

Broward County Board of Rules & Appeals Meeting Agenda

February 13, 2020

Broward County Governmental Center
115 S. Andrews Avenue, Room 422, Fort Lauderdale, FL.
Time: 7:00 P.M.

Call Meeting to Order

Roll Call

Approval of Minutes – January 9, 2020

CONSENT AGENDA

1. Certifications - Staff Recommended.

CITY OF COCONUT CREEK

JEAN-LOUIS-, STEVENSON, FIRE PLANS EXAMINER

CITY OF CORAL SPRINGS

MENDOZA, PAMELA – STRUCTURAL INSPECTOR – LIMITED – RESIDENTIAL (TEMPORARY 120-DAY)

CITY OF HOLLYWOOD

BESU, JOHN, CHIEF MECHANICAL INSPECTOR

COLLIE, STEVEN F., STRUCTURAL INSPECTOR – LIMITED (TEMPORARY 120-DAY)

PAGAN, FREDDIE, FIRE INSPECTOR

REMENDIOS, JONATHAN, FIRE INSPECTOR

CITY OF MIRAMAR

DALEY, ANTOINE BRUCE, FIRE INSPECTOR

PETERS, MIKE, STRUCTURAL INSPECTOR – LIMITED (TEMPORARY 120-DAY)

CITY OF NORTH LAUDERDALE

ATTAH, ADAM, BUILDING OFFICIAL

PUENTES, RONALD, ASSISTANT BUILDING OFFICIAL

CITY OF PEMBROKE PINES

BARTHELEMY, RUBEN, FIRE INSPECTOR

FERNANDEZ, GIOMAR, FIRE INSPECTOR

KUEBLER, MICHAEL J., FIRE INSPECTOR

MOLINA, DAVID, FIRE INSPECTOR

NEAL, TROY, FIRE INSPECTOR

CITY OF WESTON

RABINOWITZ, FRANK B., CHIEF STRUCTURAL INSPECTOR

COUNTYWIDE

FERNANDEZ, PATRICIA D., STRUCTURAL PLANS EXAMINER – LIMITED – RESIDENTIAL

FRANKLIN, ROBERT G., STRUCTURAL PLANS EXAMINER

GONZALEZ, YANET, STRUCTURAL PLANS EXAMINER

GUERRERO, CARLOS, ELECTRICAL PLANS EXAMINER

HURLBUT, CARMEN BELEN, STRUCTURAL PLANS EXAMINER

RANCEL, MARIELA G., STRUCTURAL INSPECTOR

RANCEL, MARIELA G., STRUCTURAL PLANS EXAMINER

RODRIGUEZ, JORGE, ELECTRICAL INSPECTOR

RODRIGUEZ, JORGE, ELECTRICAL PLANS EXAMINER

TELLEZ, CESAR A., STRUCTURAL PLANS EXAMINER

TEPPER, RICK C., STRUCTURAL PLANS EXAMINER – LIMITED

VARGAS, JOSSE R., STRUCTURAL PLANS EXAMINER

YOUNG, MARC-STUART AMEER, STRUCTURAL PLANS EXAMINER

REGULAR AGENDA

2. Code Amendment for 2nd Reading and Public Hearing

The Board to consider adopting Section 104.16.3.5 “Unit Masonry Certification Requirement” of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code.

- a. Staff report
- b. Public Hearing
- c. Board action

3. Request of Mr. Noel A. Zamora for an extension of time with respect to the Board of Rules and Appeals Policy 18-02 relating to closing out of open and ongoing projects.

- a. Staff Report
- b. Board Action

4. Request by the Building Officials and Inspectors Association (BOIEA) for training instructors to be provided by the Board of Rules and Appeals for the educational conference to be held in March 2020.

- a. Letter of request
- b. Staff Report
- c. Board Action

5. Director’s Report.

6. Attorney’s Report.

7. Committee Report.

8. General Board Members Discussion.

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

10. Adjournment.

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need record of the proceedings and, for this reason, such person may need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is to be based (Sec. 286. 0105.FS). *(Members: If you cannot attend the meeting, please contact Mr. DiPietro @ (954) 931-2393, between 6:00 p.m. & 7:00 p.m.)*



BROWARD COUNTY BOARD OF RULES & APPEALS
JANUARY 9, 2020
MEETING MINUTES

Call to Order

Chairman Daniel Lavrich called a published meeting of the Broward County Board of Rules and Appeals to order at 7:00 p.m. The meeting was held in Room 422 of the Broward County Governmental Center East, 115 S. Andrews Avenue, Fort Lauderdale, Florida.

Present:

Daniel Lavrich, Chair
Stephen E. Bailey, Vice Chair
Gregg D'Attile
Shalanda Giles-Nelson
Robert A. Kamm
Dennis Ulmer
David Rice
Jeff Falkanger
Daniel Rourke
Robert Taylor
Abbas H. Zackria

A service recognition plaque was presented to Jeff Lucas, a former Board member.

Approval of Minutes – November 14, 2019

Mr. Bailey made a motion and Ms. Shalanda Giles-Nelson seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 11-0.

CONSENT AGENDA

1. Certifications - Staff Recommended.

BROWARD COUNTY (UNINCORPORATED)

NEIBERG, JOEL D., STRUCTURAL – LIMITED (TEMPORARY 120-DAY)
ST. PHILIP, CHRISTIANNE, FIRE INSPECTOR

CITY OF COOPER CITY

LONG, JEFFREY C., JR., CHIEF ELECTRICAL INSPECTOR

CITY OF DEERFIELD BEACH

RICH, DALE W., CHIEF STRUCTURAL INSPECTOR

CITY OF FORT LAUDERDALE
 BARRERA, MANUEL, MECHANICAL INSPECTOR (TEMPORARY 120-DAY)
 SARAGUSTI, JOSE, STRUCTURAL INSPECTOR (PROVISIONAL)
 TORRES, ZEBULUN, MECHANICAL INSPECTOR (TEMPORARY 120-DAY)

TOWN OF HILLSBORO BEACH
 PERDUE, K-MARON W., CHIEF STRUCTURAL INSPECTOR

CITY OF HOLLYWOOD
 HARRISON, NANYA, FIRE INSPECTOR

CITY OF PARKLAND
 GIFFORD, ROWDY L., CHIEF PLUMBING INSPECTOR

CITY OF PEMBROKE PINES
 POUX, STEVEN, FIRE INSPECTOR

CITY OF POMPANO BEACH
 JEBOAM, CARPELO, CHIEF STRUCTURAL INSPECTOR

CITY OF PLANTATION
 GALE, WILLIAM R., CHIEF STRUCTURAL INSPECTOR

TOWN OF SOUTHWEST RANCHES
 GREENBAUM, DAVID, ASSISTANT BUILDING OFFICIAL
 MEROWITZ, MICHAEL P., CHIEF PLUMBING INSPECTOR

CITY OF SUNRISE
 HENSLEY, KACY R., STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

CITY OF WEST PARK
 GAGNE, DANIEL F., CHIEF MECHANICAL INSPECTOR
 GREENBAUM, DAVID, CHIEF STRUCTURAL INSPECTOR
 MEROWITZ, MICHAEL P., CHIEF PLUMBING INSPECTOR

COUNTYWIDE
 DEL RIO, ALEJANDRO, STRUCTURAL PLANS EXAMINER
 ESTEVA, RODOLFO A., STRUCTURAL PLANS EXAMINER
 MARTINEZ, LEONARDO, STRUCTURAL INSPECTOR
 SAWCHUK, KYLE, STRUCTURAL INSPECTOR
 SAWCHUK, KYLE, STRUCTURAL PLANS EXAMINER
 SIRAVO, MICHAEL, PLUMBING PLANS EXAMINER
 STRICKER, TODD J. STRUCTURAL PLANS EXAMINER
 SULLIVAN, LAWRENCE, ELECTRICAL PLANS EXAMINER
 TORRES, DANIEL, MECHANICAL INSPECTOR

A motion was made by Mr. Rice and seconded by Mr. Taylor to approve all submitted certifications. The motion passed by unanimous vote of 11-0.

REGULAR AGENDA

2. Code amendment for 1st reading

The Board to consider adopting Section 104.16.3.5 “Unit Masonry Certification Requirement” of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code.

a. Staff report

Mr. Ted Fowler, Chief Structural Code Compliance Officer, described the purpose of this amendment is to enhance knowledge of inspectors of reinforced unit masonry. This amendment would be effective July 1, 2020. The program cost would be absorbed by the Board.

b. Board Action

A motion was made by Mr. Zackria and seconded by Mr. Falkanger to pass this item on first reading. The motion passed by unanimous vote of 11-0.

Code Amendment for 2nd reading

“The Board will consider adopting Amendments to the Broward Local Fire Code Sections: New definitions (K thru U), Modifications Fire Marshal Certifications F-103.3.3, modifications Fire Plans Examiner Certification F-103.4.2 and F-121 Photovoltaic (PV) New code section F-124 Uniform Generator Code

- a. Modifications Fire Marshal Certifications F-103.3.3, modifications Fire Plans Examiner Certification F-103.4.2 and F-121 Photovoltaic (PV) - Recommendation of the Fire Code Committee

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, indicated he is presenting the item in that Mr. Bryan Parks, Chief Fire Code Compliance Officer, was unable to attend this evening. He noted one typographical correction made since first reading to F-103.3.3.

- b. New code section F-124 Uniform Generator Code - Recommendation of the Joint Fire Code and Electrical Committee

Mr. Castronovo noted in F-124.3.5, language will be added: “A piped natural gas is an allowable fuel source that meets the onsite fuel requirements under this rule.”

Mr. Kamm indicated that the Fire and Electrical Committees voted to put this language in F-124.3.2, where storage of fuel is addressed. Mr. Bailey concurred.

Mr. Zackria suggested clarifying language be added in F-103.4.2 for plan review by the Fire Plans Examiner of one and two family detached residential dwelling units where “may” is recommended. Mr. Charles Kramer, Board Attorney, believed the basis of the legal opinion issued relating to this had to do with the unit being used for a group home. He agreed some kind of qualifying language could be added.

As to a course of action for the amendment, Mr. Zackria preferred that the language be presented to the Board.

- c. Public Hearing
- d. Board Action

A motion was made by Mr. Kamm and seconded by Mr. Bailey to approve the addition of language to F-124.3.2 concerning natural gas. The motion passed by a vote of 11-0.

With respect to fire plan review of one and two family detached residential units, Mr. Bailey advised that on the committee level, they recommended those units would not be subject to plan review. The verbiage added was intended to provide power back to the building official to make the decision. Mr. Kramer suggested language to include plan review if the unit is designated as a group home. Mr. Bailey felt with such a change it should go back to the Fire Committee for their recommendation.

There was concern about other parts of the ordinance as to whether they should be delayed until F-103.4.2 is referred back to the Fire Committee for their recommendation. Mr. James DiPietro, Administrative Director, suggested not making the change at this time to F-103.4.2 and, as such, the Board may feel comfortable adopting the remainder.

A motion was made by Mr. Zackria and seconded by Mr. Bailey to approve the item without the amendment to F-103.4.2 (current code language). The motion passed by unanimous vote of 11-0. (The item is to go back to the Fire Committee with language recommended by the Board Attorney.)

Mr. Bailey indicated that the Fire Committee could be apprised of this action at their next meeting.

Mr. Zackria pointed out if a structure was to be used as an assisted living facility, it would be reclassified as a separate occupancy. Mr. Kramer agreed. That being the case, Mr. Zackria did not think there is a conflict.

4. **Request of Mr. James Hollingsworth for an extension of time with respect to the Board of Rules and Appeals Policy 18-02**

a. Staff Report

Ms. Giles-Nelson abstained from discussion and voting on this item. She filed a Memorandum of Voting Conflict that is attached to these minutes.

Mr. James DiPietro, Administrative Director, summarized the Policy 18-02 concerning people becoming inspectors who have open permits under their license and the timeline available for those permits to be closed out that ultimately involves the Board granting an extension of time if necessary and they deem appropriate.

Mr. James Hollingsworth was sworn in.

Mr. Hollingsworth noted contract language in his practice specified that services ended at the time the permit was issued and anything beyond that point was to be considered as additional services. The estimated completion dates on the list of active projects provided to the Board as backup to this item. These dates are related to the construction completion that extends quite a bit beyond the direct architectural services he provided.

Mr. Hollingsworth confirmed for Chairman Lavrich that as the architect he does not have control over how long a project takes in that he is not building it. Only the Samter residence in Hollywood has not been issued a permit. It is now in plan review and there are comments to which he will be addressing. In response to Mr. Zackria, Mr. Hollingsworth confirmed that X-2 Storage in Cape Coral is completed.

Mr. Hollingsworth estimated he may need an additional two weeks to close out the Samter residence project. He confirmed that he could be called to answer questions relative to his design while the projects are being constructed which could continue for a year. He went on to note that the estimated completion dates on the list he provided is construction completion. However, construction times have since been extended.

He requested a one-month extension. He could not say with certainty how long it would be possible that questions could be raised to him about design. Mr. Bailey concluded he could consequently be providing architectural services in that form for an additional year.

In response to Mr. D'Attile, Mr. Hollingsworth indicated he was previously granted 6 months. Some discussion ensued as to current policy and practice. There was agreement to grant a 6-month extension and if there are still issues after that period of time, Mr. Hollingsworth should come back to the Board. In response to Mr. DiPietro, Mr. Hollingsworth confirmed that No. 14 Turner residence in Lighthouse Point, No. 15 Moss 26 St Office Building in Wilton Manors and No. 18 X-2 Storage in Cape Coral are completed with no on-call. Mr. DiPietro felt it is helpful to know the number is lessening.

b. Board Action

Mr. D'Attile made a motion and Mr. Falkanger seconded the motion approve a 180-day extension for projects not completed. The motion passed by a vote of 10-0. Ms. Giles-Nelson abstained. Chairman Lavrich requested that Mr. Hollingsworth submit within the next week a revised listing to the Board's office of projects 100% closed and those still open. Mr. DiPietro advised that the 180 days would be counted from today.

5.. **"The Board to consider adopting Policy 20-01, in reference to retrofit window & door replacements, to be in effect, mandatory on July 1st, 2020**

a. Staff Report

Mr. Michael Guerasio, Chief Structural Code Compliance Officer, reviewed information in his memorandum to the Board, dated January 9, 2020, highlighting the reason for the proposed new policy. During discussions leading up to this evening, there was advocacy for a uniform permit application. However, such application already exists. In the alternative, a window and door schedule and that information would be used in the permitting process. This policy would require all municipalities utilize a uniform window and door retrofits schedule effective July 1, 2020. The information presented to the Board this evening would be sent to all municipalities.

b. Board Action

Mr. Falkanger made a motion and Mr. Zackria seconded the motion approve the policy (schedule) as recommended. The motion passed by unanimous vote of 11-0.

6. 40-Year Building Safety Inspection Program Updates

a. Staff Report and Working Group Recommendations

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, reviewed the updates to the code and policy contained in his memorandum to the Board, dated January 9, 2020, including that the program would be renamed to Broward County Building Safety Inspection Program. He noted that docks, parking garages and guardrails not previously specified have been added. Some amendments use Miami-Dade County language. A correction to the electrical safety inspection report form is recommended but not shown in the draft provided to the Board, changing "structure" to "electrical system".

Chairman Lavrich emphasized that as it indicates under general considerations, these are recommendations and are not intended to supplant proper professional judgment.

Mr. John Travers, Building Official, City of Fort Lauderdale, commented on the title change and went on to note one item, being the confusion that was associated with the old forms offering only two options: 1) code compliant or 2) needs repair. Miami-Dade language of "good" or "needs repair" was substituted. It allows the professional discretion to make an assessment as to whether the structure or electrical systems are safe to continue to be used. The goal of the revisions is to be user-friendly.

Chairman Lavrich noted the program is about safety, not code compliance.

Mr. Zackria noted some format errors needed and drew attention to page 36.

b. Board Action

Mr. Falkanger made a motion and Mr. D'Attile seconded the motion to approve the program updates (Policy 05-05) as recommended. The motion passed by unanimous vote of 11-0.

7. **Policy that allows the Board of Rules and Appeals to fund the cost of foreign credential evaluation by an approved evaluator authorized by the Florida Department of Education to determine the educational equivalency in the United States not to exceed \$1,200 per applicant**

a. Staff Report

Mr. James DiPietro, Administrative Director, explained the proposal is to adopt the State's program and pay for the evaluation. It would be offered as a service to cities. If there is a neutral third party determining the equivalency, it helps the individual. The building official would be responsible for making a written request.

Mr. D'Attile thought the idea is excellent, but preferred to have an annual Board consideration of the policy. Mr. Falkanger favored 50% reimbursement. Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, pointed out with full payment, the Board has control over choice of the evaluator. Nevertheless Mr. Zackria also preferred 50% reimbursement. Mr. Taylor suggested establishing a maximum dollar value of \$5,000 for the first year.

b. Board action

Several amendments were offered and accepted during the Board's discussion that are reflected below.

Mr. D'Attile made a motion and Mr. Taylor seconded the motion to approve for a maximum of \$6,000 for a one-year program expiring in 2020 with 50% cost sharing up to a maximum of \$600 per candidate. The motion passed by a vote of 11-0.

8. **Election of Officers**

- a. Board Nominations
- b. Election of Chair and Vice-Chair

Mr. Bailey nominated Daniel Lavrich as chair for an additional year. There were no other nominations. Mr. Lavrich accepted the nomination.

Mr. Rice nominated Stephen Bailey as vice-chair for an additional year. There were no other nominations. Mr. Bailey accepted the nomination.

c. Passing the Gavel - unnecessary

9. **Director's Report**

Permit Application Documentation Required by Town of Davie & Water Heater Changeouts

Mr. James DiPietro, Administrative Director, noted a written staff report in the agenda packet raised by Mr. D'Attile (Town of Davie). Also, there is a report concerning water heater change outs addressed at a Joint Plumbing and Electrical Committee meeting (August 14, 2019).

10. Attorney's Report

Electronic Notarial Documents

Mr. Charles Kramer, Board Attorney, advised that with House Bill 409, new law was passed. It has to do with notarization which would include the uniform building permit application. The State of Florida has approved electronic presence before a notary with some special training. All notarial documents must reflect a line indicating whether the person appeared before the notary electronically and the format used. He is in the process of looking into whether this would apply to the uniform building permit application. The application may need to be revised.

Contractual-Employment Conflicts by Board Member; Broward County Staff Memorandum of January 6, 2020

In response to Mr. Falkanger's question, Mr. Kramer indicated that the memorandum does not appear to have been written by an attorney. He believes it applies to County employees. He elaborated that there is a common sense aspect as to whether it would interfere with a Board member's duties. A complete written opinion is forthcoming.

Director's Report continued

Publication of Local Fire and Building Codes by Municipal Code Corporation

Mr. DiPietro noted that that printed copies of the local Fire and Building Codes prepared by Municipal Code Corporation have been provided to the Board this evening. There are several improvements and more to follow with the goal of a more professional looking document. As amendments are adopted, updates to these documents will be provided.

11. Committee Reports - none

12. General Board Member Discussion

Solar Panels and Reroofing Maintenance

Ms. Giles-Nelson noted that solar panels take up at least 60-70% of a roof. For reroofing, the panels have to be removed and then replaced. She questioned if this should be included as rooftop mechanical equipment; who should be performing the inspections and is there a method where the panels would not have to be removed for a reroofing. This is an additional cost that is going to escalate for homeowners that who are increasingly going to be on fixed incomes. A general discussion ensued wherein Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, advised that most reputable solar companies will not install new panels if the roof is over ten years old. There should be roofing and solar inspections for any reroofing. For example, the bolts have to be torqued according to the manufacturer's specification. There is a UL listed bracket that eliminates screwing into trusses. The live load on the panels are part of the calculation on the electrical plans. The removal and reinstall is quick.

19. Public Comment (3-minute limit per person) and written communications.- none

20. Adjournment.

Having no further business to go before the Board, the meeting adjourned at 8:35 p.m.

Daniel Lavrich, P.E. - Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Nelson, Shelanda Giles	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Broward County Board of Rules & Appeals
MAILING ADDRESS 2250 NW 28 St	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Oakland Park	COUNTY Broward
DATE ON WHICH VOTE OCCURRED 1/9/20	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Shalanda G Nelson, hereby disclose that on January 1, 20 20 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, James Hollingsworth ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Mr. Hollingsworth has requested an extension of time to allow his Architect's license to be used for capital gain in the private sector while maintaining employment with the City of Fort Lauderdale. Mr. Hollingsworth is a co-worker upon which my vote may affect him financially.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/9/20
Date Filed

Shalanda G. Nelson
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



November 8, 2019

**Broward County Board of Rules and Appeals
1 N University Drive, Suite 3500-B
Plantation, FL 33324-2038**

Attn: Michael Guerasio

Re: **UPDATE** - Active Projects
James M. Hollingsworth, RA
AR 0013919

Dear Mr. Guerasio:

The completion status of the projects listed below, which are being completed under my previous company and license, have been updated with my notes in **red**. These projects are being serviced only as necessary to fulfill contractual obligations. Upon completion of these projects, no new or additional projects will be undertaken.

FT. LAUDERDALE

1. SUNRISE HARBOR FITNESS CENTER – Permit # 18092739
estimated completion 12/2019 NO CHANGE
2. MITO OCEAN RESIDENCE – Permit # 19051733
estimated completion 08/2019 REVISED 01/2020
3. DURHAM APARTMENT – Permit # 18100322
estimated completion 10/2019 REVISED 12/2019
4. KNOTEK DUPLEX – Permit # Pending
estimated completion 12/2019 NO CHANGE
5. PARAMOUNT APARTMENT – Permit #
estimated completion 09/2019 REVISED 01/2020
6. KAVANA SHOWROOM – Permit # 18112158
estimated completion 12/2019 NO CHANGE
7. MORRISON RESIDENCE – Permit # 19052179
estimated completion 10/2019 REVISED 03/2020
8. PLANAKIS RESIDENCE – Permit # 18060512
estimated completion 12/2019 NO CHANGE

HOLLYWOOD

9. WOLF RESIDENCE – Permit # Pending
estimated completion 12/2019 REVISED 05/2020

2208 NE 26 Street

Ft. Lauderdale, FL 33305-1538

T. 954.630.1398 F. 954.630.1399

**HOLLINGSWORTH
ROBERTSON
ARCHITECTURE**

ACTIVE PROJECTS LIST
Page 2 of 2

10. MONTAGUE RESIDENCE – Permit # B18-104259
estimated completion 11/2019 NO CHANGE
11. SAMTER RESIDENCE – Permit # Pending
estimated completion 12/2019 REVISED 06/2020

MIAMI SHORES

12. CEPERO RESIDENCE – Permit # Pending
estimated completion 12/2019 REVISED 05/2020

SUNRISE

13. STEP N DANCE STUDIO – Permit # 19-00004017
estimated completion 10/2019 REVISED 12/2019

LIGHTHOUSE POINT

14. TURNER RESIDENCE – Permit # 19-0270
estimated completion 12/2019 COMPLETED

WILTON MANORS

15. MOSS 26 ST OFFICE BUILDING – Permit # WM18-001243
estimated completion 10/2019 COMPLETED

MIAMI BEACH

16. GONZALES RESIDENCE – Permit # BR1802670
estimated completion 12/2019 REVISED 03/2020

MIAMI

17. PHD RESIDENCE – Permit # BD17-014508-001
estimated completion 12/2019 REVISED 03/2020

CAPE CORAL

18. X-2 STORAGE – Permit # Pending
estimated completion 10/2019 COMPLETED

Please do not hesitate to contact me should you have any questions or require any additional information.

Sincerely,

James M. Hollingsworth

James M. Hollingsworth, RA
AR 0013919

jamesh@hr-arc.com

2208 NE 26 Street

Ft. Lauderdale, FL 33305-1538

T. 954.630.1398 F. 954.630.1399

Section 1

CITY OF COCONUT CREEK

JEAN-LOUIS-, STEVENSON, FIRE PLANS EXAMINER

CITY OF CORAL SPRINGS

MENDOZA, PAMELA – STRUCTURAL INSPECTOR – LIMITED – RESIDENTIAL
(TEMPORARY 120-DAY)

CITY OF HOLLYWOOD

BESU, JOHN, CHIEF MECHANICAL INSPECTOR
COLLIE, STEVEN F., STRUCTURAL INSPECTOR – LIMITED (TEMPORARY 120-DAY)
PAGAN, FREDDIE, FIRE INSPECTOR
REMENDIOS, JONATHAN, FIRE INSPECTOR

CITY OF MIRAMAR

DALEY, ANTOINE BRUCE, FIRE INSPECTOR
PETERS, MIKE, STRUCTURAL INSPECTOR – LIMITED (TEMPORARY 120-DAY)

CITY OF NORTH LAUDERDALE

ATTAH, ADAM, BUILDING OFFICIAL
PUENTES, RONALD, ASSISTANT BUILDING OFFICIAL

CITY OF PEMBROKE PINES

BARTHELEMY, RUBEN, FIRE INSPECTOR
FERNANDEZ, GIOMAR, FIRE INSPECTOR
KUEBLER, MICHAEL J., FIRE INSPECTOR
MOLINA, DAVID, FIRE INSPECTOR
NEAL, TROY, FIRE INSPECTOR

CITY OF WESTON

RABINOWITZ, FRANK B., CHIEF STRUCTURAL INSPECTOR

COUNTYWIDE

FERNANDEZ, PATRICIA D., STRUCTURAL PLANS EXAMINER – LIMITED – RESIDENTIAL
FRANKLIN, ROBERT G., STRUCTURAL PLANS EXAMINER
GONZALEZ, YANET, STRUCTURAL PLANS EXAMINER
GUERRERO, CARLOS, ELECTRICAL PLANS EXAMINER
HURLBUT, CARMEN BELEN, STRUCTURAL PLANS EXAMINER
RANCEL, MARIELA G., STRUCTURAL INSPECTOR
RANCEL, MARIELA G., STRUCTURAL PLANS EXAMINER
RODRIGUEZ, JORGE, ELECTRICAL INSPECTOR
RODRIGUEZ, JORGE, ELECTRICAL PLANS EXAMINER
TELLEZ, CESAR A., STRUCTURAL PLANS EXAMINER
TEPPER, RICK C., STRUCTURAL PLANS EXAMINER – LIMITED
VARGAS, JOSSE R., STRUCTURAL PLANS EXAMINER
YOUNG, MARC-STUART AMEER, STRUCTURAL PLANS EXAMINER

Section 2

Order ID: 6589257

* Agency Commission not included

GROSS PRICE * : \$51.35**PACKAGE NAME: SSC Notice of Public Meeting****Product(s):** Sun Sentinel, Affidavit, Floridapublicnotices.com, Classified.ss.com_Legal**AdSize(s):** 1 Column**Run Date(s):** Sunday, February 02, 2020**Color Spec.** B/W**Preview**

NOTICE OF PUBLIC HEARING

Notice is hereby given by the Broward County Board of Rules and Appeals that said Board will hold a public hearing starting at 7:00 p.m. on February 13, 2020, in Room 422 of the Government Center, 115 S. Andrews Avenue, Fort Lauderdale, Florida. The Board will consider adopting Amendments to the Broward County Administrative Provisions, Chapter 1 of the Florida Building Code 6th edition, (2017) Section 104.16.3.5 "Unit Masonry Certification Requirements". The effective date for this amendment is February 24th, 2020.

A copy of all proposed code changes is available for review at 1 N. University Drive, Suite 3500B, Plantation, Florida 33324. Call (954) 765-4500 to obtain a copy via email.

2/2/2020 6589257



BROWARD COUNTY

Board of Rules & Appeals

1 North University Drive, Suite 3500B, Plantation, Florida 33324

ADOPTED 1ST READING
01-9-2020

To: Members of the Broward County Board of Rules and Appeals
From: Michael Guerasio, Chief Structural Code Compliance Officer.
Ted Fowler, Chief Structural Code Compliance Officer
Date: January 9th, 2020
Re: The Board to consider adopting section 104.16.3.5 "Unit Masonry Certification requirement" of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code.

RECOMMENDATION:

It has been recommended the Broward County Board of Rules and Appeals consider and approve, by vote, adopting section 104.16.3.5 of the Broward County Administrative Provisions for the FBC 6th Edition (2017) code.

REASONS:

This training would enhance the building inspector's knowledge on reinforced unit masonry and provide a cost savings to the consumer on obtaining inspections for group R-3 occupancies. This code language change would mandate that newly hired inspectors as of July 1st, 2020 obtain a mandatory reinforced unit masonry certification within two years from their initial BORA certification date. This training would allow these inspectors to perform inspections on reinforced unit masonry and any precast lintels incorporated into such masonry for Group R-3 Occupancies.

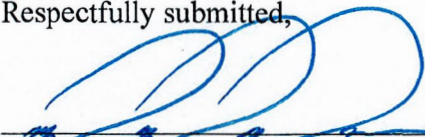
Proposed Language:

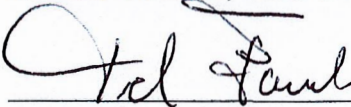
104.16.3.5 Building Inspectors (structural) certified by BORA on or after July 1st, 2020 shall be required to obtain a Reinforced Unit Masonry certification within two years from their initial BORA certification date.

ADDITIONAL INFORMATION

By approving this code language change, BORA would need to verify that these courses would be available for these individuals to be able to attend locally. This may require BORA to provide these courses (at a minimum of annually) at a cost to be absorbed by BORA.

Respectfully submitted,


Michael Guerasio, Chief Structural Code Compliance Officer.


Ted Fowler, Chief Structural Code Compliance Officer.

Ch. 1, Broward County Administrative Provisions for the 2017 FBC (6th Edition)*Amendment effective 3-19-2020*

104.16.3.2 An applicant for Certification as a Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for two (2) years for Bachelor Degree or one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.16.3.1.1.

104.16.3.3 Limited Building or Residential Inspector certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope of work authorized by their license.

104.16.3.4 An applicant for certification as Structural Inspector under the provisions of this section may only substitute the required two year HVHZ experience with two years of statewide experience by passing the BORA HVHZ exam.

104.16.3.5 Building Inspectors (structural) certified by BORA on or after July 1st, 2020 shall be required to obtain a Reinforced Unit Masonry certification within two years from their initial BORA certification date.

104.17 Certification of Building Departments and Building Code Inspection Enforcement Personnel. BORA shall certify each and every Building Department after it has determined to its satisfaction that the Building Code Inspection Enforcement Personnel are qualified by the provisions of this Code. These positions shall include at a minimum the Building Official, Chief Electrical Inspector, Chief Mechanical Inspector, Chief Plumbing Inspector, and Chief Structural Inspector.

104.17.1 Only such persons that have been examined and certified by BORA may be appointed or have the powers and duties of a Building Official, Assistant Building Official, or Chief Inspector. Each Building Official, Assistant Building Official, and Chief Inspector shall obtain a separate card for each governmental AHJ by which he or she is employed. Plans Examiners and Inspectors shall be issued a single certification card that is valid Countywide upon approval.

104.17.2 The certification of Building Department Inspection Personnel may be revoked, for cause, by BORA. BORA may deny, refuse to renew, suspend, or revoke BORA certificate of a Building Official, Assistant Building Official, Chief Inspector, Plans Examiner or 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 FBC.
- 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. entered.
- F. Failure to meet any of the renewal requirements.
- G. Having been convicted of a crime in any jurisdiction which directly relates to the practice of the building code inspection, plan review, or administration.
- H. 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.
- I. Failure to properly enforce applicable building 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.
- J. 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 Building Official, Assistant Building Official, Chief Inspector, Plans Examiner and/or the Inspector involved, who, upon notification from BORA, shall appear before the Board to explain why his or her certification should not be revoked.

104.17.3 When Building Departments fail to meet certification criteria, they will immediately be notified to cease activities until such time as requirements of this Code are met.

104.17.4 Application for certification shall contain such pertinent information as is considered relevant by BORA.

FS 553

5. Any amendment to the Florida Building Code shall be transmitted within 30 days by the adopting local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.

Section 3

Noel A. Zamora
1979 NW 100 WAY
Pembroke Pines, FL 33024
January 15, 2020

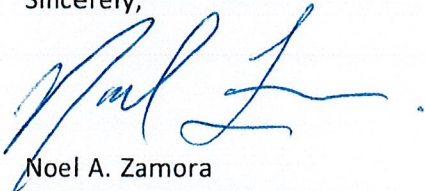
Ted Fowler
Chief Code Compliance Officer, Structural
Board of Rules and Appeals that the below permits are still open and I'm asking for an extension.
1 N University Dr., Suite 3500B
Plantation, Florida 33324

Dear Ted Fowler:

The purpose of this letter is to notify Broward County Board of Rules and Appeals that the below permits are still open and I'm asking for an extension. If you have any questions please feel to contact me any time.

1. Miramar Public Safety Complex
City of Miramar
Permit Number: 1803308
Address: 6920 SW 35TH Street, Miramar, FL 33023
2. New House Development
City of Hollywood
Permit Number: B18-104187
Address: 2535 Madison Street, Hollywood, FL 33020

Sincerely,



Noel A. Zamora
Structural Plans Examiner
City of Fort Lauderdale | Building Services Division

Boselli, Ruth

From: Boselli, Ruth
Sent: Wednesday, January 29, 2020 2:50 PM
To: 'NZamora@fortlauderdale.gov'
Cc: Dipietro, James; 'jtravers@fortlauderdale.gov'; Fowler, Theodore; Guerasio, Michael; 'lhernandez@fortlauderdale.gov'; 'VBlanco@fortlauderdale.gov'
Subject: FW: open permits
Attachments: Noel Zamora_Open Permit Extension.pdf

Good afternoon Mr. Zamora, please be advised that we anticipate a Board of Rules and Appeals meeting to be held on Thursday February 13, 2020. We request your attendance at such meeting to review your request for extension, please let us know if you have a conflict of schedule or have any questions. This meeting will be held in the county commission chambers starting at 7 PM , 115 S. Andrews Avenue, room 422.

Thank you .

Ruth Boselli
Administrative Coordinator
Board of Rules and Appeals
1 N University DR. Ste. 3500B
Plantation FL 33324

954-765-4500 x 9889

www.broward.org/codeappeals



From: Dipietro, James <JDIPIETRO@broward.org>
Sent: Friday, January 17, 2020 1:50 PM
To: Boselli, Ruth <RBOSELLI@broward.org>
Cc: Fowler, Theodore <TFOWLER@broward.org>; Guerasio, Michael <MGUERASIO@broward.org>; Soto, Rolando <ROSOTO@broward.org>
Subject: FW: open permits

Please place e-mail trail in the agenda folder. Thank you.

From: Dipietro, James
Sent: Friday, January 17, 2020 1:48 PM
To: 'NZamora@fortlauderdale.gov' <NZamora@fortlauderdale.gov>
Cc: Fowler, Theodore <TFOWLER@broward.org>; RULES <RULES2@broward.org>; 'John Travers B.O. Ft. Lauderdale'

<jtravers@fortlauderdale.gov>; 'lhernandez@fortlauderdale.gov' <lhernandez@fortlauderdale.gov>; Victor Blanco <VBlanco@fortlauderdale.gov>

Subject: FW: open permits

Good afternoon Mr. Zamora. Thank you for your recent report updates a copy of which is attached. Please be advised that I am administratively extending the requirement to close all permits and to keep your certification status active until the next Board meeting to be held either February 13 or March 12, 2020, as we will meet on one of those two dates yet to be determined. We will advise you as to which meeting date applies as soon as practical and you will need to appear in person at the session if the extension is still desired. The agenda file will look similar to the e-mail trail below and attachments contained herein, with the addition of a brief staff report and any written communication that you might choose to share with the BORA board members as to why additional time is needed to close out these projects. If appropriate, please provide project anticipated close out dates. Our meetings are held in the county commission chambers starting at 7 PM , 115 S. Andrews Avenue, room 422.

Should you have any questions please contact me or Ted Fowler (ext. 9887) at your convenience. Thank you. Jim

Jim DiPietro
Administrative Director
Broward County Board of Rules and Appeals
1 North University Drive, Suite 3500 B
Plantation FL 33324
954-765-4500 X9892

From: Noel Zamora <NZamora@fortlauderdale.gov>

Sent: Wednesday, January 15, 2020 8:53 AM

To: Fowler, Theodore <TFOWLER@broward.org>

Cc: RULES <RULES2@broward.org>; Dipietro, James <JDIPIETRO@broward.org>; John Travers <JTravers@fortlauderdale.gov>; Luis Hernandez <LHernandez@FortLauderdale.gov>; Victor Blanco <VBlanco@fortlauderdale.gov>

Subject: RE: open permits

External Email

Mr. Fowler:

Please see attached letter requesting an extension on the open permits. If you have any questions please feel to contact me any time.

Respectfully,

Noel A. Zamora

Structural Plans Examiner

City of Fort Lauderdale | Building Services Division

700 NW 19th Avenue | Fort Lauderdale FL 33311

P: (954) 828-5536 E: nzamora@fortlauderdale.gov



From: Fowler, Theodore <TFOWLER@broward.org>
Sent: Wednesday, January 8, 2020 9:38 AM
To: Noel Zamora <NZamora@fortlauderdale.gov>
Cc: RULES <RULES2@broward.org>; Dipietro, James <JDIPIETRO@broward.org>; John Travers <JTravers@fortlauderdale.gov>; Luis Hernandez <LHernandez@FortLauderdale.gov>; Victor Blanco <VBlanco@fortlauderdale.gov>
Subject: [-EXTERNAL-] FW: open permits

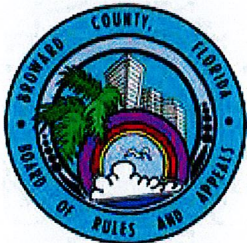
Good Morning Mr. Zamora,

Please be aware that you are approaching the 150 day mark and have until January 17, 2020 to request an extension from the BORA Director to close any open permits in accordance with policy 18-02. (see attachment)

If the open permits indicated in the affidavit you provided (see attachment) are closed, please submit a signed and notarized affidavit indicating you have no open permits.

Respectfully,

Ted Fowler
Chief Code Compliance Officer, Structural
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9887
broward.org/codeappeals



From: Soto, Rolando <ROSOTO@broward.org>
Sent: Wednesday, January 8, 2020 8:08 AM
To: Fowler, Theodore <TFOWLER@broward.org>
Subject: FW: open permits

FYI

Rolando Soto
Mechanical Chief Code Compliance Officer

Broward Co. Board of Rules and Appeals
1 N University Dr. Suite 3500B
Plantation FL 33324
954-765-4500
<http://www.broward.org/CodeAppeals/Pages/Default.aspx>



STRONGER CODES MEAN SAFER BUILDINGS
~ESTABLISHED 1971~

From: Soto, Rolando
Sent: Wednesday, August 28, 2019 10:49 AM
To: 'noel.zamora.pe@gmail.com' <noel.zamora.pe@gmail.com>
Cc: 'John Travers' <JTravers@fortlauderdale.gov>; Luis Hernandez <LHernandez@FortLauderdale.gov>; Guerasio, Michael <MGUERASIO@broward.org>; Vinas, Otto <OVINAS@broward.org>; Dipietro, James <JDIPIETRO@broward.org>; Joseph, Jonda <JONDAJOSEPH@broward.org>
Subject: open permits

Good morning Mr. Zamora,
Just reiterate, you have informed us that you have two open permits. This permits are expected to be closed well beyond the 180 days allowed by BORA policy 18-02. Please note that **you will have to apply to BORA's Director for an extension no later than 150 days from 8/22/19**, the day of your staff approval.
Alternately, you could provide us with a change of designer of record (successor engineer) before the 150 days period.
Respectfully,

Rolando Soto
Mechanical Chief Code Compliance Officer
Broward Co. Board of Rules and Appeals
1 N University Dr. Suite 3500B
Plantation FL 33324
954-765-4500
<http://www.broward.org/CodeAppeals/Pages/Default.aspx>



STRONGER CODES MEAN SAFER BUILDINGS
~ESTABLISHED 1971~

SUBJECT: Board Policy #18-02 - Design Professional and Contractor requirements to become a certified inspector, as it relates to the closing out of open and ongoing projects.

POLICY:

This policy applies to all individuals that seek certification through Broward County Board of Rules and Appeals ("BORA") to be certified as a building code professional. Any code professional (such as but not limited to engineers, architects or structural, plumbing, mechanical, or electrical contractors) who are required to hold or who otherwise holds a Certificate of Competency ("Certificate") or Professional License ("License") in any area of construction shall not use that Certificate or License to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may this individual allow their Certificate or License to be used by another person or firm.

Per Florida Statute 71-575 (4)b, commencing with the time of application submission, an applicant is prohibited from engaging in free enterprise including but not limited to bids, proposals, contracts, permits, etc. The applicant shall be required to provide a detailed list of all open and ongoing projects currently under construction which will include information such as the municipality they are located within, the existing permit number and the time frame in which the project will be completed. This time frame shall not exceed a 180 days period from the time the application for certification was submitted to BORA.

If this 180 days' time frame is required to be extended, a written request shall be submitted to the Director of the BORA no later than 30 days prior to the expiration of the 180 days period. This request for extension will be reviewed by the Board of Rules and Appeals ("Board") for approval at the next, upcoming meeting. An extension, if granted will be set by the Board depending on circumstances, unless the Board does not meet that month in which case the Administrative Director may extend the time frame until the next scheduled meeting. All extensions beyond this point shall follow the same notification rule as mentioned previously and shall be reviewed and voted on by the Board on a case by case basis.

Florida Statute 71-575 (4)b

Any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.

Section 4



BROWARD COUNTY
Board of Rules & Appeals

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

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

<http://www.broward.org/codeappeals>

TO: Broward County Board of Rules & Appeals Staff

FROM: Administrative Director

DATE: February 13, 2020

Re: Request by the Building Officials and Inspectors Association (BOIEA) for training instructors to be provided by the Board of Rules and Appeals for the educational conference to be held in March 2020.

RECOMMENDATION

It is recommended that the Board of Rules and Appeals decide on a request from the BOIEA to cover the cost of professional training instructors for their March 4th and 5th educational conference.

REASONS

The BOIEA is a private non-profit organization that charges a fee for inspectors and contractors to attend their seminars. For this reason, it would be appropriate for the Board to authorize by vote instead of approving or denying the funding at the staff level.

ADDITIONAL INFORMATION

Historically, for about 30 years, BORA has been part of these conferences by way of providing staff support and helping to organize classes for the seminars. However, it was not until January 10th, 2019 that BORA voted to directly subsidize the program. At that time the amount approved was not to exceed \$20,000.00 of which amount only \$1,750.00 was expended for one instructor. In 2020 the association is requesting \$13,250.00 plus travel expenses estimated to be about \$1,150.00 for one of the instructors, for an approximately total of \$14,400.00.

Both last year and this year the justification for these BORA expenditures is to improve the quality of the instructors that the BOIEA might not normally be able to afford which would therefore benefit the Building departments and the construction industry.

Four specific programs are identified by the Building Officials and Inspectors Association and the Board may choose to fund any number of these programs or none.

Program 1: 8 hrs. \$4,447.50 for Advanced training on the Florida Accessibility Code

Program 2: 5 hrs. \$3,397.50 for Significant changes to the 7th Edition -Plumbing

Program 3: 6 hrs. \$3,330.00 for Significant changes to the 7th Edition -Mechanical

Program 4: 6 hrs. \$2,100.00 plus travel expenses estimated about \$1,150.00 for Electrical -
Emergency and Stand by Systems- Grounding and Bonding Hazardous
Locations -UL Product Specifications

All approved payment would be made directly to each individual instructor and not to the association and will be processed in accordance with the Broward County accounts payables policies. The resume of one of the instructors is included in the attachments.

Respectfully Submitted.



James DiPietro



From: Steve Pizzillo <stevepizzillo@gmail.com>

Sent: Tuesday, January 28, 2020 8:10 AM

To: DiPietro, James <JDIPIETRO@broward.org>

Subject:

Mr. DiPietro,

As you know the Building Officials and Inspectors Educational Association (BOIEA) has held a yearly educational conference for over 30 years. This year we are once again holding a two day conference at Nova Southeastern University in March. In the past the Broward County Board of Rules and Appeal has aided the Association by helping to enhance the conference by providing funding for to bring in enhanced instructors that we might not normally be able to afford. This year we are contracting with JC Code and Construction Consultants, Inc. and CDC Mello Consulting LLC to provide four professional instructors who will be providing classes some of which will be focusing on significant changes to the 2020 Florida Building Code which will become the adopted code later this year. These significant code change classes are some of the first approved by the state. Classes are as follows:

Program 1 - 3 JC Code and Construction Consultants, Inc

Program 1 (8 hours Building)

Advanced Training, The Florida Accessibility Code

Significant Changes to the 7th Ed. (2020) FBC, Building Volume, Ch. 1-7

Significant Changes to the 7th Ed. (2020) FBC – R, Ch. 3, Building Planning

Significant Changes to the 7th Ed. (2020) FBC, Energy Conservation.

Program 2 (5 hours Plumbing)

Significant Changes to the 7th Ed. (2020) FBC, Plumbing Ch. 1-7.

Significant Changes to the 7th Ed. (2020) FBC, Plumbing Ch. 8-13.

FRC Plumbing Fundamentals.

Program 3 (6 hours Mechanical)

Significant Changes to the 7th Ed. (2020) FBC, Mechanical.

Basic Concepts of the FBC, Mechanical

Program 4 - CDC Mello Consulting LLC

Program 4 (6 hours Electrical)

Emergency and Standby Systems

Grounding and Bonding

Hazardous Locations

UL Product Specifications

The cost of the 4 programs are:

Program #1 (8.0 hrs.) - \$4,447.50

Program #2 (5.0 hrs.) - \$3,397.50

Program #3 (6.0 hrs.) - \$3,330.00

Program #4 (6.0 hrs.) - \$2,100.00

Total Fee: \$13,275.00

The Association would like to thank you and your Board for the assistance in helping us to provide superior training to those individuals who we feel are the best trained inspectors, plans examiners and building officials in not only the State of Florida but country as a whole. Please let us know anything else you might need to process payments to the

instructors.

Thank you,

Steve Pizzillo
President
Building Officials and Inspectors Educational Association



January 13, 2020

Broward County Board of Rules and Appeals
1 University Drive, Suite 3500-B
Plantation, Florida 33324
Attention: Jim DiPietro – Administrative Director

Subject: Proposal for Electrical Classes

Dear Mr. DiPietro

I am pleased to offer you the following proposal for your consideration. The scope of work will be to provide the following electrical classes for inspectors and staff with Broward County, Florida:

- ❖ Grounding and Bonding (2-hour) – The language of grounding and bonding and installation of separately derived systems as time allows.
- ❖ Emergency, Legally Required, and Optional Standby Systems (2 hour) – Overview of key requirements and common code issues with these systems.
- ❖ Hazardous Locations (1-hour) – Overview of requirements for installations and common code issues found in hazardous location installations regularly encountered.
- ❖ UL Product Specifications (1-hour) – Overview of what Listings, Labeling and Field Evaluations are and how this information can be used to assist the AHJ in making installation “approval” decisions.

The above classes are not necessarily provided in the sequence to be presented. The final order of classes to be presented will be determined by staff setting up the training.

The sources for most of the presentation materials are from the IAEI programs (Soares Book on Grounding, and Hazardous Locations) and UL presentations. Because the material being presented is mostly copyrighted, handouts of slides or parts of the presentation source books are not allowed. Photography of the presentation or of slides is also prohibited.

The present schedule for this class is to presented in one day of multiple sessions on March 5, 2020 at the Emma Lou Olsen Civic Center in Pompano Beach, Florida.

The cost for the above scope of work is as follows:

- Providing 1 day consisting of 6 hours of instruction \$ 1,000.00 USD
- Travel and living expenses at cost including
air fare, lodging, rental car, rental car refueling,
or local transportation (Uber) and meals \$ 1,150.00 (est. cost)

The presenter for this program will be Mr. Chuck Mello. Please see the attached CV for Mr. Mello with his education, experience and qualifications for this topic. Mr. Mello has been a member of the NEC CMP-5 responsible for Article 250 on grounding and bonding for 7 cycles (21 years) starting at the end of the 1996 NEC cycle. He has been a contributor to updates on the IAEI Soares Book on Grounding for the 7th through 10th editions (1999 to 2008 NEC) and has been the primary editor for the 11th through 13th editions (2011 to 2017 NEC). He is one of the IAEI Intranational seminar instructors on several topics provided by IAEI. He is also a nationally recognized speaker on the NEC, Electrical Safety, Product Certifications and provides assistance to many jurisdictions and other in the electrical industry on an ongoing basis. This unique combination of experience will provide a very valuable resource for these presentations and learning opportunity for all the attendees.

If you should agree to this proposal, please reply to the proposal and provide a Purchase Order and any instructions for submitting the invoice to cover the costs as defined above.

Yours Truly,

Chuck Mello

Chuck Mello
President – cdcmello Consulting LLC
PO Box 872317
Vancouver, Washington 98687
Phone (m) 503-720-0972
e-mail: chuck@cdcmello.com

cc: Mr. John Cosmo, Chief Building Official, City of Boca Raton

Attachments: CV for Chuck Mello
W9

Charles F. Mello

18800 SE Alicia Circle
Vancouver, Washington 98683
Mobile: 503-720-0972
e-mail: Chuck@cdcmello.com



Employment

Present – Retired from UL LLC and President of cdcmello Consulting LLC

January 2004 to 2017 – Global Field Evaluation Program Manager, UL

Duties include responsibility for overall Field Evaluation Program to investigate new, used or modified equipment that is installed or to be installed in mostly commercial and industrial locations. Responsibilities include program development, technical oversight, business management, training of field staff, sales, and operations overview.

1997 to 2003 – Corporate Manager Conformity Assessment, Electro-Test, Inc. (eti)

Duties included responsibility for overall management of two NRTL laboratories including specific technical operations, and continued recognition by Federal OSHA with annual audits. Acted as primary auditor for internal audits of conformity assessment business units. Also responsible for overall sales, expansion of jurisdictional recognitions, technical management, training of specialty personnel, business performance tracking and operations for Field Evaluations, SEMI Evaluations and CE marking business on a worldwide basis. Primary person responsible for standards interpretation issues raised with regard to conformity of products to United States and International standards. Also provided support and training to electrical inspectors throughout the US in areas of grounding and medium voltage installations. Added duties include being the corporate Safety Officer, reporting directly to the president, responsible for overall safety training, incident investigation, safety equipment, and regulatory requirements for drivers of large vehicles.

1991 to 1997 – Corporate Director of Training and Standards, Electro-Test, Inc. (eti)

Duties included responsibility for implementation, execution, and evaluation of the internal training for all Electro-Test personnel. This included new employee orientations and specific skill level training. Also provided technical support to all operations personnel regarding the application and evaluation of test results and interpretation of various industry standards. Particular support provided for growing conformity assessment business. Standards included all electrical NFPA, numerous ANSI/IEEE standards for medium voltage equipment, and ASTM, SEMI and multiple international standards. Also contributed as an instructor for Electro-Test sponsored public seminars and technical presentations

to industry groups. Developed policy and procedures, drafted technical manuals, test forms, and training curriculum.

1977 to 1991 – Field Engineer and Senior Field Engineer / Operations Supervisor / Area Manager, Electro-Test Inc. (eti) [Anaheim, California and Portland, Oregon]

Duties included conducting tests and evaluations of power systems for performance of protective devices. Projects included several major computer facilities; acceptance and maintenance testing in over 200 telephone company central office buildings; startup of a 10-MW geothermal power generating facility; and survey, mapping and data acquisition for engineering studies and project coordination of major military installation primary distribution systems. Conducted testing alone as well as supervised crews of up to eight engineers and technicians to complete projects.

Was transferred to Portland, Oregon in 1983 to open and startup office which was first area office to open within Electro-Test. The setup became the model for future office expansions. Responsibilities included overall operations, training, sales, and field supervision for the Oregon and Southern Washington area. Completed startup of several hydroelectric power projects as lead electrical startup engineer. Provided technical support throughout the corporation in specialized fields of expertise. Assisted in development and implementation of formal processes and procedures to complete field evaluations. Assembled and presented several seminars on electrical testing to engineering, inspection and trade groups.

January 1977 to September 1977 – Plant Engineer, Air Reduction Company (AIRCO), Baldwin Park, California

Supervised plant maintenance crew, planning of plant shutdown and overhaul, budget planning, training and design review of facility modification and expansion for 24/7 continuous process plant.

June 1972 to December 1976 – US Navy, Commissioned as Ensign/Attained Rank of Lieutenant Commander

As Damage Control Assistant, was the Repair Division and Electrical Officer aboard the USS Sample (FF 1048). Responsible for all engineering systems (except main propulsion), repairs of all electrical, hull, piping and internal communications systems. As ship superintendent at Pearl Harbor Naval shipyard, supervised major overhauls on four guided-missile destroyers including docking, hull, propulsion, communications and weapons systems modifications and repairs. Responsibilities included coordination of all trades, ship's forces and shipyard support for units. Was senior ship superintendent for last ship completed, with a \$ 27 Million overhaul and up to 2000 personnel per day from all crafts working on the overhaul.

Education:

1972 - BS Electrical Power Technology with co-major in Naval Science, minor Business Administration, Oregon State University

1972 - Instructors School, US Navy Schools Command, Treasure Island

1979 - Complex Relay Test Technician Course, Multi Amp Institute

1980 - ASCO Switch Service School

1986 - Square D Drives School

Various management training courses

Certifications:

Past NICET Certified in Electrical Testing Engineering Technology, Senior Engineering Technician, Level IV, National Institute for Certification of Engineering Technologies (NICET) CET 1984, SET 1992, Certification #070262.

Past Certified Test Technologist, International Electrical Testing Association Level 4 #T1482

Past Certified Test Technician, International Electrical Testing Association (NETA) 1978, #1482

Master Electricians license (active) in State of Colorado, ME 028116.

Past Master Electrician license and qualifying employee for electrical contractor's licenses in Louisiana, New Mexico and Nevada as well as Colorado.

Professional Affiliations:

1984 to present - National Fire Protection Association (NFPA)

Principle member NEC CMP 5 1996 to 2016.

Primary author of present NFPA 790 and NFPA 791 documents relating to Field Evaluations and sitting UL Principle member on the NFPA EEE Technical Committed overseeing these documents.

1984 to present - International Association of Electrical Inspectors (IAEI)

IAEI International President – 2011

Contributing author for revisions to Soares Book on Grounding, 1996, 1999, 2002, 2005, 2008 editions.

Principle author for revisions to Soares Book on Grounding, 2011, 2014 and 2017 editions

1977 to present - Institute of Electrical and Electronics Engineers (IEEE)

Life member Institute Electrical and Electronics Engineers (IEEE), Industry Applications Society (IAS), Power Engineering Society (PES), and Product Safety Engineering Society (PSES)



Code Officials Educational Association

Dear Building Official,

Continuing Education provided this year by the Code Officials Education Association in conjunction with the Broward County Board of Rules and Appeals will be providing 3 different sessions over 3 different months. The sessions are broken down into two days one dealing with required courses and the second dealing with general courses. Your personnel can attend required courses one month and general courses in another month to make it easier for your department to recertify personnel and not have to totally shut down all inspection services.

On the back of the application please check the desired dates. Classes in Hollywood and Pompano Beach have limited seating and are on first come first serve basis.

For any additional information you can email us at coeaconference@gmail.com

Steve Pizzillo
President
Code Officials Educational Association



Code Officials Educational Association

In conjunction with the

Building Officials & Inspectors Educational Association

&

Broward County Board of Rules and Appeal

Presents:

2020 South Florida Building Code Educational Conference 2 Day Code Conference - 3 To Choose From

Required - Choose 1 *on back of form*

Required 1
Nova Southeastern University
March 4, 2020

- Florida Lien Law
- Laws & Rules
- Wind Mitigation
- Workers Comp
- Workplace Safety
- Tiny Houses

7 Hours of Continuing Education
Check In 7:30
Announcements 8:00

Required 2
Pompano Beach
April 29, 2020

- Florida Lien Law
- Laws & Rules
- Wind Mitigation
- Workers Comp
- Workplace Safety
- Chapter 1 FBC

7 Hours of Continuing Education
Check In 7:30
Announcements 8:00

Required 3
Hollywood
May 27, 2020

- Florida Lien Law
- Laws & Rules
- Wind Mitigation
- Workers Comp
- Workplace Safety
- Chapter 1 FBC

7 Hours of Continuing Education
Check In 7:30
Announcements 8:00

General Classes - Choose 1 *on back of form*

General 4 - Nova Southeastern University - March 5, 2020

<p>Building</p> <ul style="list-style-type: none"> • Advanced Training • Significant Changes 7th Ed FBC, Building Ch. 1-7 • Significant Changes to the 7th Ed. FBC – R, Ch. 3 • Significant Changes 7th Ed. FBC, Energy 	<p>Plumbing</p> <ul style="list-style-type: none"> • Advanced Training • Significant Changes 7th Ed. FBC, Plumbing 1-7. • Significant Changes 7th Ed. FBC, Plumbing 8-13. • FRC Plumbing Fundamentals 	<p>Electrical</p> <ul style="list-style-type: none"> • Emergency & Standby Systems • Grounding & Bonding • Hazardous Locations • Healthcare • UL Product Specifications 	<p>Mechanical</p> <ul style="list-style-type: none"> • Advanced Training • Significant Changes 7th Ed. FBC, Mechanical. • Basic Concepts of the FBC, Mechanical
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Check In 7:30 - Classes Start at 8:00

General 5– Pompano Beach - April 15, 2020

- Tiny Houses
- Containers in Construction
- Commercial Provisions of the Florida Building Code Energy

Check In 7:30 - Classes Start 8:00

General 6 - Hollywood - May 13, 2020

- Tiny Houses
- Containers in Construction
- Commercial Provisions of the Florida Building Code Energy

Check In 7:30 - Classes Start 8:00



Code Officials Educational Association
In conjunction with the
Building Officials & Inspectors Educational Association
 &
Broward County Board of Rules and Appeal

Presents:

2020 South Florida Building Code Educational Conference
2 Day Code Conference - 3 Dates To Choose From - Choose 1 Required & General

Registration Fee
\$160.00 for Inspectors - \$190.00 for Contractors - Additional \$40 for day of Registration
Make Check Payable to:
Building Officials & Inspectors Educational Association (BOIEA)
Mail Checks & Applications to
Code Officials Educational Association 1126 South Federal Highway, Suite 394 Fort Lauderdale, FL 33316
Contact Information
Steve Pizzillo 954-394-3381 stevepizzillo@gmail.com Pat Richardson 954-605-5545 PatrickRichardson@Tamarac.org
Locations
Nova Southeastern University Health Profession Division - 3200 South University Dr., Davie Pompano Beach - Emma Lou Olsen Civic Center - 1801 NE 6 St., Pompano Beach Hollywood - Boulevard Heights Community Center - 6770 Garfield St., Hollywood
NO ALL COURSES APPROVED BY ALL BOARDS, COURSES SUBJECT TO CHANGE

Name: _____	Work Address: _____
Work Number: _____	Cell Phone: _____
Email Address: _____	Employer: _____
Position: _____	Discipline: _____
<i>Licenses</i>	
Inspector: BN _____	Plans Examiner : PX _____ Building Official: BU _____
Contractor #1: _____	Contractor #2: _____ Other: _____

Please Choose One Required and One General Session - seating in Hollywood and Pompano Beach limited to 100

Required 1 NOVA <input type="checkbox"/>	Required 2 Pompano Beach <input type="checkbox"/>	Required 3 Hollywood <input type="checkbox"/>
General 1 NOVA <input type="checkbox"/>	General 2 Pompano Beach <input type="checkbox"/>	General 3 Hollywood <input type="checkbox"/>

Excerpt from
January 10, 2019
Meeting agenda



BROWARD COUNTY

Board of Rules & Appeals

TO: Board of Rules and Appeals

FROM: Administrative Director

DATE: January 10, 2019

SUBJECT: Educational program to be offered by the Board of Rules and Appeals for fiscal year 2019 utilizing \$258,200 provided by the Broward County core budget.

BOARD APPROVED

RECOMMENDATION

It is recommended that the board of Rules and Appeals approve an educational program for fiscal year 2019 in the amount of \$258,200. It is further recommended that no more than \$20,000 of the above total is authorized to be spent for educational instructors in conjunction with Broward County Building Officials Association's seminars (BCBO), expected to be held in March and May 2019.

REASONS

In November 2017 the Board of Rules and Appeals approved in concept a three-year training program with the National Fire Protection Association (NFPA). The program cost was estimated to be \$712,500. The County Commission thereafter approved the first year of the effort and the Budget Office has now authorized the second year (\$253,700 for NFPA and \$4,500 for other training instructors). This year we anticipate spending most of the funds to non-NFPA entities, and for that reason your acknowledgement of this change by motion is requested.

In that the Broward County Building Officials Association is a private non-profit organization and charges a fee to inspectors and contractors to attend their seminars, it is recommended that the Board allow BORA staff by motion to spend these funds. This expenditure is recommended to improve the expertise of the instructors which would therefore benefit the building departments and the industry in our community. A request from BCBO has been received and a copy is attached.

ADDITIONAL INFORMATION

For fiscal year 2019 the classes are budgeted for \$258,200. Of this amount, \$109,375 (42.36%) is projected for NFPA training, \$147,365 (57.70%) for other non-NFPA courses, and \$1,460 (0.57%) for contingencies. In addition to NFPA, other presenters include the Broward County Building Officials Association (BCBO), Underwriters Laboratories (UL), International Association of Electrical Inspectors (IAEI), American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), Masonry Association of Florida (MAF) and other individuals and institutions.

Respectfully submitted

 James DiPietro

Dipietro, James

From: Dipietro, James
Sent: Monday, December 17, 2018 3:37 PM
To: 'Claudio Grande'
Cc: RULES
Subject: RE: Request from BCBO for BORA for trainers

Claudio. We are in receipt of your e-mail. We will place the instructor request on the January 2019 agenda and requested authority to spend not to exceed \$20,000 this fiscal year with a staff recommendation to approve.

With respect to the inspectors manual, which is another excellent idea , let's bring to the Board at a later date at which time the association can better report on and estimate costs.

Thank you. Jim

Jim DiPietro
Administrative Director
Board of Rules and Appeals
1 N University Dr., Suite 3500B
Plantation, Florida 33324
954-765-4500 X 9892
broward.org/codeappeals



STRONGER CODES MEAN SAFER BUILDINGS
~ESTABLISHED 1971~



Please consider the Environment before printing.

From: Claudio Grande <Claudio.Grande@tamarac.org>
Sent: Monday, December 17, 2018 2:55 PM
To: Dipietro, James <JDIPIETRO@broward.org>
Cc: Guerasio, Michael <MGUERASIO@broward.org>
Subject: Request from BCBO for BORA for trainers

External Email Warning: This email originated from outside the Broward County email system. Do not reply, click links, or open attachments unless you recognize the sender's **email address** (not just the name) as legitimate and know the content is safe. Report any suspicious emails to ETSSecurity@broward.org.

Dear Jim DiPietro,

As per our recent meetings held in the past with Sean Flanagan, our BCBO Vice President and myself in which we discussed the possibility of BORA providing funding for professional trainers to BCBO to teach already approved courses at the upcoming Educational Conference to be held in Nova University in March of 2019.

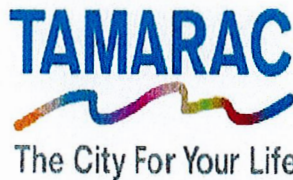
The discussion was that BORA would be willing to pay for the expenses of professional trainers to teach State approved courses in all disciplines such as Structural, Mechanical, Electrical and Plumbing. Including some of the General Courses required for all inspectors for their license requirements at the next Educational Conference held in Nova University in March of 2019, and in other additional days of training provided by BCBO in May or June of 2019.

Additionally, it was discussed that at a later date in the year, BORA and BCBO will work together in creating an Inspection Procedure Manual based on the HVHZ sections of the 2017 Florida Building Code, for the benefit of all the inspectors in Broward County in providing them guidelines in the process of performing inspections.

On behalf of the Board of Directors of the Broward County Building Officials, (BCBO) I request that you please place this request for discussion on your Agenda for the next Board of Rules and Appeals meeting in January 2019.

Please let me know if you need any additional information,

Best Regards,



Claudio Grande CBO CFM

Chief Building Official/Building Director
6011 Nob Hill Rd. First Floor
Tamarac, FL 33321
Tel: 954-597-3421 Fax: 954-597-3450
www.tamarac.org

The City of Tamarac is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Email messages are covered under Chapter 119 and are thus subject to public records disclosure. All email messages sent and received are captured by our server and retained as public records.

Section 6

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*

January 22, 2020

**ADVISORY OPINION TO ADMINISTRATIVE STAFF REQUEST REGARDING
REQUIREMENT OF ADDITIONAL DOCUMENTS FOR PERMIT
APPLICATION AND BINDING AUTHORITY OF THE
BOARD OF RULES AND APPEALS**

Issue(s):

The Administrative Staff of the Broward County Board of Rules and Appeals has requested an Opinion with respect to two (2) separate but related issues.

The first issue pertains to a municipality's requirement for a "Permit Affidavit" to be submitted in addition to the requirement by the Broward County Uniform Permit Application. A copy of the Staff Request for Legal Opinion and the documents attendant thereto are attached to this Advisory Opinion as Exhibit "A."

The second issue pertains to the binding nature of interpretations of the Florida Building Code Chapter 1, Broward County Edition, on local municipalities where they were approved by a vote from the Broward County Board of Rules and Appeals.

1 Supplementing Permit Applications

Rule:

The authority of the Board of Rules and Appeals has been established and reviewed on numerous occasions in both the courts and the legislature. Local Building departments are the "local enforcing agencies" while the Board of Rules and Appeals is recognized as the "local *governing* body." See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter. In so saying, the express legislative intent is that the Broward County Board of Rules and Appeals as the local governing body has

jurisdiction and ultimate authority in matters of interpretation and amendment where it may impact the Florida Building Code. See FS 633.208(2)(a), and F.S. Sec 553.71. ¹

We would further show the Administrative Staff the language contained in Section 9.02(A)(2) of the Broward County Charter wherein is stated:

The provisions of the Florida Building Code shall be amended only by the Board of Rules and Appeals and only to the extent and in the manner specified in the Building Code. The County Commission or a Municipality shall not enact any ordinance in conflict with Chapter 98-287 and Chapter 2000-141, Laws of Florida, as may be amended from time to time.

Broward County Charter, Section 9.02(A)(2)

In so saying, the Broward County Board of Rules and Appeals is determined by Special Act of Legislature 71-575, and confirmed by the Attorney General of the State of Florida, as the governing body with ultimate authority on issues surrounding the Florida Building Code, and ordinances or amendments thereto.

Analysis:

- (1) As to a municipality's requirement that a "Permit Affidavit" be submitted with a Uniform Permit Application.

The short answer to this question is "No." A municipality may not place additional conditions on obtaining a Uniform Building Permit Application.

a) Uniformity in the application process means uniformity in the Code.

It is axiomatic that the purpose of a "Uniform" Building Permit Application is to provide uniformity in the permitting process. In 1996, the Florida Building Code Study Commission was appointed to review the system of over 400 local jurisdictions and state agencies with building code responsibilities. One of the most important issues was compliance. The Building Commission recommendations called for strengthened compliance through greater predictability and accountability in the building code system. The 1998 Legislature adopted the Study Commission's recommendations and amended Chapter 553, Florida Statutes, Building Construction Standards to create a single

¹ *See especially* Attorney General of the State of Florida Opinion of August 21, 2018, page 2; and Frequently Asked Questions About Attorney General Opinions, at : <http://myfloridalegal.com/pages.nsf/Main/dd177569f8fb0f1a85256cc6007b70ad> ("Opinions generally are not issued on questions requiring an interpretation only of local codes, ordinances or charters rather than the provisions of state law. Instead such requests will usually be referred to the attorney for the local government in question."). [Emphasis added].

minimum standard building code that is enforced by local governments. In so saying, safety, uniformity and accountability are recognized as critical elements of the Florida Building Code.

In this specific case, if a local municipality were to unilaterally implement changes to the Permit Application process, it will have the effect of altering an administrative portion of the Building Code thus creating a “second” set of Building Code requirements” specific to that municipality. This is not permissible under Special Act 71-575 and further constitutes the creation of a conflicting amendment to law and forbidden under common law.

The courts have stated:

It is presumed that laws are passed with knowledge of all prior laws already on books, and that legislature neither intended to keep contradictory enactments in force nor to repeal prior law without express intention to do so; courts have duty to adopt scheme of statutory construction which harmonizes and reconciles statutes and to find reasonable field of operation that will preserve force and effect of each.

See Floyd v. Bentley, 496 So.2d 862, 865 (Fla 2d DCA 1986). See also Woodgate Development Corp. v. Hamilton Inv. Trust, 351 So.2d 14 (Fla 1977).

In the case of building permits, the law will not allow variations or modifications in a process which is statutorily controlled. A change in the application process by one municipality creates a new Florida Building Code. **As a matter of law, the municipality does not have the authority to create its own amendments to the Building Code and cannot do so indirectly through the use of supplemental application requirements where the end result is to impose a change in conditions and ultimately a change in the Building Code.**

b) Supplementing permit applications.

Local municipality amendments are restricted under Florida Statutes Sec 553.73 (4)a, which states *inter alia*:

(4)(a) ...

Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations of this paragraph. Local amendments shall be more stringent than the minimum standards described herein and shall be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this paragraph for governmental entities with respect

to applying the Florida Fire Prevention Code and the Life Safety Code.

Florida Statutes Sec 553.73 (4)a

Thus, a local administrative amendment must strengthen the code in some fashion **but only as established county wide through the Broward County Board of Rules and Appeals. As previously noted, uniformity in the Code requires uniformity in its administration and application.**

CONCLUSION: As to supplemental conditions for permit applications

Put very simply, a municipality does not have the authority under Special Act 71-575, the Broward County Charter, the Florida Building Code, Broward County Edition, or Florida Statute to create supplemental conditions to Uniform Permit Application unless such supplemental conditions or amendment(s) are adopted by the Broward County Board of Rules and Appeals and instituted county-wide.

2) Binding Authority of the Board of Rules and Appeals

Rule

The duties of the Board of Rules and Appeals are set forth in section 9.02, sub section (1) which affirms that the authority of duties of BORA as established through its creation under Special Act of Legislature 71-575(f); and sub-section (3), specifically determine that BORA has the duty of monitoring and oversight of all governmental entities which are responsible for enforcing the Florida Building Code.

Analysis:

More specifically section 9.02, sub sections (1) and (3) of the Broward County Charter state *inter alia*:

9.02 Purpose.

(1) It shall be the function of the Broward County Board of Rules and Appeals, to exercise the powers, duties, responsibilities, and obligations as set forth and established in Chapter 71-575, Laws of Florida, Special Acts of 1971, as amended by Chapters 72-482 and 72-485, Laws of Florida, Special Acts of 1972; Chapter 73-427, Laws of Florida, Specials Acts of 1973; 74-435, 74-437, and 74-448, Laws of Florida, Special Acts of 1974; and Chapter 98-287, as amended by Chapter 2000-141, Laws of Florida, or any successor building code to the Florida Building Code applicable to the county, as amended.

Broward County Charter Section 9.02 Emphasis added.

As previously stated in the first part of this Advisory Opinion:

Local Building departments are the “local enforcing agencies” while the Board of Rules and Appeals is recognized as the “local governing body.” See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter. In so saying, the express legislative intent is that the Broward County Board of Rules and Appeals as the local governing body has jurisdiction and ultimate authority in matters of interpretation and amendment where it may impact the Florida Building Code. See FS 633.208(2)(a), and F.S. Sec 553.71.

And:

The provisions of the Florida Building Code shall be amended only by the Board of Rules and Appeals and only to the extent and in the manner specified in the Building Code. The County Commission or a Municipality shall not enact any ordinance in conflict with Chapter 98-287 and Chapter 2000-141, Laws of Florida, as may be amended from time to time.

Broward County Charter, Section 9.02(A)(2)

The duties of monitoring and oversight include ensuring that municipalities and enforcement agencies comport with interpretations of the Code as mandated by statute and the Florida legislature.

If an enforcing agency determines that its interpretation of the Code supercedes the authority of the Board of Rules and Appeals it is the duty of the Board ensure compliance through monitoring and oversight to ensure compliance with the Broward County Charter, Special Act of Legislature 71-575 , and Florida Statutes Sec 553.73. See also F.S. Sec 775.083

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CONCLUSION - As to binding nature of interpretations of the Board or Rules and Appeals

The Broward County Charter, Florida Statutes, and Special Act of Legislature 71-575 are abundantly clear on this matter. Board interpretations of Code and Statute incorporated therein are binding on all municipalities and enforcement agencies in Broward County.

Broward County Board of Rules and Appeals



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, #103
Coral Springs FL 33067
Phone 954.323.1023 | Direct 954.947.2523
ckramer@bmvlawyers.net