.

---

**RECOMMENDATION:**

It has been recommended that the Broward County Board of Rules and Appeals consider and approve Formal Interpretation.

**Reasons:**

At the September 9<sup>th</sup>, 2019, the Electrical and Structural Committees met to discuss who is responsible for enforcing the Residential Swimming Pool Safety Act Statute. The issue is that Electrical Inspectors are performing the mentioned Safety Inspections which are not a part of their scope. The responsibility of this inspection is detailed in the Florida Building Code, Broward County Amendments section I 10.3, A, #24, a. 3. See attachments.

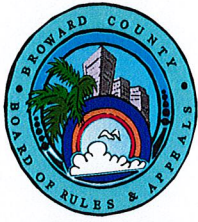
**ADDITIONAL INFORMATION:**

Approving this recommendation will provide consistency in interpreting the Statute, places the inspection responsibility upon the Structural Inspector and expedites the inspection process.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read "Kenneth Castronovo", is written over a horizontal line.

Kenneth Castronovo, Chief Electrical Code Compliance Officer



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broward.org/CodeAppeals

# BROWARD COUNTY BOARD OF RULES AND APPEALS

## **FBC 6<sup>th</sup> Edition (2017)** **FORMAL INTERPRETATION (#)**

**DATE:** October 10, 2019  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director  
**SUBJECT:** Swimming Pool Safety Inspections

### **2019 Voting Members**

#### **Chair**

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

#### **Vice-Chair**

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

#### **Vacant**

Representative Disabled Community

### **2019 Alternate Board Members**

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

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

The Residential Swimming Pool Safety Act, Chapter 515 of the Florida Statutes requires minimum safety requirements for all newly constructed swimming pools. Florida Statute 515.27 for residential swimming pools has a list of required safety options of which one is to be chosen from. Section 515.29 (1)(e) and (c) has options to require alarms that are activated when someone enters the pool or pool area. The statute does not state who would enforce this law, only that it must be done. Chapter One of the Broward County Florida Building Code Section 110.3, A (Building) #24 states that the child barrier be the third structural inspection. It is clear in this section that the child barrier inspection is to be carried out by the Structural Inspector. The section then states that the pool is to be filled with water after the Electrical Final Inspection. The final pool inspection is to be carried out only by the Structural Inspector.

A Joint Electrical/Structural Committee Meeting was conducted on September 9<sup>th</sup>, 2019 to discuss the above issue. Both Electrical and Structural Committee members voted in favor of the Florida Building Code as it is written.

### **Formal Interpretation:**

All Swimming Pool Safety Act Inspections shall be performed by BORA Certified Structural Inspectors per section FBC Section 110.3, A, 24.

**EFFECTIVE DATE:** October 10, 2019

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

**Page 1 of 1 F.I. #**

### **ATTACHMENTS:**

- Chapter 1, Section 110.3, A, #24, (a)3
- Florida Statute 515.27

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**110.1.3** No inspection shall be made until sanitary facilities have been provided, as required in Section 311.1 of the FBC Plumbing.

**110.1.4** When the services and reports of inspection and testing laboratories are required by this Code, only such services and reports shall be accepted as are submitted from impartial inspecting and testing laboratories having an Engineer in active responsible charge of the work of sampling and testing.

**110.1.5** Testing laboratories engaged in the sampling and testing of concrete and steel products shall have complied with the Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection ASTM E329-14a.

**110.1.6** Testing laboratories located out of this State and under the supervision of an Engineer legally qualified in the State in which the laboratory is located, and where such testing laboratory has complied with the above Standard, may submit test reports as required by this Code.

**110.1.7** All equipment, material, power, coordination for access and labor, necessary for inspection and/or test shall be supplied by the permit holder.

**110.2 Preliminary inspection.** Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**110.3 Required Inspections.** The Building Official, upon notification from the permit holder or his or her agent, shall make the following inspections performed by Inspectors BORA certified in the categories involved who shall either release that portion of the work completed or shall notify the permit holder or his or her agent of any violations which shall be corrected in order to comply with the technical codes. The Building Official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

#### A. Building

1. **Piling:** To be made during the installation of piles by Special Inspector.
2. **Foundation Inspection:** Include piling/pile caps, footer/grade beams, stem-wall, and monolithic slab-on-grade to be made after necessary excavation, form erection, and reinforcing steel placement, prior to pouring of concrete.
  - a. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the AHJ.
3. **Floor Slab on Grade and/or Elevated:** To be made after necessary excavations, form erection as may be required, placement of

reinforcing steel, mesh, and vapor barrier when specified, and prior to pouring concrete.

4. **Concrete Columns:** To be made after the placement of reinforcing steel and prior to complete erection of forms and pouring of concrete.
5. **Concrete Unit Masonry:** To be made at each successive pour after placement of the reinforcement and prior to the pouring of grout. See Sections 110.10.2.2 and 110.10.5.
6. **Concrete Beams:** To be made after the erection of forms, placement of reinforcing steel, hangers, bracing and shoring and prior to pouring of concrete.
7. **Framing Inspection:** To be made after the installation of all structural elements, including: the roof, furring, fire stops, fireblocking, nailers, anchors, and bracing is in place, chimneys, and prior to the installation of interior cladding, but after inspection of rough in electrical, mechanical and plumbing, which shall be completed prior to request for framing inspection. See mandatory inspections for electrical, mechanical and plumbing. Framing inspection shall at a minimum include the following building components:
  - a. Window/door framing
  - b. Vertical cells/columns
  - c. Lintel/tie beams
  - d. Framing/trusses/bracing/connectors
  - e. Draft stopping/fire blocking/fire stopping
  - f. Curtain wall framing
  - g. Accessibility.
  - h. Verify rough opening dimensions are within tolerances.
8. **Roof/Floor Trusses:** To be made after the erection of truss members, permanent and temporary bracing, roof sheathing and bottom chord furring members and anchors.
9. **Roof Sheathing:** To be made after placement of panels or planking and sheathing fasteners; prior to application of base or anchor coat of roofing.
10. **Wall/Floor Sheathing:** To be made after placement of panels or planking and sheathing fasteners.
11. **Roofing Inspection:** To be made in accordance with Chapter 15 of the FBC & Chapter 44 of the Florida Residential Code and Section 611 of the FBC Existing Building.
12. **Window and Door Inspection:** Two inspections to be made, one after door and window bucks have been installed, and the second, after window and door assemblies have been installed and before attachments

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and connections to the building frame are concealed.

13. **Wire Lath:** To be made after installation of all metal lath and accessories prior to application of any coatings.
14. **Energy insulation:** After installation in compliance with type and "R" values stipulated in energy calculations and prior to installation of rock lath and drywall.
15. **Rock Lath:** To be made after installation of all rock lath, corner beads, strip reinforcement and nailers for molding and trim and prior to application of plaster basecoat.
16. **Drywall:** To be made after installation of drywall panels and prior to taping and spackling.
17. **Curtain Wall Inspection:** To be made at each floor level after curtain walls are installed and before curtain wall attachments are concealed.
18. **Storefront Inspection:** To be made after storefronts are installed and before store front attachments are concealed.
19. **Concealed Work:** The Building Official or his or her duly authorized representative may order portions of the structural frame of a building and/or structure to be exposed for inspection when, in his or her opinion, there is a good reason to believe that a building or portion thereof is in an unsafe or dangerous condition or that there is willful or negligent concealment of a violation of this Code.
20. **Hurricane Shutters:** To be made before the attachments and connections to the building are concealed and when job is completed. All shutters shall be installed for final inspection. On occupied buildings, all required means of egress and emergency exits shall be left uncovered.
21. **Photovoltaic**
  - a. **Rough**
    1. Check specifications, model numbers and lay out.
    2. Check attachments, penetrations on roof, torque requirements.
  - b. **Final**
22. **Final Inspection:** To be made after installation and completion of all elements of construction, safeguards and protective devices, and after final electrical, mechanical and plumbing. Approval of Fire Department accessibility and all tests of fire alarm detection and suppression systems, smoke evacuation systems and life safety systems shall be approved prior to final inspection and issuance of Certificate of Occupancy.
  - a. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be

submitted to the authority having jurisdiction.

23. **Certificate of Occupancy:** This final inspection shall signify the completion of all work and that the structure is safe for Occupancy. Final adjustments to mechanical devices may be made after this inspection and during Occupancy.
24. **Fence:** Final only
25. **Swimming Pools/Spas Inspection:** First inspections to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete, gunite or shotcrete. Second inspection(s) of perimeter plumbing, pressure test, deck electrical perimeter bonding and deck structural (includes soil reports as applicable, paver type decks, special perimeter footings or deck features) is (are) to follow after the completion of each phase. Child barrier (exit) alarms (if applicable), and yard barriers that are part of the fourth wall protection as described in FBC Building Section 454.2.17, shall be completed and approved inspection prior to the swimming pool/spa being filled with water. Final zoning (if applicable) is to be completed prior to the swimming pool/spa being completed. Electrical final is to be completed prior to the swimming pool/spa being filled with water. Final structural and plumbing are to be completed after the swimming pool/spa is filled with water and the filtration system is in operation.
  - a. **Structural inspections:**
    - (1) Steel
    - (2) Deck (includes soil reports as applicable, paver type decks, special perimeter footings or deck features)
    - (3) Child barrier fences (if applicable) and yard barriers that are part of the fourth wall protection prior to the swimming pool/spa being filled with water
    - (4) Final structural (after filling of the swimming pool/spa with water and the filtration system is in operation)

#### B. Electrical:

1. **General:** All Underground, Slab, low voltage and Rough Electrical Installations shall be left uncovered and convenient for examination until Inspected and approved by the Electrical Inspector.
2. **Temporary Electrical Service Installations**
  - a. Rough.
  - b. Final
3. **Underground Electrical Inspection:** To be made after trenches or ditches are excavated,

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underground conduits or cables installed, and before any backfill is put in place.

4. **Slab Electrical Inspection:** To be made and after conduits and boxes are installed, and prior to pouring concrete.
  - a. Grounding Electrode Conductor to Foundation Steel
5. **Rough Electrical Inspection:** To be made after the roof, framing, fire blocking bracing are in place, and the building is deemed dry, and conduits, cables, panels, receptacles, etc. are installed, and prior to the installation of wall or ceiling membranes.
6. **Electrical Service Inspection:**
  - a. Electrical rough
  - b. Electrical Final Inspection
7. **Miscellaneous Electrical Inspection:**
8. **Swimming Pool/Spa Electrical Inspection:**
  - a. Steel Bonding
  - b. Underground
  - c. Deck perimeter bonding
  - d. Final electrical prior to the swimming pool/spa being filled with water
9. **Temporary Electrical 30-Day Power for Testing**
10. **Photovoltaic**
  - a. **Rough. Before modules are installed**
    1. Check specifications, model numbers and lay out.
    2. All wiring for junction boxes, combiner, and inverter completed.
    3. Grounding system completed, torque requirements.
  - b. **Final. Module must be available for inspection.**
    1. Verify proper labeling
    2. Test system
  - c. **Service Change if required by design.**
11. **Final Inspection:** To be made after the building is complete, all electrical fixtures are in place and properly connected, or protected, and the structure is ready for occupancy and deemed safe for power by the Building Official.

Final Electrical Inspection shall be made prior to Final Structural Inspection.

### C. Gas:

1. **General:** To be made for all underground work, and at each floor and roof level where gas work is installed. All gas work shall be left uncovered and convenient for examination until inspected and approved by the Plumbing Inspector.
2. **Underground inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

3. **Rough piping inspection:** To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
4. **Final Gas inspection:** To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Final Gas Inspection shall be made prior to Final Structural Inspection.

### D. Mechanical:

1. **General:** To be made for all underground work, and at each floor and roof level where mechanical work is installed. All mechanical work shall be left uncovered and convenient for examination until inspected and approved by the Mechanical Inspector.
2. **Underground inspection:** To be made after trenches or ditches are excavated, underground duct and all piping installed, and before any backfill is put in place.
3. **Rough-in inspection:** To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
4. **Final Mechanical inspection:** To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Final Mechanical Inspection shall be made prior to Final Structural Inspection.

### E. Plumbing:

1. **General:** To be made for all underground work, and at each floor and roof level where plumbing work is installed. All plumbing work shall be left uncovered and convenient for examination until inspected and approved by the Plumbing Inspector.
2. **Underground inspection:** To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
3. **Rough-in inspection:** To be made after the roof, framing, fire-blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes. Floors shall be left open in all bathrooms and elsewhere above all sanitary plumbing, and water-supply

**107.3.4.0.6** Compliance with the specific minimum requirements of this Code shall not be in itself deemed sufficient to assure that a building or structure complies with all of the requirements of this Code. It is the responsibility of the Architect and/or Engineer of Record for the building or structure to determine through rational analysis what design requirements are necessary to comply with this Code.

**107.3.4.0.7** Plans and/or specifications for work that is preponderantly of a structural nature shall be prepared by and bear the impress seal of an Engineer.

**107.3.4.0.8** Plans and/or specifications for new construction requiring an aggregate electrical service capacity of more than 600 amperes or more than 240 volts on residential or more than 800 amperes or more than 240 volts on commercial or industrial or an electrical system having a value greater than \$125,000 or any electrical system(s) for an assembly area having an area greater than 5,000 square feet or a fire alarm and/or security alarm system(s) which cost more than \$5,000.00 shall be prepared by and signed, dated and bear the impress seal of an Engineer who is competent in this field of expertise. All plans and/or specifications prepared by an Architect or an Engineer pursuant to the requirements of this Code shall be hand signed, dated and sealed by the respective Architect or Engineer who prepared such plans and/or specifications.

**107.3.4.1 Deferred submittals. Reserved.**

**107.3.4.2 Certification by contractors. Reserved.**

**107.3.4.3 Application for Examination of Plans.**

**107.3.4.3.1** Complete plans and/or specifications shall be submitted in duplicate and with a third copy of the plot plan showing parking, landscaping and drainage; or such plans may be submitted in single copy where it is evident that code interpretation is needed before final working drawings can be prepared.

**107.3.4.3.2** Plans and/or specifications for proposed construction, where such plans and/or specifications are not required to be prepared by and bear the impress seal of an Architect or Engineer shall be submitted by the designer with the application as set forth in Section 105.3.

**107.3.4.3.3 Construction Inspection.** The Professional Engineer of Record or the Architect of Record in responsible charge of the structural

design shall include in the construction documents the following:

1. Special inspections required by Sub-section 110.10.2.
2. Other structural inspections required by the Professional Engineer of Record or the Architect of Record in responsible charge of the structural design.

**107.3.4.3.4** Application for permit for new construction and additions shall be accompanied by a registered land surveyor's certificate and plan in duplicate on which shall be clearly indicated the property-corner stakes, property-line dimensions, existing structures and their location, existing right-of-way, sidewalks, easements, street zoning and property zoning of record, critical elevations and building setbacks required by law, general block plan and other plan and other pertinent survey data which may be required. The Building Official may waive the requirements for such survey when property-line stakes are existing and known to be in place, and the work involved is minor and/or is clearly within building lines.

**Exceptions:**

1. The Building Official may authorize the issuance of a permit without plans and/or specifications for small or unimportant work, but in no instance where the work is of a structural nature except as set forth below.
2. The Building Official will authorize the issuance of a permit for a single-family fall-out shelter without a professional seal on the plans where the cost of such work does not exceed \$5,000.

**107.3.5 Minimum plan review criteria for buildings.**

The examination of the documents by the Building Official, or his or her duly authorized representative and/or Fire Marshal/Fire Code Official, or his or her duly authorized representative for that discipline qualified under section 104 of this Code shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

**A. Building**

**1. Site Requirements:**

- a. parking
- b. fire access
- c. vehicle loading
- d. driving/turning radius
- e. fire hydrant/water supply/Post

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- Indicator Valve (PIV)
  - f. setback/separation (assumed property lines)
  - g. location of specific tanks, water lines and sewer lines
  - h. flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
2. Occupancy group and special occupancy requirements shall be determined.
  3. Minimum type of construction shall be determined (see Table 503) (Table 500).
  4. Fire resistant construction requirements shall include the following components:
    - a. fire resistant separations
    - b. fire resistant protection for type of construction
    - c. protection of openings and penetrations of all rated components
    - d. fire blocking and draftstopping
    - e. calculated fire resistance
  5. Fire suppression systems shall include:
    - a. early warning
    - b. smoke evacuation systems schematic
    - c. fire sprinklers
    - d. standpipes
    - e. pre-engineered systems
    - f. riser diagram
  6. Life Safety systems shall be determined and shall include the following requirements:
    - a. occupant load and egress capacities
    - b. early warning
    - c. smoke control
    - d. stair pressurization
    - e. systems schematic
    - f. BDA submittal, if applicable
  7. Occupancy Load/Egress Requirements shall include:
    - a. occupancy load
    - b. gross occupancy
    - c. net occupancy
    - d. means of egress
    - e. exit access
    - f. exit
    - g. exit discharge
    - h. stairs construction/geometry and protection
    - i. doors
    - j. emergency lighting and exit signs
    - k. specific occupancy requirements
    - l. construction requirements
    - m. horizontal exits/exit passageways
  8. Structural requirements shall include:
    - a. soil conditions/analysis
    - b. termite protection
    - c. design loads
    - d. wind requirements
    - e. building envelope
    - f. structural calculations (if required)
    - g. foundation
    - h. impact resistant coverings or systems
    - i. wall systems
    - j. floor systems
    - k. roof systems
    - l. threshold inspection plan
    - m. stair systems
    - n. Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
  9. Materials shall be reviewed and shall at a minimum include the following:
    - a. wood
    - b. steel
    - c. aluminum
    - d. concrete
    - e. plastic
    - f. glass
    - g. masonry
    - h. gypsum board and plaster
    - i. insulating (mechanical)
    - j. roofing
    - k. insulation
  10. Accessibility requirements shall include the following:
    - a. site requirements
    - b. accessible route
    - c. vertical accessibility
    - d. toilet and bathing facilities
    - e. drinking fountains
    - f. equipment
    - g. special occupancy requirements
    - h. fair housing requirements
  11. Interior requirements shall include the following:
    - a. interior finishes (flame spread/smoke develop)
    - b. light and ventilation
    - c. sanitation
  12. Special systems:
    - a. elevators
    - b. escalators
    - c. lifts
  13. Swimming Pools:
    - a. barrier requirements
    - b. spas
    - c. wading pools
  14. Photovoltaic
    - a. Site Plan
    - b. Roof penetration approval
    - c. Roof sealing detail
    - d. Wind resistance ratings of modules
    - e. Roof live load approval
    - f. Fire classification of building and modules

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- g. Roof top shingle module ratings if installed.
- h. Design load path.

**B. Electrical**

1. Wiring Methods and materials.
2. Services, including riser diagram electrical and/or fire
3. Feeders and Branch Circuits, include circuit and location, AFCI's and GFCI's
4. Overcurrent Protection
5. Grounding and Bonding
6. Equipment Location, sizes all equipment
7. Special Occupancies
8. Emergency Systems
9. Communication Systems
10. Low Voltage
11. Load calculations and panel schedules
12. Design flood elevations
13. Short circuit analysis
14. Electrical legend
15. Lighting specifications
16. Accessibility requirements
17. Selective coordination study if required by NFPA 70-2011
18. Emergency generator, if applicable
19. **Photovoltaic**
  - a. Lay out plan including combiner box and accessible junction boxes.
  - b. Size of system, number of modules
  - c. Wire size at coldest temperature
  - d. Listing and model numbers of all equipment and racking
  - e. Inverter rating and location
  - f. Three-line diagram
  - g. Connection to utility, Line side or load side, Buss bar ratings
  - h. Grounding
  - i. Labeling

**C. Gas:**

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation

**D. Mechanical**

Energy Calculations as required by FBC Energy Conservation

A complete duct layout with:

1. Specified materials
2. Duct sizes

3. Ventilation calculations, outside air intakes/make up air
4. CFM air volumes at each duct inlet and outlet
5. Diffuser sizes
6. Routing and location of ducts, including risers
7. Thermal resistance ratings for ducts and duct insulation
8. Heating, ventilation, air conditioning and refrigeration equipment, boilers and appliances, show:
  - a. Equipment manufacturer
  - b. Equipment model numbers
  - c. Equipment locations
  - d. Equipment efficiency ratings
  - e. Equipment mounting/support details (Mechanical equipment exposed to the wind must comply with Section 301.15 of the Florida Mechanical Code)
9. Roof mounted equipment – Detail of equipment attachment to roof stand/curb and attachment of roof stand/curb to supporting structure (Must comply with requirements of the High Velocity Hurricane Zone):
  - a. Equipment accessibility
  - b. Equipment capacity in tonnage and/or horsepower
  - c. Air conditioning refrigerant type and amount of refrigerant in system (pounds)
10. Fire protection assemblies and devices – Show make, model, type, location and installation details for:
  - a. Fire dampers
  - b. Ceiling dampers
  - c. Smoke dampers
  - d. Smoke detectors (duct)
  - e. Heat detectors
  - f. Automatic fire doors
11. Exhaust systems – Show:
  - a. Bathroom ventilation
  - b. Kitchen equipment exhaust
  - c. Clothes dryer exhaust
  - d. Specialty exhaust systems
  - e. Laboratory
12. Piping – Show:
  - a. All piping materials and sizes
  - b. Piping locations and terminations
  - c. Piping insulation materials and thickness
13. Chimneys, fireplaces and vents – Show:
  - a. Location
  - b. Venting requirements
  - c. Combustion air
14. Other:
  - a. Details for exterior ventilation devices
  - b. Any available product specifications, and

# Section 6



BROWARD COUNTY

# Board of Rules & Appeals

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

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

**From:** Administrative Director

**Date:** October 10, 2019

**Re:** Requested ratification of the Administrative Director's recommended appointment for the Chief Energy Code Compliance Officer position.

---

## **RECOMMENDATION**

It is recommended that the Board of Rules and Appeals approve, by motion, the appointment of Mr. Edward Eugene "Gene" Adach as the Board of Rules and Appeals' first Chief Energy Code Compliance Officer, pursuant to the terms and conditions of the attached letter dated August 29, 2019.

## **REASONS**

The new position of Chief Energy Code Compliance Officer was duly authorized by vote of the Board of Rules and Appeals on May 9, 2019 and was approved by the County Commission on September 24, 2019 for the 2020 fiscal year that began on October 1, 2019. At its meeting of September 12, 2019, the Board of Rules and Appeals was presented with three options for selecting a Board of Rules and Appeals Chief Code Compliance officer for the energy discipline. The option the Board selected allows the Director to choose from existing list of candidates that were recently interviewed by a screening panel for the Chief Code Compliance Officer Structural position and place a name on the October Board of Rules and Appeals agenda requesting a ratification vote. Although there were two different positions to be filled the fact is that there is a great deal of overlap in the experience of those who are qualified to be Chief Structural Code Compliance Officer and Chief Energy Code Compliance Officer. The Chief Structural Code Compliance Officer position was advertised in the Sun-Sentinel from October 28, 2018 through November 3, 2018 and re-advertised from May 26, 2019 through June 1, 2019 both in print and online. This position was also posted on GovernmentJobs.com for one month and posted on our agency's website. In addition, the job advertisement was mailed out to all the structural plan's examiners within Broward County. Seventeen individuals applied, two withdrew their applications, one was un-qualified, and of the remaining 14 candidates, eleven were selected to be interviewed. All applicants were interviewed by an independent screening committee.

Mr. Adach is a Licensed Architect, pursuant to Chapter 481, Florida Statutes; a Licensed Building Code Administrator, pursuant to Chapter 468, Florida Statutes and a recent Broward County Certified Building Official. Overall, Gene has some 35 years of experience in a multitude of roles as Inspector, Plan Reviewer, Building Official, Architect and Project Manager. As an Assistant Building Official, Mr. Adach was Plan Reviewer and Structural Inspector for the new

\$50 million, 5-story medical clinic building addition to the existing Cleveland Clinic Hospital in Weston, Fla. For more than 3 years, 2015 to 2018, Gene served as Building Official for the City of Pembroke Pines. In Weston, Pembroke Pines, and elsewhere in Broward County, Mr. Adach addressed energy code compliance issues on a regular basis.

A review of our certification files shows the following:

Mr. Adach was licensed by Florida DBPR as follows: Architect on 6/18/1999, as Standard Building Inspector on 10/05/1999, Standard Plans Examiner on 03/08/2000, and Building Code Administrator 01/17/2002.

He was certified by BORA as follows: Building Inspector on 1/19/2013, Assistant Building Official for the City of Weston on 7/19/2013, Structural Plans Examiner 8/8/2013, Assistant Building Official for the City of Pembroke Pines on 3/18/2015, Building Official for the City of Pembroke Pines on 4/21/2015, and Assistant Building Official for the City of Lauderdale Lakes on 1/11/2018.

In his practice as a Registered Architect, Gene was involved with multiple aspects of the Florida Energy Code, known today as the Florida Energy Conservation Code. Additionally, Mr. Adach served as Building Inspector, Plans Examiner, and Assistant Building Official for the School Board of Broward County from 9/1995 to 11/2008, work that also involved the use and enforcement of the Florida Energy Code.

Based upon the professional background and extensive work experience, in my own personal knowledge of Mr. Adach, I believe that he would be a great asset to the Board of Rules and Appeals and the staff.

### **ADDITIONAL INFORMATION**

The members of CCCO - Structural screening committee were Mr. Dan Lavrich, P.E., Mr. Mike Goolsby, Mr. Cris Fardelmann and Mr. Mike Guerasio. When the eleven candidates for the Structural position were interviewed it occurred to me that one candidate would be especially strong for the Chief Code Compliance Officer - Energy position. I shared my opinion with both the Chair and my counterpart in Miami-Dade County, Mr. Goolsby, as he filled a similar position in his jurisdiction about three years ago, who was in strong support of my decision. Also, the Chief Code Compliance Officer – Mechanical, Mr. Rolando Soto, believes that the candidate we have in mind is well qualified.

Mr. Adach will receive an annual salary of \$107,000 and, following 26 weeks of service, a merit review which may result up to a \$1,750 increase culminating in a revised salary of \$108,750. Gene is expected to assume his position on November 4, 2019.

Respectfully Submitted,



James DiPietro



# BROWARD COUNTY BOARD OF RULES AND APPEALS

August 29, 2019

*Sent via Email & USPS*

Mr. Edward Eugene Adach

Dear Mr. Adach:

I am pleased to be offering you the Chief Code Compliance Officer - Energy position for the Broward County Board of Rules and Appeals. The position is subject to budget approval on September 24, 2019, the Board Chair's approval, ( which cannot be granted prior to September 12, 2019), alternatively the Board of Rules and appeals vote on October 10<sup>th</sup>, and also employment is contingent upon application information verification, criminal background screening, and pre-employment physical examination.

Your starting salary will be \$107,000 per year, with a starting date to be determined but no later than November 4th, 2019 (the selection is yours). Six months after your initial hire date, you will receive a performance evaluation review which may warrant, at that time, up to a \$1,750 merit increase resulting in a \$108,750 annual salary. For administrative purposes, all our employee's anniversary dates are set for a date to be specified in the month of October each year. You will receive the customary benefits afforded to you by Broward County to employees within your classification. All positions at the Board of Rules and Appeals are considered "at will" and your employment would continue as authorized by the Administrative Director. If you are a Broward County resident, you will be given the opportunity to partake in a take-home vehicle, which is subject to BORA and Broward County policies at an incurred cost to you of \$30 per week (\$1,560 per year). If accepted, these funds would be deducted from your salary accordingly.

If you are in acceptance of this position, please sign below in the space provided and return a copy of this letter to me. You can also contact me should additional information be desired.

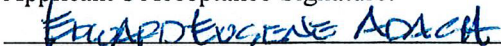
We look forward to you joining our staff and to the contributions you will make to this organization and the community.

Sincerely,

  
James DiPietro  
Administrative Director

\_\_\_\_\_  
Dan Lavrich, P.E.  
Board of Rules and Appeals Chair

Applicant's Acceptance Signature:



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

PHONE: 954-765-4500

FAX: 954-765-4504

[www.broward.org/codeappeal](http://www.broward.org/codeappeal)

## 2019 Voting Members

### Chair

Mr. Daniel Lavrich,  
P.E., S.I., SECB, FASCE, FSEI  
Structural Engineer

### Vice-Chair

Mr. Stephen E. Bailey, P.E.

Electrical Engineer

Mr. Jeffrey Lucas, FM, CFI, CFEI

Fire Service Professional

Mr. John Famularo,

Roofing Contractor

Mrs. Shalanda Giles Nelson,

General Contractor

Mr. Daniel Rourke

Master Plumber

Mr. Gregg D'Attila,

Mechanical Contractor

Mr. Ron Burr

Swimming Pool Contractor

Mr. John Sims,

Master Electrician

Mr. Dennis A. Ulmer

Consumer Advocate

Mr. Abbas H. Zackria, CSI

Architect

Mr. Robert A. Kamm, P.E.

Mechanical Engineer

### Vacant

Representative Disabled Community

## 2019 Alternate Board Members

Mr. Jeff Falkanger

Architect

Mr. Steven Feller, P.E.

Mechanical Engineer

Mr. Alberto Fernandez,

General Contractor

Mr. Robert Taylor

Fire Service

Mr. Gary Elzweig, P.E., FASCE

Structural Engineer

Mr. David Rice, P.E.

Electrical Engineer

Mr. James Terry,

Master Plumber

Mr. David Tringo,

Master Electrician

Mr. William Flett,

Roofing Contractor

### Board Attorney

Charles M. Kramer, Esq.

### Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

Edward Eugene Adach, Bldg. Official, Architect

June 12, 2019

Broward County BORA Structural CCCO Screening Committee  
1 North University Drive, Suite 3500B  
Plantation, FL 33324 EOE

JUN 17 2019

Dear Screening Committee members:

I am currently a Building Official with CAP Government tasked with duties in the cities of Hollywood and Wilton Manors building departments. I am interested in the **Chief Code Compliance Officer-Structural** position currently available with BORA.

My qualifications for the position include:

- Certified Building Code Administrator pursuant to Chapter 468 Florida statutes.
- Licensed Architect pursuant to Chapter 481 Florida statutes.
- A five-year first professional bachelor degree (BArch) in Architecture from the accredited Illinois Institute of Technology (IIT) in Chicago.
- A Master of Science degree (MSc) in Architecture from the accredited Illinois Institute of Technology (IIT).
- Extensive Florida Building Code knowledge and experience in construction inspections, structural plan review, municipal building department management as Chief Building Official.
- Extensive knowledge of architectural and construction principles and practice relating to planning, design, engineering, construction and contract administration.
- More than thirty-five years of professional experience, with an advanced understanding of contract documents, specifications, building codes, construction inspections, building systems, delivery systems and contract administration. An expert ability of coordinate all phases of building projects with laws, codes, industry practice standards, outside consultants and governmental agencies.
- Computer skills in MS Word, Excel and AutoCAD.

The qualifications and experience I bring into focus for the **Chief Code Compliance Officer** is a professional career spanning thirty-five years in a multitude of roles as Inspector, Plan Reviewer, Building Official, Architect and Project Manager for municipalities, public institutions and private concerns.

As a Florida licensed Architect and Building Code Administrator with successful professional and municipal administrative experience, I believe to have the ideal professional profile required for Chief Code Compliance Officer with BORA. I look forward to making your acquaintance.

Best regards,

A handwritten signature in black ink that reads "Edward Eugene Adach". The signature is written in a cursive, slightly slanted style.

Edward Eugene Adach, Architect

**SUMMARY:** State of Florida licensed Architect and Standard Building Code Administrator.

More than 35 years professional experience. Extensive Florida Building Code knowledge and successful experience in construction inspections, structural plan review, municipal building department management as Chief Building Official.

<b>EXPERIENCE:</b>	<b>City of Hollywood/ Plans Examiner</b>	April 2018 to present
	<b>City of Wilton Manors/ Plans Examiner</b>	June 2018 to present
	<b>CAP Government</b>	\$120,000 year
	<b>City of Pembroke Pines</b>	Pembroke Pines, FL
	<b>Building Official</b>	March 2015 to April 2018
	<b>Calvin, Giordano &amp; Associates</b>	\$120,000 start / \$128,544 end
	<b>City of Weston</b>	Weston, FL
	<b>Assistant Building Official</b>	June 2013 to March 2015
	<b>CAP Government</b>	\$83,200 start / \$85,280 end

**SELECTED PROJECTS:** Cleveland Clinic Neurological/Cancer (NICI) Building (2015) – Assistant Building Official, plan reviewer & structural inspector for new \$50 million, 5-story, medical clinic building addition to existing hospital in Weston. Phased permit scheme; aggressive 13 month construction schedule; building completed on schedule.

Weston Emergency Operations Center (WEOC) – Assistant Building Official, plan reviewer & structural inspector for new \$6.5 million, 3-story, city owned, EOC building.

Norland Senior High School Phased Replacement (2014) – SREF Building Official and plan reviewer for \$40 million construction project for Miami Dade Public School District.

<b>EXPERIENCE:</b>	<b>University of Toronto/ Faculty of Medicine</b>	Toronto, Canada
	<b>Architect/ Senior Facilities Planner</b>	May 2010 to Feb 2013
	<b>Facilities Management &amp; Space Planning</b>	\$72,000 CDN start / \$82,000 CDN end
	<b>Illinois Institute of Technology</b>	Chicago, IL
	<b>Master of Science (MSc) Graduate Program</b>	Fall 2008 to Spring 2010
	<b>College of Architecture</b>	
	<b>School Board of Broward County, Florida</b>	Fort Lauderdale, FL
	<b>Architect/ Assistant Chief Building Official</b>	Sept 2005 to Nov 2008
	<b>Building Department</b>	\$84,000 start / \$88,695 end
	<b>School Board of Broward County, Florida</b>	Fort Lauderdale, FL
	<b>Architect/ Chief Plans Examiner</b>	Oct 2003 to Sept 2005
	<b>Building Department</b>	
	<b>School Board of Broward County, Florida</b>	Fort Lauderdale, FL
	<b>Facilities Project Manager</b>	Jan 2003 to Oct 2003
	<b>Facilities &amp; Construction Management</b>	
	<b>School Board of Broward County, Florida</b>	Fort Lauderdale, FL
	<b>Construction Supervisor 1, UBCI Inspector</b>	Sept 1995 to Jan 2003
	<b>Facilities &amp; Construction Management</b>	

**Catalyst Reiff & Associates, Architects/Engineers** Hollywood, FL.  
Project Architect 1995

Mary Help of Christians Catholic Church – Project Architect for new \$2 million 15,400 sf parish building in the city of Parkland for the Archdiocese of Miami.

**Shrum, Ali & Associates, Architects** Miami Lakes, FL.  
Field Project Architect 1994

Sawgrass Elementary School – Field Project Architect for new prototype Broward County School District elementary school \$7 million, 114,000 sf.

**Robert McDonald & Associates, Inc.** Fort Lauderdale, FL  
Project Architect 1992

Sunrise Fire Station No. 92 – Project Architect for new fire station \$2.5 million, 24,000 sf four-bay fire station serving Sawgrass Mills Shopping Center in the city of Sunrise.

**Solomon Cordwell Buenz & Associates, Inc.** Chicago, IL  
Job Captain 1985

**Holabird & Root Architects, Inc.** Chicago, IL  
Intern Architect 1984

EDUCATION: **Master of Science in Architecture**, 2010  
Illinois Institute of Technology, Chicago, Illinois  
Graduate Thesis: An Ultra-tall Multi-use High Rise Building in Chicago

**Bachelor of Architecture**, 1984  
Illinois Institute of Technology, Chicago, Illinois

COMPUTER SKILLS: Microsoft Word / Excel / PowerPoint / AutoCAD

LICENSES: **State of Florida Licensed Architect** License No. AR-16718

CERTIFICATIONS: **Certified Building Code Administrator** Certificate No. BU-1254  
Florida Dept. of Business & Professional Regulation

**Certified Standard Building Plans Examiner** Certificate No. PX-1738  
Florida Dept. of Business & Professional Regulation

**Certified Standard Building Inspector** Certificate No. BN-3648  
Florida Dept. of Business & Professional Regulation

**Certified Building Official** Certificate No. 4142  
International Code Council (ICC) (inactive status)

**Fire Safety Inspector** License No. 122337  
Florida Division of State Fire Marshall (inactive status)  
Bureau of Fire Standards and Training

ASSOCIATIONS: **NCARB Member** Record No. 130384  
National Council of Architectural Registration Boards

11:53:28 AM 6/12/2019

Data Contained In Search Results Is Current As Of 06/12/2019 11:51 AM.

### Search Results

Please see our [glossary of terms](#) for an explanation of the license status shown in these search results.

For additional information, including any complaints or discipline, click on the name.

License Type	Name	Name Type	License Number/ Rank	Status/Expires
Standard Plans Examiner	<u><b>ADACH, EDWARD EUGENE</b></u>	Primary	PX1738 Plans Examiner	Current, Active 11/30/2019
License Location Address*: 4740 NE 18 AVENUE FT LAUDERDALE, FL 33334 Main Address*: Private				
Building Code Administrator	<u><b>ADACH, EDWARD EUGENE</b></u>	Primary	BU1254 Building Code A	Current, Active 11/30/2019
License Location Address*: 4740 NE 18 AVENUE FT LAUDERDALE, FL 33334 Main Address*: Private				
Standard Inspector	<u><b>ADACH, EDWARD EUGENE</b></u>	Primary	BN3648 Inspector	Current, Active 11/30/2019
License Location Address*: 4740 NE 18 AVENUE FT LAUDERDALE, FL 33334 Main Address*: Private				

[Back](#)
[New Search](#)

**\* denotes**

Main Address - This address is the Primary Address on file.

Mailing Address - This is the address where the mail associated with a particular license will be sent (if different from the Main or License Location addresses).

License Location Address - This is the address where the place of business is physically located.

2601 Blair Stone Road, Tallahassee FL 32399 :: Email: [Customer Contact Center](#) :: Customer Contact Center: 850.487.1395

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[Main Menu](#) | [Update Profile](#) | [Logoff](#) | [Contact Us](#)

Building Code Administrator #BU1254

Logged in as Adach, Edward Eugene

**Continuing Education Requirements**

The following information pertains to your Building Code Administrator license (#BU1254):

Continuing Education courses are first used to satisfy deficiencies in previous renewal cycles.  
For more information go to our [Frequently Asked Questions](#).

If your profession does not require you to report your CE credits, it will show a shortfall but will not hold or hinder your license renewal.

Select the desired renewal cycle and press "Search".

Press "Back" to return to the License menu.

View requirements for a different renewal period: **12/01/2017 to 11/30/2019** Search

Requirements					
Requirement	Start Date	End Date	Required	Completed*	ShortFall
AOA - Area of Accessibility	12/01/2017	11/30/2019	2.00	2.00	0.00
Ethics	12/01/2017	11/30/2019	1.00	1.00	0.00
GEN - General	12/01/2017	11/30/2019	9.00	9.00	0.00
L & R	12/01/2017	11/30/2019	2.00	2.00	0.00
Excess Hours Completed	12/01/2017	11/30/2019	0.00	18.00	0.00

Courses					
Course Name	Provider	Course Date	Hours	Requirements	
FLOOD RESILIENT DESIGN AND BLDG CODES	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2019	2.00	GEN - General	
INSPECTOR SKILLS	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2019	2.00	GEN - General	
FBC 5TH ED-SPECIAL & MIXED OCCUPANCIES	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2019	2.00	GEN - General	
GYPSUM BOARD	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2019	1.00	GEN - General	
FLA LAWS & RULES FOR CODE PROFESSIONALS	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/06/2019	2.00	L & R	
PENETRATIONS	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/06/2019	2.00	GEN - General	
CODE PROFESSIONAL AND ETHICS	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/06/2019	1.00	Ethics	
FLORIDA ACCESSIBILITY CODE	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/06/2019	2.00	AOA - Area of Accessibility	
SIGNIFICANT CHANGES, FBC-RESIDENTIAL	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/08/2018	2.00	GEN - General	
BUILDING MATERIALS AND APPROVALS	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/08/2018	2.00	GEN - General	
SOILS & FOUNDATIONS	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/08/2018	2.00	GEN - General	
ROOFING	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/08/2018	1.00	GEN - General	
WIND MITIGATION	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2018	1.00	GEN - General	
FLORIDA LIEN LAW	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2018	1.00	GEN - General	
FAIR HOUSING & THE FBC ADVANCED COURSE	BUILDING OFFICIALS & INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)	03/07/2018	2.00	AOA - Area of Accessibility, GEN - General	

Course Name	Provider	Course Date	Hours	Requirements
<b>LAWS AND RULES</b>	<b>BUILDING OFFICIALS &amp; INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)</b>	<b>03/07/2018</b>	<b>1.00</b>	<b>GEN - General, L &amp; R</b>
<b>WORKPLACE SAFETY - DEMOLITION</b>	<b>BUILDING OFFICIALS &amp; INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)</b>	<b>03/07/2018</b>	<b>1.00</b>	<b>GEN - General</b>
<b>WORKERS' COMPENSATION</b>	<b>BUILDING OFFICIALS &amp; INSPECTORS EDUCATIONAL ASSOCIATION (BOIEA)</b>	<b>03/07/2018</b>	<b>1.00</b>	<b>GEN - General</b>
<b>FLORIDA SWIMMING POOL DESIGN,</b>	<b>BUILDING OFFICIALS ASSOCIATION OF FLORIDA/FLORIDA SWIMMING POOL</b>	<b>01/08/2018</b>	<b>4.00</b>	<b>GEN - General</b>
				<a href="#">Back</a>

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RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY



**STATE OF FLORIDA**  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**BOARD OF ARCHITECTURE & INTERIOR DESIGN**

THE ARCHITECT HEREIN IS LICENSED UNDER THE  
PROVISIONS OF CHAPTER 481, FLORIDA STATUTES

**ADACH, E EUGENE**  
4740 NE 18 AVENUE  
FORT LAUDERDALE FL 33334

**LICENSE NUMBER: AR0016718**

**EXPIRATION DATE: FEBRUARY 28, 2021**

Always verify licenses online at [MyFloridaLicense.com](http://MyFloridaLicense.com)



Do not alter this document in any form.

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December 6, 2010

Mr. Edward Adach  
[REDACTED]

[www.iit.edu](http://www.iit.edu)

Graduate College

Room 301, Main Building  
3300 South Federal Street  
Chicago, Illinois 60616

312.567.7136  
312.567.7517 Fax

[www.grad.iit.edu](http://www.grad.iit.edu)

Dear Mr. Adach,

It is with pleasure and pride in your extraordinary accomplishment in earning a 4.0 grade point average that I present you with the enclosed Certificate of High Academic Achievement. Your academic record is all the more impressive in that Illinois Institute of Technology is a university that does not suffer from "grade inflation": only the very top students who have done truly extraordinary work are awarded A's. To earn a 4.0 average is a very rare feat at IIT and you are to be congratulated for your dedication, hard work and academic ability.

I am certain you are destined for great success in all your endeavors. You represent the fine graduates that our university produces, and IIT is proud to have you as an alumnus.

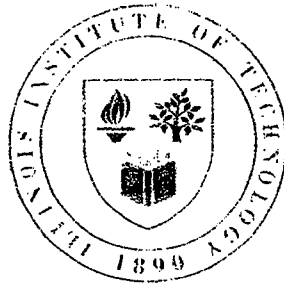
Congratulations once again.

Sincerely,

*Ali Cinar*

Ali Cinar  
Dean  
Graduate College

Enclosure (1)  
Graduate Academic Affairs  
Department Office



# ILLINOIS INSTITUTE OF TECHNOLOGY

IN RECOGNITION OF THE  
HIGHEST STANDARDS OF ACADEMIC ACHIEVEMENT

The Graduate College

HONORS

*Edward E. Adach*

Awarded this 31st day of May, 2010  
in Chicago, Illinois

A handwritten signature in cursive script, appearing to read "Ali Cuman".

Dean  
Graduate College

# Illinois Institute of Technology

*By authority of the Board of Trustees, and upon the recommendation of the faculty of the*

**College of Architecture**

*Illinois Institute of Technology hereby confers upon*

**Edward Eugene Adach**

*the degree of*

**Master of Science  
in Architecture**

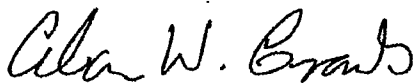
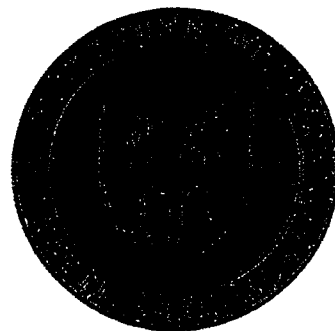
*with all the rights, privileges, and honors thereunto appertaining*

*Awarded at Chicago, in the State of Illinois*

*May 15, 2010*



Chairman of the Board of Trustees

  
Provost

President

  
Dean



Board of County Commissioners, Broward County,  
Florida  
"An Equal Opportunity Employer"

**Broward County  
Board of Rules & Appeals**  
ONE NORTH UNIVERSITY DRIVE, SUITE 3500-B  
PLANTATION, FLORIDA 33324  
PHONE: 954-765-4500  
FAX: 954-765-4504  
WWW.BROWARD.ORG/CODEAPPEALS

Division of Human Resources  
Human Resources Staffing Center  
115 S. Andrews Avenue  
Ft. Lauderdale, FL 33301  
(954) 357-8444

HUMAN RESOURCES USE ONLY			
Entered Reg.			
Rating	E.P.	V.P.	Total Score
		Dis.	

**APPLICATION FOR EMPLOYMENT**

POSITION APPLYING FOR BOARD OF RULES AND APPEALS  
CHIEF CODE COMPLIANCE OFFICER - EMERIT POSITION

JOB ANNOUNCEMENT NUMBER

**INSTRUCTIONS:** Please print or type all information. The application must be filled out completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). If you need additional space to answer a question fully, you may use full sheets of paper that are the same size as this page. On each additional page, be sure to include your name, the position title, and the announcement number. You may also attach copies of documents or certificates which support your application. All materials submitted become the property of the County and will not be returned. Nothing can be added to your application after the announcement period has closed. All statements made on the application are subject to verification. Exaggerated, false, or misleading statements may be cause for rejection and/or termination of employment. **THIS APPLICATION MUST BE SIGNED ON THE LAST PAGE OR IT WILL BE VOIDED.**

**1. PRESENT LEGAL NAME**

Last Name

ADACH

First Name

EDWARD

M.I.

EUGENE

**2. SOCIAL SECURITY NO.**

**3. WHEN AVAILABLE**

OCTOBER 21, 2019

If you require assistance with testing due to a disability, please notify our staff.

**4. APPLYING FOR - (Check all responses that apply)**



Full time



Part time (19 Hours - No Benefits)



20+ (Benefits)



Will Call (No Set Hours/No Benefits)

**5. HOME PHONE NUMBER**

Area Code

Number

954

**OTHER TELEPHONE NUMBER**

Area Code

Number

**6. DRIVERS LICENSE**

Do you have a valid license?



Yes



No

License Type:



Operator



CDL



Class

Endorsement Code

License #

FL

State

Exp. Date

4/20/2025

**7. PRESENT ADDRESS**

Street Address

Apt #

City

FORT LAUDERDALE

State

FL

Zip Code

33304

How long have you lived at present address?

Years

6 YRS

Months

7 mos.

**8. PREVIOUS ADDRESS**

Street Address

Apt #

City

FORT LAUDERDALE

State

FL

Zip Code

33304

How long did you live at this address?

Years

9 YRS

Months

4 mos.

11. LIST ANY RELEVANT VOLUNTEER WORK AND ALL PERIODS OF UNEMPLOYMENT DURING THE PAST 10 YEARS

From		To		Description of Activity or Volunteer Work
Mo	Yr	Mo	Yr	
8	08	5	10	GRADUATE STUDIES MASTERS LEVEL AT ILLINOIS INSTITUTE OF TECHNOLOGY, CHICAGO.

12. SPECIFIC SKILLS - List below the Job Number from your Employment Record (Section 19) and total number of months of experience in skillfully operating the equipment and/or total number of months of substantial experience in craft(s), or technical profession(s).

No. of Mths.	Job No.	List of Office & Related Equipment Operated	No. of Mths.	Job No.	List of All Other Equipment Operated	No. of Mths.	Job No.	List of Crafts, Trades & Technical Professions
10 Yrs +		COMPUTER PROGRAMS. MICROSOFT WORD SUITE & COMPUTER AIDED DRAFTING.						

13. List membership(s) in professional

NATIONAL COUNCIL ARCHITECTURAL REGISTRATION BOARD (NCARB)

14. List any active professional, technical, occupational licenses or certificates and registrations

FLORIDA BOPK: INSPECTOR #BN3648, PLANS EXAMINER #PX1738,  
BUILDING CODE ADMINISTRATOR #BU1254.

15. List awards, commendations, or other recognition received for outstanding achievement in school, military service, your work, or civic

16. Have you ever used a legal name other than the one indicated on Page 1

☒ Yes ☐ No

If Yes indicate name(s) and dates used EUGENE EDWARD PETER ADASL.

17. Veteran Preferences: In keeping with Florida State Law and Broward County Civil Service rules, one point for each year of County service, to a maximum of five points, may be added to the numerical score of eligible applicants who are County employees; and honorably discharged wartime veterans, service connected disabled veterans presently receiving disability benefits, and disabled veteran or MIA person spouses, who are Florida residents, may be eligible for 5 or 10 points preference. Veterans who have been employed by the State of Florida or one of its Counties, Cities, etc., are excluded from these Statutes. POINTS WILL BE AWARDED ONLY IF SUPPORTING DOCUMENTATION IS SUBMITTED AT THE TIME OF APPLICATION. Acceptable documentation is a copy of a DD-214 and/or proof of receipt of disability benefits dated within six months of the date of application. Materials supplied with the application become the property of the County. Do not submit original/sole copies of documents.

Did you serve in the Armed Services?

☐ Yes ☒ No

No

Is your discharge honorable?

☐ Yes ☒ No

No

Are you claiming Veteran's Points?

☐ Yes ☒ No

No

Are you retired from the military?

☐ Yes ☒ No

No

Are you or have you ever been employed by the State of Florida or one of its Counties, Cities, etc.?

☐ Yes ☒ No

No

18. Have you ever worked for the Broward County Board of County Commissioners?

☐ Yes ☒ No

No

If yes, give date(s) of

Employing Division(s)

19. Are you related to a county employee or is any member of your Household employed by the Broward County of County

Commissioners?

☐ Yes ☒ No

No

If yes, give the person's:

Name

Relationship to you

Employing Division(s)

<b>9. EDUCATION AND SPECIAL TRAINING</b>												
Check Highest grade completed: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input checked="" type="checkbox"/>												
High School Diploma? (X) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, date received: <u>MAY 1976</u>												
Equivalency - GED (X) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, date received: _____												
Name and location of last HIGH SCHOOL ATTENDED: <u>LUMBERSIDE COLLEGIATE, TORONTO, ONTARIO, CANADA.</u>												
Name _____ City _____ State _____												
List Special Training (Business, Trade, Vocational, Armed Forces Schools, etc.) Below												
Name and Location	Dates Attended				Total Months Completed	Courses or Subject Taken	Certificates Given or Other Pertinent Information					
	From		To									
	Mo	Yr	Mo	Yr								
List Colleges and Universities Attended Below:												
Name and Location	Dates Attended				Credit Hours		Grade Point Average	Major/Minor Degree Field or Program of Study	Degree Received			
	From		To		Received							
	Mo	Yr	Mo	Yr	Sem	Qtr						
<u>ILLINOIS INSTITUTE OF TECHNOLOGY</u>	<u>8</u>	<u>77</u>	<u>5</u>	<u>84</u>			<u>2.5</u>	<u>ARCHITECTURE</u>	<u>B. ARCH.</u>			
<u>ILLINOIS INSTITUTE OF TECHNOLOGY</u>	<u>8</u>	<u>08</u>	<u>5</u>	<u>10</u>			<u>4.0</u>	<u>ARCHITECTURE</u>	<u>M.S. ARCH.</u>			
<b>10. EMPLOYMENT RECORD</b> - List all jobs in the last TEN years and any other jobs relevant to the position for which you are applying. Major changes in duties or job titles with the same employer should be listed as separate jobs. Start with your PRESENT or MOST RECENT position and work back. BE SPECIFIC - all or part of your rating may depend on the information you provide. If additional space is needed, please use continuation sheet. You may submit a resume in lieu of completing this section, providing it contains all the information requested. Periods of unemployment should be listed separately in Section 11. NOTE: We may contact previous employers to verify your descriptions of past duties.												
May we contact your present employer regarding your record of employment? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>												
<b>(Job 1) Present or Most Recent Job</b>						Employer <u>CAP GOVERNMENT, INC.</u>						
From To Total Time						Address <u>343 ALBERTA AVE., CORAL GABLES, FL. 33134.</u>						
Mo	Yr	Mo	Yr	Yrs	Mths	Telephone _____						
<u>4</u>	<u>18</u>	<u>8</u>	<u>19</u>	<u>1</u>	<u>4</u>	Your Job Title <u>BUILDING OFFICIAL</u>						
Hours per week <u>40.00</u>						Supervisor's Name and Title <u>DAVE TRINGO, MANAGER</u>						
Starting Salary \$ <u>120,000</u> Per YR.						Reason for Leaving Position <u>GREATER RESPONSIBILITY AS COMPLIANCE OFFICER WITH EPCRA.</u>						
Last Salary \$ <u>120,000</u> Per YR.												
Specific Duties <u>CURRENTLY PERFORMING BUILDING DEPARTMENT DUTIES AS ASSIGNED, IN THE CITIES OF HOLLYWOOD AND WILTON MANORS.</u>												
Number of employees supervised (if applicable) <u>NA.</u>												

(Job 2) Previous Job							Employer		<u>CALVIN, GIORDANO &amp; ASSOCIATES</u>		
From		To		Total Time			Address		<u>1800 ELLER DRIVE, SUITE 600</u>		
Mo	Yr	Mo	Yr	Yrs	Mths		Telephone		<u>954-421-7781</u>		
<u>3</u>	<u>15</u>	<u>4</u>	<u>18</u>	<u>3</u>	<u>1</u>		Your Job Title		<u>BUILDING OFFICIAL</u>		
Hours per week							Supervisor's Name and Title		<u>ARELIS VALEJO / HR DIRECTOR</u>		
Starting Salary \$ <u>120,000</u> Per <u>YR.</u>							Reason for Leaving Position		<u>RESIGNED FOR PROFESSIONAL REASONS.</u>		
Last Salary \$ <u>128,544</u> Per <u>YR.</u>											
Specific Duties							<u>SERVED AS BUILDING OFFICIAL FOR THE CITY OF PEMBRROKE PINES, FL.</u>				
Number of employees supervised (if applicable)							<u>30+</u>				
(Job 3) Previous Job							Employer		<u>CAP GOVERNMENT, INC.</u>		
From		To		Total Time			Address		<u>343 ALMERIA AVE., CORAL GABLES, FL.</u>		
Mo	Yr	Mo	Yr	Yrs	Mths		Telephone				
<u>6</u>	<u>13</u>	<u>3</u>	<u>15</u>	<u>1</u>	<u>9</u>		Your Job Title		<u>ASSISTANT BUILDING OFFICIAL.</u>		
Hours per week							Supervisor's Name and Title		<u>DAVE TRUJO, MANAGER.</u>		
Starting Salary \$ <u>40.00</u> Per <u>HR.</u>							Reason for Leaving Position		<u>OPPORTUNITY TO WORK AS BUILDING OFFICIAL IN PEMBERROKE PINES.</u>		
Last Salary \$ <u>41.00</u> Per <u>HR.</u>											
Specific Duties							<u>SERVED AS ASST. BUILDING OFFICIAL FOR THE CITY OF LOUSTON.</u>				
Number of employees supervised (if applicable)							<u>20+</u>				
(Job 4) Previous Job							Employer		<u>FACULTY OF MEDICINE, UNIVERSITY OF TORONTO</u>		
From		To		Total Time			Address		<u>ONE KING'S COLLEGE CIRCLE, SUITE 2109</u>		
Mo	Yr	Mo	Yr	Yrs	Mths		Telephone Number		<u>TORONTO, ONTARIO, M5S 1A8</u>		
<u>5</u>	<u>10</u>	<u>2</u>	<u>13</u>	<u>2</u>	<u>9</u>		Your Job Title		<u>SENIOR FACILITIES PLANNER.</u>		
Hours per week							Supervisor's Name and Title		<u>HEATHER TAYLOR, DIRECTOR 416-978-3457</u>		
Starting Salary \$ <u>72,000</u> Per <u>YR.</u>							Reason for Leaving Position		<u>RETURNED HOME TO FLORIDA.</u>		
Last Salary \$ <u>82,000</u> Per <u>YR.</u>											
Specific Duties							<u>FACILITY PLANNER FOR THE FACULTY OF MEDICINE AT THE UNIVERSITY OF TORONTO.</u>				
Number of employees supervised (if applicable)							<u>N/A.</u>				

(Job 2) Previous Job						Employer <u>SCHOOL BOARD OF BROWARD COUNTY</u>	
From		To		Total Time		Address <u>BUILDING DEPARTMENT</u>	
Mo	Yr	Mo	Yr	Yrs	Mths	Telephone <u>2301 NW 26 ST., OAKLAND PARK</u>	
5	95	10	08			Your Job Title <u>VARIOUS BUILDING DEPT. POSITIONS.</u>	
Hours per week <u>37.5</u>						Supervisor's Name and Title <u>ROBERT HAMBURGER / CHIEF BLDG.</u>	
Starting Salary \$ <u>41,000</u> Per <u>YR.</u>						Reason for Leaving Position <u>95th Bod. 99th Ltr. OFFICIAL.</u>	
Last Salary \$ <u>88,695</u> Per <u>YR.</u>						<u>PERSONAL / FAMILY / GRADUATE SCHOOL.</u>	
Specific Duties <u>BUILDING INSPECTOR / DISTRICT ARCHITECT, TDA / PROJECT MANAGER /</u> <u>PLANS EXAMINER / ASST. BUILDING OFFICIAL.</u>							
Number of employees supervised (if applicable) <u>N/A.</u>							
(Job 3) Previous Job						Employer _____	
From		To		Total Time		Address _____	
Mo	Yr	Mo	Yr	Yrs	Mths	Telephone _____	
						Your Job Title _____	
Hours per week _____						Supervisor's Name and Title _____	
Starting Salary \$ _____ Per _____						Reason for Leaving Position _____	
Last Salary \$ _____ Per _____						_____	
Specific Duties _____							
Number of employees supervised (if applicable) _____							
(Job 4) Previous Job						Employer _____	
From		To		Total Time		Address _____	
Mo	Yr	MO	Yr	Yrs	Mths	Telephone Number _____	
						Your Job Title _____	
Hours per week _____						Supervisor's Name and Title _____	
Starting Salary \$ _____ Per _____						Reason for Leaving Position _____	
Last Salary \$ _____ Per _____						_____	
Specific Duties _____							
Number of employees supervised (if applicable) _____							

20. Since your 18<sup>th</sup> birthday, have you been CONVICTED of ANY violation of the law, other than minor traffic offenses, or pleaded NOLO CONTENDERE to criminal charges, even if adjudication was withheld? ☐ No ☒ If yes, please give:

Name of offense \_\_\_\_\_

Name of and location of court \_\_\_\_\_

Deposition of case \_\_\_\_\_

Date: \_\_\_\_\_

NOTE: A conviction does not automatically mean you cannot be employed by the County. The nature of the offense, how long ago it occurred, relationship to this job, etc. are given consideration.

21. How did you learn of the position for which you are applying? - Check the response that applies.

- ☐ Newspaper ad ☐ Visit to Division of Human ☐ Florida State Employment Agency  
☒ County Employee ☐ Human Resources Analyst ☐ Recruiting Program - Career Day  
☐ High School ☐ College Counselor (Please \_\_\_\_\_)  
☐ Other Source (please specify) \_\_\_\_\_ ☐ Professional Journal

22. REFERENCES: List three (3) personal references who are not relatives or former employers.

Name and Occupation	Address	Telephone No.	Years Known
ROBERT HAMBERGER / BUDG. OFFICER BROWARD SCHOOL DISTRICT		954.804.9972 WORK	20 YRS. +
DAVID BURQUELO / BUDG. OFFICER SEMI-SOLE TRIBE OF FLORIDA		954.894.1080 X10912	5 YRS.
SUSAN ANTHONY / PERMIT EXPEDITER		954.786.7826 WORK	20 YRS. +

IMPORTANT: Employment is subject to verification of an applicant's background and conviction record. Persons selected for employment must (1) present a valid social security card, (2) take a Loyalty Oath, as per Florida Statute Section 876.05 and, (3) subsequent to an offer of employment, pass a medical examination by a County physician. The medical examination may include testing for current use of drugs and/or controlled substances. If traces of drugs or controlled substances are present in a candidate's blood or urine and have NOT been obtained and taken as directed by a valid prescription, the candidate WILL NOT be given further consideration under the present announcement for this classification. Additionally, Broward County is required by federal law to verify having seen documents, which the applicant must provide as part of employment processing, that show the applicant's identity and right to work in the United States.

**APPLICATION MUST BE SIGNED.**

APPLICANT: PLEASE READ THIS STATEMENT CAREFULLY BEFORE SIGNING BELOW. UNSIGNED APPLICATIONS WILL BE VOIDED.

I hereby certify that each response on the application and all other information I have furnished in applying for employment with Broward County Board of County Commissioners is true and correct. I understand that any incorrect, incomplete, or false statement or information I have furnished may subject me to disqualification in an examination or to discharge at any time. Subsequent to an offer of employment, I give my voluntary consent to be medically examined and to provide a sample of my blood or urine which may be tested for recent use of drugs and/or controlled substances. Further, I release Broward County, its officers, agents, and employees from any liability whatsoever in connection with such a medical examination or the use of the test results therefrom.

Signature

EDUARDO EDUARDE ADACH.

Date

8/28/2019.

ILLINOIS INSTITUTE OF TECHNOLOGY

*By authority of the Board of Trustees, and upon the recommendation of the faculty of the  
College of Architecture, Planning and Design*

*Illinois Institute of Technology hereby confers upon*

**Eugene Edward Peter Adach**

*the degree of*

**Bachelor of Architecture**

*with all the rights, privileges, and honors thereto appertaining*

*Awarded at Chicago, in the State of Illinois*

*May 19, 1984*

*Robert Salomon*  
Chairman of the Board of Trustees

*James B. Blitcher*  
Secretary



*Thomas L. Martin, Jr.*  
President

*James Sheppard*  
Dean

# Illinois Institute of Technology

*By authority of the Board of Trustees, and upon the recommendation of the faculty of the*

**College of Architecture**

*Illinois Institute of Technology hereby confers upon*

**Edward Eugene Adach**

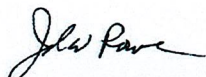
*the degree of*

**Master of Science  
in Architecture**

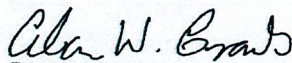
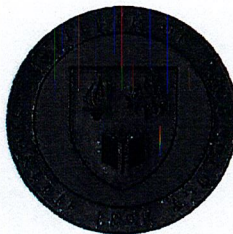
*with all the rights, privileges, and honors thereunto appertaining*

*Awarded at Chicago, in the State of Illinois*

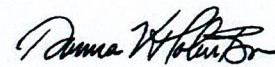
*May 15, 2010*



Chairman of the Board of Trustees

  
Provost

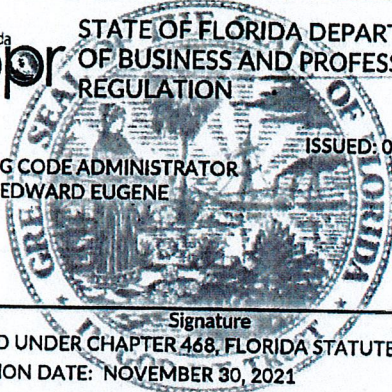
President

  
Dean

**Florida dbpr** STATE OF FLORIDA DEPARTMENT  
OF BUSINESS AND PROFESSIONAL  
REGULATION

BU1254 ISSUED: 08/22/2019  
BUILDING CODE ADMINISTRATOR  
ADACH, EDWARD EUGENE

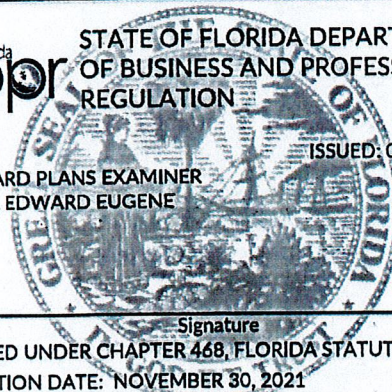
\_\_\_\_\_  
Signature  
LICENSED UNDER CHAPTER 468, FLORIDA STATUTES  
EXPIRATION DATE: NOVEMBER 30, 2021



**Florida dbpr** STATE OF FLORIDA DEPARTMENT  
OF BUSINESS AND PROFESSIONAL  
REGULATION

PX1738 ISSUED: 08/22/2019  
STANDARD PLANS EXAMINER  
ADACH, EDWARD EUGENE

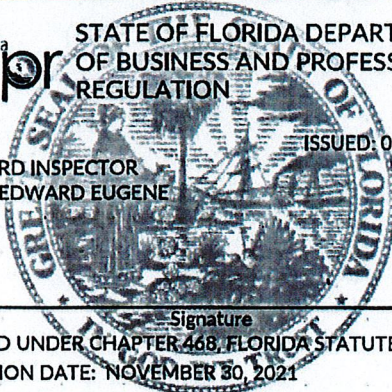
\_\_\_\_\_  
Signature  
LICENSED UNDER CHAPTER 468, FLORIDA STATUTES  
EXPIRATION DATE: NOVEMBER 30, 2021



**Florida dbpr** STATE OF FLORIDA DEPARTMENT  
OF BUSINESS AND PROFESSIONAL  
REGULATION

BN3648 ISSUED: 08/22/2019  
STANDARD INSPECTOR  
ADACH, EDWARD EUGENE

\_\_\_\_\_  
Signature  
LICENSED UNDER CHAPTER 468, FLORIDA STATUTES  
EXPIRATION DATE: NOVEMBER 30, 2021



# Section 7

**From:** [Dipietro, James](#)  
**To:** ["Ezzeddine, Danny \(Adnan\)"](#)  
**Cc:** [Mayor Lynn Stoner](#); ["dlavrich"](#)  
**Subject:** RE: [EXTERNAL SENDER] - FW: Certifications for October 10th -- Danny Ezzeddine?( Chief Structural Inspector /ABO)  
**Date:** Wednesday, October 2, 2019 1:13:38 PM

---

Hello Danny. Your e-mail below has been received. The matter described below will be placed on the Board of Rules and Appeals agenda for vote on October 10. Please contact me if additional information is desired. Thank you. Jim

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

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**From:** Ezzeddine, Danny (Adnan) <dezzeddine@plantation.org>  
**Sent:** Wednesday, October 2, 2019 10:20 AM  
**To:** Dipietro, James <JDIPIETRO@broward.org>  
**Cc:** Mayor Lynn Stoner <LStoner@plantation.org>; Edsall, Denese <DEdsall@plantation.org>; Nunemaker, Jason <JNunemaker@plantation.org>  
**Subject:** RE: [EXTERNAL SENDER] - FW: Certifications for October 10th -- Danny Ezzeddine?( Chief Structural Inspector /ABO)

**External Email**

Good Morning Mr. Dipietro

I am in receipt of your email dated September 30 , 2019, and I do understand the limit of your authority in this matter, however , I am formally requesting and additional extension of ← approximately 60 + days ( from sept 30, 2019 to December 6 ,2019) , as an interim Chief Structural Inspector . This extension is requested due to our inability to fill the position of Chief Structural Inspector/ABO at this time, and will allow us to extend our recruitment period in anticipation of having more candidates for this position.

I do appreciate your assistance in this matter, and I am aware that this request will be on the BORA's agenda for October 10<sup>th</sup> ,2019.

Best regards

Danny Ezzeddine, AIA, NCARB  
Director /Building Official

City of Plantation  
401 NW 70 Terrace  
Plantation, FL 33317  
954-797-2268 - office  
954-797 -2273 fax

---

**From:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Sent:** Monday, September 30, 2019 4:16 PM  
**To:** Ezzeddine, Danny (Adnan) <[dezzeddine@plantation.org](mailto:dezzeddine@plantation.org)>  
**Subject:** FW: [EXTERNAL SENDER] - FW: Certifications for October 10th -- Danny Ezzeddine?

**Danny. I do not have the clear code authority to extend further but the Board of Rules and Appeals may do so. The code says 90 days and then I gave an extra month or so under September 30 to accommodate your request. Please provide us with a letter or e-mail of the city's request to extend to a date certain , and why there is a reason to do so, and I will place your request on the BORA agenda for the October 10 session. You can remain as interim until BORA votes on October 10. Please provide the written communication by Wednesday at noon to help meet agenda production and mailing deadlines. Thank you. Jim**

**From:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Sent:** Monday, September 30, 2019 11:57 AM  
**To:** 'Ezzeddine, Danny (Adnan)' <[dezzeddine@plantation.org](mailto:dezzeddine@plantation.org)>  
**Cc:** RULES <[RULES2@broward.org](mailto:RULES2@broward.org)>  
**Subject:** RE: [EXTERNAL SENDER] - FW: Certifications for October 10th -- Danny Ezzeddine?

Thank you.

**From:** Ezzeddine, Danny (Adnan) <[dezzeddine@plantation.org](mailto:dezzeddine@plantation.org)>  
**Sent:** Monday, September 30, 2019 11:05 AM  
**To:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Subject:** RE: [EXTERNAL SENDER] - FW: Certifications for October 10th -- Danny Ezzeddine?

### External Email

Good morning Jim  
Sorry for the late reply , however administration is meeting with the candidate for the chief's position at 11:00 am today , I should know by 12:00 what's the decision and will update you whether I extend my interim position or certify the candidate.  
I am aware that the agenda's deadline is 3:00 pm but will let you know ahead of time.  
Thank you for your patience and assistance in this matter.

Best regards

Danny Ezzeddine, AIA, NCARB  
Director /Building Official  
City of Plantation  
401 NW 70 Terrace  
Plantation, FL 33317

Begin forwarded message:

**From:** "Ezzeddine, Danny (Adnan)" <[dezzeddine@plantation.org](mailto:dezzeddine@plantation.org)>  
**Date:** September 30, 2019 at 11:53:53 AM EDT  
**To:** "Dipietro, James" <[JDIPINETRO@broward.org](mailto:JDIPINETRO@broward.org)>  
**Cc:** "Guerasio, Michael" <[MGUERASIO@broward.org](mailto:MGUERASIO@broward.org)>  
**Subject:** RE: [EXTERNAL SENDER] - FW: Certifications for October 10th -- Danny Ezzeddine?

**External Email**

Good Morning Jim  
Please extend my interim chief position for another period allowed until we have some applicants.  
Thank you for your assistance in this matter

Danny Ezzeddine, AIA, NCARB  
Director /Building Official  
City of Plantation  
401 NW 70 Terrace  
Plantation, FL 33317  
954-797-2268 - office  
954-797 -2273 fax

# **This sheet was prepared and added to the agenda by the BORA staff**

## **Extension request chronology for City of Plantation Chief Structural position**

Jun 1, 2019	Original request
Aug 29, 2019	Expiration
Aug 19, 2019	Request by Ezzeddine for extension to CCCO
Aug 20, 2019	Request by Ezzeddine for extension to director
Aug 20, 2019	Extension to Sep 30, 2019 granted by director
Sep 30, 2019	2 <sup>nd</sup> extension request by Ezzeddine to director

## **FBC 6<sup>th</sup> Edition (2017) Chapter I (excerpt)**

**104.3.1 Interim Chief Inspector.** In the event that a Chief Inspector's employment is terminated with a jurisdiction, or is otherwise unavailable, an Interim Chief Inspector may be appointed for up to 90 days while the Chief Inspector is being replaced with a permanent appointee. An approved application for a Chief Inspector must be submitted to BORA prior to the expiration of the 90 days. The Interim Chief Inspector shall be qualified as a Chief Inspector as specified in 104.5, 104.6, 104.7 or 104.8 of this code. BORA shall be notified in writing by the Building Official of the name and starting date of the Interim Chief Inspector. The name of the Interim Chief Inspector will be recorded by BORA but he or she will not be issued a certification card as the Chief Inspector.

# Section 9

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June 13, 2018

LEGAL ADVISORY OPINION AS TO ALLOCATION OF FUNDING FOR  
ORCAT AND FEES FOR PERMITTING OF BI-DIRECTIONAL AMPLIFIER SYSTEMS

You have asked your attorney to determine the propriety of the Broward County Building Code Services (building department) permit fees being used to fund county ORCAT (the office responsible for plan review check on bi-directional amplifiers pursuant to Florida Building Code section 118) or if only user fees would be eligible as is the case with county charges for elevator and environmental reviews.

**Permit Fees.**

After review of 71-575, F.S. Sec. 553.80, and Broward County Charter Sec. 9.02(a) and (d), I conclude that BCBCS permit fees should not be used for funding of performing plan review check on BDA.

Florida Statutes Sec 553.80 states in part:

The governing bodies of local governments may provide a schedule of fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for the enforcement of the provisions of this part. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code.

See F.S. Sec 553.80

In as much as the County Commission establishes the fee schedule for permits, fees, etc. it does so with the express intent (as determined by F.S. sec.553.80) of creating funds for enforcement of the Florida Building Code.

That is not to say that funds obtained as a part of the permit fee distribution, and which are specifically allocated for an agency or a fund such as BORA or the Homeowner's Construction Recovery Fund, may then be taxed of a portion of their established allocation to assist in enforcing the building code. There is no provision in 71-575, F.S. Sec. 553.80, 125.56, 166.222, or the Broward County Charter which determines that monies allocated to a legislatively created entity or fund can then be randomly or unilaterally supplementally taxed to meet arbitrary funding determinations.

We would further state that simply because BORA promulgated Sec 118 of the Code as part of its duties, it does not mean that BORA somehow becomes responsible for funding same. See Special Act 71-575 Sec 3(c), Broward County Charter Sec 9.02 A(1-4).

### **User fees.**

In reviewing the statutes, and constitution of the state of Florida, the proper choice for funding is through user fee payments made by those entities which derive real but unequal benefit from permitting of BDA systems. Precedent is already established where only the structure requiring an elevator permit, or only the facility requiring an environmental review is responsible for payment of the fees.

The concept of 'special assessments' for specific applications is well developed in the Florida courts. Not only are municipalities faced with the decision where public works are concerned but specifically where apportionment must fall fairly and squarely on those parties receiving benefit.

In Sarasota County vs. Sarasota Church of Christ, 667 So.2d 180 (Fla. 1995) the Florida Supreme Court reasoned that special assessments for building permits was warranted where: (1) stormwater utility services provided special benefit to developed properties within service area of the stormwater facility, and (2) the method of apportioning fees for those stormwater services was not arbitrary.

The Supreme Court noted the propriety of same where it stated "special assessments are imposed under the theory that a portion of the community that bears the cost of assessment will receive special benefit from improvement or service for which assessment is levied." This principal applies equally to special costs incurred by municipalities or the County where only a select few users will benefit from the requirements of specialty plan review.

The most obvious proof of implementation of user fees for BDA's in high-rise or other like kind and type structures (larger commercial applications) is that most, if not all, of these structures do in fact already pay user fees for elevator, and environmental review.

The intent of special assessments or permit fee scheduling includes fair and equitable apportionment of fees based on benefits derived by the user versus benefits derived by the community. See City of Boca Raton vs. State, 595 So.2d 25 (Fla. 1995).

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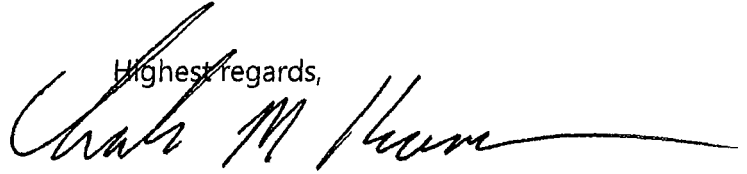
Funding of BDA permitting costs

June 13, 2018

Advancing the argument and isolating just as to user fees, the Florida Supreme Court has held that for purposes of determining whether local government's assessment is a proper fee or an unauthorized tax, it is recognized that user fees are similar to special assessments, in that the fee must result in benefit not shared by persons not required to pay fee. See Collier County vs. State of Florida, 733 So.2d 1012 (Fla. 1999). See also City of Gainesville vs. Florida, 863 So.2d 138 (Fla. 2003); State vs. City of Port Orange, 650 So. 2d 1 (Fla. 2002).

The overwhelming case authority on this, with the majority of rulings coming from the Florida Supreme Court, is that special permitting requirements resulting from BDA plan review and check are necessarily allocated as user fees.

Highest regards,

A handwritten signature in black ink, appearing to read "Charles M. Kramer", with a long horizontal flourish extending to the right.

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