

Broward County Board of Rules and Appeals Meeting Minutes

November 9, 2023

Time: 7:00 PM

Zoom Meeting Information

<https://broward-org.zoomgov.com/j/1617492804>

Meeting ID: 161 749 2804

I. Call Meeting to Order

Chairman Lavrich called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 PM.

- II. Daniel Lavrich, Chairman
Gregg D’Attile, Vice Chairman
Stephen Bailey
Ron Burr
Jeff Falkanger
John Famularo
Steven M. Feller
Shalanda Giles-Nelson
R. Art Kamm
Dennis Ulmer
Derek A. Wassink
Lynn E. Wolfson
Abbas Zackria

III. Approval of Agenda

Dr. Ana Barbosa, Administrative Director, noted that for Item 1, a replacement of Section 107 was provided to the Board earlier today. Mr. Feller made a motion, and Mr. Zackria seconded the motion to approve the agenda with the change in backup information for Item 1, provided by the Administrative Director. The motion was carried out by a unanimous vote of 13-0.

IV. Approval of Minutes – October 12, 2023, Board Meeting

Mr. Famularo made a motion, and Mr. Feller seconded the motion to approve the October 12, 2023, minutes as submitted. The motion was carried out by a unanimous vote of 13-0.

V. Public Comment (Except public hearing items on this agenda) Public comments are limited to 3 minutes - none

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

CITY OF COOPER CITY

Chin-Sang, Dave, Chief Mechanical Inspector
Hassenplug, Jeremy Werner, Chief Plumbing Inspector

TOWN OF DAVIE

Diaz, William, Building Official

CITY OF DEERFIELD BEACH

Belisle, Jean Pierre Atelyo, Chief Plumbing Inspector

CITY OF HOLLYWOOD

Hernandez, Alejandro Alfonso, Plumbing Inspector (120-Day Temporary)
West, James, Chief Plumbing Inspector

CITY OF LAUDERHILL

Tuthill, Thomas, Fire Inspector

CITY OF LIGHTHOUSE POINT

Perdue, K-Marion, Building Official

CITY OF PEMBROKE PINES

Diaz, Gregorio, Chief Plumbing Inspector
Smith, Jesse, Fire Inspector

COUNTYWIDE

Belisle, Jean Pierre Atelyo, Plumbing Inspector
Belisle, Jean Pierre Atelyo, Plumbing Plans Examiner
Busutil, Armando, Mechanical Plans Examiner
Dawson, Eric Kenneth, Mechanical Plans Examiner
Madic, Nebojsa, Structural Plans Examiner
Mansor, Simo, Structural Plans Examiner
Serafini, Paolo, Structural Plans Examiner

Mr. Feller made a motion, and Mr. D’Attille seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 13-0.

VII. REGULAR AGENDA

1. First reading of the Broward County Amendments, Chapter 1 of the 8th Edition (2023) of the Florida Building Code

a. Staff Report

Dr. Ana Barbosa, Administrative Director, presented the item and noted the revised Section 107 provided to the Board.

b. Board Questions

Ms. Shalanda Giles-Nelson asked about Section 105.3.2.2, Time Limitations for Permit Application, that provides for a maximum of two 90-day extensions. There appears to be a contradiction in Section 105.3.2.5. Mr. Zackria explained why the exception provision in Section 105.3.2.5 was added some time ago. Essentially, it allows the building official to give applicants time to address open permits that may have been forgotten.

Mr. Bailey referred to Sections 107.3.4.0.8 and 107.3.4.0.9, Signatures and Seals, and pointed out that it appears there is duplicative language. Chairman Lavrich indicated that staff supported the language as presented. There is no conflict between the two. Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, indicated that Section 107.3.4.0.9 no longer exists in the final draft.

- c. Board Action

Mr. Feller made a motion, and Mr. D'Attile seconded the motion to approve the amendments on first reading as recommended. The motion was carried out by a unanimous vote of 13-0.

2. Second reading of the Broward County Board of Rules and Appeals Technical Amendments to the 8th Edition (2023) of the Florida Building Code

- a. Staff Report

Dr. Ana Barbosa, Administrative Director, noted that this is the second and final reading of the item.

- b. Public Hearing

Chairman Lavrich opened the floor for public comment, but there was no one wishing to speak.

- c. Board Questions - none

- d. Board Action

Mr. D'Attile made a motion, and Mr. Zackria seconded the motion to approve the amendments on second reading as recommended. The motion was carried out by a unanimous vote of 13-0.

3. Proposed updated BORA Commercial and Residential Energy Guidelines (Performance Option) of the 8th Edition (2023) of the Florida Building Code

- a. Staff Report

Mr. Timothy DeCarion, Chief Energy Code Compliance Officer, reviewed the agenda memorandum to the Board. He noted the guidelines have been modified to include the 2023 changes to the Energy Code, and they are supported by the Energy Committee.

- b. Board Questions - none

- c. Board Action

Mr. Ulmer made a motion, and Mr. Famularo seconded the motion to approve the guidelines as recommended. The motion was carried out by a unanimous vote of 13-0.

4. Annual Leadership Performance Review for Administrative Director and Consideration for Pay Adjustment

- a. Staff Report

Dr. Barbosa noted that her leadership performance review provided to the Board was completed by Chairman Lavrich and herself. She noted that in the recruitment for a new director, compensation was capped. It was understood that the salary would be

below one Code Compliance Officer. There are now two that have a higher salary. Historically, there has been a difference in the salary of the Administrative Director and the Code Compliance Officers, ranging from 24.23% to 40.57%. She is requesting an increase of 24%.

b. Board Questions

Several positive comments were made by the Chairman and members of the Board.

c. Board Action

Ms. Wolfson made a motion, and Mr. Feller seconded the motion to approve the request of 24% (\$34,938.72). The motion was carried out by a unanimous vote of 13-0.

Dr. Barbosa thanked the Board for their consideration. She commented on some differences in her management style compared to that of Mr. DiPietro. One example is performance reviews of staff, where it is an exchange between each member of the staff and herself, not at the Board level.

5. Director's Report

Dr. Barbosa noted that there will be a December Board meeting as this is a recertification cycle. Individuals with multiple jurisdictions require Board approval.

6. Attorney's Report

With respect to the My Amelia case concerning virtual inspections, Mr. Charles Kramer advised that he is still waiting for the Fourth District Court of Appeals' reply to the Board's response to the My Amelia's brief filed in June.

Mr. Kramer advised that a declaratory relief petition was filed with the Florida Department of Business and Professional Regulation and the Florida Building Commission requesting a determination of whether one is required to be a licensed architect or engineer to prepare drawings for one and two-family homes and townhouses in violation of Broward County's Chapter 1 of the Florida Building Code. Both the Florida Building Commission and the Department of Business and Professional Regulation determined that this was not within their jurisdictions. The same entity has now filed a petition for non-binding declaratory relief, stating that the Board is in violation of Section 553.7.4 and that the Board is not authorized to make amendments to the local building code. The hearing will be held in December.

Mr. Kramer referred to the previous discussion concerning State Legislative Bills 735 and 1383, ending local county licenses. If there were no comparable license other than the county one, there would be no licensing whatsoever. He noted his conversations with the Broward County Attorney and legal counsel to the Senate Minority Leader. Both agree with the Board's position. In cooperation with Dr. Barbosa, letters were sent to all building officials asking for their support. Support from Miami-Dade is also being pursued. Plans are to pursue this on January 8th with the Legislature.

Mr. Burr felt the letter was excellent. At Mr. Burr's request, Dr. Barbosa agreed to have the Code Compliance Officers carry copies of the letter with them when they visit municipalities for a personal touch.

7. **Committee Reports** – none

8. **General Board Member Discussion**

Mr. Wassink asked if there is a plan for all cities to implement electronic submittal and processing of plans. Dr. Barbosa believed that there are only a handful of small cities who cannot go electronic. In response to Mr. Wassink, Dr. Barbosa offered to find out the City of Sunrise's status on electronic.

The meeting adjourned at 7:47 PM.

A handwritten signature in black ink, appearing to read "D. Lavrich". The signature is fluid and cursive, with the first name "D." and the last name "Lavrich" clearly visible.

Daniel Lavrich, P.E. Chairman