

BROWARD COUNTY BOARD OF RULES AND APPEALS

October 8, 2019

To: Members of the Fire Code Committee

Chair, Stephen Bailey PE, Vice Chair, Michael Pella P.E., Daniel Potkay, John Duffin, Harlan L. Kuritzky, John Kneiss, Guillermo A. Echezabal CSI, CDT, Greg McLellan P.E., James Godfrey, Pablo Camacho, Don Perdue, John Preston, Bruce Bowers, Charlene Smith, Pete McGinnis

From: Bryan Parks, Chief Fire Code Official

Date: **October 17, 2019**

Time: **9:30 am**

Location: West Lake Park, 1200 Sheridan Street, Hollywood, FL 33019
(map attached)

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

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

www.broward.org/codeappeal

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P.E., S.I., SECB, F.ASCE, F.SEI
Structural Engineer

Vice-Chair

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Roofing Contractor
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General Contractor
Mr. Daniel Rourke
Master Plumber
Mr. Gregg D'Attile,
Mechanical Contractor
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Vacant

Representative Disabled Community

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Board Attorney

Charles M. Kramer, Esq.

Board Administrative Director

James DiPietro

—ESTABLISHED 1971—

The Chair, Stephen Bailey has called for a meeting of the Board of Rules and Appeals, Fire Code Committee be heard proposed modifications of the Local Amendments to the Florida Fire Prevention Code as found in section F-103.4.2 Powers and Duties of the Fire Plans Examiner and F-121 Photovoltaic that might prevents the enforcement of NFPA 1 with regards to Fire Plan Review and Photovoltaic (PV) and possibly new Uniform Generator Code.

Chairman Remarks

Roll Call

Approval of Minutes August 2019

Item 1: Modification of F-103.4.2 (page 13) and F-121 (page 30)

A. Staff Review

B. Committee discussions and recommendation.

Reference materials:

Board Legal Opinion

FS 633.208 (8)(a) The provisions of the Life Safety Code, as contained in the Florida Fire Prevention Code, do not apply to one-family and two-family dwellings.

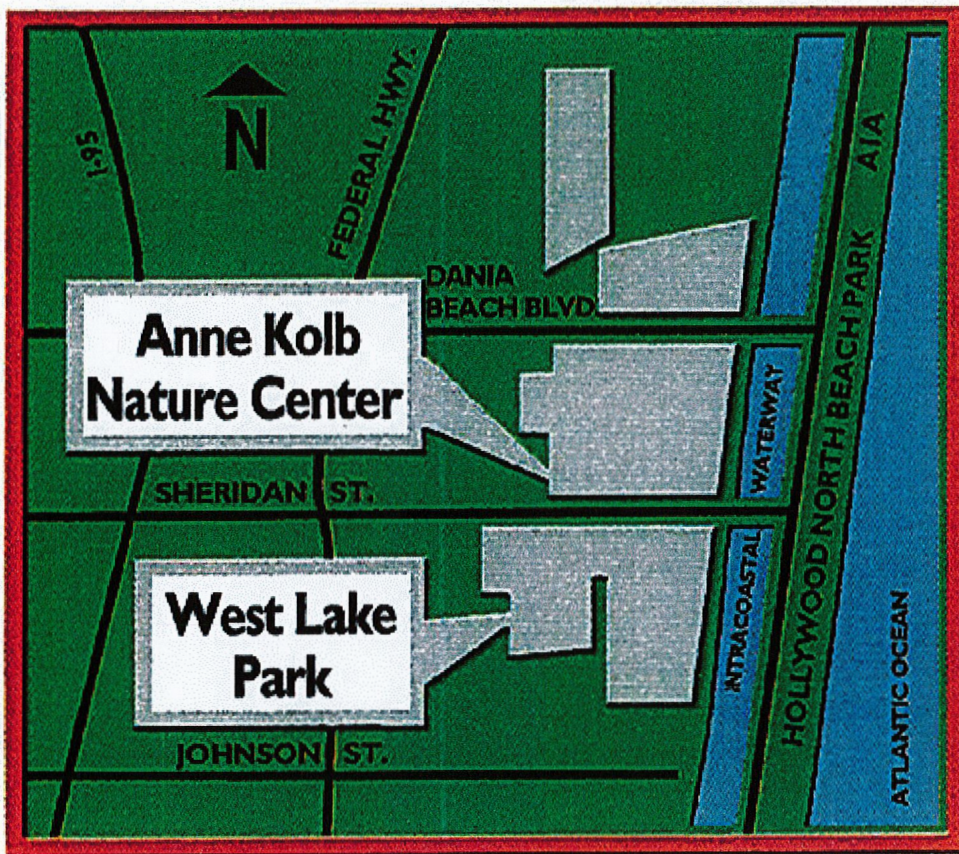
Adjournment

Sunshine Law Reminder: Advisory Board members cannot communicate with each other on a possible committee or Board topic outside of a public meeting, per State statute.

Parks, Bryan

From: Curry, Brianna
Sent: Tuesday, October 8, 2019 8:24 AM
To: Parks, Bryan; Boselli, Ruth
Subject: RE: Fcc meeting location

This is the map from the Anne Kolb Nature Center brochure:



From: Curry, Brianna
Sent: Tuesday, October 8, 2019 8:15 AM
To: Parks, Bryan <BParks@broward.org>; Boselli, Ruth <RBOSELLI@broward.org>
Subject: RE: Fcc meeting location

Fire Code Committee Meeting

Thursday, October 17, 2019
9:30a – 11:00a

West Lake Park
1200 Sheridan Street
Hollywood, FL 33019

FIRE CODE COMMITTEE

MEETING MINUTES

August 15, 2019

CHAIR Mr. Jeff Lucas called the Fire Code Committee to order at 2:05 p.m. a Roll call followed.

Members present

Mr. Lucas, Chair, Echezabal, Camacho, Kneiss, Preston, Duffin, Lluís and Bowers

Motion to approve minutes from January 17, 2019, Mr. Echezabal moved to approved, seconded by Ms. Lluís. MOTION PASSED unanimously

Item I

Presented to the committee by Mr. Parks, Chief Fire Code Compliance Officer, it is requested by the Fire Marshal Association who would like to increase application for the position, this came from a suggestion by BSO and the suggestion is to modify the following sections of the Fire Code Broward county Amendments: 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 F-103.3.5 are reworded to extend to more applicants from outside of Broward. It does not waive the requirements that we have for fire fighter or it doesn't waive the requirement to take the Broward County exam, you can take the BC exam anytime you want, without having any certification and the exam does not expire. They can do that anytime they choose and they must be a certified Fire inspector in Broward County. As you know the BORA has been offering about \$256,000 in classes every year (CFI, CFII, CFPE and CFPS) under this provision it is suggested we grant some reduced years if they take this classes, Certified Fire Protection class was included in the suggestion of the Fire Marshall. It's up to your discussion of the committee. Mr. Camacho asked if F-103.3.4 is part of change? Mr. Parks answered that to make it more consistent with the way we write this code we added the numeral 5 and then (five) in parenthesis. Mr. Lucas asked for the difference the board level in the years of experience against at the Broward County level is it the same? Mr. DiPietro answered that the MEPs are state-wide in state of Florida and for the structural they must have the High Velocity Hurricane zone experience or take the exam to prove they are familiar with this. The case that went to the Board agenda as 1.a item was that he was from another country and the question came whether they need Florida specific experience or from another part of the world, and we accepted and kept no action.

Without any further discussion Ms. Sandra Lluís made a MOTION to accept the modifications, seconded by Mr. McGinnis. The MOTION passed unanimously.

Item II

Bryan Parks, Chief Fire Code Compliance Official presented this item. This item was suggested by the Fire Marshall, Mr. Demopoulos chairs the generator committee, we met with D.A.C.A and some family members to find a better way to apply the emergency generator provisions for Hospitals, Nursing Homes and Group Homes. We placed the suggested definitions found in the proposal was placed under definitions in the proposed code, and the remainder is the actual code amendment as found in F-124. Mr. Demopoulos, from Tamarac Fire Department -- addressed the committee and explained that a committee was created with the participation of Fire Marshal, Broward County emergency management , ACA , all the state holders and we put some language together to achieve a uniform way to interpret

and apply the generator code and to enforce it throughout the county. It applies basically to any facility that requires to receive an inspection from a rule or statute. F-124.2 – Applicable NFPA standards and tries to provide guidance when applying the Florida Administrative code for 58A-5436 for assisted living facilities and 598-4.1265 for Nursing homes. We broke a section into general. A lot of these generators have already been approved and are currently in existence. F-124.3.1. is for the existing approval non-conforming installations, eventually we will have to make them compliant with this code. With F-124.3.2 we are allowing 72 hrs on site and then they must show proof of a reliable method to obtain additional 24 hours making that 96 hours within the 48 hours of declared state of emergency. Section F-124.3.3 local ordinance that regulates the amount of fuel stored on site. Mr. Parks proposed on the record to modify section and add another code section F-124.3.5. After discussion Chair Lucas read for clarification the change in the definition “any residential boarding care as defined by the provisions of the code”. **Mr. Echezabal moved and seconded by Bowers to pass the amendment. The final wording for the amended section in pages 3 and 4 attached.**

Committee discussion: It was brought to the committee the current vacancy and it was questioned when it could be filled. The Board of Rules and Appeals director, Jim DiPietro, explained how the League of Cities make appointments and then those Board members appointees are called to fill the committees’ vacancies.

Bryan Parks mentioned the resignation from the Fire Code Committee member Sandra Lluís, and the need of her replacement. Ms. Lluís expressed her pleasure to serve for the committee over the years. Meeting was adjourned at 3:20 pm.

F-124 Uniform Generator Code

F-124.1 Scope The purpose of this document is to provide uniform procedures for the AHJs’ in Broward County as it pertains to secondary power sources. Any Board and Care occupancy as defined by the provisions of this code that is required to receive an inspection from an AHJ as per Florida State Statute or the Florida Administrative Code, shall comply with the provisions of this code.

F-124.2 Referenced Publications:

NFPA 1, Fire Code

NFPA 30, Flammable and Combustible Liquids Code

NFPA 37, Standard for the Installation of and Use of Stationary Combustion Engines and Gas Turbines

NFPA 54, National Fuel Gas Code

NFPA 58, Liquefied Petroleum Gas Code

NFPA 70, National Electrical Code

NFPA 72, National Fire Alarm and Signaling Code

NFPA 110, Standard for Emergency and Standby Power Systems

NFPA 111, Standard on Stored Electrical Energy Emergency and Standby Power Systems

NFPA 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment

Florida Administrative Code 58A-5.036 for Assisted Living Facilities

Florida Administrative Code 59A-4.1265 for Nursing Homes

Florida Building Code

F-124.3 General:

F-124.3.1 Existing approved, non-conforming installations shall become compliant with this code as approved by the AHJ.

F-124.3.2 All facilities shall store a minimum of seventy-two (72) hours of fuel onsite and be able to show proof (such as a fuel service contract) of a reliable method to obtain the additional twenty-four (24) hours of fuel within forty-eight (48) hours of a declared State of Emergency.

F-124.3.3 If local ordinances or other regulations limit the amount of onsite fuel storage at the location of the facility, then the owner/operator shall 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 prior to the depletion of the onsite fuel.

F-124.3.4 Storage of any fuels shall be compliant with the applicable National Fire Protection Association's (NFPA) codes and standards.

F-124.4 Minimum Permit Submittal Requirements:

F-124.3.5 Other fuel sources shall be permitted in conformance with the NFPA 54 and 58 as currently adopted.

F-124.4.1 The following is a list of the minimum required information that shall be submitted to the AHJ for review:

A) Plans shall be submitted for permitting, with details and manufacturer specifications that demonstrate compliance with all applicable NFPA codes and standards. The submittal shall be made by a qualified and licensed contractor.

B) All generators shall be NFPA 110 compliant.

C) Plans shall clearly identify the class, type, and level of the generator.

D) A site plan shall be provided indicating the location of the emergency generator in relation to the building openings as well as adjacent building openings, exit discharges, the fuel source type, and the automatic transfer switch.

E) The location of the manual emergency shut off

shall be clearly identified on the plans. The emergency shut off shall be readily accessible at all times, identified with permanent weatherproof signage, shall be readily visible to emergency responders, and the location shall be approved by the AHJ.

F) Plans shall demonstrate that the fuel supply can accommodate the specific EPS class and time duration identified on the plans.

G) Physical protection of the fuel source and generator when located in areas subject to vehicular traffic shall be clearly identified.

H) A remote generator annunciator shall be installed at a continuously attended location and indicated on the plans, approved by the AHJ.

I) A signed generator maintenance contract shall be submitted, maintained, and made available to the AHJ upon request.

J) Carbon monoxide protection shall be installed in accordance with NFPA 720. Carbon Monoxide alarms shall be installed outside of each separate dwelling unit, sleeping area in the immediate vicinity of the bedrooms, on every occupiable level, and other locations where required by applicable laws, codes, or standards. The location(s) of Carbon Monoxide Alarms shall be indicated on the plans.

F-124.5 Inspection and Testing

A) Emergency Power Supply Systems' (EPSS), including all appurtenant components, shall be inspected weekly and exercised under load at least monthly.

B) The facility owner shall ensure that the EPSS is properly maintained and serviced not less than annually by a qualified person or contractor in accordance with the manufacturer's specifications.

F-124.6 Records Retention

A) Each facility shall provide a binder which contains a log of weekly inspections and monthly load exercise.

B) The binder shall also include a copy of the annual service agreement as well as the most current annual service report.

C) This binder shall be made readily accessible to the AHJ upon request.

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 years continuous service as such.

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 as an fire plans examiner and inspector in Florida.

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

Amendment Effective: 2/25/2019 .

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 the Florida Firefighters Standards Council, 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.

F-103.4.3.2 Five (5) years of experience as a Fire Inspector and shall be a Broward County and State of Florida Certified Fire Inspector.

F-103.4.3.3 Ten (10) years of experience as a firefighter, four 4 years state certified fire inspectors of which shall have been in the jurisdiction of the Fire Protection Provisions of this Code and the FFPC and shall be a Broward County 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.

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

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
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fallout on any structure, vehicles and/or part thereof in the fallout area unless otherwise at _____ 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

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

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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, amphitheatres 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

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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 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-103.3.1 An Engineer and/or a Degree in Fire Science and/or a Degree in Fire Prevention and shall have been certified as County Fire Inspector for three (3) years.

F-103.3.2 A County Certified Fire Plans Examiner with at least five (5) years of experience within the jurisdiction of FFPC.

F-103.3.3 Ten (10) years' experience as a Fire Inspector, 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 years continuous service as such.

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 as an fire plans examiner and inspector in Florida.

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 **accordance with 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

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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 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-103.4.3.1 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.

F-103.4.3.2 Five (5) years of experience as a Fire Inspector and shall be a Broward County and State of Florida Certified Fire Inspector.

F-103.4.3.3 Ten (10) years of experience as a firefighter, four 4 years state certified fire inspectors of which shall have been in the jurisdiction of the Fire Protection Provisions of this Code and the FFPC and shall be a Broward County 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.

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 Marshall/Fire Code Official. A Fire Inspector, if properly qualified, may be certified and assigned duties in more than one category. Under the Fire Chief's direction, the Fire Inspector shall enforce all local ordinances of the jurisdiction pertinent to the prevention of fires, suppression or extinguishing of fires, storage, use and handling of explosive, flammable, combustible, toxic, corrosive and other hazardous gaseous, solid and liquid materials. The inspection of equipment and maintenance of automatic, manual, 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 referred 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

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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 all

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
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fallout on any structure, vehicles, and/or part thereof in the fallout area unless otherwise advised in writing, to the fire code official, as to the contracted party responsible for such cleanup.

F-121 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, NFPA 1 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.

MARK S. MUCCI, P.A.
Certified Civil Mediator

5561 NORTH UNIVERSITY DRIVE, SUITE 102
CORAL SPRINGS, FLORIDA 33067

BROWARD (954) 524-6800
WWW.BMWLAWYERS.NET

BRAD R. WEISS, P.A.
Board Certified in Construction Law
Also Admitted in Michigan

TELEPHONE (954) 323-1023
FACSIMILE (954) 323-1013

WILLIAM H. BENSON
(1929-2013)

BRIAN ABELOW

CHARLES M. KRAMER
OF COUNSEL
Board Certified in Construction Law

MATTHEW D. COHEN
Senior Associate
Also Admitted in New York

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**LEGAL ADVISORY OPINION AS TO REQUIREMENTS FOR COMPLIANCE
WITH NEW OCCUPANCY CODES UPON CHANGE IN OCCUPANCY STATUS
ISSUE**

You have asked your attorney for an Advisory Opinion with respect to whether a change in occupancy classification from a single-family home to a Residential Board and Care (Assisted Living Facility or ALF) facility will require compliance with a new occupancy code attendant with the change? ¹

RULE

The courts have held that the transition from single-family home usage to group-home is permitted in most instances where objections to group homes for the developmentally disabled, disadvantaged youth, and elderly have been overruled on constitutional grounds as further set forth in the Fair Housing Act 42 U.S.C. § 3601 et seq., and the Florida Fair Housing Act, Fla. Stat. § 760.20 et seq.. See Fair Housing Center of the Greater Palm Beaches, Inc. v. Sonoma Bay Community Homeowners Association, Inc., United States District Court, S.D. Florida, 2015. Not Reported in Fed. Supp.2015 WL 5737351; Baldwin v. Nature's Hideaway, Phase I-B Homeowners Association, Inc., 613 So.2d 1376 (Fla. 2d DCA 1993).

The constitutional challenges set forth above which pertain to deed restrictions, zoning and land use requirements do not hamper the ability of a municipality or the local fire prevention bureau from performing inspections. This matter was further addressed in Eisenberg v. City of Miami Beach, 1 F. Supp 1327, 1349 (S.D. Florida 2014) where the court noted:

¹ We note that this topic is both relevant and timely. With the increased outsourcing of treatment and care into private hands these and other related issues will undoubtedly be of increasing importance to the communities and people of Florida. It is without question that the municipalities, the respective Fire and Building authorities and the Broward County Board of Rules and Appeals will be addressing these in a time- consuming, case by case basis, if the ground rules are not firmly established now.

The law provides:

(6) The Florida Fire Prevention Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements or land use requirements. Additionally, a local code enforcement agency may not administer or enforce the Florida Fire Prevention Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities. **This section shall not be construed to prohibit local government from imposing built-in fire protection systems or fire-related infrastructure requirements needed to properly protect the intended facility.**

Fla. Stat. § 633.202(6).

The Eisenberg court specifically noted the last sentence as illustrative of the fact that there is nothing in the matter of land-use regulations which would prevent the local authority from performing fire safety inspections.

ANALYSIS

Reasonable and necessary fire inspections for the purpose of protecting persons and property may not be prohibited.

Florida Statutes Sec 553.79 (13) states:

(13) One-family and two-family detached residential dwelling units are not subject to plan review by the local fire official as described in this section or inspection by the local fire official as described in s. 633.216, unless expressly made subject to the plan review or inspection by local ordinance.

But legal consequences are “determined not by what [something] is called, but by what it does” and is. See Miami Dade Co. v. Valdes, 9 So. 3d 17,22 (Fla. 3d DCA 2009)

Any attempt to shoehorn the status of a group living facility into that of a single-family residence must fail outside the statutory recognition imposed under FS Sec 419.

Chapter 69A-40.024 of the Florida Administrative Code states:

UNIFORM FIRESAFETY STANDARDS FOR ASSISTED LIVING FACILITIES

69A-40.024 Scope.

(1) These rules apply to any institution, building, or buildings, residence, private home, boarding home, home for the aged, or any other place, whether operated for profit or not, which is an assisted living facility under the definitions of chapter 429, F.S., and of chapter 58A-5, F.A.C.,

and include the intergenerational respite care assisted living facility created pursuant to section 429.071, F.S. These rules do not apply to transient rentals, as defined in section 212.03, F.S.

In event of a conflict, a statute takes precedence over an administrative rule; however, in this case there is no conflict because the statute only pertains to zoning and land use, while the administrative rule pertains to Uniform Firesafety Standards for Assisted Living Facilities.

It is axiomatic that if a residence was initially a single-family dwelling, it was “not subject to plan review or inspection by local ordinance.” If the residence is subsequently repurposed as an assisted living facility, then under the Uniform Fire Code it must comply with new occupancy codes

CONCLUSION

It is a matter of law that single or two-family dwellings may be re-purposed as Adult Living Facilities. The Uniform Fire Safety Code Sec 69A-40. et. al. imparts no prejudice to assisted living facilities where it is required to comply with the superior directive contained in Florida Statutes § 633.202(6) for the protection of life health and safety.

Reference

See 69A-40.022

69A-40.023 Purpose

69A-40.024 Scope

69A-40.027 Definitions

69A-40.028 Standards of the National Fire Protection Association Adopted

69A-40.029 Evacuation Capability Evaluation

69A-40.031 Automatic Fire Sprinkler Systems

69A-40.033 Heating, Ventilating, and Air Conditioning Equipment

69A-40.035 Code Conflict Resolution

69A-40.036 Fire Exit Drills

69A-40.037 Intergenerational Respite Care Assisted Living Facility FAC Ch. 69A-40

FFPC Definitions 3.3.190.12

Florida Statute § 622.202; 633.208; 429.071.



Charles M. Kramer, Esq.

FBN #133541

General Counsel to the Broward County

Board of Rules and Appeals

Florida Bar Board Certified

Construction Lawyer

5561 University Drive, Suite 103

Coral Springs FL 33067

Phone 954.323.1023 | Direct 954.947.2523

ckramer@bmwlawyers.net

633.202 Florida Fire Prevention Code.—

(1) The State Fire Marshal shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Fire Prevention Code which shall contain or incorporate by reference all firesafety laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such firesafety laws and rules. The State Fire Marshal shall adopt a new edition of the Florida Fire Prevention Code every third year.

(2) The State Fire Marshal shall adopt the current edition of the National Fire Protection Association's **Standard 1, Fire Prevention Code** but may not adopt a building, mechanical, or plumbing code. The State Fire Marshal shall adopt the current edition of the **Life Safety Code, NFPA 101**, current editions, by reference. The State Fire Marshal may modify the selected codes and standards as needed to accommodate the specific needs of the state. Standards or criteria in the selected codes shall be similarly incorporated by reference. The State Fire Marshal shall incorporate within sections of the Florida Fire Prevention Code provisions that address uniform firesafety standards as established in s. 633.206. The State Fire Marshal shall incorporate within sections of the Florida Fire Prevention Code provisions addressing regional and local concerns and variations.

FS 633.208 (8)(a)

(8)(a) The provisions of the Life Safety Code, as contained in the Florida Fire Prevention Code, do not apply to one-family and two-family dwellings.