

# Broward County Board of Rules and Appeals Meeting Minutes

**August 11, 2022**

**Time: 7:00 PM**

**Zoom Information:** <https://broward-org.zoomgov.com/j/1606466895>

Meeting ID: 160 646 6895

## **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

Gregg D'Attile

Jeff Falkanger

John Famularo

Steven M. Feller – arrived at approximately 7:07 p.m. as noted below

R. Art Kamm

Sergio Pellecer

David Rice

Daniel Rourke

David Tringo

Dennis Ulmer

## **Approval of Agenda**

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

## **Approval of Minutes – July 14, 2022 Regular Meeting**

Mr. Tringo made a motion and Mr. Famularo seconded the motion to approve the July 14, 2022 minutes as submitted. The motion carried by unanimous vote of 12-0.

## **CONSENT AGENDA**

### **Certifications – Staff Recommended**

#### **BROWARD COUNTY**

REGER, TIMOTHY A., CHIEF PLUMBING INSPECTOR

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

BUNDY, DAVID, ASSISTANT BUILDING OFFICIAL

#### **CITY OF LAUDERDALE LAKES**

GRANDE, CLAUDIO, ASSISTANT BUILDING OFFICIAL

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

FAIR, ARTHUR, FIRE INSPECTOR

#### **CITY OF PEMBROKE PINES**

VELASQUEZ, JOSE, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

**CITY OF WILTON MANORS**  
DEVEAUGH, PETER, CHIEF ELECTRICAL INSPECTOR

**COUNTYWIDE**  
CORRALES, ALEJANDRO D., STRUCTURAL PLANS EXAMINER – PARKLAND

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

## **REGULAR AGENDA**

### **1. Request of Mr. Marius Szabo for an extension to close out open and ongoing permits through November 10, 2022**

#### a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, indicated that Mr. Szabo is requesting an extension of 90 days to close his remaining open permits according to Board Policy 18-02. Ninety days would be November 9<sup>th</sup>, one day before the Board's November meeting.

- b. Request of Mr. Szabo
- c. Board Questions – none
- d. Board Action

A motion was made by Mr. D'Attile and seconded by Mr. Falkanger approving the extension to November 9, 2022. The motion carried by unanimous vote of 12-0.

### **2. First Reading of Amendments to Section 110.15, Building Safety Inspection Program, Chapter 1, 2020 Florida Building Code, 7<sup>th</sup> Edition and readoption of Policy #05-05, Building Safety Inspection Program to include amendments and inspection forms**

- a. Report of Staff and Chair with respect to Section 110.15
- b. Report of Staff and Chair with respect to Policy #05-05

Mr. Feller arrived at 7:07 p.m. at this point in the meeting.

Mr. James DiPietro, Administrative Director, advised that with there being no structural professional engineer on staff, the entire agency is appreciative of the enormous amount of work Chairman Lavrich has contributed to this matter.

Chairman Lavrich noted these amendments to Chapter 1, Section 110.15 and Board of Rules and Appeals Policy #05-05 are proposed to be consistent with the requirements of newly adopted Florida law (Senate Bill 4-D).

#### c. Board Questions

Mr. Rice referred to qualifications of inspectors and requested it be amended to provide that the electrical part of the inspection be performed by a Florida professional engineer specializing in electrical design. Chairman Lavrich pointed to H, 3, "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." He indicated that this language was developed by Miami-Dade County. The thinking was not to fight the battle of architects or engineers on non-threshold buildings. Whoever is doing the report just as he or she would do with the design must self-certify that they are capable. Mr. Rice stressed that this be addressed at some point in time if not in this text.

Mr. Rice referred to K, 4, and asked what if the original engineer or architect is not available for re-inspection once repairs are completed. Chairman Lavrich indicated another engineer or architect would have to assume the responsibility. He recognized it could be problematic. Mr. Bailey felt it is easy for a professional engineer or architect to read the report and conduct the re-inspection. He suggested the language be softened. Mr. Charles Kramer, Board Attorney, agreed with Mr. Bailey. It was agreed that staff would adjust this provision.

Mr. Rice asked that all use of the word “must” be changed to “shall”. It was agreed.

Mr. Rice referred to the Infrared Thermography Inspection section. Mr. Falkanger indicated it is impossible to ascertain a Level-II or higher certified infrared thermographer with five years or experience in electrical systems associated with commercial buildings. Chairman Lavrich understood the issue. It would be preferable to stay in congruity with Miami-Dade County, but it may not be possible. Mr. Rice added that he would like to see the 400 amperes increased to 800. This kind of work could double or even triple the inspection cost. There is no agency determining a Level-II individual; the certification is ensured by the employer. He felt this section should be removed and referred to a committee for more input. Mr. Bailey felt the requirements in this section are excessive. Calibration of the device should be included. He was also concerned with the conduit raceways section being excessive. Chairman Lavrich agreed. Mr. Bailey commented that the service size of the circuits to the conductors could be checked on inspection.

Mr. James DiPietro, Administrative Director, suggested a different effective date for the Conduit Raceways and Infrared Thermography Inspection. There was consensus agreement to remove those sections from this evening’s proposal and indicate that they would be effective July 1, 2023.

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, suggested an ad hoc committee with more technical expertise. Mr. Bailey agreed to follow-up on individuals to serve on an ad hoc committee.

- d. If desired, motion approving amendments to Section 110.15 on first reading and authorizing the setting of a public hearing

A motion was made by Mr. Bailey and seconded by Mr. Rice approving the amendments on first reading. The motion carried by unanimous vote of 13-0.

- e. If desired, motion approving update to Policy #05-05

A motion was made by Mr. Rice and seconded by Mr. Feller approving the update of Policy #05-05 on first reading with amendments as shown. The motion carried by unanimous vote of 13-0. Amendments: 1) change “must” to “shall” throughout; 2) in Section K, 4) add a provision for a subsequent engineer to perform the inspection under certain circumstances; 3) make Conduit Raceways and Infrared Thermography sections to be effective July 1, 2023; 4) amend Electrical Safety Inspection Report Form regarding check-off for “Threshold Building – Certified Special Inspector.

During discussion of the above motion, Mr. Bailey asked about the Electrical Safety Inspection Report Form and the need for a check-off for “Threshold Building – Certified Special Inspector.” Chairman Lavrich agreed it is not necessary and can be deleted.

### **3. First Reading of Broward County Uniform Dwelling Unit Supplemental Water Heater Replacement Data Form**

- a. Staff Report

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, advised that this new form was created to expedite the water heater permitting process. A joint meeting of the Electrical and Plumbing Committees was held and the proposed county-wide form was developed. It would be supplemental to the structural permit application.

Mr. James DiPietro, Administrative Director, noted that the form would be mandatory county-wide.

Mr. Bailey indicated that the form is intended to give plans examiners a quick view of a permit coming in. The form indicates that installation shall be in conformance with the manufacturer's installation instructions.

b. Board Questions

Mr. D'Attile felt this form will create havoc and less permits will be pulled. With a plumbing contractor not being able to pull an electrical permit, the homeowner will need both a plumbing and electrical contractor. People will be untruthful. Mr. Bailey indicated it is impossible to create a form that prohibits people from being untruthful. In further response to Mr. D'Attile, Mr. Castronovo indicated that the plumbing contractor would be the primary contractor. When the new installation needs hard wiring because the existing unit has a cord, an electrical contractor is needed. Otherwise, the need for hard wiring would be discovered by the plumbing inspector and the job would have to be stopped until an electrical contractor was retained. If the water heater is leaking, the work would be done, and a permit pulled after-the-fact. Mr. Bailey added that there is a box to check if the existing water heater is direct-wired and in such case, there is no electrical permit required. He added that if the manufacturer instructions call for hard wiring, then that has to be done. It is not possible to allow plug-connected water heaters even if they are not UL listed as such. Mr. D'Attile felt the hard-wiring is incidental to the change-out of the water heater and the plumbing contractor should be able to do it.

Mr. D'Attile asked if past Board decisions have any impact on today's rulings. Mr. Charles Kramer, Board Attorney, indicated that past decisions establish precedent. Mr. D'Attile pointed out that years ago lawn irrigation timers were being changed out by lawn irrigation contractors which was approved by the Board. Mr. Castronovo indicated provided wire does not have to be run, there is no problem.

c. Board Action

A motion was made by Mr. Feller and seconded by Mr. Bailey approving the form on first reading. The motion carried by a roll call vote of 10-3. Mr. D'Attile, Mr. Kamm and Mr. Pellecer voted no.

During discussion of the motion, Mr. D'Attile reiterated his belief that this form will create a burden on the homeowners and contractors. He predicted there will be less permits pulled and more illegal work.

**4. First Reading of Amendment to Section 105.3.1.5, Subsection 4, Chapter 1, 2020 Florida Building Code, 7<sup>th</sup> Edition, 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 Items 4, 5, 6, and 7 have some commonality and his remarks will cover all of these items. These items are due to changes in Florida law. The Florida Building Commission issued a supplement, amending Chapter 1, as a consequence of the law changes. The proposed language was lifted verbatim.

- b. Board Questions – none
- c. Board Action

A motion was made by Mr. Ulmer and seconded by Mr. Feller approving the amendment on first reading. The motion carried by unanimous vote of 13-0.

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

- a. Staff Report

See staff presentation under Item 4.

- b. Board Questions – none
- c. Board Action

A motion was made by Mr. Feller and seconded by Mr. Tringo approving the amendment on first reading. The motion carried by unanimous vote of 13-0.

- 6. **First Reading of Amendment adding Section 105.3.1.6, Reviewing Application for Building Permits, Chapter 1, 2020 Florida Building Code, 7<sup>th</sup> Edition, 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

See staff presentation under Item 4.

- b. Board Questions – none
- c. Board Action

A motion was made by Mr. Feller and seconded by Mr. Famularo approving the amendment on first reading. The motion carried by unanimous vote of 13-0.

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

- a. Staff Report

See staff presentation under Item 4.

- b. Board Questions - none
- c. Board Action

A motion was made by Mr. Feller and seconded by Mr. Famularo approving the amendment on first reading. The motion carried by unanimous vote of 13-0.

- 8. **Second Reading of Amendment to Section 104.1.1, Appointment of Building Official, Chapter 1, 2020 Florida Building Code, 7<sup>th</sup> Edition, requiring physical presence during regular business hours at least one (1) day per week for municipalities greater than 1,000 persons but less than 10,000 persons and two (2) days per week during regular business hours for municipalities of 10,000 persons or greater effective April 1, 2023, that an application for permanent certification in more than two jurisdictions be reviewed on a case by case basis by the Board of Rules and Appeals and require that if the Board approves a certification, a notice will be sent to the appointing authority of each jurisdiction by the Board staff. Individuals currently qualifying more than two (2) jurisdictions are not required to obtain Board approval to maintain their current status until April 1, 2023. The City**

**Manager of each jurisdiction shall be notified by BORA staff at any time that a Building Official/Chief Inspector is approved by the Board to serve more than one jurisdiction**

a. Staff Report

Mr. James DiPietro, Administrative Director, provided a brief overview. Two notices were sent to all city managers however no comments were received. He noted that this item is the same as Item 9 except that it pertains to chiefs.

Mr. DiPietro added that one communication was received today from Mr. Steve Pizzillo and it is attached to these minutes.

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

A motion was made by Mr. Burr and seconded by Mr. Feller approving the amendment on second and final reading. The motion carried by a roll call vote of 12-1. Mr. Tringo voted no.

**9. Second Reading of Amendment to Section 104.3, Appointment of Chief Electrical, Mechanical, Plumbing and Structural Inspectors, Chapter 1, 2020 Florida Building Code, 7<sup>th</sup> Edition, requiring physical presence during regular business hours at least one (1) day per week for municipalities greater than 1,000 persons but less than 10,000 persons and two (2) days per week during regular business hours for municipalities of 10,000 persons or greater effective April 1, 2023, that an application for permanent certification in more than two (2) jurisdictions be reviewed on a case-by-case basis by the Board of Rules and Appeals and require that if the Board approves a certification, a notice will be sent to the appointing authority of each jurisdiction by the Board staff. Individuals currently qualifying more than two (2) jurisdictions are not required to obtain Board approval to maintain their current status until April 1, 2023. The City Manager of each jurisdiction shall be notified by BORA staff at any time that a Building Official/Chief Inspector is approved by the Board to serve more than one jurisdiction**

a. Staff Report

See staff presentation under Item 8.

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

A motion was made by Mr. Feller and seconded by Mr. Falkanger approving the amendment on second and final reading. The motion carried by a roll call vote of 12-1. Mr. Tringo voted no.

**10. Second Reading of Amendment to Board Policy #16-01, Reduction of Paperwork for Building Officials and Chief Inspectors seeking to serve in multiple jurisdictions or moving from one jurisdiction to another within a biennial certification period - The amendment discloses the requirement that any application for permanent certification in more than two jurisdictions will be reviewed on a case-by-case basis by the Board of Rules and Appeals. Individuals currently qualifying more than two (2) jurisdictions are not required to obtain Board approval to maintain their current status until April 1, 2023. The City Manager of each**

**jurisdiction shall be notified by BORA staff at any time that a Building Official/Chief Inspector is approved by the Board to serve more than one jurisdiction**

- a. Staff Report

Mr. James DiPietro, Administrative Director, provided a brief overview.

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

A motion was made by Mr. Feller and seconded by Mr. Falkanger approving the amendment on second and final reading. The motion carried by a roll call vote of 13-0.

**11. Second Reading of Modification of Certification Application for the position of Building Official or Chief Inspector to add a disclosure for the jurisdiction where he or she is currently employed**

- a. Staff Report

Mr. James DiPietro, Administrative Director, advised that the application provides space to indicate the jurisdictions where the building official, assistant building official or chief is working so that if there are multiple jurisdictions, it would be disclosed. Staff would notify the chief administrative official, usually the city manager.

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

A motion was made by Mr. Feller and seconded by Mr. Falkanger approving the application modification on second and final reading. The motion carried by a roll call vote of 13-0.

**12. Update Concerning the Building Safety Inspection Program (BSIP) – Related Code and Policy Amendments**

- a. Report of Administrative Director

Mr. James DiPietro, Administrative Director, advised that to date all jurisdictions have sent out their 2022 notices. Secondly, he noted that for 2019, 2020 and 2021 staff is verifying that the correct number of properties were noticed.

- b. Board Questions – none
- c. Board Action - received

**13. Director's Report**

Mr. DiPietro noted at the next meeting both he and Dr. Barbosa will be serving as co-directors. Transitional information to the Board will be forthcoming.

- 14. Attorney's Report** - none

**15. Committee Reports**

**16. General Board Member Discussion**

Mr. D'Attile asked that the Board consider at the next meeting moving the meeting time from 7 p.m. to 5 p.m. Mr. Bailey commented at 5 p.m. would be difficult because it is close to the end of the workday. Chairman Lavrich indicated that the current time is intended to give the public access to the meetings. Mr. Burr favored that 7 p.m. start time.

Mr. Burr felt there is a disservice to the public by holding the public comment agenda item at the end of the meeting. He would like to see it moved further to the beginning part of the agenda. If someone would like to make a comment, he or she has to wait until the end of the meeting. Chairman Lavrich pointed out that there are generally no speakers under public comment. Mr. Tringo agreed with Mr. Burr. Mr. Tringo preferred a starting time of 7 p.m.

Mr. DiPietro noted that any Board member may request a topic may be placed on an agenda. Chairman Lavrich agreed and asked that both of these items be so scheduled for the next agenda.

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

Mr. John Travers, Building Official, City of Fort Lauderdale, indicated that he will be making an informational presentation to the condominium associations in Fort Lauderdale concerning the new State legislation on building safety inspection and he is looking forward to the Board's action on Section 110.15 of the Florida Building Code, Chapter 1 in relation to Florida Senate Bill 4-D.

**18. Adjournment** – The meeting adjourned at 8:49 p.m.



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Daniel Lavrich, P.E. - Chair