



**BROWARD COUNTY BOARD OF RULES & APPEALS**  
**JANUARY 14, 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  
Sergio Pellecer  
Robert Taylor  
David Tringo  
Dennis Ulmer

Mr. D'Attile made a motion and Mr. Falkanger seconded the motion to approve the agenda as modified with respect to Items 2 and 3. The correction information provided to the Board via memoranda may be found under each respective item. The motion carried by unanimous vote of 11-0.

**Approval of Minutes – October 8, 2020**

Mr. Tringo made a motion and Mr. Famularo seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 11-0.

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A service plaque was presented to Mr. Gary Elzweig who served on the Board since 2000. Chairman Lavrich elaborated on the many committees and other projects throughout many years. Mr. Elzweig thanked the Board and staff for the recognition. He valued his service on the Board.

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**CONSENT AGENDA**

1. Certifications - Staff Recommended.

**BROWARD COUNTY SHERIFF'S OFFICE**

HOLMES, MICHELLE, FIRE INSPECTOR

**BROWARD COUNTY (UNINCORPORATED) - AIRPORT**

CHMELY, EDWARD, JR., CHIEF ELECTRICAL INSPECTOR

**CITY OF COOPER CITY**

BLANCO, VICTOR, BUILDING OFFICIAL

**CITY OF CORAL SPRINGS**

BOTTING, PHILIPPE, FIRE INSPECTOR

HENLEY, KENNETH, FIRE INSPECTOR

**TOWN OF DAVIE**

PINGOL, ISABELLA, FIRE INSPECTOR

GROW, STEWART ALLEN, JR., CHIEF MECHANICAL INSPECTOR

**CITY OF LIGHTHOUSE POINT**

MITCHELL, STEVEN J., CHIEF ELECTRICAL INSPECTOR

**CITY OF MIRAMAR**

TRAPANESE, WILLIAM, CHIEF PLUMBING INSPECTOR

**CITY OF PARKLAND**

TRANA, JAN, CHIEF PLUMBING INSPECTOR

**CITY OF PEMBROKE PINES**

LICTRA, SALVATORE TED, CHIEF ELECTRICAL INSPECTOR

**CITY OF PLANTATION**

CHARNIN, MICHAEL D., ASSISTANT BUILDING OFFICIAL

GALE, WILLIAM, BUILDING OFFICIAL

**CITY OF POMPANO BEACH**

WESOLOWSKI, RICHARD R., FIRE INSPECTOR

**CITY OF TAMARAC**

VIRGIL, JEAN-YVES, FIRE INSPECTOR

JEAN-LOUIS, SERGE, STRUCTURAL PLANS EXAMINER - PROVISIONAL

**CITY OF WILTON MANORS**

KITTENDORF, SHANE, BUILDING OFFICIAL

**COUNTYWIDE**

DELARIONDA, CHAD, ELECTRICAL PLANS EXAMINER

FEJED, ALFREDO, PLUMBING PLANS EXAMINER

HIGHT, RODNEY J., STRUCTURAL INSPECTOR

HIGHT, RODNEY J., STRUCTURAL PLANS EXAMINER

GARRIDO, GUSTAVO A., STRUCTURAL INSPECTOR

GARRIDO, GUSTAVO A., STRUCTURAL PLANS EXAMINER

KITTENDORF, SHANE, STRUCTURAL INSPECTOR

KITTENDORF, SHANE, STRUCTURAL PLANS EXAMINER

MIGOYA, RONALD J., STRUCTURAL INSPECTOR

MIGOYA, RONALD J., STRUCTURAL PLANS EXAMINER

TORRES, DANIEL, MECHANICAL PLANS EXAMINER

Mr. Bailey made a motion and Mr. D’Attile seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 11-0.

## **REGULAR AGENDA**

### **2. Local amendments for 1<sup>st</sup> reading – Florida Fire Prevention Code 7<sup>th</sup> edition - 2020**

- a. Staff and Fire Code Committee reports

Mr. Bryan Parks, Chief Fire Code Compliance Officer, explained that due to a software glitch when staff merged single documents into the full agenda backup in Adobe Acrobat, previous “underlines” and “strike-throughs” were added back into the documents. A memorandum, dated January 11, 2021, to the Board provides an overview of corrections to the clean version of the Fire Prevention Code. There are all also places where “Visions” was substituted for “Division”.

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

Mr. Pellecer made a motion and Mr. Taylor seconded the motion to pass the item on first reading. The motion carried by unanimous vote of 11-0.

### **3. Revisions to Formal Interpretation (F.I.) #22 “Swimming pool safety inspections”**

- a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, explained that due to a software glitch when staff merged single documents into the full agenda backup in Adobe Acrobat, previous “underlines” and “strike-throughs” that were lost in the merging were added back into the documents. A memorandum, dated January 11, 2021, to the Board explains that page 3 of this item does now show the strike throughs and underlines normally used to show changes to a document. As to the item itself, the Board adopted interpretations in July of last year and the final adoption of Chapter 1 occurred in October. When Chapter 1 was revised some of the interpretation numbers changed. This item is to make such corrections to the interpretation numbering, specifically Formal Interpretation #22. Also, staff proposes to remove some informational material from the interpretation that is available in the statute and code.

- b. Board Questions –
- c. Board Action

Mr. D’Attile made a motion and Mr. Falkanger seconded the motion to approve the recommended revisions to Formal Interpretation #22 as submitted. The motion carried by unanimous vote of 11-0.

4. **Update to Policy 05-04, Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines**

a. Staff Report

Mr. James DiPietro, Administrative Director, indicated the Ad Hoc Energy Conservation Committee has been organized and met with Board Member Dave Rice as its Chairman. It was created as ad hoc when it was thought meetings could not be held virtually. The intent of Chairman Lavrich was to establish the Energy Conservation Committee as a permanent standing committee.

b. Board Questions –

c. Board Action

Mr. Tringo made a motion and Mr. Famularo seconded the motion to adopt the recommended update to Policy #05-01 establishing the standing committee, Energy Conservation Committee. The motion carried by unanimous vote of 11-0.

5. **Amendment to the Board of Rules and Appeals Policy #20-02, entitled Board of Rules and Appeals to share 50% of the cost of foreign credentials evaluation to determine the educational equivalency in the United States, not to exceed \$600 of the BORA participation per applicant (up to \$1,200 total), for the purpose of removing the expiration date of the policy.**

a. Staff Report

Mr. James DiPietro, Administrative Director, indicated this is simply removing the expiration date from the existing policy. Although there have not been any applicants this year, staff believes this is a good idea. It is a 50/50 cost share between the Board and applicant. Moreover, it is not a significant anticipated expense.

b. Board Questions

Mr. DiPietro clarified by Ms. Giles-Nelson that there were four responses to the staff survey with three in favor and a fourth, unnamed, not in favor of continuing the program.

c. Board Action

Ms. Giles-Nelson made a motion and Mr. Tringo seconded the motion to amend Policy #20-02 removing the program expiration. The motion carried by unanimous vote of 11-0.

6. **Policy 21-01 Delegation of Board of Rules and Appeals authority to establish the number of employees working at one time, when physically at the office due to Covid-19 concerns, and to further establish written reporting requirements for employees who are working remotely**

a. Recommendation of the Administrative Director

Mr. James DiPietro, Administrative Director, explained that Broward County had its own policies in place to limit the number of employees at the governmental center and those policies are being withdrawn. He felt there is a need for the Board to adopt its own policy as to staffing. With a staff of twelve, there would be three and no more than five employees at one time physically in the Board's office.

b. Board Questions

In response to Mr. D'Attile, Mr. DiPietro noted that the County Administrator has given written notice to her employees that the temporary telework program and temporary reduced work schedule program will end in December of 2020. According to governmental principles, he would need authority from the Board of Rules and Appeals or the County Commission.

As a result of Mr. Ulmer's suggestion to add an expiration date of when the policy could be revisited, a brief discussion followed wherein there was consensus for a one-year period.

In response to Mr. D'Attile, Mr. DiPietro advised that employees working at home provide a written work report that is maintained.

c. Board Action

Mr. Ulmer made a motion and Mr. Tringo seconded the motion to adopt the recommended policy with a one-year review by December 31, 2021. The motion carried by unanimous vote of 11-0.

7. **One time 2% cash merit bonus for Chief Fire Code Compliance Officer**

a. Recommendation of the Administrative Director

Mr. James DiPietro, Administrative Director, indicated he would like to recognize Mr. Parks' service of 14 ½ years. At the fifteen-year mark, Mr. Parks would qualify for an existing Board merit/longevity program that is administered by the director.

b. Board Questions – none

c. Board Action

Mr. Pellecer made a motion and Mr. Falkanger seconded the motion to approve the one-time merit bonus cash payment of 2%. The motion carried by unanimous 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.

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

c. Passing the Gavel

9. **Director's Report**

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

Mr. James DiPietro, Administrative Director, cited a couple examples for use of a grant if awarded. The intent is a one-time expense. This is an administrative policy but could be enacted at the Board level. It was approved in the Board's budget and by the County Commission. He elaborated upon particulars of the approval process. There is a check and balance in that expenditures for the Board of Rules and Appeals are processed through the County system with all of its controls. This program was anticipated to be a two to three-year term. The budgeted amount this year is \$60,000 (\$7,500 maximum per city).

Mr. D'Attile was interested in some mechanism to ensure that cities are in fact moving forward the E-Permitting. Further discussion ensued on the subject in general. Mr. Michael Guerasio explained that currently cities are required to be able to accept permit applications electronically, but email transmission alone would satisfy that requirement. Mr. Burr agreed with Mr. D'Attile and Mr. DiPietro suggested each grant award could be scheduled on a Board agenda and a representative of the municipality could be asked to be present to receive the grant. Another approach would be to address this topic via committee. Mr. Burr felt it would be helpful for staff to prepare a report as to the specific online level status of each city for contractors. Mr. Taylor suggested a grant requirement to meet a certain percentage of permits electronically. Mr. DiPietro concurred that the Board has that authority which could be accomplished by enacting a Board policy. He felt the best approach would be to enact the policy and then advertise the grant program with that information.

Chairman Lavrich pointed out that there are extremes on both sides of the spectrum to electronic transmittal. Perhaps a committee is needed to develop a program for e-permitting county-wide. Mr. Burr felt the Board's goal should be ease of submittal by the contractor. Mr. D'Attile volunteered to chair such a committee and Mr. Burr volunteered to serve as well.

Mr. DiPietro recalled a committee formed by the Board about five years ago that addressed best practices. There were voluntary guidelines. Some fifteen building officials and three contractors served on the committee. It could be restarted, or another option would be to form a single purpose committee on implementing e-permitting.

Mr. Tringo commented that many cities for CAP Government have electronic plan review, but application submittal is not. In other words, there are two separate components to this subject.

Chairman Lavrich agreed that an ad hoc committee is in order. Mr. Bailey commented that aside from hardware, the grant funds could be used for program development/implementation.

Mr. Bailey suggested and there was general consensus for the Administrative Director to proceed with the grant program based on the administrative policy already in-place. He favored the Board working toward helping cities develop electronic permitting programs. Chairman Lavrich wanted to meet with Mr. DiPietro, the Board Attorney and perhaps some members of the staff on this topic including formation of an ad hoc committee. It is complicated when moving in the direction of standardization. He will report to the Board at the next meeting.

10. **Attorney's Report**

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

Mr. Charles Kramer, Board Attorney, advised that there is nothing in the Florida Building Code about this topic. There is precedence in Tampa, Jacksonville and Sarasota. Concerning petitions for declaratory statement before the Building Code Administrators and Inspectors Board (BCAIB), the petitions were filed by Inspect Solutions, a corporate entity. He felt they were asking BCAIB to provide some cloak of legitimacy. He took exception to the way that the petitions were framed in a disciplinary light whereas he believed the purpose of inspections is about life and safety. BCAIB's position was that one is not negligent if a virtual inspection is performed provided that a virtual inspection does an equivalent acceptable job to one performed in person. It is very subjective. It would not be doable for everything. This Board can make this call and incorporate protocol language into the building code. The Board can decide to what extent virtual inspections should be permissible. This matter will be on the agenda of the Board's next meeting.

Mr. Bailey said that he is 100% in favor of virtual inspections. Cities are going to continue to want to avoid entering homes. It is an issue for homeowners.

Advisory Opinion Regarding Requirements for Signed and Sealed Drawings when Construction Costs Exceed \$30,000

Mr. Charles Kramer, Board Attorney, advised that Section 107.3.4.0.3 of the Broward County Chapter 1 of the Building Code requires signed and sealed drawings when construction costs exceed \$30,000. Although there is a conflict of law between Section 107.3.4.0.3 of Broward County Chapter 1 of the Building Code and Florida Statute 481.229, Chapter 1 provisions have the power of state authority because the Board of Rules and Appeals was created by special act of the State of Florida.

In response to Mr. Bailey, Chairman Lavrich advised that the \$30,000 cap has increased throughout the many years this has been in effect in Broward and Miami-Dade counties.

11. **Committee Reports** - none

12. **General Board Member Discussion** - none

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

14. **Adjournment**

There being no further business, the meeting adjourned at 7:58 p.m.

A handwritten signature in black ink, appearing to read "D. L. Lavrich". The signature is written in a cursive style with large, rounded letters.

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Daniel Lavrich, P.E. - Chair