

Broward County Board of Rules and Appeals Meeting Minutes

December 14, 2023

Time: 7:00 PM

Zoom Meeting Information

<https://broward-org.zoomgov.com/j/1619158172>

Meeting ID: 161 915 8172

I. Call Meeting to Order

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

- II. Daniel Lavrich, Chairman
Gregg D'Attile, Vice Chairman
Ron Burr
John Famularo
Steven M. Feller
R. Art Kamm
Daniel Rourke
David Tringo
Dennis Ulmer
Derek A. Wassink
Abbas Zackria

III. Approval of Agenda

Dr. Ana Barbosa, Administrative Director, requested an addition to the agenda of a memorandum requesting delegation of authority. Mr. Tringo made a motion, and Mr. Feller seconded the motion to approve the agenda with the noted addition. The motion was carried out by a unanimous vote of 11-0.

IV. Approval of Minutes – November 9, 2023, Board Meeting

Mr. Feller made a motion, and Mr. D'Attile seconded the motion to approve the November 9, 2023, minutes as submitted. The motion was carried out by a unanimous vote of 11-0.

V. Public Comment (Except public hearing items on this agenda) Public comments are limited to 3 minutes - none.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Stillwell, Zachary, Fire Plans Examiner

BROWARD COUNTY, UNINCORPORATED

Osorio, William A., Structural Inspector (Provisional)

CITY OF FORT LAUDERDALE

Simcox, Shane, Fire Inspector

TOWN OF LAZY LAKE

Chmely, Edward V., Jr., Chief Electrical Inspector
Fernandez, Jose, Chief Mechanical Inspector

CITY OF PLANTATION

Sweeney, Thomas J., Structural Plans Examiner (Provisional)

CITY OF POMPANO BEACH

Kane, Mark, Fire Plans Examiner

CITY OF TAMARAC

Evia, Adolfo L., Jr., Chief Structural Inspector

CITY OF WEST PARK

Bendavid, Andre D., Chief Structural Inspector
Mansor, Simo, Building Official

COUNTYWIDE

Cheeley, Eric, Structural Inspector
Diaz, William, Structural Inspector
Diaz, William, Structural Plans Examiner
Francis, Stephen, Structural Plans Examiner
Garcia, Erich, Electrical Plans Examiner
Kohn, Jordan Tal, Structural Inspector

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

VII. REGULAR AGENDA

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

a. Staff Report

Dr. Ana Barbosa, Administrative Director, noted that staff has reviewed the amendments and made changes to make the document more reader-friendly without changing the meaning. The Fire Code Committee met in November and voted unanimously to recommend approval of the amendments.

b. Board Questions - none

c. Board Action

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

2. Second reading of the Broward County Amendments to Chapter 1 of the 8th Edition (2023) of the Florida Building Code

a. Staff Report

Dr. Ana Barbosa, Administrative Director, noted that this is the second and final reading of the item. If passed, it will become effective December 31, 2023. Staff recommends adoption on this final reading.

b. Public Hearing

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

c. Board Questions - none

d. Board Action

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

3. Formal Interpretation #34: Painting of Sprinkler and Cover Plates on Concealed Sprinklers

a. Staff Report

Dr. Ana Barbosa, Administrative Director, advised that the Fire Code Committee met in November and voted to recommend approval of this formal interpretation. She noted that Section 13.3.3.5.1.6 of the Florida Fire Prevention Code, NFPA 1, states that the sprinklers shall not be altered in any respect or have any ornamentation, paint, or coating applied after shipment from the manufacturer. Further, NFPA Section 6.2.6.2 states that the sprinklers shall only be painted by the manufacturer. The interpretation will clarify any issues that have occurred throughout the county.

b. Board Questions - none

c. Board Action

Mr. D'Attile made a motion, and Mr. Famularo seconded the motion to approve the interpretation as recommended. The motion was carried out by a unanimous vote of 11-0.

Chairman Lavrich noted that the interpretation is effective on December 15, 2023.

4. Request Delegation Authority to the Administrative Director to Obtain Goods and Services for Funding Duties as Contemplated under the Florida Building Code, Florida Special Act 71-575, and Broward County Code of Ordinances, Section 9.02

a. Staff Report

Dr. Ana Barbosa, Administrative Director, noted that at the time the Board's budget was adopted, she discussed having the Board's files go paperless, and funding was added to the budget. GovBuilt was selected. GovBuilt has now merged with MCCI. MCCI will pick up the files, scan code and return them. GovBuilt will be responsible for the electronic hosting of the Board's website, forms, etc. The cost is essentially to establish their platform. Going forward, the annual subscription will be \$13,000, with

a 5% increase each year after this year. She requests authorization to sign the contract and ensure payments are made accordingly.

b. Board Questions

In response to Mr. Feller, Dr. Barbosa indicated that the historic building codes are included. Further, she said that the storage is cloud-based. The Board will continue to be connected to the Broward County website. Forms will be hosted through the Govbuilt platform. Changes will largely be internal.

c. Board Action

Mr. Feller made a motion, and Mr. Wassink seconded the motion to authorize the Administrative Director to execute the proposed contract with MCCI/GovBuilt with the initial costs, annual subscription, and technology fee increase in future years as outlined in her memorandum of December 14, 2023. The motion was carried out by a unanimous vote of 11-0.

5. 2024 Board Nominations and Election of Officers

a. Staff Report

Dr. Ana Barbosa, Administrative Director, noted that current voting members are eligible to be nominated as chair and vice-chair. Ms. Jonda Joseph, Board Clerk, announced the currently present voting members.

b. Board Questions

c. Board Action

Mr. Burr nominated Gregg D'Attile for Chair. There being no other nominations, Mr. D'Attile was elected Chair.

Mr. D'Attile nominated Ron Burr for Vice Chair. There being no other nominations, Mr. Burr was elected Vice-Chair.

6. Director's Report

Dr. Barbosa announced that the recertification process has been successfully completed on time.

Dr. Barbosa noted the upcoming holiday schedule.

Dr. Barbosa noted that there are some open positions on the Board. Going forward, staff will be working to fill those positions.

7. Attorney's Report

With respect to the My Amelia case concerning virtual inspections, Mr. Charles Kramer advised that the Board prevailed on the case in the Fourth District Court of Appeals with the stipulation that the opinion cannot be re-challenged. My Amelia may request clarification in the hope that whatever may be provided could be used to appeal to the Florida Supreme Court. They may come back to the Board of Rules and Appeals. He also elaborated on My Amelia's attempt to secure a ruling with the Florida Building

Commission that the Broward County Local amendments were actually technical amendments and in violation of statutes. They also claimed that the Board of Rules and Appeals failed to follow the local amendment adoption procedure set forth in Section 553.73. The Board prevailed in both matters.

8. Committee Reports – none

9. General Board Member Discussion

Mr. Burr asked if any headway had been made on House Bill 735. Mr. Kramer advised that information was sent to building officials, assistant building officials, and chief inspectors. The information will go to the Senate before their session begins. Dr. Barbosa indicated that she prepared a sample letter for building officials to sign and send to Marty Cassini, Office of Intergovernmental Affairs, Hipolito Cruz, Director of Broward County Government, and Maite Azcoitia, Deputy County Attorney.

Mr. Burr suggested that building officials be afforded the opportunity to speak on the first reading of building code amendments. Dr. Barbosa indicated that there will always be a public hearing before adoption. She has an excellent relationship with the building officials, and she assured the Board that there would be nothing to go before the Board that affects them without their input.

Mr. Burr felt that the more involvement that can be afforded makes the Board stronger as an organization and improves their relationship with the building officials. Chairman Lavrich agreed but felt it would be more appropriate in a workshop than the first reading of a code amendment. A great deal of time is spent on items before they are presented to the Board.

The meeting adjourned at 7:39 PM.

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

Daniel Lavrich, P.E., Chairman