

# Broward County Board of Rules & Appeals Meeting Agenda

March 11, 2021  
Time: 7:00 P.M.

ZOOM Meeting info:

<https://zoom.us/j/93394652638?pwd=M3d2ck0yeDVZMGxBcFlxc2ZvWE9Sdz09>

Meeting ID: 933 9465 2638

Passcode: 030891

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Call Meeting to Order

Roll Call

Approval of Agenda

Approval of Minutes – February 11, 2021

## CONSENT AGENDA

### 1. Certifications - Staff Recommended.

#### CITY OF COCONUT CREEK

BANYAS, RYAN, FIRE CODE OFFICIAL

#### VILLAGE OF LAZY LAKE

CANFIELD, BRIAN SHAWN, CHIEF MECHANICAL INSPECTOR

#### TOWN OF LAUDERDALE-BY-SEA

ADACH, EDWARD E., CHIEF STRUCTURAL INSPECTOR

#### CITY OF PEMBROKE PINES

ALMAGUER, DANIEL A., FIRE CODE OFFICIAL

#### CITY OF PLANTATION

DAVALOS, ROBERT, ELECTRICAL INSPECTOR (TEMPORARY 120-DAY)

FORGES, BERNARD, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

#### CITY OF SOUTHWEST RANCHES

GARCIA, HEBERTO A., CHIEF PLUMBING INSPECTOR

#### CITY OF TAMARAC

DEMOPOULOS, TOMMY, FIRE CODE OFFICIAL

#### CITY OF WEST PARK

GARCIA, HEBERTO A., CHIEF PLUMBING INSPECTOR

#### COUNTYWIDE

JOSEPH, ROLLE, STRUCTURAL PLANS EXAMINER

SWEENEY, THOMAS JOSEPH, STRUCTURAL INSPECTOR

## REGULAR AGENDA

### 2. Amendments for 2<sup>nd</sup> reading to include public hearing.

#### Proposed amendment to the FBC, 7th Edition, (2020) Building – Chapter I, Section 101.2.2 Definitions and new section 110.3.13 Virtual inspections

- a. Staff report
- b. Board questions
- c. Public hearing
- d. Board action

### 3. Amendments for 2<sup>nd</sup> reading to include public hearing.

#### Proposed amendment to the FBC, 7th Edition, (2020) Building – Chapter I, Section 104.18 “Recertification of Building Departments and Building Code Inspection Enforcement Personnel”, subsection 104.18.1.3 to accept State of Florida approved online education courses as a form of compliance with the biennial continued educational requirements.

- a. Staff report
- b. Board questions
- c. Public hearing
- d. Board action

### 4. Amendments for 2<sup>nd</sup> reading to include public hearing.

#### Board member recommended amendment to the FBC, 7th Edition, (2020) Building – Chapter I, to reduce the number of training hours required for inspectors due to the COVID-19, said reduction to automatically expire December 31, 2021.

- a. Request by Board member David Tringo
- b. Board questions
- c. Public hearing
- d. Board action

### 5. Disposal of Subject/Reference files pursuant to Florida Division of Library and Information Services’ General Records Schedule GS1-SL.

- a. Staff report
- b. Board questions
- c. Board action

### 6. Declaration of surplus properties, 11 copies of the Florida Fire Prevention Code – 6th Edition (2017).

- a. Staff report
- b. Board questions
- c. Board action

### 7. Director’s Report

### 8. Attorney’s Report

### 9. Committee Report

### 10. General Board Members Discussion

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

### 12. 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.)*

February 11, 2021  
Board Meeting Minutes



**DRAFT**

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

**Call to Order**

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

**Present:**

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

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

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

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

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**CONSENT AGENDA**

1. Certifications - Staff Recommended.

**CITY OF PEMBROKE PINES**

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

\*Pursuant to Broward County Charter, Mr. D'Attile did not participate in voting as a quorum was achieved.



**COUNTYWIDE**

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

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

**REGULAR AGENDA**

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

a. Staff Report

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

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

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

b. Board Questions

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

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

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

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

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

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

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

c. Board Action

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

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

a. Staff Report

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

b. Board Questions – none

c. Board Action

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

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

- a. Request by Board member David Tringo

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

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

- b. Board Questions

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

- c. Board Action

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

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

- a. Staff and Fire Committee Reports

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

- b. Board Questions – none

- c. Public Hearing

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

- d. Board Action

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

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

a. Staff Report

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

b. Board Questions – none

c. Board Action

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

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

a. Staff Report

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

b. Board Questions - none

c. Board Action

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

8. **Director's Report**

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

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

Chief Demopoulos thanked the Board for the opportunity.

**E-Permitting Survey**

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

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

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

#### Residential Energy Code Review Class

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

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

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

### 9. Attorney's Report

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

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

### 10. Committee Reports - none

### 11. General Board Member Discussion

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

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

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

### 13. Adjournment

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

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Daniel Lavrich, P.E. - Chair



# Section 1



MARCH 11, 2021 BOARD MEETING  
CERTIFICATIONS

**CITY OF COCONUT CREEK**

BANYAS, RYAN, FIRE CODE OFFICIAL

**VILLAGE OF LAZY LAKE**

CANFIELD, BRIAN SHAWN, CHIEF MECHANICAL INSPECTOR

**TOWN OF LAUDERDALE-BY-SEA**

ADACH, EDWARD E., CHIEF STRUCTURAL INSPECTOR

**CITY OF PEMBROKE PINES**

ALMAGUER, DANIEL A., FIRE CODE OFFICIAL

**CITY OF PLANTATION**

DAVALOS, ROBERT, ELECTRICAL INSPECTOR (TEMPORARY 120-DAY)  
FORGES, BERNARD, STRUCTURAL INSPECTOR (TEMPORARY 120-DAY)

**CITY OF SOUTHWEST RANCHES**

GARCIA, HEBERTO A., CHIEF PLUMBING INSPECTOR

**CITY OF TAMARAC**

DEMOPOULOS, TOMMY, FIRE CODE OFFICIAL

**CITY OF WEST PARK**

GARCIA, HEBERTO A., CHIEF PLUMBING INSPECTOR

**COUNTYWIDE**

JOSEPH, ROLLE, STRUCTURAL PLANS EXAMINER  
SWEENEY, THOMAS JOSEPH, STRUCTURAL INSPECTOR

# Section 2

## NOTICE OF PUBLIC HEARING

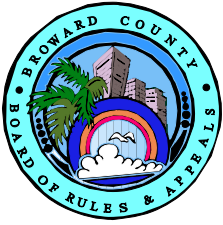
Notice is hereby given by the Broward County Board of Rules and Appeals that said Board will hold a public hearing starting at 7:00 p.m. on March 11, 2021, Via Zoom. The Board will consider amending in second reading the Florida Building Code, 7th Edition (2020) - Building -Chapter I – Administrative Provision, Section 101.2.2 Definitions and 110.3.13 Virtual Inspections. The effective date for the amendment listed is March 22, 2021.

Zoom information:

<https://zoom.us/j/93394652638?pwd=M3d2ck0yeDVZMGxBcFlxc2ZvWE9Sdz09> Meeting ID: 933 9465 2638 - Passcode: 030891

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

Dated this 21st day of February 2021.



BROWARD COUNTY

# Board of Rules & Appeals

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

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director  
**Date:** March 11, 2021  
**Title:** Amendment to the Florida Building Code, 7th Edition, (2020) Building – Chapter I, Section 101.2.2 Definitions and Section 103.3.13 Virtual Inspections.

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Please be advised that at its regular meeting of February 11, 2021, the Board of Rules and Appeals voted to schedule the attached code amendment for public hearing.

We have had the opportunity for further review of the proposed amendment. As a result we have come up with alternative wording with the same intent labeled "Alternative A". This recommended wording can be found in page 8. The original amendment as approved by the Board on 1<sup>st</sup> reading is located on pages 3 and 5.

Respectfully

A handwritten signature in black ink, appearing to read "James DiPietro".

James DiPietro

**101.2.2 Definitions.**

- A. **AHJ** (means Authority Having Jurisdiction) shall be a federal, state, local (Building or Fire Service Provider), or individual such as a Building Official, Assistant Building Official; Chief Electrical/Mechanical/Plumbing/Structural Inspector; Fire Chief; Fire Marshal/Fire Code Official; or Broward County Board of Rules and Appeals.
- B. **BORA** means the Broward County Board of Rules and Appeals.
- C. **Architect** means Registered Architect, registered in the State of Florida.
- D. **Engineer** means licensed Professional Engineer, licensed in the State of Florida.
- E. **BCAIB** means the Building Code Administrators and Inspectors Board.
- F. **FFPC** means the adopted Florida Fire Prevention Code including the Broward County Local Fire Amendments to the Florida Fire Prevention Code.
- G. **HVHZ** means the High Velocity Hurricane Zone.
- H. **State** means the State of Florida.
- I. **FAC** means Florida Administrative Code.
- J. **Fire Service Provider** means Fire Department.
- K. **Fire Code Manager/Administrator** means Fire Code Official or Fire Marshal.
- L. **SFBC** means South Florida Building Code, Broward Edition.
- M. **G.C.** means an unlimited General Contractor licensed by either the CILB, the Broward County Central Examining Board or the Miami-Dade Construction Trades Qualifying Board.
- N. **CILB** means the Florida Construction Industry Licensing Board.
- O. **ECLB** means the Florida Electrical Contractors Licensing Board.
- P. **Virtual Inspection** is the process of inspection performed using, time and location verifiable video or still imaging, where a Certified Inspector inspects a job site via live video or still image taken at, or under, his/her direction.

**101.3 Intent.** The purpose of this Code is to establish the minimum requirements to safeguard, the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property

from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**101.4 Referenced Codes.** The other codes listed in Sections 101.4.1 through 101.4.10 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

**101.4.1 Electrical.** The provisions of Chapter 27 of the FBC, Building, NFPA 70, Fire Protection Provisions of this Code and FFPC shall apply to electrical components, equipment, and systems.

**101.4.2 Gas.** The provisions of the FBC, Fuel Gas, shall apply to the installation of gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.3 Mechanical.** The provisions of the FBC, Mechanical, shall apply to the installation of mechanical systems, including, but not limited to, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, vacuum, compressed air and pneumatic systems, incinerators and other energy-related devices.

**101.4.4 Plumbing.** The provisions of the FBC, Plumbing, Fire Protection Provisions of this Code and FFPC shall apply to every plumbing installation, including, but not limited to, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances when connected to a water or sewage systems, compressed air systems, lawn sprinkler systems and all aspects of a medical gas system.

**101.4.5 Property maintenance.** Reserved.

**101.4.6 Fire prevention.** For provisions related to fire prevention, refer to FFPC as referenced in Florida Statute 633, Broward County Local FFPCs as adopted and the Fire Protection Provisions of this Code as referenced above. FFPC shall apply to matters affecting or relating to structures, new or existing; processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

**101.2.2 Definitions.**

- A. **AHJ** (means Authority Having Jurisdiction) shall be a federal, state, local (Building or Fire Service Provider), or individual such as a Building Official, Assistant Building Official; Chief Electrical/Mechanical/Plumbing/Structural Inspector; Fire Chief; Fire Marshal/Fire Code Official; or Broward County Board of Rules and Appeals.
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- E. **BCAIB** means the Building Code Administrators and Inspectors Board.
- F. **FFPC** means the adopted Florida Fire Prevention Code including the Broward County Local Fire Amendments to the Florida Fire Prevention Code.
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- H. **State** means the State of Florida.
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- M. **G.C.** means an unlimited General Contractor licensed by either the CILB, the Broward County Central Examining Board or the Miami-Dade Construction Trades Qualifying Board.
- N. **CILB** means the Florida Construction Industry Licensing Board.
- O. **ECLB** means the Florida Electrical Contractors Licensing Board.
- P. **Virtual Inspection** is the process of inspection performed using, time and location verifiable video or still imaging, where a Certified Inspector inspects a job site via live video or still image taken at, or under, his/her direction.

**101.3 Intent.** The purpose of this Code is to establish the minimum requirements to safeguard, the public health, safety and general welfare through structural strength, means of egress, facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property

from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

**101.4 Referenced Codes.** The other codes listed in Sections 101.4.1 through 101.4.10 and referenced elsewhere in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference.

**101.4.1 Electrical.** The provisions of Chapter 27 of the FBC, Building, NFPA 70, Fire Protection Provisions of this Code and FFPC shall apply to electrical components, equipment, and systems.

**101.4.2 Gas.** The provisions of the FBC, Fuel Gas, shall apply to the installation of gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances, and the installation and operation of residential and commercial gas appliances and related accessories.

**101.4.3 Mechanical.** The provisions of the FBC, Mechanical, shall apply to the installation of mechanical systems, including, but not limited to, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, vacuum, compressed air and pneumatic systems, incinerators and other energy-related devices.

**101.4.4 Plumbing.** The provisions of the FBC, Plumbing, Fire Protection Provisions of this Code and FFPC shall apply to every plumbing installation, including, but not limited to, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances when connected to a water or sewage systems, compressed air systems, lawn sprinkler systems and all aspects of a medical gas system.

**101.4.5 Property maintenance.** Reserved.

**101.4.6 Fire prevention.** For provisions related to fire prevention, refer to FFPC as referenced in Florida Statute 633, Broward County Local FFPCs as adopted and the Fire Protection Provisions of this Code as referenced above. FFPC shall apply to matters affecting or relating to structures, new or existing; processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

Broward County Board of Rules and Appeals, Florida, The Florida Building Code

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**110.3.9 Special inspections.** See Section 110.10 of this Code.

**110.3.10 Final Inspection.** See Section 110.3 of this Code.

**110.3.10.1 Flood hazard documentation.** Reserved

**110.3.11 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the Building Official has been received. (Refer to Section 105.10, Certificate of Protective Treatment for prevention of termites and Section 105.11, Notice of termite protection.)

**110.3.12 Impact-resistant coverings inspections.** Where impact-resistant coverings or impact resistant systems are installed the Building Official shall schedule adequate inspections of impact-resistant coverings or impact resistant systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

**110.3.13 Virtual Inspections.** When approved by the Building Official, virtual inspections as set forth in Section 101.2.2 are limited to,

1. Attachment of mullion bars in window and door installations for like in kind replacement.
2. Reroofing under 1500 square feet in compliance with section 1512.4.3.2 of this code.
3. Tunnel replacement of under slab sewer and water lines.
4. Water heater replacement that does not require electric upgrade or new gas service.

**110.4 Inspection agencies.** Reserved

**110.5 Inspection requests.** It shall be the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code. Failure to request such inspections constitutes a violation of this Code. The inspection request shall be made to the Building Department office at least one (1) day prior to the required inspection and shall provide reasonable time for such inspections to be made. Inspections shall be made not later than the following workday after the day of the request for inspection when a request is made prior to 12:00 noon. Requests

for inspections received after 12:00 noon, shall be made not later than the day after the following workday.

**110.6 Approval required.** No work shall be done on any part of a building or structure or any electrical, mechanical or plumbing installation beyond the point indicated hereinabove for each successive inspection until such inspection has been made and the work approved and the Inspector has so indicated on the permit card or an inspection record pad at the job site, or other electronic means which has been approved by the Building Official.

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by an Engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

**110.8 Threshold Buildings.** For structures defined in Section 553.71, Florida Statutes, as "Threshold Buildings," permitting and inspection shall be as required by Section 553.79, Florida Statutes.

**110.8.1** During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the Engineer or Architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the Building Official, the Architect, or the Engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

**110.8.2** The special inspector shall determine that an Engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency.

**110.8.3** A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(12), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the FBC.

**110.3.9 Special inspections.** See Section 110.10 of this Code.

**110.3.10 Final Inspection.** See Section 110.3 of this Code.

**110.3.10.1 Flood hazard documentation.** Reserved

**110.3.11 Termites.** Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the Building Official has been received. (Refer to Section 105.10, Certificate of Protective Treatment for prevention of termites and Section 105.11, Notice of termite protection.)

**110.3.12 Impact-resistant coverings inspections.** Where impact-resistant coverings or impact resistant systems are installed the Building Official shall schedule adequate inspections of impact-resistant coverings or impact resistant systems to determine the following:

1. The system indicated on the plans was installed.
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**110.3.13 Virtual Inspections.** When approved by the Building Official, virtual inspections as set forth in Section 101.2.2 are limited to,

1. Attachment of mullion bars in window and door installations for like in kind replacement.
2. Reroofing under 1500 square feet in compliance with section 1512.4.3.2 of this code.
3. Tunnel replacement of under slab sewer and water lines.
4. Water heater replacement that does not require electric upgrade or new gas service.

**110.4 Inspection agencies.** Reserved

**110.5 Inspection requests.** It shall be the duty of the permit holder or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Code. Failure to request such inspections constitutes a violation of this Code. The inspection request shall be made to the Building Department office at least one (1) day prior to the required inspection and shall provide reasonable time for such inspections to be made. Inspections shall be made not later than the following workday after the day of the request for

inspection when a request is made prior to 12:00 noon. Requests for inspections received after 12:00 noon, shall be made not later than the day after the following workday.

**110.6 Approval required.** No work shall be done on any part of a building or structure or any electrical, mechanical or plumbing installation beyond the point indicated hereinabove for each successive inspection until such inspection has been made and the work approved and the Inspector has so indicated on the permit card or an inspection record pad at the job site, or other electronic means which has been approved by the Building Official.

**110.7 Shoring.** For threshold buildings, shoring and associated formwork or false work shall be designed and inspected by an Engineer, employed by the permit holder or subcontractor, prior to any required mandatory inspections by the threshold building inspector.

**110.8 Threshold Buildings.** For structures defined in Section 553.71, Florida Statutes, as "Threshold Buildings," permitting and inspection shall be as required by Section 553.79, Florida Statutes.

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**ALTERNATIVE  
VERSION A**

## CHAPTER 1 ADMINISTRATION—BROWARD COUNTY

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ALTERNATE VERSION clean.docx

## DEFINITIONS

spheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

**Drainage.** A reversal of flow in the drainage system.

**Water supply system.** The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source except the intended source.

**BACKFLOW CONNECTION.** Any arrangement whereby backflow is possible.

**BACKFLOW PREVENTER.** A backflow prevention assembly, a backflow prevention device or other means or method to prevent backflow into the potable water supply.

**BACKWATER VALVE.** A device or valve installed in the *building drain* or *sewer* pipe where a *sewer* is subject to backflow, and that prevents drainage or waste from backing up into a lower level or fixtures and causing a flooding condition.

**[BS] BASE FLOOD ELEVATION.** A reference point, determined in accordance with the building code, based on the depth or peak elevation of flooding, including wave height, which has a 1 percent (100-year flood) or greater chance of occurring in any given year.

**BATHROOM GROUP.** A group of fixtures consisting of a water closet, lavatory, bathtub or shower, including or excluding a bidet, an *emergency floor drain* or both. Such fixtures are located together on the same floor level.

**BEDPAN STEAMER OR BOILER.** A fixture utilized for scalding bedpans or urinals by direct application of steam or boiling water.

**BEDPAN WASHER AND STERILIZER.** A fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. Included are fixtures of this type that provide for disinfecting utensils by scalding with steam or *hot water*.

**BEDPAN WASHER HOSE.** A device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be utilized for cleansing bedpans.

**BEDROOM.** A room that can be used for sleeping and that:

- a. For site-built dwellings has a minimum of 70 square feet of conditioned space;
- b. For manufactured homes is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
- c. Is located along an exterior wall;
- d. Has a closet and a door or an entrance where a door could be reasonably installed; and
- e. Has an emergency means of escape and rescue opening to the outside in accordance with the *Florida Building Code*.

This definition is specific to on-site sewage treatment system as regulated by Chapter 64E-6 *Florida Administrative Code* for onsite sewage treatment and Disposal System — see Section 701.2.

**BRANCH.** Any part of the piping system except a riser, main or *stack*.

**BRANCH INTERVAL.** A vertical measurement of distance, 8 feet (2438 mm) or more in *developed length*, between the connections of horizontal *branches* to a drainage *stack*. Measurements are taken down the *stack* from the highest horizontal *branch* connection.

**BRANCH VENT.** A vent connecting one or more individual vents with a vent *stack* or *stack vent*.

**[A] BUILDING.** Any structure occupied or intended for supporting or sheltering any *occupancy*.

**BUILDING DRAIN.** That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends 30 inches (762 mm) in *developed length* of pipe beyond the exterior walls of the building and conveys the drainage to the *building sewer*.

**Combined.** A *building drain* that conveys both sewage and storm water or other drainage.

**Sanitary.** A *building drain* that conveys sewage only.

**Storm.** A *building drain* that conveys storm water or other drainage, but not sewage.

**BUILDING SEWER.** That part of the drainage system that extends from the end of the *building drain* and conveys the discharge to a *public sewer*, *private sewer*, individual sewage disposal system or other point of disposal.

**Combined.** A *building sewer* that conveys both sewage and storm water or other drainage.

**Sanitary.** A *building sewer* that conveys sewage only.

**Storm.** A *building sewer* that conveys storm water or other drainage, but not sewage.

**BUILDING SUBDRAIN.** That portion of a drainage system that does not drain by gravity into the *building sewer*.

**BUILDING TRAP.** A device, fitting or assembly of fittings installed in the *building drain* to prevent circulation of air between the drainage system of the building and the *building sewer*.

**CIRCUIT VENT.** A vent that connects to a horizontal drainage *branch* and vents two traps to a maximum of eight traps or trapped fixtures connected into a battery.

**CIRCULATING HOT WATER SYSTEM.** A specifically designed water distribution system where one or more pumps are operated in the service hot water piping to circulate heated water from the water-heating equipment to fixture supply and back to the water-heating equipment.

**CISTERN.** A small covered tank for storing water for a home or farm. Generally, this tank stores rainwater to be utilized for purposes other than in the potable water supply, and such tank is placed underground in most cases.

**CLEANOUT.** An access opening in the drainage system utilized for the removal of obstructions. Types of cleanouts include a removable plug or cap, and a removable fixture or fixture trap.



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

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BRIAN ABELOW

CHARLES M. KRAMER  
OF COUNSEL  
*Board Certified in Construction Law*

MATTHEW D. COHEN  
*Senior Associate  
Also Admitted in New York*

January 11, 2021

James DiPietro, Administrative Director  
The Broward County Board of Rules and Appeals  
1 N. University Drive, Suite #3500-B  
Plantation, FL 33324

RE: Proposed definition and code amendments re: virtual inspections.

Jim,

You have asked your attorney to prepare recommendations for changes to the Florida Building Code, Broward County Edition with respect to the matter of virtual inspections.

We have separated the matter into two (2) components. The first is our proposed definitions and the second is our proposed guidelines

### **Definitions 101.2.2**

P. Virtual inspection is the process of inspection performed using, time and location verifiable video or still imaging. where a Certified Inspector inspects a job site via live video or still image taken at, or under, his/her direction.

### **Section 110 Inspections**

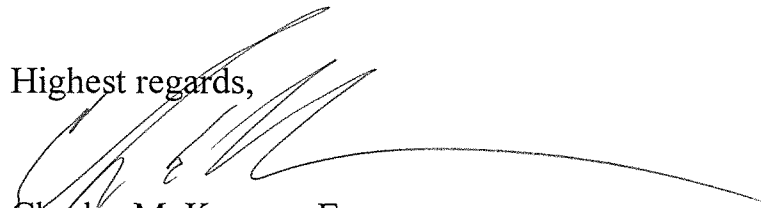
110.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances of the jurisdiction. Inspections presuming to

Page 2  
Proposed definitions and code  
amendments re: virtual inspections

give authority to violate or cancel the provisions of this Code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. Virtual inspections are not permitted except during emergency periods declared by the governor or for code specific examples as determined by the Broward County Board of Rules and Appeals to ensure uniformity of the application of the building code.

Please advise if you have any questions.

Highest regards,



Charles M. Kramer, Esq.  
Board Certified by the Florida Bar

## COMMENTS RECEIVED

**From:** [Dipietro, James](#)  
**To:** ["Tommy Demopoulos"](#)  
**Cc:** [Parks, Bryan](#); [Boselli, Ruth](#); [Curry, Brianna](#); [Chuck Kramer](#)  
**Subject:** FW: [EXTERNAL] Possible code amendments scheduled for public hearing.  
**Date:** Wednesday, February 17, 2021 1:51:56 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[Memo2-17-21- Amend.Notice.pdf](#)  
[WhitePaperRVI.pdf](#)  
[RVIFactSheet.pdf](#)

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Tommy, thank you for the feedback. We will include the materials in the 3/11 Board meeting agenda packet. Jim

James DiPietro  
Administrative Director  
Broward County Board of Rules and Appeals  
1 North University Drive, Suite 3500 B  
Plantation, Florida 33324  
954-931-2393

---

**From:** Tommy Demopoulos <Tommy.Demopoulos@tamarac.org>  
**Sent:** Wednesday, February 17, 2021 12:03 PM  
**To:** Dipietro, James <JDIPIETRO@broward.org>  
**Cc:** Parks, Bryan <BParks@broward.org>  
**Subject:** FW: [EXTERNAL] Possible code amendments scheduled for public hearing.

**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](mailto:ETSSecurity@broward.org).

Hello,

I was able to find some other documents regarding Remote Video Inspections (RVI). Since this new NFPA 915 standard addresses this issue, my only comment would be to rename the definition of "Virtual Inspection" to "Remote Video Inspection" to be consistent with the NFPA standard.

I also looked but could not find any definition if there was one on the website. I hope I am not over extending myself as I know this is in the building side and not fire.

Tommy

**Tommy Demopoulos, CFI, CFPE, CFPS, CFEI, FO, FM**  
Division Chief / Fire Marshal | Fire Rescue Department



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**From:** Boselli, Ruth <[RBOSELLI@broward.org](mailto:RBOSELLI@broward.org)>  
**Sent:** Wednesday, February 17, 2021 11:16 AM  
**To:** RULES <[RULES2@broward.org](mailto:RULES2@broward.org)>  
**Subject:** [EXTERNAL] Possible code amendments scheduled for public hearing.

**This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.**

Sent of behalf of Administrative Director, James DiPietro.

Ruth Boselli  
Administrative Coordinator  
Board of Rules and Appeals  
[broward.org/codeappeals](http://broward.org/codeappeals)

Office: 954-765-4500  
Cell: 954-882-6517

---

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

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.



# Conducting Remote Video Inspections

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AUGUST 2018



**NATIONAL FIRE  
PROTECTION ASSOCIATION**  
The leading information and knowledge resource  
on fire, electrical and related hazards

This work was developed by the Building Code Development Committee of the NFPA. The Committee is not a balanced body for ANS purposes nor is this work developed in accordance with the Regulations Governing the Development of NFPA Standards. Rather it is some information on the identified subject matter developed by the Committee. This material does not represent the position of NFPA or any of its Technical Committees on this subject matter which is represented solely by the NFPA documents in their entirety. For free access to the complete and most current version of these and all NFPA documents, please go to [nfpa.org/standards](http://nfpa.org/standards). The NFPA makes no warranty or guaranty of the completeness of the information in this material. In using this information, you should rely on your independent judgment and, when appropriate, consult a competent professional and your local authority having jurisdiction.

## ABSTRACT

Remote video inspections (RVIs) offer both the authority having jurisdiction (AHJ) and the permit holder the use of technology to increase the efficiency of the inspection process. This has the potential to benefit both, but it comes with some limitations and risks.

The limitations will likely dictate when an RVI will be used. The risks, which have a direct impact on the efficiency gained, will be assumed. With proper attention and communication, both parties will complete the inspection successfully.

It is important for jurisdictions that allow the use of RVIs to develop rules, policies, and procedures to guide the permit holder and the public. Transparency in procedures will go a long way in the success of these inspection programs.

These considerations in conducting RVIs have been developed by the Building Code Development Committee (BCDC) of the National Fire Protection Association (NFPA) to assist authorities having jurisdiction in the use and conduct of RVIs.

The BCDC is not a Technical Committee within the NFPA standards development process and, therefore, it is not "balanced" in accordance with the Regulations Governing the Development of NFPA Standards. Rather, the BCDC is charged, among other things, with identifying existing needs and emerging issues within the construction code and enforcement community and providing recommendations to NFPA on how it might provide leadership on needs and emerging issues affecting the construction codes enforcement community through position papers such as this one.

The content, opinions, and conclusions in this report are solely those of the authors and do not necessarily represent the views of the NFPA or any of its Technical Committees. NFPA makes no guarantee or warranty for the accuracy or completeness of any information published herein and disclaims liability for personal injury, property and other damages of any nature whatsoever from the use of or reliance on this information. In using this information, you should rely on your independent judgment and, when appropriate, consult a competent professional and your local AHJ.

## AUTHORS

Development of *Conducting Remote Video Inspections* took place as an activity of the BCDC. Members of the BCDC identified the need for the report and worked collaboratively with peers to develop a draft through a task group. The task group then forwarded the draft to the entire committee for further refinement and acceptance. This paper was accepted by a majority of the committee vote in December 2016.

## Building Code Development Committee

(\* denotes Task Group member)

### **Jim Muir, Chair\***

Chief Building Official  
Building Safety Division  
Clark County, Washington

### **Matt Bailey**

Building Official  
Construction Services  
City of Lowell, Arkansas

### **Rick Breeze**

Building Official  
Metropolitan Airports Commission  
Minneapolis, Minnesota

### **Sal DiCristina, Co-Chair**

Construction Code Official  
Rutgers University  
New Brunswick, New Jersey

### **Mark Joiner**

Administrator  
Louisiana Uniform Construction Code Council  
Baton Rouge, Louisiana

### **Robert Kelly\***

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Department of Permitting Services  
Montgomery County, Maryland

### **Medard Kopczynski, CBO**

City Manager  
City of Keene, New Hampshire

### **Jon Laux**

Senior Inspector/Plans Examiner  
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Twin Falls, Idaho

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Oregon City, Oregon

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Amador County Building Department  
Jackson, California

### **Brian Wert**

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Brian Wert Inspection Agency  
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Senior Regional Director  
National Fire Protection Association  
Huntington Beach, California

## INTRODUCTION

Technologies today offer tools that may be used to increase the efficiency of inspection programs. Interest in RVIs by AHJs for construction inspection compliance has prompted this evaluation. While building inspection programs were the primary consideration during the development of these guidelines, RVIs could also apply to fire prevention, property maintenance, and other types of inspections.

RVI programs can benefit the jurisdictions that are using them with savings in travel time, use of vehicles, and other aspects of inspections. The programs can benefit the permit holder and those representing the permit owner with more timely inspections and thereby allow faster resolutions to problems and more flexibility to the construction schedule, increasing the effectiveness and efficiency of inspection programs.

An RVI can be considered a physical inspection, for all intents and purposes, and as such scheduling, coordinating, documenting, and processing can mirror the regular inspection process. The more that the RVI mirrors a traditional inspection, the more it will be accepted.

Due to the benefits to both the inspection agency and the permit holder, it is anticipated that RVIs will occur more frequently and become customary for certain types of inspections. With that in mind, these guidelines offer thought for anyone beginning to take advantage of RVI programs.

## ADMINISTRATIVE ISSUES

The jurisdiction likely has the same authority to conduct video inspections that it has for in-person inspections. For jurisdictions conducting RVIs, a policy should be in place outlining the rules for these inspections, which may include scheduling RVIs and the types of inspections that are allowed.

Flexibility should be shown in choosing to perform RVIs on a case-by-case basis. Scheduling certainly is discretionary, but it should not be discriminatory. Allowing one permit applicant over another for a similar type of inspection is likely inappropriate.

Permit, plan review, and inspection software should be reviewed to ensure that video inspection requests can be accommodated, and RVIs should be similar to traditional means of inspection.

The accepted format of an RVI should be established and can include, for example, applications such as Skype and FaceTime. Remote inspections should be conducted live to allow the AHJ to direct the inspection. Live inspections also allow for discussions on construction methods and compliance issues. Prerecorded inspections do not allow the inspector to direct the inspection, which could hinder confirmation of compliance.

If the RVI involves the use of Unmanned Aerial Vehicles (UAVs), such as drones, the UAV operator must understand and comply with all the regulations that apply to operating such a vehicle.

At times inspectors may take and keep photos for the record. It is up to the jurisdiction to decide how much information must be maintained in an inspection record; however, each state and jurisdiction has rules defining a public record and the method and time frame for retention of its contents.

There are a number of video streaming services currently available. The most common are Skype and FaceTime, but any web-based meeting service can be used. Also, permit management software might have specialized features. Voice communication can be via video software applications or by telephone.

## REQUESTS FOR REMOTE VIDEO INSPECTIONS

Video inspection could be requested by permit holder or by their designee. Decisions by the AHJ on whether to allow an RVI should be based on policies established by the jurisdiction. Not all types of inspections may be appropriate for RVI, so it should be understood that the AHJ will determine on a case-by-case basis whether an RVI will be allowed. Thus, the AHJ has the authority to approve the use of an RVI and determines whether it is appropriate or not.

Conversely, the AHJ may also suggest the use of an RVI. The permit holder has the ability to opt for an on-site inspection.

As with any inspection request, the permit holder must contact the jurisdiction for an inspection appointment. The jurisdiction may make available a list of predetermined types of inspections that are allowed or not allowed for RVI. A list of inspections not allowed will likely curb the number of RVI requests that would not be approved.

Scheduled inspections can be efficient for both parties but may not be necessary. An inspector could allow requests for RVI during their day, specifically on work that had been inspected previously and for which corrections are easily evaluated by video.

## INSPECTION FEES

There does not appear to be any reason to change traditional inspection fees. Most jurisdictions have fee structures that incorporate plan reviews, external agency's fees, and most include the inspection cost in the permit fee. AHJs may want to establish special fees for video inspections as they determine necessary.

Although there may be efficiencies by reduced transportation and travel time, the jurisdiction is still providing the inspection service. This includes providing the certifications, training, expertise, and professional development needed for the inspectors in addition to a review of the video and any storage requirements for the video. The jurisdiction may also have staff on location to operate the cameras for a certified inspector who is off location.

RVIs also require the same support as on-site inspections for scheduling, maintaining records of completion of the inspection, maintenance of local code requirements, and other administrative services that accompany such inspections.

If the jurisdiction's inspection fees are based on the cost of providing services, then it is the responsibility of the jurisdiction to evaluate the budget impact of providing RVI services. Fee schedules could be adjusted accordingly.

## REMOTE VIDEO INSPECTION PROCESS

The camera must be operated by the permit holder or jurisdictional staff on location at the direction of the inspector. The inspector must have the ability to communicate directly with the camera or UAV operator to perform a thorough inspection. This will help ensure that all aspects of the work are observed to the satisfaction of the inspector.

The response needed by the remote inspector might include verification of the dimensions of the work being inspected. This can be done easily by the camera operator or another person on-site with a tape measure or known dimensional object.

The person who performed the work being inspected should be available to answer questions about the work.

State and local requirements should be followed the same way they are for in-person inspections. The only difference with an RVI is that the inspector is viewing and conducting the inspection remotely. Inspectors must be qualified based on state or local requirements to conduct different types of remote inspections.

An RVI can be considered a physical inspection, and as such, scheduling, coordinating, documenting, and processing can mirror the regular inspection process, or it can be modified from the standard as preferred. The more that the RVI mirrors a traditional inspection, the more likely it will be accepted.

## **TYPES OF RVIs**

The types of inspections that would be appropriate or inappropriate for an RVI must be considered by the AHJ on a case-by-case basis. However, experienced inspectors may be able to generally determine them in advance.

For example, framing and plumbing rough-in inspections would not be appropriate for RVIs because of the complexity and extensive amount of inspection likely needed. But many reinspections may be appropriate to address the items corrected. Water heater installations would usually be appropriate for an RVI.

Jurisdictions may find it useful to develop lists for types of inspections that generally are or are not appropriate for RVIs.

## **VERIFICATION OF INSPECTION LOCATION**

Many job sites are similar, particularly in residential subdivisions where multiple homes are under construction. This makes it important to ensure that the RVI is taking place at the correct location.

One way to verify the location is to begin the RVI on the exterior of the building, for example, starting at the nearest intersection and moving down the street to the correct lot. It can be verified by the inspector using the site plan and subdivision plan. If the location is the third lot from the corner, then the inspector can follow as the permit holder walks down the street, stopping in front of the correct lot. From there, the video continues into the building to the location of the required inspection.

If the building is identifiable by an address, showing the address marking may be sufficient, but that is up to the inspector to decide.

Geolocation from a mapping tool could be used for site verification as long as the verification is conducted on a live video stream.

In addition to verifying the proper lot or building, it is also important to verify the proper location of the inspection within the building or property. For example, if a certain type of hardware is used in multiple locations within a building and only one location is needing inspection, the location of the RVI is important and should be verified. This can be done by starting the inspection at an identifiable location within the building and following it to the proper location.

It is easy to see that properly identifying the location is the responsibility of both the permit holder and the remote inspector. Correction notices that speak to specific locations are as important as

the permit holder showing clearly the location in the video. Inspectors can also use lumber crayons to mark locations in a manner that they will recognize their “mark” during an RVI.

## **PLANS AND SPECIFICATIONS**

Prior to the scheduled inspection time, it is necessary, in many cases, for both the permit holder and the inspector to have the approved plans and associated documents available for access during the inspection. Questions may arise during the inspection that require referring to the approved documents, just as during traditional inspections.

An important step in the inspection process is when an inspector opens up the plans upon arrival at the job site to verify dimension, spacing, number of items, etc. During an RVI, this step can be even more important due to the partial disconnect by performing the inspection remotely.

## **LIMITATIONS**

As with any inspection, the remote inspector maintains the right to request that conditions for the inspection be reasonable. In the case of an RVI, if the Internet connection, lighting, picture quality, access, or other conditions are not conducive to a reliable inspection, it may be rescheduled or changed to a site inspection. The RVI may be called off due to the quality of the work and too many corrections identified.

## **INSPECTION SIGN-OFF**

The sign-off process does not usually have an on-site component; the process may be only electronically available or a jurisdiction could offer to issue other documentation in the form of email, fax, mail, or delivery to the site at the next inspection. Documentation would follow the usual process and detail of an on-site inspection.

## **MAINTAINING RECORDS**

A recording of the RVI may not be required. Jurisdictions must decide whether to maintain a copy of the video used in the RVI based on local laws and regulations including open record laws and other considerations.

There is no precedence to maintaining the recording of the video file. As with a traditional inspection, there may be no reason to photograph the approved work because the inspection record of completion should suffice. But there may be cases when the AHJ wants to maintain photos or videos.

Inspection verification is an endorsement from the inspector that an inspection has been completed satisfactorily. If an inspection item is not satisfactory, then further action will be identified and transmitted to the permit holder for correction.

## **USE OF UNMANNED AERIAL VEHICLES (UAVS)**

The use of UAVs has advantages for any challenging inspection sites due to size, terrain, height, etc. The same considerations apply to an RVI conducted with a camera mounted on a UAV as with a handheld camera.

Other local, state, and federal rules may apply. For the operation of UAV, Federal Aviation Administration rules must be followed. Such rules may dictate who can operate the vehicle, how high the vehicle may fly, and how close to buildings the vehicle is allowed to approach.



For more information, see “SMART Fire Fighting: The Use of Unmanned Aircraft Systems in the Fire Service,” development of which was sponsored by the NFPA Responder Forum in 2015.

## **CONCLUSION**

RVI offers both jurisdictions and permit holders the opportunity to use technology to increase the efficiency of the inspection process, which has the potential to benefit both — but it comes with some limitations and risks.

The limitations will likely dictate when an RVI will be performed. The risks, which have a direct impact on the efficiency gained, will be assumed. Even if an RVI is called off for any reason, it may be worth the risk. With proper attention and communication, both parties may complete the inspection successfully.

It is important for jurisdictions that allow the use of RVIs to develop rules, policies, and procedures to provide expectations to the permit holders. The transparency in procedures for the AHJ will go a long way in the success of these inspection programs.



## GUIDANCE FOR REMOTE VIDEO INSPECTION (RVI)

**AS COMMUNITIES DEAL WITH** the escalating impact of COVID-19, jurisdictions are determining how to continue critical building, life, and electrical safety functions while personnel are deployed elsewhere, buildings are closed, or access to buildings is limited to reduce virus spread. The National Fire Protection Association® (NFPA®) is offering guidance on remote video inspection (RVI), which could be an alternative to physical inspection. This information was adapted from *Conducting Remote Video Inspections*, a white paper developed by the Building Code Development Committee (BCDC) of NFPA. The BCDC was not a Technical Committee within the NFPA standards development process. The content, opinions, and conclusions in the report are solely those of the authors and do not necessarily represent the views of the NFPA or any of its Technical Committees. With social distancing requirements now in place, this type of inspection may be able to accomplish critical and emergency permit work that is still underway.

A remote video inspection is an inspection of a building or building component that uses video technology to allow parties to be remote from each other while the inspection is being performed. These inspections are typically associated within a jurisdiction's permitting process and would need to be approved by the authority having jurisdiction (AHJ). It is important to note that RVI is not intended to be less complete than an on-site inspection. Rather, RVI should be employed to achieve the same (or enhanced) results as an on-site inspection.

For those interested in using RVI, it is recommended that the following minimum considerations be observed. While RVI could be considered for recorded video, photographs, or other media types, the considerations below are generally provided for live video use.

### SET CLEAR EXPECTATIONS

As RVI is new to many, it is important to clarify and communicate four important items.

1. Identify the types of inspections that RVI can address. Not all inspections lend themselves well to a remote environment. Consider carefully the types you may choose to utilize.
2. Determine if it is safe to use RVI based on time of day/weather/job site/safety considerations. These important questions will need be addressed on a case-by-case basis.
3. Consider the administrative provisions for an RVI. How would an RVI request be made and received? Is there a special application? How will permit fees be addressed? What other administrative items need to be considered? Once finalized it is recommended that these provisions be made publicly available.
4. Establish what a successful RVI looks like. Crafting examples of successful RVIs will establish a benchmark for success.



## GUIDANCE FOR REMOTE VIDEO INSPECTION (RVI)

### SELECTING TECHNOLOGY

Assess the types of technology to be used. Each technology generally offers useful features but also has specific requirements. The following two items should be considered to select the technology that best fits the RVI need.

1. Do all parties have internet connectivity via a cellular service, Wi-Fi, or other means? Is the source of connection adequate and stable? These important questions will need to be answered to select appropriate technologies as well as to safeguard against interference or dropped connections.
2. What types of technology should be used? There are many jurisdictions that currently use smartphone video software to provide RVI. These are commonly used formats, and their use is usually intuitive. Consideration should be given to an approved technology that all parties performing the RVI are comfortable using.

### LOCATION VERIFICATION

Knowing where the inspection is to take place is important. Verification is recommended and should accurately demonstrate that the RVI is occurring at the correct location, including a specific location within a structure (for example, a second-floor storage room in a three-story structure). There are many ways to accomplish this, which will vary from project to project.

### MY NAME IS \_\_\_\_\_

Consider who will be performing the RVI. Is it the general contractor for the overall structure? The subcontractor who installed the specific system? The building owner? Or an approved third party? Having all parties clearly identify themselves ahead of time can reduce confusion when the RVI is performed. Additionally, if more than one party is on site for the RVI, it may be beneficial for everyone to identify themselves when speaking.

### “COULD YOU SHOW ME THAT OVER THERE...”

While performing the actual inspection, it is important to engage in dialogue. Similar to an on-site inspection, an RVI should allow all parties to communicate about what is being reviewed. Be sure to ask questions, provide information when requested, and review any possible areas of confusion. It could be helpful to have the contractor or appropriate subcontractor available to answer questions about the project.

It is imperative to have a steady hand while holding the RVI device and ensure there is proper lighting so that video can be seen clearly.

### SIGNOFF/FOLLOW UP

Determine how the permit holder proceeds once the inspection has concluded. Ensuring that proper sign off/re-inspection instructions are clearly communicated is critical for all parties.

### ADDITIONAL RESOURCES FROM NFPA

Click on the links below for more information on RVI.

- » [White Paper—Conducting Remote Video Inspections](#)
- » [NFPA 915, Standard on Remote Inspections \(proposed standard\)](#)
- » [Guidance for Maintaining Fire Protection and Life Safety Systems Regardless of Occupancies](#)
- » [NFPA Information on COVID-19](#)



**DISCLAIMER:** This information was adapted from *Conducting Remote Video Inspections*, a white paper developed by the Building Code Development Committee (BCDC) of the National Fire Protection Association (NFPA). The BCDC was not a Technical Committee within the NFPA standards development process. The content, opinions, and conclusions in the report are solely those of the authors and do not necessarily represent the views of the NFPA or any of its Technical Committees. NFPA makes no guarantee or warranty for the accuracy or completeness of any information published herein and disclaims liability for personal injury, property, and other damages of any nature whatsoever from the use of or reliance on this information. In using this information, you should rely on your independent judgment and, when appropriate, consult a competent professional and your local AHJ.

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February 23, 2021

Jim Dipietro  
Board of Rules & Appeal  
1 North University Drive  
Plantation, FL 33324

Mr. Dieptro,

Please include the enclosed white paper on virtual inspections in your agenda packet for your next Board hearing.

Thank You,

*Steve Pizzillo, C.B.O.*

Steve Pizzillo, C.B.O.  
President  
Code Officials Educational Association

**Building Departments  
A White Paper on the  
Building Department  
and Inspections**

*By Steve Pizzillo, CBO*

## Executive Memo

The first thing I need to say is that this report, due to time restraints, was prepared in an extremely shorter period of time than normal. Please digest the content of the paper and pause and think.

This report is a general overview of inspection services that are performed by Building Departments mainly in Broward County. Departments from Miami Dade and Palm Beach County also weighed in the processes, expectations, and concerns. Individual Departments are not mentioned by name, but a limited consensus did appear on certain issues when research and interviews were performed. On other issues the consensus was overwhelming. Hopefully after this report is digested there can be a clear though process that will be instituted on how to proceed or not proceed with matters that have been brought forward.

### ***“Prepare for the worst and pray for the best”***

The requirement for this paper became apparent during the recent pandemic crisis. Building Departments and their service of “Protecting Lives and Property” could not shut down just because. Building Officials, their licensed professionals as well as the rest of the employees of the Department would need to work on the “fly” to overcome the problems that would arise almost on a daily basis and the conditions that would change from day to day. But it needs to be remembered that this was brought on by a once in a century event.

Although municipalities as well as Building Departments specifically train and prepare for disasters, none had thought of or prepared for what the pandemic presented. It was to the credit and training of the local Building Officials that they as a group were able to work together, think tank and overcome the problems that were presented to them. Initially the Board of Rules and Appeal as well as the Broward County building Officials through their association, Code Officials Educational Association, met virtually each week to discuss what each were doing, what was working, what was not and coming up with solutions as to what needed to be done to better serve the construction field and keep construction sites open but more importantly still providing for life safety issues. Departments used this forum to hear what was working or what problems other departments were having. But there was no clear consensus that every department would do.

There was a wide range of procedures that were employed by the Building Departments in Broward County. This varied from business almost as usual to complete shutdowns of Departments. Some departments were able to close their lobbies and deal with electronic

applications and plans to others placing a drop box in front of their doors for applications and plans to be put in.

The Departments that had spent the time and funds to modernize their Departments for the most part did better during the pandemic than those that did not. I say for the most part because no matter how much you spent on the process it still needed to be a well thought out cohesive progression which had been well vetted or else it became very problematic, extremely fast.

A County Building Department in the State tried turning on the electronic process full force after the pandemic struck and when permit runners were asked on what worked and what didn't all commented on how frustrating it was to work with that Department and how much was changing from day to day. When permit runners or contractor tries to apply for a permit and receive an entirely different list of requirements than they did they day before you end up with an extremely frustrated customer. Although millions of dollars had been spent by the county the process did not work.

After looking at issues that arose during the height of the pandemic there were main issues for Departments that came from this pandemic, as well as other natural disasters that can be bullet pointed as follows:

- All Departments need to modernize.
- Including the ability to accept, process and issue digital permits and plans.
- Funds need to be expended on hardware for the field.
- Inspectors need the ability to access Municipal records to be able to perform inspection services.
- The hardware should also avail the Inspector the ability to perform virtual inspections for a certain limited application.
- Modernization would also bring the ability to provide faster services to spend less time inside Departments or no time at all.
- Other forms of inspection services need to be reviewed, vetted and see if they are viable
- Training of licensed individuals needs to be increased so they are better prepared for situations like this. If you only train to the minimum you will only train to the usual.
- The same goes for the permit technicians they also had to work on the "fly" and be trained as the days progressed. A better trained permit technician will be more able to adjust, adapt and progress.
- In the case of this pandemic the age of inspectors became problematic. The program that the Next Generation of Inspectors program which the Code Officials Educational Association has been proposing over the last few years would potentially alleviate this problem.

## **Results of This Report**



The best consensus of the report could be summed up in a few sentences.

First trust the Building Officials, they do this for a living and in reality, they do not have an agenda other than protecting the lives and property of all those who live, work and visit their municipalities.

Second there needs to be an in-depth review of the viability of virtual inspections before just putting the process into practice.

Third look at the process that electronic plan review took and is still taking. The process has taken over a decade and is still going. Do not believe that virtual inspections will take a month or two.

## **Why this Report**

The objective of the paper was to discuss the viability of virtual inspections. Discussions were had with Building Department personnel as to their thoughts about this type of inspection service. In addition to discussing this with Building Department personnel discussions were also had with contractors.

Even Though modernization will usually happen when new technologies become available it may or may not fit into the mission of Building Departments of saving lives and property. At first the thought process would be modernization and technology would make a building inspector more efficient.

We must remember that it was not that long ago that the last Building Department in the county went away from paper and pens to come into the computer age. Even the process of digital plans took the better part of a decade to figure out what was problematic with the process, and it is not done yet. The process of plan review is taking a two dimensional plan and converting it digitally to be reviewed on a two dimensional screen. Basically, you are performing the same process just using a different medium, but even with this there are problems.

Building Departments during emergency situations sometimes must adapt due to many problems that could come up. For example, during other disasters departments have dealt with:

- Unavailability of technology
  - Due to lack of power
  - Lack of internet access
  - Lack of equipment
- Shortage of licensed personnel
- Shortage of equipment
- Lack of procedures

After every disaster there is a process where, during an easier time, a review is done to look at what was done, the good, the bad and ugly. Although there is normally a review of emergency management for municipalities extraordinarily little review is done of the Building Department, it is always an afterthought. The pandemic truly raised new situations that had never been thought of for the emergency management of Building Departments. A cursory look at the situation revealed that many Departments had to work on the “fly” and figure out how to keep the doors open and inspection services continuing. The aforementioned after-action review and report for the pandemic has not been done and may not be done for a while.

Most Departments in South Florida especially those in Broward County had, over the past few years, performed disaster training. The disaster training was not pandemic specific but most of the training performed by local emergency managers was designed to deal with the crisis at hand and change on the fly. Without taking the training into account Building Departments can be divided into different categories:

- Those that modernized completely
- Those that started the modernization process
- Those in the planning stages
- And those that have done little to nothing

The majority of the Building Departments in South Florida fall into the first two categories, but there are some that fall into the third and four categories. Those that fall into the first category were mainly well-funded or where a true enterprise fund that the Building Official had a say in how funds were spent. Category two was a mix of those that were well-funded and others that did the best with what they had. Category three and four contained Departments that may have been treated as after thoughts or necessary evils.

## **Why a Building Department**

The regulation of building construction is not a recent phenomenon. It can be traced through recorded history for over 4,000 years. This provides evidence that people have become increasingly aware of their ability to avoid the catastrophic consequences of building construction failures.

In early America, George Washington and Thomas Jefferson encouraged the development of building regulations to provide for minimum standards that would ensure health and safety. Today, most of the United States is covered by a network of modern building regulations ranging in coverage from fire and structural safety to health, security and conservation of energy.

Public safety is not the only by-product afforded by modern codes. Architects, engineers, contractors, and others in the building community can take advantage of the latest technological advances accommodated in these codes with resultant savings to the consumer. For codes to be effective, an understanding and cooperative relationship must exist between building officials and the groups that they serve: contractors, homeowners, developers, urban planners, designers as well as elected officials. Codes must therefore be responsive to Government's need to protect the public. They must provide due process for all affected and they must keep pace with rapidly changing technology which gives birth to innovative ideas. The inability of communities individually to provide such a code process is understandable, but collectively these communities can work together to develop and maintain codes. This approach has given birth to the model code system.

During the early 1900's, model building codes were authored by the code enforcement officials of various communities with key assistance from all segments of the building industry. Model codes have now become the central regulatory basis for the administration of building regulatory programs in cities, counties, and states throughout the United States. They simply represent a collective undertaking which shares the cost of code development and maintenance while ensuring uniformity of regulations so that the advantages of technology can be optimized. Building safety code enforcement has historically been accomplished by defraying the costs of administration through a system of fees relating to a specific project- a system that is self supporting. These fees are generally on average around one to two percent of the overall cost of the building project. Public protection is thus obtained in a cost-effective manner with the entire process, from plan review to field inspection, carried out in a professional manner. The system is so well developed that the true complexity of the process is obscure to many. This has been achieved by having a professional building code administrator, the authority having jurisdiction, in charge of the modern professional Building Department. Through a combination of education, testing, licensing and/or degrees the modern Building Official is truly in charge of a Department that:

### **“Protects Lives and Property”.**

The main problem that the Building Official of today has is that they are required to fight on many different fronts from many different people that question the requirements of a building code.

## **Why a White Paper on Building Departments?**

Building Departments over the past few decades have been treated in many cities as the problem department. In early days, the department was a necessary evil that was required under Florida Statute. Over the years and through major disasters the consensus of elected officials, the

construction industry, the insurance industry, and rating agencies like Insurance Service Office (ISO) have come to the conclusion that a professional well run building department is necessary for a vibrant and sustainable municipality or county. If the local Building Department is a well-run professional organization, buildings are safer, people are safer, and all their insurance rates are lower. Safer Buildings - Equals Lower Insurance Rates. Here lies the underlying problem for years the Building Department has lacked credibility, not from the licensed individuals that devote their lives to “Protecting Lives and Property” but from the powers that be. It took disasters like 9/11 to really propel 1st Responders to the forefront. Prior to that 1st Responder agencies where well-funded but afterwards training money, new equipment, and technology advancements where virtually rubber stamped, until maybe recently.

On the other hand, Building Departments funds where consistently for years transferred to general fund activities. Building Departments had to fend for themselves even though that if the funds where to have remained in the Department required staffing would have been employed, technology would have been state of the art and reserve funds would be full. One of the many items that most Building Departments must deal with is ensuring that there are funds to continue inspections if permits are not being pulled. Any department will need to continue services for a minimum of a year to provide inspections for those permits which were previously issued. This was a major problem that many departments had to deal with during the economic downturn of a decade ago. Permits came to a screeching halt but those that had been issued where still calling for inspection services. You saw many Departments going to skeleton crews with overloaded inspection loads.

## **Pandemic and Other Disasters**

When natural disasters strike a community and cause damage to the built environment, the local building department plays a key role. This role typically includes Damage Assessment, the initial phase of inspecting the damage inflicted on each structure, and Damage Recovery, the much longer phase during which a community rebuilds. In each phase citizens rely heavily on building department staff for expertise, guidance, and assistance. In these emergency situations it is important that the building department respond immediately, knowledgeably, and effectively. Few other departments work as closely with citizens whose lives have been placed in turmoil. Not only must building departments perform damage assessment inspections amid this turmoil, but it is also necessary to assist the public by effectively communicating the role the building department is performing and what citizens should do to repair and reoccupy their homes. Often, the local building official may have little or no previous experience responding to these types of emergencies. The local jurisdiction may have a City Emergency Management Plan with the building official's duties listed; however, this duty list is often very general with few of the specifics necessary for proper guidance. The Building Official will sometimes feel overwhelmed

as they are riding out the disaster, not knowing what will be waiting for them when the all clear is sounded.

The Building Department will have to immediately respond to make sure their Department has not been damaged and is functional and then begin the task of damage assessment which is critical to ensure that agencies like Florida Department of Emergency Management and FEMA deploy much needed supplies, equipment and personnel to the hardest hit areas.

Now enter a new disaster, COVID 19, in this case no Building Official or Building Department has had any experience dealing with anything of this magnitude. There was going to be no damage assessment, no push back, no windshield inspection, no emergency permits and no business as usual. A new list of problems that needed to be overcome arose and Departments had to deal with all of them on the fly. The new types of problems were but not limited to:

- Social Distancing
- Groups limited to ten
- Personal Protective Equipment
- Corona shields in Departments that opened
- Virtual Inspections
- Protection of Older Personnel

Most Departments had to shoot from the hip because there were no guidelines on how to run a Building Department under these conditions. Large Departments had to go from forty or fifty people in the lobby to allowing five, five customers and five employees. They had to rush and place markings on the floor to ensure social distancing. Not to mention that those Departments that remained open to the public and where doing intake saw an increase in daily customer visits.

Those Departments that closed because they could not socially distance in their building or because the municipality closed their buildings to the public, had to deal with other problems. One major problem would be spacing of employees in Departments with smaller physical areas. Some Departments would require personnel to stagger hours to limit contact with other employees. This would lead to the problem of personnel not being able to coordinate with contractors or discuss plans face to face. Departments that had standard hours where the contractor or design professional could call and go from one examiner to another now had to coordinate with Permit Techs, also on staggered or reduced hours, to gain the ability to talk to all those that they needed to.

Some, but very few, had already instituted digital submissions for all types of permits and plans which was easy to fully turn on. But as was stated there were very few of these Departments. Those that fell into the later categories, for the most part, tried to turn on the faucet, some with little success. Departments, on the fly, started to accept application and plans digitally for certain permit types usually the smaller ones with fewer or smaller plans. Many of these Departments ended up utilizing a drop box in front on their Department so they could take in plans the old

fashion way but this time with no human contact. With this process came a whole new problem how to sanitize plans before Building Department personnel would come into contact with them. Next up came the process of plan review. Once again those in category one had little or no problem. They were either already doing digital reviews and only had to do nothing if the personnel reported to work at the office or open the system to remotely working from their homes. The only problem with remotely working was the hardware that the personnel had to use. Large monitors vs. laptops, multi-screen vs. one screen and possibly band width at the remote location. Compared to the other problems that would be encountered from the other categories these were minor. Some of the hurdles that were overcome included:

- Utilizing large screen TV's as monitors to examine large plans.
- Reviewing plans on off hours because of band width either at the municipality or the home office
- Staggered review of plans because of limited software licensing

Some of those Departments that were in the latter category made a valiant effort to at the minimum attempt to turn on a system that they were either working on or had not fully vetted. The majority of these either did not get off the ground or failed miserably. For the most part the Building Official and their crew that were thrust into this predicament had to waste valuable time and resources. Some of the hurdles were encountered during this attempted process included:

- Software not compatible for digital reviews
- Que systems that could not notify examiners that plans needed review.
- Digital storage
- Security of plans
- Ability of examiners to contact contractors and design professionals, some applications only had spaces for phone numbers.
- Writable forms
- Accepting documents from other agencies

These problems occurred because of the inability or not properly funding the digital permit platform. The next problem encountered by Building Officials and their Departments was the requirement of inspection services.

## **Inspection Services**

Building codes affect every member of modern society, from contractors and their clients to students, office workers, and anyone who spends anytime indoors. These regulations shape our buildings and infrastructure, and they determine the decisions that construction professionals

make. No matter how good a design professional prepares a plan to be code compliant it is still up to the contractor in the field to follow those plans. Which equates to the field personnel doing it correctly. The building code enforcement system has evolved significantly over the past few centuries, and its influence on industries has changed as well.

When construction teams "build to code," what does that really mean? Unfortunately, it means complying with the bare minimum of legal requirements. No reputable builder will defy codes intentionally, but if builders' only goal is to make sure a property is not illegal, they may not have incentive to go above and beyond with quality or safety. You don't have to see into the future to know what happens when builders stick to the bare minimum requirements.

What about bare minimum requirements of a building inspection. Over the year's problems have arisen from inspection services where the bare minimum inspection was performed. Hurricane Andrew showed what happened when larger number of inspections would-be put-on building inspectors. In other states where licensed contractors only needed to sign affidavits that the project was built to code there are many many examples of buildings that failed because the project was not code compliant.

Now, due to the pandemic and the cautionary practice of social distancing, many departments utilized some form of virtual inspections to protect their inspection staff. The opening of the door for virtual inspections ushered in a new method of inspections that had never been utilized before. There are software programs that specifically for virtual inspections, but they also are new, relatively rarely used and have not been tested over time. Some Departments worked on the fly and required that their inspectors would go to the construction site and do a virtual inspection from outside the structure. This method would avail the inspector of directly visualizing the entire site and if they perceived a problem the inclination to reposition or if available enter the structure for a shorter time period to conduct inspections. This was also used by some municipalities with older inspectors that were in problematic groups. Another inspector would visit the construction site and "facetime" with the inspector that could not visit the site. This allowed a licensed inspector to be on the site for a review of the entire area.

We need to remember that trying something on the "fly" and vetting it through a process are two completely different items. As stated, before the process of digital plan review was worked on over the better part of a decade and there continues to be problems that are discovered to this day that have to be worked on. We now have the difficulty of taking a procedure that has been done live in the past and now putting it on a computer screen. We all know that the experience of attending a live sporting event is very different from watching it on TV. Some will say that you see it better on TV, but you see what the production staff wants you to see.

Which brings you to the discussion between two dimensional and three dimensional. Even when reviewing digital plans two dimensions are used as was the same when reviewing paper plans. Many design professionals have started to use three dimensional CAD drawings because it shows problems that were not evident on two dimensional plans.

Now we can look at virtual inspections. You are taking an item that was visualized in three dimensions by the eye when an inspector was on site for an inspection and now looking at in two dimensions on a screen. It is difficult for an inspector to realize sizes, distances and depths on a screen.

Unfortunately the lack of time to prepare this report we cannot provide an in depth analysis of visual inspections, but we have done some minor looks. We employed the help of some contractors and asked them to aid us in looking at the validity of the process. Inspectors went to jobsites and did a virtual inspection from the outside of the building and then went into the building and redid the same inspection. It needs to be stated that younger inspectors who are more adapt in the using of virtual medias were utilized. In each case the inspector found problems on the live inspection that was not evident on the virtual inspection. Which lends to the question what can happen long term if virtual inspections are performed. Unfortunately, we would not necessarily know about the deficiencies until some form of disaster happens, whether it is a weather event or a disaster of construction mistakes. During the virtual inspections some of the items missed were:

- Spacing of attachments
- Missing components
- Attachments overdriven
- Additional work
- Difficulty in seeing fasteners that are embedded
- Difficulty in verifying boring depths in framing
- Confirming continuous caulking
- To name just a few

After an evaluation of the procedures and ability to perform virtual inspections it became clear that their needs to be a more intensive evaluation and review of the capability of performing these types of inspections

## **Building Department Responses**

As part of the process, we reached out to Building Departments in Broward County and asked the authority having jurisdiction about their thoughts on virtual inspections. We did come back with a slightly mixed group of comments. A large number of Building Officials did have problems with virtual inspections as a whole. A smaller number saw an ability to utilize the process on specific types of inspections.

Some of the comments provided by Building Officials that where negative on utilizing virtual inspections are:



- There could no customer interactions. Inspectors on a regular basis when performing inspections due outreach to property owners, this would become problematic now.
- What inspectors are shown virtually might not be enough to safely insure a proper inspection. Missing would be the 360-degree view that is available for an inspector who is on site to perform their duties.
- Homeowners find a comfort in a third party in-person inspector which provides them an opportunity to ask questions.
- Legality. If something is overlooked or not shown who takes is responsible for any damage caused by neglect. Contractors will stand behind approved inspections.
- Lack of an opportunity to teach and give firsthand advise to a less than experienced contractors
- Inspections times will dramatically increase.
- Inspection with many components could not be done proficiently.
- Are attachments securely fastened or overdriven?
- Correct fasteners used, size and or length.
- Privacy issues of being recorded. Legal ramification when a contractor does not divulge aspects of inspection.
- Some types of inspections may need to be limited: for example, it would difficult to examine rotten fascia board virtually. This then leads to confusion on what can and cannot be done virtual.
- When performing roof inspection in person you have the opportunity to see and inspect a greater portion of the roof
- Walking on the roof will lend to feel soft or bad portions.
- Difficult to tell the size of fasteners
- Cannot tell adequate pitch on pipes
- Can only see what the contractor wants us to see, onsite inspection lends to peripheral vision.
- What we do for one contractor we will have to do for all contractors. We will not be able to limit virtual inspections to those contractors that do it right
- Fasteners on window / doors are they secure?
- Rough inspections, plumbing, electrical, mechanical, have to many components to visualize them all.
- Viewing plans from filming on a handheld device
- Verifying spacing on rebar
- Reviewing all paperwork, batch tickets, engineer reports, noa's and other field reports will be problematic
- Seeing indicia's on glass

Many licensed individuals talked to where of the opinion that inspections, because of the process being used would actually take longer to perform than an onsite live inspection. They also felt

that it would not lend to inspection on demand but would be more of a two-to-three-hour window because of the uncertainty of length of time of inspection, something that is currently done. Due to the fact that the inspector is now relying on the contractor to show them what they need to see this might lend to rereviewing the job because of the two-dimensional process that would be used.

There was a group of Building Officials who felt that on a limited basis smaller more controlled inspections may have shown some viability. For example, water heater and Air conditioning direct replacements, but others told of problems with these inspections.

It was also stated that reinspections for minor corrections might lend themselves too virtual. But this would then be up to the field inspector and might not be across the board.

We hope that this white paper makes you pause and think. In the past decisions were made that may or may not have included the Building Official but they eventually had to deal with good, the bad and the ugly. Consider the comments from those that have devoted their lives to protecting lives and property. We have all had a calling and most of us could make a better living not doing what we do.

Thank you for taking the time to read this.

# Section 3

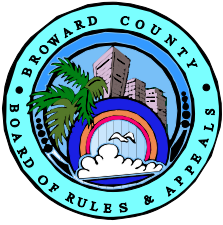
## NOTICE OF PUBLIC HEARING

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 March 11, 2021, Via Zoom. The Board will consider amending in second reading the Florida Building Code, 7th Edition (2020) \_ Building - Chapter I – Administrative Provision, Section 104.18.1.3, regarding online continuing education Broward County The effective date for the amendment listed is March 22, 2021.

Zoom information: <https://zoom.us/j/93394652638?pwd=M3d2ck0yeDVZMGxBcFlxc2ZvWE9Sdz09>  
Meeting ID: 933 9465 2638 - Passcode: 030891

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

Dated this 21st day of February 2021.



BROWARD COUNTY

# Board of Rules & Appeals

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

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director  
**Date:** March 11, 2021  
**Title:** Amendment to the Florida Building Code, 7th Edition, (2020) Building – Chapter I, Section 104,18 regarding online classes.

---

Please be advised that at its regular meeting of February 11, 2021, the Board of Rules and Appeals voted to schedule the attached code amendment for public hearing.

Respectfully

A handwritten signature in black ink, appearing to read "James DiPietro".

James DiPietro

### **104.18 Recertification of Building Departments and Building Code Inspection Enforcement Personnel.**

**104.18.1** All Building Departments shall be recertified biennially by BORA. To be recertified, all Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors who are presently certified by BORA, shall meet the following criteria and comply with the current requirements for initial certification:

**104.18.1.1** Be currently certified by BORA.

**104.18.1.2** Be presently employed by a governmental AHJ (Building Department) within Broward County. See Section 104.17.

**104.18.1.3** All Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors, to be recertified shall obtain twenty-eight (28) contact hours within a two (2) consecutive calendar year biennial renewal period (starting January 1, on an even year, through December 31, of the next odd year) by attending ~~formal classroom or~~ online education courses, workshops, and seminars, any of which shall be approved by BORA, the Miami-Dade County Code Compliance Office, or the BCAIB, the Construction Industry Licensing Board, or the Electrical Contractors Licensing Board Florida Department of Business and Professional Regulation, and be related to the individual's discipline. Continuing education contact hours shall include courses approved as discipline specific category (courses which are specific to the code chapters enforced by the specific discipline) and non-discipline specific category. Specific courses mandated for license holders by the State of Florida Boards shall be classified as non-discipline specific, unless clearly indicated as discipline specific by a State agency. A minimum of one-half (½) of the twenty-eight (28) contact hours within a two (2) consecutive calendar year biennial renewal period shall be discipline specific category. Meetings of BORA Committees shall be counted as one (1) hour in the non-discipline specific category and professional association meetings shall be counted as not to exceed one (1) hour in the discipline specific category for a maximum of fourteen (14) contact hours within a two (2)

consecutive calendar year biennial renewal period. ~~Unless authorized by BORA Staff online education courses, workshops and seminars do not meet this requirement and shall not be accepted. Only a maximum of half of the 28 required contact hours can be attended online.~~

Exception: Due to the COVID19 health emergency, for the 2020-2021 recertification cycle online courses approved by FL DBPR are acceptable for the 28 required contact hours. This exception expires on December 31, 2021.

**104.18.1.4 Prorating of continuing education contact hours.** For any person newly certified, the required continuing education is prorated according to the number of months remaining in the renewal period. To determine the continuing education required, divide the number of months remaining in the renewal period from the time of certification by twenty-four (24) and multiply the result by twenty-eight (28). The result, rounded up to the next round number, is the number of continuing educational hours required. Half of these hours shall be discipline specific. Any person newly certified within less than six (6) months remaining in the renewal period shall not be required to have any continuing educational credits.

**104.18.2** A previously employed Building Official, Assistant Building Official, Chief Inspector, Plans Examiner or Inspector may be recertified biennially upon the presentation of twenty-eight (28) contact hours of education accumulated during the previous two (2) consecutive calendar years.

**104.18.3** If certification is not renewed and allowed to lapse, the application for recertification shall be accompanied with proof acceptable to BORA that the twenty-eight (28) contact hour requirement of continued education has been met.

**104.18.4** By December 5 of the second year (the odd-numbered year) of a biennially renewal period, on a form as approved by BORA, each Building Official shall submit to BORA a list of currently employed personnel who are to be recertified for the ensuing new biennial renewal period, on a form as approved by BORA. Recertification is to be effective on January 1 of each biennial renewal period (the even-numbered year).

**104.18 Recertification of Building Departments and Building Code Inspection Enforcement Personnel.**

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(14) contact hours within a two (2) consecutive calendar year biennial renewal period.

**104.18.1.4 Prorating of continuing education contact hours.** For any person newly certified, the required continuing education is prorated according to the number of months remaining in the renewal period. To determine the continuing education required, divide the number of months remaining in the renewal period from the time of certification by twenty-four (24) and multiply the result by twenty-eight (28). The result, rounded up to the next round number, is the number of continuing educational hours required. Half of these hours shall be discipline specific. Any person newly certified within less than six (6) months remaining in the renewal period shall not be required to have any continuing educational credits.

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## **COMMENTS RECEIVED**





# Code Officials Educational Association

1126 South Federal Highway  
Suite 394  
Fort Lauderdale, FL 33316

## Steve Pizzillo, CBO

*President  
City of North Miami*

## Gerry Smilen

*V.P. at Large  
City of Tamarac*

## Bill Tracy, CBO

*1st Vice President  
City of Parkland*

## Tom Sidoti, CBO

*2nd Vice President*

## Mike Guerasio, CBO

*3rd Vice President  
Broward County BORA*

## Dean Decker

*4th Vice President  
City of Hollywood*

## Pete Deveaugh

*Treasurer  
City of Pembroke Pines*

## Claudio Grande, CBO

*District Director*

## Marlen Batista

*Recording Secretary  
City of Hollywood*

## Thuy Turner

*Corresponding Secretary*

## Frank Crandon

*Good and Welfare*

## Pat Richardson, CBO

*Executive Secretary  
City of Tamarac*

February 23, 2021

Jim Dipietro  
Board of Rules & Appeal  
1 North University Drive  
Plantation, FL 33324

Mr. Dieptro,

Please include this letter in your agenda packet for your next Board hearing.

On the agenda for Board approval is an agenda item for consideration of online classes. Our Association does not have a problem so to speak with virtual classes, we provided them during last recertification cycle because of the COVID pandemic.

Where we do have a problem with this agenda item is the opening of pandora's box. If approved as proposed there will individuals who only teach ICC courses and are not fluent in Florida Building Code issues let alone High Velocity Hurricane Zone requirements. In addition as written individuals can attend an online course that is not a live mentored version, so there is accountability issue of who is online taking the course.

If you only train to the minimum you only train for the usual.

Thank You,

*Steve Pizzillo, C.B.O.*

Steve Pizzillo, C.B.O.  
President  
Code Officials Educational Association

# Section 4

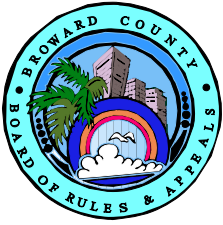
## NOTICE OF PUBLIC HEARING

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 March 11, 2021, Via Zoom. The Board will consider amending in second reading the Florida Building Code, 7th Edition (2020) \_ Building - Chapter I – Administrative Provision, Section 104.18.1.3, regarding reduction of contact education hours, this amendment will automatically expire on 12/31/2021. The effective date for the amendment listed is March 22, 2021.

Zoom information: <https://zoom.us/j/93394652638?pwd=M3d2ck0yeDVZMGxBcFlxc2ZvWE9Sdz09>  
Meeting ID: 933 9465 2638 - Passcode: 030891

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

Dated this 21st day of February 2021.



BROWARD COUNTY

# Board of Rules & Appeals

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

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director  
**Date:** March 11, 2021  
**Title:** Board member request to amend the Florida Building Code, 7th Edition, (2020) Building – Chapter I, Section 104,18.1.3 to reduce the number of training hours required for inspectors due to the COVID-19, said reduction to automatically expire December 31, 2021.

---

Please be advised that at its regular meeting of February 11, 2021, the Board of Rules and Appeals voted to schedule the attached code amendment for public hearing.

Respectfully

A handwritten signature in black ink, appearing to read "James DiPietro".

James DiPietro

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Exception: For the recertification cycle of 2020 thru 2021, due to the COVID-19 health emergency, all Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors shall only be required to obtain fourteen (14) contact educational hours, seven (7) of the hours shall be discipline specific. This exception automatically expires on December 31, 2021.

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# COMMENTS RECEIVED

**From:** [Dipietro, James](#)  
**To:** [Roselli, Ruth](#)  
**Subject:** FW: Agenda Item #4 Reduction in Hours consideration  
**Date:** Wednesday, February 24, 2021 2:37:01 PM  
**Attachments:** [Outlook-Cap-Logo-1.png](#)

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**From:** Shane Kittendorf <[skittendorf@capfla.com](mailto:skittendorf@capfla.com)>  
**Sent:** Thursday, February 11, 2021 4:58 PM  
**To:** Dipietro, James <[JDIPETRO@broward.org](mailto:JDIPETRO@broward.org)>  
**Cc:** David Tringo <[dtringo@capfla.com](mailto:dtringo@capfla.com)>  
**Subject:** Agenda Item #4 Reduction in Hours consideration

**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](mailto:ETSSecurity@broward.org).

Good Afternoon Jim,

I hope this email finds you well and the things are well with you and the family. It was brought to my attention that there was an agenda item on for this evening requesting the reduction in Continuing Education Hours. I myself a proponent of continuing education for myself and fellow team members am affected and am currently in a short fall but will have my hours covered. That being said many other team members haven't had the privilege or opportunity to pick up the hours from this past year's virtual training and are in a desperate need without the resources to acquire those hours in enough time with the pandemic still looming and effecting in person training. I feel that we should consider the reduction in hours for this year (2020 -2021) only in attempt to make sure that all Broward Certified Inspectors, Plans Examiners and Building Officials meet compliance coming into 2022.

I appreciate your consideration in this matter.

All the Best,  
Shane

Agenda Item #4

"It is requested by Board member David Tringo, that BORA approve a proposed amendment to the FBC 7th Edition, (2020) – Building – Chapter I, Section 104.18.1.3 to temporarily reduce the 28 contact hours training requirements to 14 hours due to the Covid-19 health emergency. The reduction in training hours would automatically expire on December 31, 2021 and revert back to the 28 hour training requirement. "

You may read this email to the board with regards to this item.



**Shane Kittendorf BU, PX, BN, CGC, CFM, ICC**

**Building Official, Division of Building Safety**

**O** 954.390.2180

**C** 863.441.0448

**F** 954.567.6069

[www.capfla.com](http://www.capfla.com) | [skittendorf@capfla.com](mailto:skittendorf@capfla.com)

**CORPORATE:** 343 Almeria Ave. Coral Gables, FL 33134

Phone: 305.448.1711 Fax: 305.448.1712

**BROWARD OFFICE:** 100 SE 12th Street Fort Lauderdale, FL 33316

Phone: 954.888.9882

**WEST PALM BEACH OFFICE:** 1910 North Florida Mango Road West Palm Beach, FL 33409

Phone: 561.508.0615

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# Code Officials Educational Association

1126 South Federal Highway  
Suite 394  
Fort Lauderdale, FL 33316

## Steve Pizzillo, CBO

*President  
City of North Miami*

## Gerry Smilen

*V.P. at Large  
City of Tamarac*

## Bill Tracy, CBO

*1st Vice President  
City of Parkland*

## Tom Sidoti, CBO

*2nd Vice President*

## Mike Guerasio, CBO

*3rd Vice President  
Broward County BORA*

## Dean Decker

*4th Vice President  
City of Hollywood*

## Pete Deveaugh

*Treasurer  
City of Pembroke Pines*

## Claudio Grande, CBO

*District Director*

## Marlen Batista

*Recording Secretary  
City of Hollywood*

## Thuy Turner

*Corresponding Secretary*

## Frank Crandon

*Good and Welfare*

## Pat Richardson, CBO

*Executive Secretary  
City of Tamarac*

February 23, 2021

Jim Dipietro  
Board of Rules & Appeal  
1 North University Drive  
Plantation, FL 33324

Mr. Dieptro,

Please include this letter in your agenda packet for your next Board hearing.

On the agenda for Board approval is an agenda item to reduce the continuing educational requirements for recertification hours to only 14 hours. One of the arguments given was that in this time of the COVID pandemic it was difficult for individuals to get the required courses. Your staff worked diligently with organizations like ours to recertify classes that we had approved for in person presentation to online participation. During the last 12 months we proved continuing education for over 400 licensed individuals to recertify their licenses. In our opinion the unavailability of courses is not a valid excuse for anyone to use.

In addition 14 hours per year is required to recertify both the contractors and inspectors licenses that each individual that this Board certifies is required to have. That would be a total of 28 hours for the recertification period. Half of the required hours each year have little to do with trade specific requirements.

If you only train to the minimum you only train for the usual. If the Board approves this agenda item they will approve half of the minimum training.

Thank You,

*Steve Pizzillo, C.B.O.*

Steve Pizzillo, C.B.O.  
President  
Code Officials Educational Association

# Section 5



**BROWARD COUNTY**

# Board of Rules & Appeals

One North University Drive, Suite 3500-B, Plantation, Florida 33324

Phone (954) 765-4500 Fax: (954) 765-4504

[www.broward.org/codeappeals](http://www.broward.org/codeappeals)

**TO: Members of the Broward County Board of Rules and Appeals**  
**FROM: Jonda K. Joseph, Administrative Specialist**  
**DATE: March 11, 2021**  
**SUBJECT: Final Disposition of Subject/Reference files**

---

## **RECOMMENDATION**

It is recommended that the Board authorize the disposal of litigation case files listed below in accordance with the Florida Department of State, Division of Library and information Services' General Records Schedule GS1-SL for local governmental agencies.

## **REASONS**

The following files are categorized as Item #27 of GS1-SL (litigation files) "RETENTION: 5 anniversary years after case closed or appeal process expired" and may now be disposed.

<b>TITLE/SUBJECT</b>	<b>DATE RANGE</b>
Century Village East v. BORA et al	12/18/74 - 12/12/77
Ramona Black v. BORA et al	10/5/77 - 2/28/78
Century Village East v. BORA et al	12/18/74 - 12/12/77
John L. Smith v. BORA	6/25/73 - 12/7/77
William R. Smith v. BORA et al	4/11/77 - 6/9/78
Jose Milton v. Lawrence Hurwit et al	2/18/74 - 10/8/75
City of Tamarac v. BORA et al	5/14/76 - 6/28/78
BORA v. Broward County - temporary injunction	1/24/79 - 1/31/79
Raben-Pastal, Raben Builders, Pastal Construction v. City of Coconut Creek - one document	12/19/1980
Barretta and Associates v. BORA	3/19/85 - 8/19/85
Rush Hampton Industries v. BORA & BORA v. Rush Hampton	12/28/73 - 8/23/76
<b>Total Volume</b>	<b>0.3 Cubic Ft</b>

Attachments: Records Disposition #8  
Email from Charles Kramer, Board Attorney



**From:** [Chuck Kramer](#)  
**To:** [Joseph, Jonda](#); [Dipietro, James](#)  
**Subject:** RE: records destruction  
**Date:** Tuesday, February 23, 2021 12:21:37 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)

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Jonda,

I confirm our discussion with respect to General Records Schedule GS-1-SL For State and Local Governments which provides guidelines for state and local administrative agencies with regards to destruction of litigation case files.

More specifically Item 327, page 25 of the Guidelines provides:

LITIGATION CASE FILES

Item #27

This record series consists of legal documents, notes, reports, background material, summonses and other related records created or received in preparing for or engaging in litigation of legal disputes. See also "FINAL ORDERS RECORDS: INDEXED OR LISTED," "FINAL ORDERS RECORDS: NOT INDEXED OR LISTED," "FINAL ORDERS RECORDS: SUPPORTING DOCUMENTS," "OPINIONS: LEGAL", and "OPINIONS: LEGAL (SUPPORTING DOCUMENTS)."

**RETENTION: 5 anniversary years after the case is closed or appeal process expired.**

In the present case, BORA wishes to dispose/destroy old litigation files. The cases have clearly been closed for five (5) years so the question becomes what would be the amount of time after rendition of a final order (i.e. expiration of appeal process).

Pursuant to Florida Rules of Appellate Procedure a party has thirty(30) days from the date of the Final Order to file an appeal. If nothing is filed within thirty (30) days, the right to appeal is foregone and the case is closed. If an appeal is filed then you must wait until the Court renders a decision on the appeal. Typically, that will be the end of the action. I am not going to discuss Motions for Rehearing, Petitions for Certiorari or the secondary appellate process to District Courts and the Supreme Court but will state that if this ever happens you should consult your attorney before destruction of documents.

**In your case, BORA may dispose of litigation files after a period of five (5) years and thirty (30) days** from the date when the case is closed in all courts or forums having jurisdiction.

Highest regards,

**Charles M. Kramer** |BENSON, MUCCI & WEISS PL  
General Counsel to the Broward County Board of Rules and Appeals  
General Counsel to the Broward County Building Certification Committee  
Florida Bar Board Certified in Construction Law  
Florida Supreme Court Qualified Arbitrator  
5561 University Drive, Suite 103  
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**Please consider the environment before printing.**

**From:** Joseph, Jonda <JONDAJOSEPH@broward.org>

**Sent:** Thursday, February 18, 2021 8:00 AM  
**To:** Dipietro, James <JDPIETRO@broward.org>  
**Cc:** Chuck Kramer <ckramer@bmlawyers.net>  
**Subject:** RE: records destruction

Jim and Chuck, I need an answer from Chuck about appeal period. We are completely dead in the water with destruction authorization from Broward County without that.

Chuck can you give me that answer or call me to discuss. Also, do you want copies of the deposition?

**Jonda K. Joseph**  
**Administrative Specialist**  
 Board of Rules and Appeals  
 1 N University Dr., Suite 3500B  
 Plantation, Florida 33324  
 954-765-4500 X 9891  
[broward.org/codeappeals](http://broward.org/codeappeals)



STRONGER CODES MEAN SAFER BUILDINGS  
 ~ESTABLISHED 1971~



Please consider the Environment before printing.

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**From:** Dipietro, James <JDPIETRO@broward.org>  
**Sent:** Thursday, February 18, 2021 7:48 AM  
**To:** Joseph, Jonda <JONDAJOSEPH@broward.org>  
**Cc:** Chuck Kramer <ckramer@bmlawyers.net>  
**Subject:** FW: records destruction

Jonda, the summary seems good to me for a BORA agenda particularly because we are talking about the 1970's. When we get into the 1980's and 1990's the decisions to eliminate records may be more difficult.

I am also thinking we could e-mail Chuck if he wants a portion of each file first and he could hopefully confirm that it is ok to destroy with a BORA vote. One of the file folders was a deposition I think. We could e-mail a few pages instead of the 50 to 80 in the file.

Chuck, what do you think of the summary below and do you want to see no pages, or say a portion of each file, or all pages?

Thank you both. Jim

954-931-2393

---

**From:** Joseph, Jonda <JONDAJOSEPH@broward.org>  
**Sent:** Wednesday, February 17, 2021 4:22 PM  
**To:** Dipietro, James <JDPIETRO@broward.org>  
**Subject:** records destruction

Jim, I have 2 more files to look at. This seems the most logical at this point.. We would need to ask Chuck for a general rule of thumb on the appeal process period. I'll finish the other 2 files in the morning

LITIGATION CASE FILES Item #27 This record series consists of legal documents, notes, reports, background material, summonses and other related records created or received in preparing for or engaging in litigation of legal disputes. See also "FINAL ORDERS RECORDS: INDEXED OR LISTED," "FINAL ORDERS RECORDS: NOT INDEXED OR LISTED," "FINAL ORDERS RECORDS: SUPPORTING DOCUMENTS," "OPINIONS: LEGAL" and "OPINIONS: LEGAL (SUPPORTING DOCUMENTS)." **RETENTION: 5 anniversary years after case closed or appeal process expired.**

Ramona Black v. BORA et al	10/5/77 - 2/28/78	construction at 2270 Collins Rd, Fort Lauderdale 1970-1978
Century Village East v. BORA et al	12/18/74 - 12/12/77	Building Official, City of Deerfield Beach
John L. Smith v. BORA	6/25/73 - 12/7/77	Chief Electrical Inspector, City of Tamarac
William R. Smith v. BORA et al	4/11/77 - 6/9/78	certification
Jose Milton v. Lawrence Hurwit et al	2/18/74 - 10/8/75	storm drainage code violation - 1188 NW 40 Ave, Lauderdale
City of Tamarac v. BORA et al	5/14/76 - 6/28/78	townhouse development - Greenbrier Development

# Section 6





**BROWARD COUNTY**  
**Board of Rules & Appeals**

One North University Drive, Suite 3500-B, Plantation, Florida 33324

Phone (954) 765-4500 Fax: (954) 765-4504

[www.broward.org/codeappeals](http://www.broward.org/codeappeals)

**TO:** All Interested parties  
**FROM:** Administrative Director  
**DATE:** March 11, 2021  
**SUBJECT:** Declaration of surplus properties, 11 copies of the Florida Fire Prevention Code – 6th Edition (2017).

---

**RECOMMENDATION**

It is recommended that the Board by motion declare the above code books as surplus property.

**REASONS**

Those books were previously used as materials for the fire inspector test and they are now been replaced with the newer edition for testing purposes (Florida Fire Prevention Code 7th Edition (2020)).

We have sufficient copies of 2017 for our own staff use.

**ADDITIONAL INFORMATION**

Should the board vote to declare the 11 books as surplus property we would first offer them to the fire and building departments in Broward County, thereafter we would distribute to interested parties free of charge.

Respectfully submitted.

A handwritten signature in black ink that reads "James DiPietro".

James DiPietro



# Section 8

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

5561 NORTH UNIVERSITY DRIVE, SUITE 102  
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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*

February 23, 2021

**ADVISORY OPINION AS TO REQUIREMENT FOR  
OWNER SIGNATURE ON FORM FOR SPECIAL INSPECTOR**

You have asked your attorney to review the law with respect to the Form for “Special Building Inspector” which is used by Building Departments throughout Broward County with respect to any requirement for an Owner’s signature in conjunction with submission of same.

**RULE**

**I. Florida Building Code Sec 110 et. al.**

We would first note that FBC Sec 110 pertains to Inspections and that FBC Sec. 110.10 specifically addresses requirements associated with Special Building Inspectors as set forth below:

**110.10 Special Building Inspector.**

110.10.1 The Building Official upon the recommendation of the Chief Structural Inspector or upon the Building Official’s initiative may require the owner to employ a special inspector for the inspection of the structural framework, or any part thereof, as herein required:

110.10.1.1 Buildings or structures or part thereof of unusual size, height, design or method of construction and critical structural connections.

1. Placement of Piling
2. Windows, glass doors, external protection devices and curtain walls on buildings over two stories.
3. The method or pace of construction requires continuous inspection.

4. In the opinion of the Building Official, any other additional inspections that are required.

110.10.2 The Building Official shall require the owner to employ a special building inspector for the inspections herein required:

110.10.2.1 Precast Concrete Units

110.10.2.2 Reinforced unit masonry

110.10.2.3 Connections

110.10.2.4 Metal Building Systems

110.10.2.5 Smoke Control Systems

110.10.3 The person employed by the owner as a Special Building Inspector shall be subject to verification of qualifications by the Chief Structural Inspector or Chief Mechanical Inspector, as applicable.

110.10.4 The Chief Structural Inspector or Chief Mechanical Inspector, as applicable shall require that the Architect or Engineer of record submit an inspection plan which shall specify the scope and nature of inspections to be performed. The special building inspector or their authorized representative shall make all inspections in accordance with the approved inspection plan.

110.10.5 Special building inspector shall be an Architect or Engineer or their duly authorized representative.

Exception 1: Building Inspectors (structural) certified by BORA who have satisfactorily completed an approved masonry course may perform inspections of Reinforced Unit Masonry and any precast lintels incorporated into such masonry for Group R-3 Occupancy.

Exception 2: Special building inspector for Smoke control systems shall meet the qualifications required in FBC 909.18.8.2.

110.10.6 The special building inspector shall be responsible for compliance with the applicable portions of the permitted construction documents as delineated in the special building inspection plan and shall submit progress reports and inspection reports to the Chief Structural Inspector or Chief Mechanical Inspector, as applicable, for submittal to the Building Official. Structural inspections performed by the special building inspector shall satisfy the requirements for mandatory inspections by the FBC.

110.10.6.1 A log of all progress reports and inspection reports shall be maintained at the job site.

110.10.6.2 Signed and Sealed progress reports and inspection reports shall be submitted to the Chief Structural Inspector, or Chief Mechanical Inspector, as applicable; for submittal to the Building Official on a weekly basis.

Exception: The Chief Mechanical Inspector, and or Building Official shall determine the frequency for the submitting of progress reports for Smoke Control Systems.

110.10.6.3 The municipality shall monitor the progress of the special building inspector on a regular basis.

110.10.7 At the completion of the work, the special building inspector shall submit a signed and sealed Certificate of Compliance to the Chief Structural Inspector or Chief Mechanical Inspector, as applicable for submittal to the Building Official, stating that the work was done, substantially in accordance with the applicable portions of the permitted construction documents as delineated in the special building inspection plan. Exception: Reports for Smoke Control Systems shall comply with FBC 909.18.8.3 Reports, and FBC 909.18.8.3.1 Report filing.

### ANALYSIS

Under the heading of “ACKNOWLEDGMENT” the form in question contains a signature block for “Owner’s Signature” and “Printed Name”[of Owner]. The form further cites “Section 110.10 - Broward County Administrative Code and the Florida Building Code, 7<sup>th</sup> Edition (2020).” We first note that neither the Florida Building Code nor the Administrative Code cite a signature requirement for this form.

Although section 110.10 of the FBC is mute as to an Owner’s signature requirement it does state that a Building Official may require an Owner to employ a special inspector (110.10.1 and 110.10.2). Section 110.10.2 also states “The Building Official shall require the owner to employ a special building inspector for” certain inspections, however there is no requirement for attestation or verification by the Owner. To the point on this section, the form specifically provides for all information on the Special Inspector including name, address, telephone, fax, and State of Florida registration#. This requirement is supported by the language of Section 110.10.3 which states that the person employed by the Owner may be subject to verification by the Chief Structural or

Mechanical Inspector. The Code also addresses that the Chief Structural or Mechanical Inspector “shall require” the Architect or Engineer to submit an inspection plan outlining scope and nature of inspections (110.10.4) and discusses exception for masonry training and fire qualifications (110.10.5). Section 110.10.6 discusses the log book and progress reports requirements as well as frequency of same. Section 110.10.7 addresses the submission of a signed and sealed certificate of compliance by the Chief Structural or Mechanical Inspectors. Specifically, the particular section states:

[T]he special building inspector shall submit a signed and sealed Certificate of Compliance to the Chief Structural Inspector or Chief Mechanical Inspector, as applicable for submittal to the Building Official, stating that the work was done, substantially in accordance with the applicable portions of the permitted construction documents as delineated in the special building inspection plan.

Our review of the Florida Administrative Code and the Florida Building Code 110.10 as set forth above clearly shows that there is no requirement for an Owner’s Signature on the form, and in so saying, an Owner’s Signature is not required .

#### **PERSPECTIVE**

Your attorney notes that the form under review requires both Telephone and Fax numbers. Many of the forms which we are asked to review ask for the same information but a great number have no space for emails. On information and belief, a large number of documents in use by the local building departments are in excess of twenty (20) years old and are no longer reflective of current technology or changes in the law. This may be an area for consideration by the Board of Rules and Appeals.

#### **CONCLUSION**

Signature requirements attendant with this form are set forth in Section 110.10 of the Florida Building Code, Broward County Edition (7th Edition, 2020). As a matter of law, an Owner’s Signature is not required on the FORM FOR SPECIAL BUILDING INSPECTOR in Broward County. We have previously addressed the prospect of different building departments asserting that they have authority to make special conditions, such as unnecessary signatures, a requirement in their jurisdiction and we cannot agree with such a position. There is one Florida Building Code for Broward County and the interpretation of local codes and ordinances is the province of the Board of

Rules and Appeals, not the province of local building departments. See Special Act 71-575(3)(a) and 3(c); Section 9.02, Broward County Charter. *See also* State of Florida, Attorney General Opinion August 21, 2018. <sup>1</sup>



**Charles M. Kramer, Esq.**

**General Counsel to the Broward County  
Board of Rules and Appeals**  
Florida Bar Board Certified  
Construction Lawyer  
Florida Supreme Court Qualified Arbitrator  
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<sup>1</sup> It is the recommendation of your attorney that the Owner's signature block be removed from the form in question so as to minimize confusion and that a new line be located on the form for email addresses of all signatories