

Broward County Board of Rules and Appeals Meeting Minutes

October 12, 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 7:01 p.m.

- II. Daniel Lavrich, Chairman
Gregg D'Attile, Vice Chairman
Stephen Bailey
Ron Burr
Jeff Falkanger
R. Art Kamm
Sergio Pellecer
Daniel Rourke
Robert Taylor
David Tringo
Dennis Ulmer
Lynn E. Wolfson

III. Approval of Agenda

Dr. Ana Barbosa, Administrative Director, requested that Item 2 be removed from the agenda. Mr. D'Attile made a motion, and Mr. Bailey seconded the motion to approve the agenda with the deletion of Item 2, as requested by the Administrative Director. The motion was carried out by a unanimous vote of 11-0.

IV. Approval of Minutes – August 10, 2023, Board Meeting

Mr. Tringo made a motion, and Mr. Burr seconded the motion to approve the August 10, 2023, minutes as submitted. The motion was carried out by a unanimous vote of 12-0.

- 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

BROWARD COUNTY SHERIFF FIRE RESCUE

Burton, Candice, Fire Inspector

CITY OF HOLLYWOOD

Castro Ivan B., Structural Inspector (120-Day Temporary)

Londono, Carlos, Fire Inspector

Robertson, Jr., Arron, Fire Inspector

CITY OF MARGATE

Gener, John D., Fire Inspector

CITY OF MIRAMAR

Palmer, Robert, Fire Inspector

CITY OF OAKLAND PARK

French, Christopher, Assistant Fire Marshal

CITY OF PEMBROKE PINES

Macedo, Rafael Elias, Roof Inspector (120-Day Temporary)

CITY OF POMPANO BEACH

Nowalk, Adrian, Structural Inspector (120-Day Temporary)

Campbell, Joseph W., Structural Inspector (120-Day Temporary)

CITY OF TAMARAC

Joseph, Tony, Electrical Inspector (120-Day Temporary)

Mr. Ulmer made a motion, and Ms. Wolfson seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 12-0.

VII. REGULAR AGENDA

1. First 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, reviewed her memorandum to the Board and indicated that there are no significant changes. The 8th Edition will be in effect on December 31, 2023. There are four code additions previously adopted that the Board is being asked to re-adopt.

b. Board Questions

c. Board Action

Mr. Taylor made a motion, and Mr. Pellecer seconded the motion to approve the amendments on first reading as recommended. The motion was carried out by a unanimous vote of 12-0.

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

This item was removed from the agenda.

3. Adoption of the Broward County Board of Rules and Appeals Formal Interpretations for the 8th Edition (2023) of the Florida Building Code

a. Staff Report

Dr. Ana Barbosa, Administrative Director, reviewed her memorandum to the Board and noted this is also a re-adoption of the existing formal interpretations with the exception of FI-18 – “Direct venting of solid fuel pizza ovens” and FI-26, “Location of

permanently installed residential standby generator's exhaust" that are not being recommended for renewal because they have been incorporated into the code.

b. Board Questions

c. Board Action

Mr. Falkanger made a motion, and Mr. Rourke seconded the motion to approve the interpretations as recommended. The motion was carried out by a unanimous vote of 12-0.

4. Revisions to the Broward County Uniform Data Form for Residential and Light Commercial Air Conditioning Replacements due to changes in the 8th Edition (2023) of the Florida Building Code

a. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, advised that the new residential code has a section that provides for any appliance or equipment being replaced due to being damaged by flood must comply with the flood provisions. Therefore, the A.C. replacement form is being modified to provide for the applicant to specify whether the appliance or equipment was damaged by a flood.

b. Board Questions

c. Board Action

Mr. Ulmer made a motion, and Mr. Falkanger seconded the motion to approve the revisions as recommended. The motion was carried out by a unanimous vote of 12-0.

5. Request for Overnight Vehicle Authorization (OVA)

a. Staff Report

Mr. Ana Barbosa, Administrative Director, explained that Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, is the only code compliance officer that does not have an overnight vehicle based on his residence being in Miami-Dade County. However, records indicate that two previous code compliance officers resided in Palm Beach County and were granted overnight vehicle authorization. She pointed out that it becomes cumbersome when there are meetings in Miami-Dade County that he must attend. For these reasons, she recommended authorization be granted for Mr. Soto.

b. Board Questions

c. Board Action

Mr. D'Attilio made a motion, and Mr. Bailey seconded the motion to approve the overnight vehicle authorization request for Mr. Rolando Soto as recommended. The motion was carried out by a unanimous vote of 12-0.

6. Update on House Bills 1383 and 735

a. Report

Dr. Ana Barbosa, Administrative Director, reviewed the agenda memorandum relating to the noted house bills being provided to the Board for informational purposes.

Mr. Burr commented that this will have a serious impact on a lot of people throughout the state. Some companies will no longer be able to obtain permits for their customary work.

Mr. Charles Kramer, Board Attorney, agreed with Mr. Burr. He felt there will be adverse consequences beyond that point. There is potential for people to be cheated. People may think individuals are licensed but they simply came to this area from the north, for example, with intent to deceive people. There is no oversight whatsoever. In response to Mr. Burr, Mr. Kramer agreed that a letter to the State would be appropriate.

Mr. Burr questioned if staff has asked municipalities how they intend to handle this. Dr. Barbosa indicated that she has reached out to the County because this is in their realm of responsibility. Staff will keep the cities as up to date as possible with information that becomes available. Some discussion ensued about whether this has to do with occupational licenses or contractor licensing. Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, advised that staff has been informing individuals in classes and whenever there is an opportunity. He explained, for example, the fencing license would be abolished. The only contractors who could obtain the required fencing permit would be residential builders or general contractors. The County licenses that do not have a companion license at the State level are being eliminated. During a general discussion, it was pointed out that for those individuals whose license is being abolished, they would need to secure a contractor's license or find a contractor willing to serve as their qualifier. Mr. Kramer commented that there are specialty services like driveway sealing that do not fit into any state category. A permit would not be required which opens opportunities for deceiving people.

In response to Chairman Lavrich, Mr. Kramer recommended teaming with the County and writing to the State to delineate concerns and site examples. Mr. Kramer offered to work with the County attorneys. He agreed to advise Dr. Barbosa after speaking with the County Attorney's Office. There was consensus approval for Mr. Kramer to proceed accordingly. Dr. Barbosa agreed to keep the Board up to date.

7. Director's Report

Dr. Barbosa introduced Ms. Natasha Strong, the Board's new Operations Manager, a welcome addition to the staff.

Dr. Barbosa asked that Board members confirm delivery of their new code books including the option of a PDF format in addition to the hardcopy.

Mr. Burr asked if there has been any progress with the municipalities concerning contact information for employees involved in permitting being made available to the public on their websites. Dr. Barbosa explained that the building departments do not control the city websites. The solution was to post the contact information on the Board of Rules and Appeals' website with respect to building and fire. Mr. Burr was concerned about contact information for all employees involved in the permitting process, such as engineering, landscaping and zoning personnel. Dr. Barbosa indicated that she would continue to try to have all municipalities include the information on their websites.

8. 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.

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, Section 107, of the Florida Building Code. A presentation was made to the Florida Building Commission and a formal hearing will be held on October 17th.

Open discussion meeting on October 18th at 9 a.m.

The meeting adjourned at 7:55 p.m.

A handwritten signature in cursive script that reads "D. L. Lavrich".

Daniel Lavrich, P.E., Chairman