

# Broward County Board of Rules and Appeals Meeting Minutes

September 8, 2022

Time: 7:00 PM

## Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1609417335>

Meeting ID: 160 941 7335

## Call Meeting to Order

Chairman Daniel Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m.

## Roll Call

Daniel Lavrich, Chair  
Stephen Bailey  
Ron Burr  
Jeff Falkanger  
John Famularo  
R. Art Kamm  
Sergio Pellecer  
David Rice  
David Tringo  
Dennis Ulmer  
Derek A. Wassink  
Lynn E. Wolfson

## Approval of Agenda

Mr. Tringo made a motion and Mr. Bailey seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 12-0.

## Approval of Minutes – August 11, 2022, Regular Meeting

Mr. Tringo made a motion and Mr. Bailey seconded the motion to approve the August 11, 2022, minutes as submitted. The motion carried by unanimous vote of 12-0.

## CONSENT AGENDA

**Certifications** – Staff Recommended

### CITY OF FORT LAUDERDALE

Corley, Thomas P., Structural Inspector – Provisional  
Frazier, Jermaine, Fire Inspector  
Gonzalez, Roberto Yanes, Plumbing Inspector – Temporary 120-Day

### TOWN OF LAUDERDALE-BY-THE-SEA

SERAFINI, PAOLO, STRUCTURAL INSPECTOR – PROVISIONAL

**CITY OF PEMBROKE PINES**

Santos, Victor, Fire Plans Examiner

**CITY OF WESTON**

Furones, Carlos Melchor, Chief Plumbing Inspector

**COUNTYWIDE**

Madic, Nebojsa, Structural Inspector – Fort Lauderdale

Quintana, Juan Alberto, Electrical Inspector – Southwest Ranches

Mr. Pellecer made a motion and Mr. Falkanger seconded the motion approving the certifications as recommended. The motion carried by unanimous vote of 12-0.

**REGULAR AGENDA**

**1. First Reading of proposed Formal Interpretation exempting solar panels from rooftop clearance requirements, Sections 1522.3, 1522.3.1, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition (2020) – Recommendation of the Roofing Committee**

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, indicated that this formal interpretation replaces a previous one that sunsetted.

b. Board Questions - none

c. Board Action

A motion was made by Mr. Famularo and seconded by Mr. Pellecer approving the formal interpretation on first reading as recommended. The motion carried by unanimous vote of 12-0.

**2. First Reading of proposed Rooftop Mounted Equipment Affidavit to accompany all HVHZ re-roof uniform permit application submittals, Board of Rules and Appeals Policy 22-02 – Recommendation of the Roofing Committee**

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, advised that this affidavit was prepared at the direction of the Roofing Committee. The purpose is to identify any existing rooftop equipment so that appropriate permits can be obtained to remove and re-install the equipment during the re-roofing inspection process.

b. Board Questions - none

c. Board Action

A motion was made by Mr. Falkanger and seconded by Mr. Famularo approving the proposed formal interpretation on first reading as recommended. The motion carried by unanimous vote of 12-0.

**3. First Reading of proposed Formal Interpretation – Paper Reduction - providing that Roof System Application Notice of Acceptance submittal only include the product approval documentation that matches the installation criteria, Section 1512.2.1, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition (2020) – Recommendation of the Roofing Committee**

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, advised that there may be up to twenty different roofing systems included in the Notice of Acceptance. This will eliminate all but the one that is being utilized. Products approved for use will be maintained in the application along with any limitations.

b. Board Questions - none

c. Board Action

A motion was made by Mr. Ulmer and seconded by Mr. Bailey approving the formal interpretation on first reading as recommended. The motion carried by a roll call vote of 12-0.

**4. First Reading of Board of Rules and Appeals Policy 09-02 - Uniform Permit Matrix for Solar Thermal and Solar Electric Installations**

a. Staff Report

Mr. Jack Morell, Chief Structural Code Compliance Officer, advised that this matrix was approved by the Roofing Committee. Duplicative full code sections that already exist in the Administrative Guidelines for Processing Solar Thermal/Electric Permits have been removed.

b. Board Questions – none

c. Board Action

A motion was made by Mr. Famularo and seconded by Mr. Falkanger approving the policy amendment on first reading as recommended. The motion carried by unanimous vote of 12-0.

**5. First Reading of staff's proposed revision to Section 105.18, Demolition, Chapter 1, Florida Building Code, 7th Edition (2020), to provide consistency with HB 423 that created subsection (25)(a) of Florida Statute 553.79 providing that a local government may not prohibit or restrict demolition permits for single-family residential structures located in flood hazard areas.**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted instead of including the entire statute, staff decided to simply include a reference in Chapter 1.

b. Board Questions - none

c. Board Action

A motion was made by Mr. Burr and seconded by Mr. Pellecer approving the amendment on first reading as recommended. The motion carried by unanimous vote of 12-0.

**6. First Reading of staff's proposed revision to Section 111.1.1, Use and Occupancy, Chapter 1, Florida Building Code, 7th Edition (2020) to provide consistency with HB 423 that amended Florida Statute 553.791(13) provide consistency with HB 423 that amended Florida Statute 553.791(13), requiring the local building official to issue a certificate of occupancy or certificate of completion within a certain number of days after receipt of certain information, including the payment of all outstanding fees; providing that a certificate of occupancy or certificate of completion is automatically granted and issued, and the permit application closed, under certain circumstances; requiring the local building official to provide a written certificate of occupancy or certificate of completion within a specified time.**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted instead of including the entire statute, staff decided to simply include a reference in Chapter 1.

b. Board Questions – none

c. Board Action

A motion was made by Mr. Burr and seconded by Mr. Famularo approving the amendment on first reading. The motion carried by unanimous vote of 12-0.

**7. Second Reading of Amendments to Section 110.15, Building Safety Inspection Program, Chapter 1, Florida Building Code, 7th Edition (2020) and readoption of Board of Rules and Appeals Policy #05-05, Building Safety Inspection Program, to include amendments and inspection forms**

a. Staff Report

Mr. James DiPietro, Administrative Director, noted the three updates provided to the Board. He noted the amendment made at the August meeting for the Infrared Thermography Inspection not being effective until July 1, 2023. Seawalls are recommended to be defined. In II. DEFINITIONS; B., Minor Buildings or Structures, 2., language is recommended to be added as follows "seawalls if attached to or supporting any structure. (Page 5.85)

Chairman Lavrich indicated that Board Member David Rice is proposing some suggestions. With reference to Qualifications of Inspectors on page 5.85b, Mr. Rice was concerning about civil engineers performing inspections on the electrical systems. He proposed the following additional language "The electrical portion of such written report shall be prepared by a Professional Engineer licensed in the State of Florida specializing in electrical design and shall be a "Qualified Person" as defined by NFPA 70, OSHA 1910 and NFPA 70E." Further under H., Qualifications of Inspectors, 3., b., he wanted to add "and shall be a "Qualified Person" as defined by NFPA70, OSHA 1910, and NFPA70E".

Mr. Kamm did not think that NFPA70 and NFPA70E have anything to do with a licensed professional engineer performing an inspection. On his projects, there is a licensed electrical contractor on the job. Requirements for the PPE equipment involve a lot of training and it should not be part of the inspector's role, but rather the licensed electrical contractor. In other words, he did not think the individual needs to have training in PPE equipment because he or she is not taking the equipment apart. Chairman Lavrich drew attention to Section H., 3., that indicates such engineer or architect shall undertake such assignments only where qualified by training and experience in the specific technical field involved in the inspection and report. Mr. Rice agreed with Mr. Kamm. He did not think any structural engineering would have that kind of background which is why he is recommending the change. Mr. Falkanger felt the Infrared Thermography Inspection language is over-kill. Mr. Bailey indicated that it was agreed at the last meeting to form an ad-hoc committee. This is something that could be addressed. Chairman Lavrich felt this can be resolved which is why the effective date of this section was deferred to July of 2023.

- b. Board Questions – see above
- c. Public Hearing

Mr. John Travers, Building Official, City of Fort Lauderdale, made suggestions to add more clarity to the forms i.e., requiring circling the word of choice or boxes to check for good, fair, poor. Mr. Michael Guerasio, Chief Structural Code Compliance Officer, advised that the forms are in a draft stage. Once finalized and made fillable, there will be boxes to check.

Mr. Alfonso Fernandez referred to Section K., 2., Required repairs or Modifications. He was concerned about language that the responsible engineer or architect shall provide a letter to the building owner and building official indicating whether the building may continue to be safely occupied while it is undergoing repairs. Today there could be dozens of inoperable emergencies and exit lights, however they were not required when the building was constructed. The new engineer of record needs to issue a statement that the building should be shut down or it is okay to persist. He did not want to be burdened with making or not making such a statement. It will be difficult to find individuals to perform such inspections.

Mr. Kamm agreed with Mr. Fernandez.

There being no one else wishing to speak, Chairman Lavrich closed the public hearing.

- d. Board Action
- A motion was made by Mr. Bailey and seconded by Mr. Rice approving the amendments on second and final reading as recommended. The motion carried by unanimous vote of 12-0.

A motion was made by Mr. Rice and seconded by Mr. Bailey approving Board Policy #05-05 on second and final reading with the two amendments presented above. The motion carried by unanimous vote of 12-0.

**8. Second Reading of Broward County Uniform Dwelling Unit Supplemental Water Heater Replacement Data Form – Board of Rules and Appeals Policy 22-03**

a. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, provided some historical information as to how this topic of standardizing forms came forward from a member of the Broward League of Cities. As suggested by Chairman Lavrich, it was referred to a committee by motion from Mr. Ulmer and Mr. D'Attile. The Electrical and Plumbing Committees developed a form. A permit is required for this type of work and has nothing to do with the form. The form simply standardizes the permit process. A permit is required for any electrical alteration and in this case when there is an existing water heater with a cord that needs to be hard-wired. UL174 provides that installation shall be in accordance with the National Electric Code which indicates installation according to the manufacturer's instructions, that is, hard wiring. With such hard wiring an electrical permit is required. The receptacle must be removed from the wall and a new one and new switch would be installed. New wire would be run. The breaker and wire sizes would need to be checked. A cord would be permissible according to the National Electric Code only if it comes that way from the factory which would be in line with UL. There is a formal interpretation issued by Building Officials Association of Florida that indicates water heater replacements are not exempt from permit requirements. An electrical permit is required, but whoever performs the work is at the discretion of the permit holder. If a plumber performed the work without a permit, he would be liable. The form does not require a permit, but rather the code does. If anyone would like to debate this, he or she should file a declaratory statement with the Electrical Contractor Licensing Board and seek a decision from that Board.

b. Board Questions – none

c. Public Hearing

A letter from Board Member Gregg D'Attile addressed to the Broward County Board of Rules and Appeals was read into the record and is attached to these minutes.

Mr. Matt D'Attile cited emergency situations where a homeowner has no hot water. The plumber is more than capable of handling the cord that could be thirty years old. There will be an additional cost in addition to the time delay.

Mr. John Travers, Building Official, City of Fort Lauderdale, commented that bonding continuity is essential in order to provide shock protection. He agreed with Mr. Castronovo. A water heater with a cord that may be thirty years old may be connected to a system that does not have proper bonding or grounding and it may be beyond the ability of a plumbing installer to understand exactly how that needs to be terminated.

Mr. Arthur D'Attile contended that this will be a tremendous process to overcome for the contractors, cities and homeowners. It will be difficult to get the customer on-board with the idea that another contractor and a secondary permit are necessary. Customers could likely look to other avenues. There are many plumbing fixtures that have electric connected to them that have to be changed out on a regular basis where an electrical permit is not required.

Mr. Jordan Velez agreed with both Mr. Arthur D'Attile and Mr. Matt D'Attile. He felt too much is being asked of the customers. Plumbers are more than capable of doing this work.

Mr. Arthur D'Attile indicated with the trend of additional devices in the home subject to electrical inspection, it poses delays to closing out the plumbing permit for the water heater

Mr. Jeremy Altman supported one permit and one inspection. The increased cost will be a burden.

Mr. Matt D'Attile felt it is possible that the contract is lost to someone who will not secure a permit.

There being no one else wishing to speak, the public hearing was closed.

d. Board Action

A motion was made by Mr. Tringo and seconded by Mr. Bailey approving the form on second and final reading as recommended. The motion carried by a roll call vote of 10-2. Mr. Burr and Mr. Pellecer voted no.

**9. Second Reading of Amendment to Section 105.3.1.5, Subsection 4, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition (2020), adding an exception related to a "Simplified Permitting Process for Fire Alarm System Projects" to provide consistency with Senate Bill (SB) 1140-2022**

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, advised that this presentation will cover the next four items. The full language of the new law is being incorporated into Chapter 1 instead of a reference only.

b. Board Questions – none

c. Public Hearing – none

d. Board Action

A motion was made by Mr. Famularo and seconded by Mr. Bailey approving the amendment on second and final reading as recommended. The motion carried by a vote of 12-0.

**10. Second Reading of Amendment to Section 105.17, Streamlined Low-Voltage Alarm System Installation Permitting, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition (2020), revising the definition of the term, "low-voltage alarm system project" to provide consistency with Senate Bill (SB) 1140-2022**

a. Staff Report

Please refer to staff comments under Item 9.

b. Board Questions – none

c. Public Hearing – none

d. Board Action

A motion was made by Mr. Ulmer and seconded by Mr. Kamm approving the amendment on second and final reading as recommended. The motion carried by a vote of 12-0.

**11. Second Reading of Amendment adding Section 105.3.1.6, Reviewing Application for Building Permits, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition (2020), to provide consistency with House Bill (HB) 423-2022 that modified Florida Statute 553.792; revising requirements for when a local government requests certain additional information from an applicant for a building permit; limiting the number of times the local government may request such information; providing requirements for a local government if a certain request is made by an applicant**

a. Staff Report

Please refer to staff comments under Item 9.

- b. Board Questions - none
- c. Public Hearing - none
- d. Board Action

A motion was made by Mr. Famularo and seconded by Mr. Falkanger approving the amendment on second and final reading as recommended. The motion carried by a vote of 12-0.

**12. Second Reading of Amendment to Section 105.3.1.5, Chapter 1, Florida Building Code, 7<sup>th</sup> Edition, (2020) related to the design and installation of fire protection systems to provide consistency with Senate Bill (SB) 286-2021**

- a. Staff Report  
Please refer to staff comments under Item 9.
- b. Board Questions - none
- c. Public Hearing - none
- d. Board Action

A motion was made by Mr. Famularo and seconded by Mr. Wassink approving the amendment on second and final reading as recommended. The motion carried by a vote of 12-0.

**13. Discussion concerning public comment to be scheduled at the beginning of each meeting – Request of Board Member, Ron Burr**

- a. Report of Board Member Ron Burr  
Mr. Burr felt it would be fairer to the public to be able to make a general comment at the beginning of the meeting. The Board would not necessarily have to comment at the time.
- b. Board Questions  
In response to Mr. Bailey, Chairman Lavrich indicated it would be public comments not pertaining to any public hearings pertaining to the particular agenda. Chairman Lavrich felt it could be placed just before the regular agenda. Mr. Burr felt it would be a place for general comments only. A brief general discussion of various scenarios followed.
- c. Board Action

A motion was made by Mr. Tringo and seconded by Mr. Kamm to move the public comment item to the beginning of the agenda. The motion carried by a vote of 12-0.

**14. Update Concerning the Building Safety Inspection Program (BSIP) – Summary of Notices Sent and Inspection Reports Received for 2019, 2020 and 2021**

- a. Report of Administrative Director  
Mr. James DiPietro, Administrative Director, highlighted information in the summary report. He noted a new column that indicates staff's review of whether the correct number of letters went out for each applicable property.
- b. Board Questions - none
- c. Board Action - received

**15. Pay Adjustment for Don Perdue for Administrating the BORA Fire Examinations per Broward County Local Fire Amendments, Section F-103.5.3.2**

- a. Staff Report

Mr. James DiPietro, Administrative Director, provided a brief overview of the program and Mr. Perdue's excellent performance. He noted that in addition to administering the examinations, Mr. Perdue makes himself available to meet with applicants who have not passed the examination and is not compensated. Approval of this item would increase his compensation by \$540 per year by increasing the per test amount from \$60 to \$75.

**b. Board Questions - none**

**c. Board Action**

A motion was made by Mr. Famularo and seconded by Mr. Pellecer approving the pay adjustment as recommended. The motion carried by a vote of 12-0.

**16. Consideration of maximum merit pay adjustments for staff effective October 2, 2022**

**a. Recommendation of Administrative Director**

Mr. James DiPietro, Administrative Director, indicated the timing of this allows Dr. Barbosa, the new director, a full year to evaluate employees before considering merit adjustments. He went on to discuss Board policies relating to pay range and highlighted information in the agenda memorandum provided to the Board.

Dr. Ana Barbosa, Administrative Director, indicated that there is a new hire code compliance officer that she will be rating in the coming months. Mr. DiPietro added that this individual's hiring letter provides for a six-month review, however, the individual is being reviewed for the cost-of-living adjustment.

**b. Board Questions – none**

**c. Board Action**

A motion was made by Mr. Tringo and seconded by Mr. Burr approving the pay adjustments as recommended. The motion carried by a vote of 12-0.

**17. Consideration of merit cash bonus for Administrative Director effective September 18, 2022**

**a. Request of Administrative Director**

Mr. James DiPietro, Administrative Director, summarized information in the agenda memorandum provided to the Board including that the inflation rate of 8.5% is the highest in forty years. If his retirement date had been a few weeks later, he would have been eligible to be considered for a merit cash bonus.

**b. Board Questions – none**

**c. Board Action**

A motion was made by Mr. Famularo and seconded by Mr. Falkanger approving the merit cash bonus as outlined in the agenda memorandum of September 8, 2022. The motion carried by a vote of 12-0.

**18. Director's Report - none**

**19. Attorney's Report**

Mr. Charles Kramer, Board Attorney, noted an upcoming suit against the Board of Rules and Appeals and the City of Hollywood with respect to performing virtual inspections pursuant to changes in Florida Statue 593.791.

**20. Committee Reports - none**



**21. General Board Member Discussion**

Chairman Lavrich complimented staff on the building safety inspection program work. Chairman Lavrich and members of the Board made comments of appreciation to Mr. DiPietro for his service.

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

Mr. John Travers, Building Official, City of Fort Lauderdale, supported changes made and the wording that allows for continuing to inspect all structures that fall into the categories of requiring reports. He questioned why School Board buildings are exempt. He advocated for School Board properties to be included.

**23. Adjournment** – The meeting adjourned at 9:08 p.m.

A handwritten signature in black ink, appearing to read "D. Lavrich". The signature is written in a cursive style with large, looped letters.

Daniel Lavrich, P.E. - Chair

Broward County Board of Rules and Appeals

September 8, 2022 Agenda Item Number 8 Universal Water Heater Change-out Form

One of the requirements on this new form is the requirement to obtain an electrical permit when changing out an existing water heater where the existing WH is electrically powered and the existing connection whip is a plug-in power cord, which shall be changed to direct wired.

Requiring a plumbing contractor to sub-contract an electrical contractor or placing the burden on the customer to hire an electrical contractor for this small piece of work is tremendous burden on the process.

The work to change the plugin connector to a direct wired connection should be performed by the plumbing contractor and under the plumbing permit requiring one permit and one inspection by the plumbing inspector.

The plumber is more than capable of retro-fitting the wiring to code. The work is incidental to the water heater change-out and does not require an additional permit and inspection.

Further, the customer would not be able to have the job completed unless there are two contractors involved for a connection of three wires. The plumber is already connecting the wires to the heater. The additional work would involve removing the old existing receptacle, connecting the three new wires, a new single hole cover plate, and Greenfield wire raceway with connectors.

This simple installation can be performed by the plumber which I am sure is already happening on permitted, as well as hundreds of non-permitted installations. Further the inspection process leads to a whole new level of burden on the customer.

Getting a customer to stay home for one inspection is trouble enough, getting them to stay home for two inspections for the same job is a major undertaking. The electrical inspection could consist of electrical inspector roulette. What do I mean by that? When the inspector goes to the job site to inspect the 18" to 24" of covered wire he **may** request that the cover plate be removed so the inspector could visually inspect the work performed behind the wall plate. I use the word may because it's up the inspector that shows up that day. I know this sounds simple enough, however, unless the contractor is there to meet the inspector the inspection would fail and the contractor would have to schedule the customer to be home again, and a technician would have to sit on the job waiting for the inspector. This situation is duly unfair to the customer and the contractors.

I strongly request that we allow the plumber to perform this tiny piece of work for the sake of the customer, the contractors, the building departments and the inspectors.

HVAC contractors routinely change both sides of the whip from the disconnect to the units without an additional electrical permit, the plumbing contractor can and should be able to do the same.

One job - one permit.

Respectfully submitted  
Gregg D'Attile  
Board Member