



**BROWARD COUNTY BOARD OF RULES & APPEALS**  
**FEBRUARY 11, 2021**  
**MEETING MINUTES**

**Call to Order**

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

**Present:**

Daniel Lavrich, Chair  
Stephen E. Bailey, Vice-Chair  
Ron Burr  
Gregg D'Attile\*  
Jeff Falkanger  
John Famularo  
Shalanda Giles-Nelson  
Robert A. Kamm  
Sergio Pellecer  
James Terry  
David Tringo  
Daniel Rourke  
Dennis Ulmer  
Abbas Zackria

Mr. Tringo made a motion and Mr. Bailey seconded the motion to approve the agenda as posted. The motion carried by unanimous vote of 13-0.

**Approval of Minutes – January 14, 2021**

Mr. Bailey made a motion and Mr. Tringo seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 13-0.

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**CONSENT AGENDA**

1. Certifications - Staff Recommended.

**CITY OF PEMBROKE PINES**

ALLISON, SETH, FIRE INSPECTOR  
CHMURA, FREDERICK, FIRE INSPECTOR  
NETTINA, BRIAN PAUL, FIRE PLANS EXAMINER  
MEGNA, VINCENT, FIRE INSPECTOR  
VINCENT, ANDREW, FIRE INSPECTOR

\*Pursuant to Broward County Charter, since a full Board seating of thirteen had been achieved prior to Mr. D'Attile attending, he was not part of the full Board seating and was not eligible to vote.

## COUNTYWIDE

ALEGRIA, GUILLERMO, ELECTRICAL INSPECTOR  
DAWSON, ERIC KENNETH, MECHANICAL INSPECTOR  
HASSENPLUG, JEREMY WERNER, PLUMBING INSPECTOR  
MCCARTIN, GERALD, ELECTRICAL PLANS EXAMINER

Mr. Zackria made a motion and Mr. Pellecer seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 13-0.

## REGULAR AGENDA

2. **Amendments for 1<sup>st</sup> reading – Proposed amendment to the FBC, 7<sup>th</sup> Edition (2020) Building – Chapter 1, Section 101.2.2 Definitions and new section 110.3.14 Virtual Inspections**

a. Staff Report

Mr. James DiPietro, Administrative Director, explained that there is a need to clarify virtual inspections in the code.

Mr. Charles Kramer, Board Attorney, noted that he had presented his December 22<sup>nd</sup> advisory opinion on this subject at the January 14<sup>th</sup> Board meeting. In 2018, 2019, the Building Code Administrators and Inspectors Board issued orders saying that virtual inspections are not prohibited. Thus, there is nothing to prevent the Board from addressing this in the code. Proposed language is reflected in his letter to the Administrative Director, dated January 11<sup>th</sup>, included in the agenda backup. The Board may limit virtual inspections in areas it feels appropriate. Staff has recommended four areas where virtual inspections would be allowed as shown in the Section 110.3.14 proposal. The only exception would be a declaration of the governor in cases such as COVID.

Mr. DiPietro indicated the four areas for virtual inspections would be allowed but not mandated.

b. Board Questions

Mr. Bailey questioned why the areas are so limited. Mr. DiPietro indicated that the staff is conservative in their views on this subject. Mr. Zackria suggested that there be no limitation and rather it be left to the building official's discretion. If problems arise, limitations could be imposed.

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, explained uniformity is preferred because contractors object to being allowed in one city but not in another. He cited a couple examples with respect to an AC installation where virtual inspection would not provide certain information.

Mr. Tringo agreed that it should be left 100% to the individual chief inspector. Mr. Terry questioned the safety of an individual carrying an iPad on a job site but Chairman Lavrich did not think it would be a concern. Mr. D'Attile supported virtual inspections and noted it would facilitate more working being done by an inspector and consequently reduce staffing needs. Chairman Lavrich supported virtual inspections but not without limitations and standards.

Mr. D'Attile questioned whether virtual could be defined as live or video and picture. He felt video and picture for retrofits would be sufficient. Chairman Lavrich pointed out that structural modifications or additions to a building could be considered retrofitting. In other words, it is complicated. Ms. Giles-Nelson felt the current proposal is a good start. She emphasized a longstanding goal of uniformity countywide. Mr. Famularo shared his experience of a virtual final roof inspection in Palm Beach County that was positive. He supported virtual for final inspections but the need for limitations on in progress work.

Mr. Zackria did not think the current proposal of four items are sufficient to be useful. He questioned whether it should be referred to a committee for study. Chairman Lavrich commented that the Board could proceed with these items on an interim basis and proceed with a committee to further explore.

Mr. DiPietro noted if the Board chooses to schedule this matter for the next meeting any written comments received by February 22<sup>nd</sup> would be provided to the Board in the agenda packet.

Mr. Burr felt more clarification is needed as to what the building officials want.

c. Board Action

Mr. Tringo made a motion and Mr. Bailey seconded the motion to pass the item on first reading as recommended. The motion carried by unanimous vote of 13-0.

3. **Amendments for 1<sup>st</sup> reading – Proposed amendment to the FBC, 7<sup>th</sup> Edition (2020) Building – Chapter 1, Section 104.18 “Recertification of Building Departments and Building Code Inspection Enforcement Personnel”, subsection 104.18.1.3 to accept State of Florida approved online education courses as a form of compliance with the biennial continued educational requirements**

a. Staff Report

Mr. James DiPietro, Administrative Director, provided some historical background on the item as to the code compliance officers' involvement in screening quality of educational classes. The intent of this amendment is that all State-approved classes are automatically accepted by the Board of Rules and Appeals.

b. Board Questions – none

c. Board Action

Mr. Tringo made a motion and Mr. Zackria seconded the motion to pass the item on first reading as recommended. The motion carried by unanimous vote of 13-0.

4. **Amendments for 1<sup>st</sup> reading – Board member recommended amendment to the FBC, 7<sup>th</sup> Edition (2020) Building – Chapter 1, to reduce the number of training hours required for inspectors due to the COVID-19, said reduction to automatically expire December 31, 2021**

a. Request by Board member David Tringo

Mr. James DiPietro, Administrative Director, noted that procedurally any request of a Board member to place an item on the agenda is accommodated. The matter was not considered by staff.

Mr. Tringo commented on the time lost due to COVID-19 and that the suggestion is a reduction to 14 hours (State of Florida minimum) for this year only. Even considering the benefit of a virtual option, he believed that there is a limited amount of time. It should be taken into consideration that inspectors need to fit in their day to day duties. There are many instances where inspectors took classes last year and they were not honored due to a glitch in the system.

b. Board Questions

Mr. Tringo explained that virtual classes were not previously accepted. Chairman Lavrich commented that if virtual classes were prohibited until now, that prohibition might have some bearing.

c. Board Action

Mr. Tringo made a motion and Mr. D'Attille seconded the motion to pass the item on first reading as written. The motion carried by unanimous vote of 13-0.

5. **Amendment for 2<sup>nd</sup> reading to include public hearing – Broward County Local Amendments to the Florida Fire Prevention Code for the upcoming Florida Fire Prevention Code (FFPC) 7<sup>th</sup> Edition (2020)**

a. Staff and Fire Committee Reports

Mr. Bryan Parks, Chief Fire Code Compliance Officer, noted the streamlining and clarifying this amendment will accomplish. No changes have been made since first reading.

b. Board Questions – none

c. Public Hearing

Chairman Lavrich opened the floor for a public hearing. There being no one wishing to speak, he closed the hearing.

d. Board Action

Ms. Zackria made a motion and Mr. Falkanger seconded the motion to adopt the item on second reading. The motion carried by unanimous vote of 13-0.

6. **BORA Interpretation – Florida Building Code, 7<sup>th</sup> Edition (2020), High Velocity Hurricane Zone – Test Protocols, Roofing Application Standards – 127 Tables**

- a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, explained that some table typographical errors and pressures from the previous edition (2017) were not carried forward. Miami-Dade adopted an interpretation last week to address the situation and staff is recommending the same be done for Broward County.

- b. Board Questions – none  
c. Board Action

Mr. Famularo made a motion and Ms. Giles-Nelson seconded the motion to approve the recommended interpretation. The motion carried by unanimous vote of 13-0.

7. **Disposal of Subject/Reference files pursuant to Florida Division of Library and Information Services' General Records Schedule GS1-SL**

- a. Staff Report

Mr. James DiPietro, Administrative Director, highlighted the files recommended for destruction dating back to 1971-77 and 2000-02.

- b. Board Questions - none  
c. Board Action

Mr. Ulmer made a motion and Mr. Falkanger seconded the motion to approve the item as recommended. The motion carried by unanimous vote of 13-0.

8. **Director's Report**

**Training by Florida Inspectors Association of Broward County (FIABC)**

Mr. Bryan Parks, Chief Fire Code Compliance Officer, indicated that Tamarac Chief Tommy Demopoulos, Chairman of FIABC, reached out and secured a company to put together several virtual classes for 60 inspectors. All classes were fully enrolled.

Chief Demopoulos thanked the Board for the opportunity.

**E-Permitting Survey**

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, advised that based on direction at the January Board meeting, he worked with Board Member Burr and sent out a survey to all building officials in Broward County. The response rate is roughly 72% to date. The range of e-permitting programs in the responding municipalities is from zero to 100%. There is a direct correlation to the municipality size. He noted in some cases payments are not accomplished electronically.

Both Mr. Tringo and Mr. Burr advocated for creation of an e-permitting ad hoc committee. Mr. D'Attile agreed.

Chairman Lavrich agreed to move forward with creating such a committee.

#### Residential Energy Code Review Class

Mr. DiPietro noted the new energy code class was just approved by the Construction Industry Licensing Board. It was approved weeks ago by the inspectors board as well. One class was conducted, and another will be planned for later in the year.

#### Small Cities Grant to Support E-Permitting

Mr. DiPietro announced the first city to be awarded a grant is Cooper City in the amount of \$6,000. He went on to announce for the benefit of the public that this grant program is available to cities under 50,000 in population.

### 9. **Attorney's Report**

#### Virtual Inspections and Inspections Performed in Whole or in Part via Electronic Media

Mr. Charles Kramer, Board Attorney, noted this topic was addressed under Item 2.

### 10. **Committee Reports** - none

### 11. **General Board Member Discussion**

Mr. Burr asked that as the staff visits building departments they remind the departments of two major recent changes: 1) building departments can no longer require contracts unless the building official deems the pricing on the application is not correct; and 2) applications no longer need to be signed by the homeowner.

Brief comments were made about the benefit of virtually meeting in terms of ease of accessibility; February 22<sup>nd</sup> being the deadline to submit comments to be included in the next agenda distribution; and the open discussion with the Board on February 16.

### 12. **Public Comment (3-minute limit per person) and written communications** - none

### 13. **Adjournment**

There being no further business, the meeting adjourned at 8:10 p.m.

A handwritten signature in cursive script that reads "D. L. Lavrich". The signature is written in black ink on a white background.

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Daniel Lavrich, P.E. - Chair