

# Broward County Board of Rules & Appeals Meeting Agenda

October 14, 2021  
Time: 7:00 P.M.

## ZoomGov Meeting Information:

<https://broward-org.zoomgov.com/j/1613788189?pwd=a3c0U2tOSzNhSkJEM2xYMFBUOHkZz09>

Meeting ID: 161 378 8189

Passcode: 251682

One tap mobile

+16692545252,,1613788189# US (San Jose)

+16468287666,,1613788189# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

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Passcode: 251682

Find your local number: <https://broward-org.zoomgov.com/u/acbzK6Kwyh>

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Call Meeting to Order

Roll Call

Approval of Agenda

Approval of Minutes – September 9, 2021

## CONSENT AGENDA

1. **Certifications** - Staff Recommended.

**BROWARD SHERIFF'S OFFICE FIRE RESCUE**  
MARTINEZ, RUBEN, FIRE INSPECTOR

**CITY OF CORAL SPRINGS**  
ROTGER, JOSE M., ELECTRICAL INSPECTOR (TEMPORARY 120-DAY)

**CITY OF DEERFIELD BEACH**  
BUNDY, DAVID E., CHIEF PLUMBING INSPECTOR

**CITY OF HALLANDALE BEACH**  
RANSOM-JACKSON, SHELLIE, BUILDING OFFICIAL

**TOWN OF LAUDERDALE-BY-THE-SEA**  
LETO, PETER, JR., CHIEF STRUCTURAL INSPECTOR

**CITY OF OAKLAND PARK**  
VILLADA, PEDRO G., CHIEF STRUCTURAL INSPECTOR

**CITY OF PEMBROKE PINES**  
PIZZILLO, STEPHEN J., BUILDING OFFICIAL  
KROPP, GEORGE W., CHIEF ELECTRICAL INSPECTOR

## COUNTYWIDE

BARRERA, MANUEL R., MECHANICAL PLANS EXAMINER  
FRANCIS, STEPHEN, STRUCTURAL INSPECTOR  
PETERS, MICHAEL S., JR., STRUCTURAL PLANS EXAMINER (LIMITED)  
PERLMUTTER, TODD, ELECTRICAL INSPECTOR  
PIZZILLO, STEPHEN, STRUCTURAL INSPECTOR  
PUTONTI, RICHARD, STRUCTURAL INSPECTOR  
RANSOM-JACKSON, SHELLIE, STRUCTURAL INSPECTOR  
RANSOM-JACKSON, SHELLIE, STRUCTURAL PLANS EXAMINER

## REGULAR AGENDA

2. **Proposed Formal Interpretation #29 “Requirement for concrete mix and protection of reinforcement to be used in buildings and structures to be constructed in corrosive environments.”**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
3. **Proposed Board of Rules and Appeals Emergency Responder Communications Enhancement Systems (ECRES) Guidelines for the 7<sup>th</sup> Edition (2020) of the Florida Building Code**
  - a. Recommendation of the Committee to Address Uniform Procedures for Installation of Bi-Directional Amplifiers (BDAs)
  - b. Board Questions
  - c. Board Action
4. **Local Amendments for 1<sup>st</sup> Reading**  
**Proposed addition of “Appointing Authority” definition to Section 101.2.2 Definitions of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020).**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
5. **Local Amendments for 1<sup>st</sup> Reading**  
**Proposed change to Section 104.1.3 Certification of the Building Official and the Assistant Building Official of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020) requiring that the application for Certification of the Building Official or Assistant Building Official shall be signed by the jurisdiction’s Chief Executive Officer (City Manager, Acting City Manager or Mayor) in accordance with existing BORA Policy 12-01.**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
6. **Local Amendments for 1<sup>st</sup> Reading**  
**Correction of typographic error on the numbering of Section 104.16.3 “Certification of the Structural Inspector,” of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020), subsection 104.15.3.5 to read 104.16.3.5.**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
7. **Local Amendments for 1<sup>st</sup> Reading**  
**Proposed change to Section 109.3 Building permit valuations, subsection 109.3.1 of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020) prohibiting a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit, in accordance with Florida Statute 553.79.**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action

8. **Local Amendments for 1<sup>st</sup> Reading**  
**Proposed change to Section 113 Board of Rules and Appeals, subsection 113.9.2 “Interpret code at request of Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA” of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020) to clarify code’s intent.**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
9. **Updates Concerning the 40-Year Building Safety Inspection Program – 2019, 2020 and 2021 Audits**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
10. **Broward County Condominium Structural Issues Committee (County Staff Summary of the actions taken by Mayor Geller’s committee)**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
11. **Miami-Dade County BORA Structural Committee and BORA Committee Actions**
  - a. Staff Report
  - b. Board Questions
  - c. Board Action
12. **Consideration of Maximum Merit Pay Salary Adjustments for BORA Employees (Effective October 3, 2021)**
  - a. Recommendation of Administrative Director
  - b. Board Questions
  - c. Board Action
13. **Annual Leadership Performance Review for Administrative Director, Pay Adjustment and Separate Longevity/Merit Bonus**
  - a. Request of Administrative Director
  - b. Board Questions
  - c. Board Action
14. **Director’s Report**
  - a. Broward County Board of Rules and Appeals Small Cities ePermitting Grant Program Updates
15. **Attorney’s Report**
16. **Committee Report**
17. **General Board Members Discussion**
18. **Public Comment (3-minute limit per person) and written communications**
19. **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.)*

Board Minutes  
September 9, 2021



**BROWARD COUNTY BOARD OF RULES & APPEALS**  
**SEPTEMBER 9, 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 7:00 p.m.

Present:

Daniel Lavrich, Chair  
Gregg D’Attile  
Ron Burr  
Jeff Falkanger  
John Famularo  
Shalanda Giles-Nelson  
Robert Kamm  
David Rice  
Daniel Rourke  
James Terry  
David Tringo  
Dennis Ulmer  
Lynn Wolfson

A quorum was present.

Mr. Falkanger made a motion and Mr. D’Attile seconded the motion to approve the agenda with the deletion of “read” in Items 6a and 6b. The motion carried by unanimous vote of 13-0.

Approval of Minutes – August 12, 2021

Mr. Famularo 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 COOPER CITY**

YOUNG, MARC STUART AMEER, CHIEF STRUCTURAL INSPECTOR

**CITY OF FORT LAUDERDALE**

DESIMONE, EMILIO, JR., STRUCTURAL INSPECTOR (TEMPORARY 120-DAYS)

**CITY OF MIRAMAR**

ACOSTA, HECTOR J., CHIEF MECHANICAL INSPECTOR

HILTON, ADAM, CHIEF PLUMBING INSPECTOR

**CITY OF WEST PARK**

TRINGO, DAVID, CHIEF ELECTRICAL INSPECTOR

**COUNTYWIDE**

HENSLEY, KACY R., STRUCTURAL PLANS EXAMINER

SIMPSON, DARRYL, STRUCTURAL PLANS EXAMINER

THOMPSON, TIMOTHY A., PLUMBING INSPECTOR

Mr. D'Attile made a motion and Mr. Falkanger seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 13-0.

**REGULAR AGENDA**

2. **Local amendments for 2<sup>nd</sup> reading to include a public hearing. Amendment to the Florida Building Code, 7<sup>th</sup> Edition (2020) Chapter 1, Section 118, entitled Emergency Responders Communications Enhancement System (ERCES).**

a. Staff Report

Mr. Bryan Parks, Chief Fire Code Compliance Officer, indicated this is an update to Chapter 1 of the Florida Building Code to address changes in the State with adoption of new codes. One new section was added, Section 118.2.1, to help streamline the installation of antennas when dealing with elevator shafts. It is recommended by the BDA (Bi-Directional Amplifiers) Committee by unanimous vote.

b. Board Questions - none

c. Public Hearing - none

d. Board Action

Mr. Rice made a motion and Mr. Falkanger seconded the motion to approve the item on second and final reading as recommended. The motion carried by unanimous vote of 13-0.

3. **Director's Report**

a. Updates concerning the 40 Year Building Safety Inspection Program July 2019 audit, response date by 8-16-21

b. Updates concerning the 40 Year Building Safety Inspection Program July 2020 audit, response date by 7-20-21

c. Initial Survey regarding the 2020- 40 Year Building Safety Inspection Program, sent on May 24, 2021.

Mr. James DiPietro, Administrative Director, advised that this audit report is dramatically improved from what was presented a month ago. In the last few weeks the jurisdictions have sent out thousands of letters. He indicated that he anticipates being able to provide a more complete report in October. Staff will be sending out reminders to the cities that if there has not been any response from the condominium properties after sixty days, for example, that the cities send out follow-up letters, advising they have a remaining thirty days. The third audit will start in February for letters that went out in July of 2021, with a period of forty-five days for the cities to respond. He believed that it pays to conduct an audit every year. Cities will also be asked to provide a designated contact individual each year. Staff is working with the cities individually to resolve some inconsistencies in the

numbers. There may be more suggestions from staff than the A-E shown in the support documentation for this report.

Mr. D'Attile asked about accountability if a city does not comply in a timely manner. Mr. DiPietro advised that historically when staff speaks directly to a building official there has been an overwhelmingly good response. However, the Board of Rules and Appeals has the ultimate far-reaching authority. In such case he would ask city officials to come before the Board to explain something that the code requires is not properly being carried out in staff's opinion. With the Board's direction at that point, there is no question whatsoever about the authority.

Mr. Charles Kramer, Board Attorney, referred to the enabling legislation of the Board, and indicated that violations of Section 71-575, 4a, shall constitute a misdemeanor of the second degree, which actually contemplates incarceration. He brought this to the attention of a building official on a prior occasion and received immediate compliance. Mr. D'Attile asked what would happen if a building did not comply in a timely manner. Chairman Lavrich indicated that the building code (Policy 05-05) is clear as to methods of enforcement. The matter could go to a special magistrate or code enforcement board. The property could ultimately be designated as an unsafe structure and could go to an unsafe structures board for appeal. The building official has the power to cite the building as an unsafe structure. The building official has the responsibility of enforcing the building code. Mr. Kramer explained that the Board of Rules and Appeals is a governing agency, not the enforcing one. The Board has authority to take action against the city.

4. **Attorney's Report** - none

5. **Committee Report** - none

6. **General Board Member Discussion**

a. Board member suggestions for the 40-Year Building Safety Inspection program.

Mr. Charles Kramer, Board Attorney, referred to Board Member Burr's suggestion (August 4, 2021), that would establish a new department staffed by a building official, electrical chief and office staff as needed to oversee the 40-year Building Safety Inspection Program. The enabling legislation as well as the Broward County Charter do not give the Board of Rules and Appeals authority to create or supervise an independent department.

With reference to a suggestion of Board Member Rice, Chairman Lavrich indicated that the Florida Building Commission has created a committee to study the possible creation of a statewide inspection program. Mr. Rice commented that any code changes the Board would consider would need to be based on facts. It goes back to the cause of the building collapse, which is unknown. He is not convinced that any of the suggestions would help with respect to the original tragedy. He wanted to know how the Board of Rules and Appeals could obtain those facts. Chairman Lavrich advised that Miami-Dade County is not conducting an investigation, but rather only the National Institute of Standards and Technology (NIST). The evidence has been removed from the site and put into a secure warehouse. NIST is not giving out any evidence information to anyone else. He agreed with Mr. Rice that changes should not be considered until the Board has knowledge as to why the changes should be made.

Chairman Lavrich noted that Mr. Jaime Gascon is the Broward Administrative Director's counter-part in Miami-Dade County. Mr. Gascon of the Miami-Dade Board of Rules and Appeals, clarified that the Miami-Dade Police Department is the sole entity that has custody of all of the evidence and has only allowed NIST access to it. There is presently a receiver on the property. Once fully turned over from the Police Department to the Receiver, there will be access given to others. The forensic study and reporting of investigating why the building collapsed has fallen squarely on NIST. Miami-Dade County is not investigating. NIST reports will be relied upon.

Mr. Gascon went on to say that the Miami-Dade Board of Rules and Appeals has considered a handful of suggestions: requiring threshold level inspectors to conduct structural inspections on threshold buildings; advance notices of to especially condominiums (one and two years); duty to immediately report deficiencies to the building official in advance of the inspection findings report where evacuation may be triggered. Suggestions of this nature will be recommended to the Board of County Commissioners to make amendments to the Miami-Dade Building Safety Program. They also do not want to make things overly restrictive and not justified. The idea to reduce the program from forty to thirty years is something the Miami-Dade Board of Rules and Appeals would like sound justification for such a change in that it has worked for fifty plus years.

Chairman Lavrich commented on the difference in structure of the Board of Rules and Appeals in the two counties. He also went on to indicate that it is not uncommon with such an event for NIST to be conducting the investigation. In response to Mr. Rice, Mr. Gascon indicated that NIST was asked when a report would be finished, and their comment was that historically it could be as soon as two years or as long as seven.

Mr. Burr appreciated that the letters are going out however he felt the Board will need to concentrate on whether building issues are being corrected. Some discussion turned to the role of the building official in citing a building unsafe and that the unsafe structure board is actually an appeals board to the citation issued by the building official. Mr. Ulmer pointed out that this program is not about maintenance. Maintenance should be constant from the time a building is issued a certificate of occupancy.

b. BORA staff suggestions for the 40-Year Building Safety Inspection program.

No discussion

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

Mr. John Travers, Building Official, City of Fort Lauderdale, thanked Chairman Lavrich for serving on Broward County Mayor Geller's Condominium Structural Issues Committee and his effort to avoid knee-jerk reactions. He went on to indicate that he and Mr. Gascon recently made a presentation to the Florida City and County Managers Association concerning the Building Safety Inspection Program. At that time, they emphasized the importance of maintenance from issuance of certificate of occupancy and that such responsibility rests with the building association or management team to monitor throughout the life of the building.

8. **Adjournment**

There being no further business, the meeting adjourned at 7:54 p.m.

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Daniel Lavrich, P.E. - Chair

# Section 1

OCTOBER 14, 2021 BOARD MEETING  
CERTIFICATIONS

**BROWARD SHERIFF'S OFFICE FIRE RESCUE**  
MARTINEZ RUBEN, FIRE INSPECTOR

**CITY OF CORAL SPRINGS**  
ROTGER, JOSE M., ELECTRICAL INSPECTOR (TEMPORARY 120-DAY)

**CITY OF DEERFIELD BEACH**  
BUNDY, DAVID E., CHIEF PLUMBING INSPECTOR

**CITY OF HALLANDALE BEACH**  
RANSOM-JACKSON, SHELLIE, BUILDING OFFICIAL

**TOWN OF LAUDERDALE-BY-THE-SEA**  
LETO, PETER, JR., CHIEF STRUCTURAL INSPECTOR

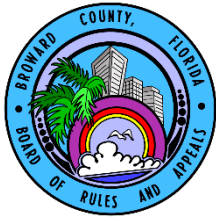
**CITY OF OAKLAND PARK**  
VILLADA, PEDRO G., CHIEF STRUCTURAL INSPECTOR

**CITY OF PEMBROKE PINES**  
PIZZILLO, STEPHEN J., BUILDING OFFICIAL  
KROPP, GEORGE W., CHIEF ELECTRICAL INSPECTOR

**COUNTYWIDE**  
BARRERA, MANUEL R., MECHANICAL PLANS EXAMINER  
FRANCIS, STEPHEN, STRUCTURAL INSPECTOR  
PETERS, MICHAEL S., JR., STRUCTURAL PLANS EXAMINER (LIMITED)  
PERLMUTTER, TODD, ELECTRICAL INSPECTOR  
PIZZILLO, STEPHEN, STRUCTURAL INSPECTOR  
PUTONTI, RICHARD, STRUCTURAL INSPECTOR  
RANSOM-JACKSON, SHELLIE, STRUCTURAL INSPECTOR  
RANSOM-JACKSON, SHELLIE, STRUCTURAL PLANS EXAMINER

# Section 2





# BROWARD COUNTY BOARD OF RULES AND APPEALS

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

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

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

## **2021 Voting Members**

### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

### **Vice-Chair**

Mr. Stephen E. Bailey, P.E.  
Electrical Engineer  
Mr. John Famularo,  
Roofing Contractor  
Mrs. Shalanda Giles Nelson,  
General Contractor  
Mr. Daniel Rourke  
Master Plumber  
Mr. Gregg D'Attila,  
Mechanical Contractor  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. John Sims,  
Master Electrician  
Mr. Dennis A. Ulmer  
Consumer Advocate  
Mr. Abbas H. Zackria, CSI  
Architect  
Mr. Robert A. Kamm, P.E.  
Mechanical Engineer  
Mr. Sergio Pellecer  
Fire Service Professional

## **2021 Alternate Board Members**

Mr. Jeff Falkanger  
Architect  
Mr. Steven Feller, P.E.  
Mr. William Flett,  
Roofing Contractor  
Mechanical Engineer  
Mr. Alberto Fernandez  
Mr. David Rice, P.E.  
Electrical Engineer  
General Contractor  
Mr. Robert Taylor  
Fire Service  
Mr. James Terry,  
Master Plumber  
Mr. David Tringo  
Master Electrician

## **Vacant**

Representative Disabled Community

## **Board Attorney**

Charles M. Kramer, Esq.

## **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

**TO:** Members of the Board of Rules and Appeals  
**FROM:** Michael Guerasio, Chief Structural Code Compliance Officer  
**DATE:** October 14<sup>th</sup>, 2021  
**SUBJECT:** Proposed Formal Interpretation #29 “Requirement for concrete mix and protection of reinforcement to be used in buildings and structures to be constructed in corrosive environments”

### **Recommendation:**

That the Board approves this formal interpretation proposed by Chair, Mr. Dan Lavrich on the requirement for concrete mix and protection of reinforcement to be used in buildings and structures to be constructed in corrosive environment sections within the 7th Edition (2020) Florida Building Code, Building and ACI 318-14

### **Reasons:**

To provide better durability for concrete and protection of reinforcement from corrosion, concrete mix used in buildings and structures to be constructed in corrosive environments, specifically those that will be subject to exposure to or the spray from seawater or other salt laden sources shall comply with the provisions of the 7th Edition (2020) Florida Building Code and ACI 318-14.

### **Additional Information:**

Compliance with these provisions shall be clearly shown on the construction documents.

Respectfully,

*Michael Guerasio*

Michael Guerasio, Chief Structural Code Compliance Officer

Cc; Members of the Board of Rules and Appeals




# BROWARD COUNTY BOARD OF RULES AND APPEALS

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## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#29)

**DATE:** October 14, 2021  
**TO:** All Building Officials  
**FROM:** James DiPietro, Administrative Director   
**SUBJECT:** Requirement for concrete mix and protection of reinforcement to be used in buildings and structures to be constructed in corrosive environments

### 2021 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E.,S.I.,SECB,F.ASCE, F.SEI  
Structural Engineer

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Consumer Advocate  
Mr. John Sims,  
Master Electrician  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. Abbas H. Zackria, CSI  
Architect  
Mr. Robert A. Kamm, P.E.  
Mechanical Engineer

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Mr. Alberto Fernandez,  
General Contractor  
Mr. William Flett,  
Roofing Contractor  
**Vacant,**  
Structural Engineer  
Mr. Robert Taylor,  
Fire Service  
Mr. David Rice, P.E.,  
Electrical Engineer  
Mr. James Terry,  
Master Plumber  
Mr. David Tringo,  
Master Electrician  
Mr. Jeff Falkanger,  
Architect

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

At its regularly scheduled meeting of October 14, 2021, the Board approved an interpretation of the following sections of the 7th Edition (2020) Florida Building Code, Building and ACI 318-14:

#### FBC Section 1904 – Durability Requirements

Section 1904.1 - Structural concrete. Structural concrete shall conform to the durability requirements of ACI 318.

#### ACI 318-14 - Chapter 4 – Materials

Section 4.2.1 Design properties of concrete shall be selected to be in accordance with Chapter 19.

#### ACI 318-14 Table 19.3.1.1 – Exposure categories and classes

Concrete that will be subject to the exposures given in Table 19.3.1.1 of ACI 318 shall conform to the corresponding maximum water-cementitious materials ratios and minimum specified concrete compressive strength requirements of that table.

#### ACI 318-14 - Chapter 4 – Materials

Section 4.2.2 Design properties of reinforcement shall be selected to be in accordance with Chapter 20.

ACI 318-14 Section 20.6.1.4.1 In corrosive environments or other severe exposure conditions, the specified concrete cover shall be increased as deemed necessary. The applicable requirements for concrete based on exposure categories in 19.3 shall be satisfied, or other protection shall be provided.

ACI 318-14 Section 19.3 - Concrete durability requirements Section 19.3.1 - Exposure categories and classes

19.3.1.1 The licensed design professional shall assign exposure classes in accordance with the severity of the anticipated exposure of members for each exposure category in Table 19.3.1.1.



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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[broward.org/CodeAppeals](http://broward.org/CodeAppeals)

## FBC 7<sup>th</sup> EDITION (2020) FORMAL INTERPRETATION (#29)

### 2021 Voting Members

#### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

#### **Vice-Chair**

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Mr. David Tringo,  
Master Electrician  
Mr. Jeff Falkanger,  
Architect

#### **Board Attorney**

Charles M. Kramer, Esq.

#### **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

### **Continuation:**

ACI 318-14 Section 19.3.2 Requirements for concrete mixtures

19.3.2.1 Based on the exposure classes assigned from Table 19.3.1.1, concrete mixtures shall conform to the most restrictive requirements in Table 19.3.2.1.

For corrosion protection of steel reinforcement in concrete exposed to chlorides from de-icing chemicals, salt, saltwater, brackish water, seawater, or spray from these sources, the maximum water-cementitious materials ratio by weight for normal aggregate concrete shall be 0.40 with a minimum  $f'c$  of 5000 psi.

ACI 318-14 Section 20.6 - Provisions for durability of steel reinforcement Section 20.6.1 Specified concrete cover

Section 20.6.1.1 Unless the general building code requires a greater concrete cover for fire protection, the minimum specified concrete cover shall be in accordance with 20.6.1.2 through 20.6.6.1.

### **Formal Interpretation:**

*To provide better durability for concrete and protection of reinforcement from corrosion, concrete mix used in buildings and structures to be constructed in corrosive environments, specifically those that will be subject to exposure to or the spray from seawater or other salt laden sources shall comply with the above sections of Florida Building Code and ACI 318-14. Compliance with these provisions shall be clearly shown on the construction documents.*

EFFECTIVE DATE: October 14, 2021

**\*\*\* PLEASE POST AT YOUR PERMIT COUNTER \*\*\***

# Section 3



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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**To:** Board of Rules and Appeals

**From:** Dave Rice, P.E., Chairman BDA Committee

**Date:** September 30, 2021

**Re:** Proposed Board of Rules and Appeals Emergency Responder Communications Enhancement Systems (ERCES) Guidelines for the 7<sup>th</sup> Edition (2020) of the Florida Building Code

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**Recommendation:**

The BDA Committee approved the guidelines in a unanimous vote and recommend that the Board adopt these guidelines at its next regular meeting of October 9, 2021.

**Reasons:**

The BDA Committee at its regular scheduled meeting of September 30, 2021, took up the revised BDA Guidelines which address modifications as found in the new code cycle and the changes in NFPA 1221, 2016.

**Additional Information:**

In years past the Board approved an earlier set of guidelines related to BDA's as they related to previous code cycles and the application found in NFPA 72 and 1221.

Respectfully Submitted,

A handwritten signature in black ink that reads "Bryan Parks".

Bryan Parks

# BORA ERCES Guidelines

## **Broward County Board of Rules and Appeals**

### **Emergency Responder Communications Enhancement Systems (ERCES)**



FBC Seventh Edition (2020)  
Effective December 31, 2020

Revised 2021-10-14

**Broward County Board of Rules and Appeals**  
**Emergency Responder Communications Enhancement Systems (ERCES)**  
**Guidelines**

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**Broward County Board of Rules and Appeals**  
**Emergency Responder Communications Enhancement Systems (ERCES)**  
**Guidelines**

**Section 1. Overview**

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### **1.1 Purpose**

An “Emergency Responder Communications Enhancement System” (ERCES) gives fire departments and law enforcement a reliable in-building communication system without detrimentally impacting the surrounding community’s Public Radio Communication Systems.

The purpose of these guidelines is to provide the designers, manufacturers, installers, inspectors, and FCC License Holders the tools to properly design, permit, install, and inspect a fully functional in-building communication enhancement system that meets the state and local codes for Broward County, Florida.

These are guidelines only and are not intended to be code items.

## 1.2 Background

Each municipality has an “Emergency Responder Communications System” for use by the fire department and law enforcement. These two-way radio systems generally work in open spaces without problems. However, these two-way radio systems do not always work inside buildings. Most buildings now require a signal repeater system located in the building to amplify the radio signal to allow the two-way radio system to work.

When these systems are not properly designed, installed, inspected, and maintained, then major communication problems can occur inside and outside of the building. One faulty system may take down the Public Safety Radio Communication System in a large part of a municipality. This faulty system would prohibit the fire department and law enforcement from communicating through their two-way radio system.

In 2015, BDA Systems installed in high rise buildings in the cities of Aventura and Hallandale Beach caused significant interference with the Broward County’s Public Safety Radio System. The Hallandale Beach System was improperly adjusted after the inspections were completed. Once the problems were identified, the building systems were immediately taken off-line, repaired, and re-inspected. The Broward County Administrator then asked Broward County Board of Rules and Appeals (BORA) to investigate the problems associated with the faulty installation and to review the existing codes and procedures to attempt to prevent this problem from occurring again.

BORA started up a temporary committee to address these problems. The committee found the following:

1. The state and local codes, Florida Building Codes (FBC), Florida Fire Prevention Code (FFPC), and NFPA 72, if followed, were sufficient and did not require any changes.
2. The problem was a procedural one. All three (3) codes required that the installation shall be permitted and the AHJ’s be notified. A new code section was added to the Florida Building Code (FBC), Broward County Edition, Chapter 1. This new section 118 set forth procedures requiring AHJ notification, among other requirements.

### 1.3 Codes and Requirements for Broward County

As of December 31, 2020, the following codes are in effect:

**Florida Statute (FS)633.202(1)**

Adopts the FFPC

**Florida Statute (FS)633.202(18)**

This statute pertains to high-rise buildings. (Subject to change)

**Florida Building Code (FBC), Seventh Edition (2020)  
Broward County Edition, Chapter 1,**

Section 118 Two-Way Radio Communication Enhanced Public Safety Signal  
Booster Systems

**Florida Fire Prevention Code (FFPC) Seventh Edition (2020)**

NFPA 1 Fire Code (2018)

Section 1.4 Equivalencies, alternatives, and modifications

Chapter 2 Referenced Publications

NFPA 70, NFPA 72 (2016), NFPA 780 (2017), NFPA 1221 (2016)

Section 11.10 Two-Way Radio Communication Enhancement System

**NFPA 70 (NEC) (2017)**

Section 90.7 Examination of equipment

Article 100 Definitions

Section 110.2 Approval (UL, etc.)

Section 100.2(B) Approval (UL, etc.)

Article 800 Communications circuits

Article 810 Radio and television equipment

Article 820 Community Antenna Television and Radio Distribution Systems

**NFPA 72 (Fire Alarm) (2016)**

**NFPA 1221 (2016) Standard for the Installation, Maintenance, and Use of Emergency  
Services Communications Systems**

### 1.4 Authorities Having Jurisdiction (AHJ)

The AHJ is defined as: “An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation or a procedure”.

In Broward County, Florida, the AHJ’s are as follows for the installation of Two-Way Radio Communications Enhancing Systems:

1. Local Municipalities
  - A. Building AHJ (FBC)
  - B. Electrical AHJ (NFPA 70)
  - C. Fire Official AHJ (NFPA 72, NFPA 1221)
2. Broward County Elevator Inspection AHJ (if applicable)  
FBC-30, FS 399, FAC 61C-5, ASME A17-1
3. FCC License Holder
  - A. Broward County Regional Emergency Services and Communication (RESC)
  - B. Fort Lauderdale
  - C. Coral Springs
  - D. Plantation

Note: Work shall not start on any project until a permit has been issued and signed by each of the AHJ’s:

Building, Electrical, Fire, Elevator (if applicable), FCC License Holder(s)

The system shall not be energized (including testing) until written authorization is obtained by the:

FCC License Holder(s) (FBC, Broward County Edition, 118.4)

A building certificate of completion, or occupancy shall not be issued until the permit work is completed and signed off by each of the AHJ’s:

(FBC, Broward County Edition, 118.1.4)

### **1.5 Design**

The Emergency Responder Communications Enhancement System shall be designed by a Professional Engineer, licensed in the State of Florida. The Professional Engineer shall be available for Plan Review and Inspections if requested by the AHJ.

The FBC, Broward County Edition, Section 118 requires that the Professional Engineer have training and experience in Electrical Engineering.

Heat map drawings shall be prepared by the Professional Engineer or a Radio Frequency System Designer under the direct supervision of the Professional Engineer. Heat map drawings shall be prepared by a designer certified by the heat map software company. The drawings shall include the designer's name, certification level, the name of the heat map software company, software app name, and software app version.

### **1.6 Installation**

The installation shall be completed by a qualified contractor. Contracting shall be in compliance with the State of Florida Electrical Contractor's Licensing Board (ECLB).

Only a licensed Electrical Contractor (EC), Fire Alarm Contractor (FAC), or BDA Contractor (BDAC) can contract to install a system. A systems integrator, which is not a licensed contractor, cannot contract for the installation. (FAC 61G6)

### **1.7 Permitting**

Record drawings, signed and sealed by a qualified Professional Engineer, shall be submitted to each AHJ for plan review and approval. The FCC AHJ (License Holder) shall provide a written acceptance prior to the review by the other AHJ's. The drawings shall be approved by all AHJ's prior to the start of any work.

Refer to the applicable Code Compliance Plan Review Checklist for the requirements of each AHJ.

### **1.8 Inspections**

The contractor shall coordinate all inspections as required by the AHJ's.

Note: Never energize the system for any reason without first passing the FCC AHJ initial inspection. Refer to the applicable Code Compliance Inspection Checklist for the requirements of each AHJ.

### **1.9 Final Acceptance**

A Certificate of Occupancy or a Certificate of Completion for a building shall not be given until the Emergency Responder Communications Enhancement System is approved by the Authority Having Jurisdiction. (Building, Electric, Fire, Elevator (where applicable), and FCC License Holder) (FBC, Broward County Edition, 118.1.4)

## **Broward County Board of Rules and Appeals**

### **Emergency Responder Communications Enhancement Systems (ERCES)**

#### **Guidelines**

### **Section 2. Recommended Checklists**

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**2.1.1 Plan Review - Fire**

Plans shall include the following information:

- 1. Building owner and address
- 2. Written sequence of operation
- 3. Signature and seal of the Engineer of Record with experience and training in electrical engineering.  
The name, PE number, business name, CA number, address, and contact information shall be shown on the plans. The AHJ may require that the Engineer of Record provide evidence of experience and training in Electrical Engineering. (NFPA 72-10.5)
- 4. Applicable codes and edition dates (NFPA 72 (2016))(NFPA 1221 (2016))
- 5. Building description showing building construction, building occupancy, total square footage, number of floors, total height of building (NFPA 1-1.7.12) (NFPA 72-7.4)
- 6. Floor plans showing device locations, fire-rated enclosures, conduit runs, and propagation modeling, etc. (NFPA 1) (NFPA 1-1.7.12) (NFPA 72-7.4)
- 7. Riser plans for systems (NFPA 1-1.7.12) (NFPA 72-7.4)
- 8. Specifications with manufacturer's parts numbers (NFPA 1-1.7.12) (NFPA 72-7.4)
- 9. Firewall penetration details, etc. (NFPA 1-12.7.5.1, NFPA 1-1.7.12) (NFPA 72-7.4)
- 10. Identify the panel and circuit breaker; show panel location on plan. (NFPA 1-1.7.12) (NFPA 72-7.4)
- 11. Show circuit breaker lock. (NFPA 1-1.7.12) (NFPA 72-10.6.5.4)
- 12. The BDA enclosure shall be painted red and a sign shall show permit number, vendor name, and telephone number. (FBC BC 118.2.1.8) Provide an information binder stored next to the BDA. Information shall include: (NFPA 72-7.5)
  - (1) As-built drawings
  - (2) Manufacturer's data sheets and specs
  - (3) Heat maps with the final signal strength readings
  - (4) Final signal strength measurements (dB)
  - (5) Maintenance contract
  - (6) Broward County RESC, FCC AHJ (License Holder), all other approvals, and elevator variance letter, if applicable.
  - (7) Maintenance repair log, expiration date, maintenance provider
- 13. Pathway survivability level shall be 1, 2, or 3. (NFPA 1221-5.10)  
All conductors shall be installed in raceways. (NFPA 1221-5)
- 14. The feeder and riser coaxial cables shall be rated as plenum cable (feeder cables shall be installed in an enclosure) that matches the building's fire rating and pathway survivability.  
(NFPA 1221-9.6.2.1.1.1, NFPA-1.4) Riser cables shall be installed in a 2-hour-rated enclosure (NFPA 1221-9.6.2.1.3).
- 15. Feeder cables installed in raceways per Pathway Survivability Level 1 do not have to be in a rated enclosure. (NFPA 1221, TIA 16.2, NFPA-1.4)
- 16. Radio coverage shall be a minimum of 99% in critical areas, such as the fire command center(s), the fire pump room(s), exit stairs, exit passageways, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas deemed critical by the AHJ and 90% in general building areas. (NFPA 1221-9.6.7)
- 17. Inbound signal level shall be sufficient to provide a minimum of DAQ 3.0 (3.4). (NFPA 1221-9.6.8.1\*)  
Outbound signal level shall be sufficient to provide a minimum of DAQ 3.0. (NFPA 1221-9.6.8.2)
- 18. Donor antenna isolation shall be a minimum of 20 dB above the inside antennas. (NFPA 1221-9.6.9)
- 19. System radio frequencies; system shall be capable of transmitting all public safety radio frequencies assigned to the FCC AHJ and be capable of using any modulation technology. (NFPA 1221-9.6.10.1)
- 20. Frequency changes. System shall be capable of upgrading. (NFPA 1221-9.6.10.2)

**2.1.1 Plan Review - Fire (cont.)**

- 21. System Components: Components shall be approved and compatible with the Public Safety Radio System. System shall be approved by the FCC License Holder. (NFPA 1221-9.6.11) (NFPA-1.1.4)
- 22. All repeaters, transmitter receptacles, signal booster components and battery system components shall be in a NEMA 4, 4X enclosure. (NFPA 1221-9.6.11.2) (NFPA 1-1.4) Exception: batteries may be installed in a NEMA 3R enclosure when the system is UL2524 listed.
- 23. Power supplies shall have at least two independent sources. (NFPA 1221-9.6.12)
- 24. The primary power source shall be supplied from a dedicated circuit and shall comply with NFPA 72. (NFPA 1221-9.6.12.1)
- 25. The secondary power source shall consist of one of the following (NFPA 1221-9.6.12.2):
  - (1) Battery with at least 12 hours of operation at 100%
  - (2) Battery with at least 24 hours of operation at 100%
  - Legally required generator with at least 12 hours of operation at 100%
- 26. System Monitoring: The fire alarm system shall monitor the following items as a minimum (NFPA 1221-9.6.13.1):
  - (1) Monitoring for integrity of the system shall comply with NFPA 72-10
  - (2a) Donor antenna malfunction
  - (2b) Active RF emitting device failure (70%)
  - (2c) Low battery capacity indicator
  - (2d) System component failure
  - (3a) Loss of normal AC power
  - (3b) Failure of battery charger
  - (4) Communication link between the Dedicated Monitoring Panel and the BDA shall be monitored for integrity.
- 27. Dedicated Panel (annunciator panel) shall show (NFPA 1221-9.6.13.2):
  - (1a) Normal AC power
  - (1b) Loss of normal power
  - (1c) Battery charger failure
  - (1d) Low battery capacity
  - (1e) Donor antenna malfunction
  - (1f) Active RF emitting device malfunction
  - (1g) System component malfunction
  - (2) Communication link between the Dedicated Monitoring Panel and the BDA shall be monitored for integrity.
- 28. Technical Criteria (NFPA 1221-9.6.14)
  - (1) Frequencies required
  - (2) Location and effective radiated power (ERP) of the FCC AHJ radio site
  - (3) Maximum propagation delay less than 30 micro-seconds
  - (4) List of specifically approved system components
  - (5) Other support technical information (Battery calculations)(NFPA 72-10.6.7.2.1)
- 29. Elevator hoistways and the elevator cabs shall be deemed critical areas.(FBC BC 118.2.1.9)
- 30. Systems shall have lightning protection. See FAQ 2021-05 for interpretation (NFPA 1221-9.6.3).

**Note:** This checklist is a minimum checklist. Coordinate with the local Fire AHJ for additional checklist items.



### 2.1.2 Plan Review - Electrical

Plans shall include the following information:

- 1. Building owner and address
- 2. N/A
- 3. Signature and seal of the Engineer of Record with experience and training in electrical engineering. The name, PE number, business name, CA number, address, and contact information shall be shown on the plans. (FBC BC 118.1.4) (61G15-30.003(2))
- 4. Applicable codes and edition dates (61G15-30.003(1b))
- 5. Building description showing building construction, building occupancy, total square footage, number of floors, total height of building (FAC 61G15)
- 6. Floor plans showing device locations, fire-rated enclosures, conduit runs, and propagation modeling, etc. (FBC BC 118.2.1.4)
- 7. Riser plans for systems (FAC 61G15)
- 8. Specifications with manufacturer's parts numbers and installation information (FAC 61G15-33)
- 9. Details, including firewall penetration, etc. (FAC 61G15) (NFPA 70 820-26)
- 10. Grounding and mounting details for antenna, mast, surge protection, BDA, power supply, battery enclosure, etc. (FAC 61G15) (NFPA 70-800,810, 820) See FAQ 2021-05 for interpretation.
- 11. Show how the system components are wired to power (120V). (NFPA 70-110.2(B))  
Identify the Panel ID, Circuit ID, circuit breaker size, and wire size.
- 12. Circuit shall have an isolated ground, if required by the manufacturer. (NFPA 70)
- 13. Listing and labeling requirements (NFPA 70-110.2)
- 14. Identify minimum conduit sizes and minimum conduit 90-degree bend radiuses. (NFPA 70-110.3)
- 15. System equipment shall be installed in an air-conditioned and mechanically ventilated room where the manufacturer's installation document requires a temperature limitation and/or ventilation. (NFPA 70-110.3)

**Note:** This checklist is a minimum checklist. Coordinate with the local Electrical AHJ for additional checklist items.

### 2.1.3 Plan Review - Elevator

Plans shall include the following information:

Elevator hoistways and elevator cabs shall be deemed critical areas, as per FBC BC 118.2.1.9.. A variance shall be obtained from the Broward County Elevator Inspection Services Section at Permitting prior to any work inside an elevator hoistway or elevator machine room. The variance shall be to install an antenna in the elevator hoistway(s) (ASME A17.1) (NFPA 1221-9.6.7.4) (FBC BC 118.2.1,9).

**Note:** The elevator code does not allow the elevator shaft to be used for coaxial cable risers. A variance is required. (ASME A17.1.2.8.1)

**Note:** This checklist is a minimum checklist. Coordinate with the local Elevator AHJ for additional checklist items.

**2.1.4 Plan Review – Building (Structural)**

- 1. Structural design calculations for antenna mast (if applicable, FBC BC 107.3.5)
- 2. Attachment and roof penetration details on plan for antenna mast (if applicable, FBC BC 107.3.5)
- 3. Floor plans showing fire-rated enclosures for cables and BDA room, including fire-rated UL designs (if applicable, FBC BC 107.3.5)
- 4. Riser plans showing fire-rated enclosure for cable, including fire-rated UL designs (if applicable, FBC BC 107.3.5)
- 5. Firewall penetrations, including UL designs (if applicable, FBC BC 107.3.5)

**Note:** This checklist is a minimum checklist. Coordinate with the local AHJ for additional checklist items.

**2.1.5 Plan Review – FCC AHJ (License Holder)**

For all installations in Broward County, the plans shall be approved by the Broward County FCC License Holder:

Broward County  
Regional Emergency Services and Communications  
Communications and Technology Division  
1801 NW 64<sup>th</sup> St., Ste. 106A  
Fort Lauderdale, FL 33309

Note: All systems shall be FCC registered through the Broward County RESC-CTD office as the FCC AHJ.

Contact Information:

Jose M. De Zayas  
954-357-8012 (O)  
954-790-8410 (C)  
RESC-CTD-Radio@Broward.org (E)

For installations in the following cities, the plans shall also be approved by the local FCC License Holder:

1. Coral Springs

Communication Technical Coordinator  
Coral Springs Police Department

Contact Information:

Thomas Ciampi  
TCiampi@CoralSprings.org

2. Fort Lauderdale

Communication Shop  
1301 SW 2<sup>nd</sup> Ct., Building 5  
Fort Lauderdale FL

Contact Information:

Bobby Brown  
Telecommunications Coordinator  
Sustainability Department  
954-828-5554 (O)  
BOBrown@FortLauderdale.gov (E)

3. Plantation:

Barry Stearns  
Fire Department  
954-797-2150 (O)  
BStearns@PSD.Plantation.org (E)

**2.1.5 Plan Review – FCC AHJ (License Holder) (cont.)**

Plans shall include the following information:

- 1. Building owner and address, all plans shall be signed and sealed by an engineer. (FBC BC 118.2)
- 2. Building description showing building construction, building occupancy, total square footage, number of floors, total height of building
- 3. Applicable codes and edition dates
- 4. Floor plans showing device locations, fire-rated enclosures, conduit runs, and propagation modeling, etc. Propagation (heat) map drawings shall include the following (FBC BC 118.2.1.4):
  - Indoor Prediction Legend
  - Pictogram Legend
  - Calculations Legend
  - Number of Channels
  - Predictive propagation shown on floor plans
  - Name of certified designer and company
  - Materials Legend
  - Cables Legend
  - Frequencies or frequency bands for the Public Radio System(s)
- 5. Riser plans for systems
- 6. Specifications with manufacturer's parts numbers
- 7. Manufacturer's specifications for equipment; include equipment temperature limits.
- 8. Grounding and mounting details for antenna, mast, surge protector, BDA, power supply, battery enclosure. (IEEE 1692, TIA 569, TIA 607)
- 9. Notes on plans shall state:

"The system shall never be energized for testing or operation until written, or on site, approval is obtained from all applicable FCC License Holders."
- 10. Inbound signal level shall be sufficient to provide a minimum of DAQ 3.0 (3.4). (NFPA 1221-9.6.8.1\*)  
Outbound signal level shall be sufficient to provide a minimum of DAQ 3.0. (NFPA 1221-9.6.8.2)
- 11. Isolation shall be a minimum of 20 dB above the (maximum) signal booster gain under all operating conditions.
- 12. System radio frequencies: system shall be capable of transmitting (transporting) all public safety radio frequencies used by the FCC AHJ (License Holder) and be capable of using any modulation technology.
- 13. Frequency changes. System shall be capable of upgrading.

**2.1.5 Plan Review - FCC AHJ (License Holder) (cont.)**

- 14. System Components: Components shall be approved and compatible with the Public Safety Radio System.  
Show the propagation delay.  
Signal Boosters shall have FCC Certification. Power supplies shall have at least two independent supplies. Battery shall provide twelve (12) hour minimum operational run time. (Provide a battery calculation at 100%)
- 15. Technical Criteria
  - (1) Frequencies or frequency bands required
  - (2) Location and effective radiated power (ERP) of the FCC AHJ radio site
  - (3) Maximum propagation delay (30 microseconds)
  - (4) List of specifically approved system components
  - (5) Other supporting technical information
- 16. Other industry standards include IEEE 1692, TIA 569, and TIA 607.

**Note:** This checklist is a minimum checklist. Coordinate with the local FCC AHJ (License Holder) for additional checklist items.

**2.2.1 Inspection - Fire**

**Final Inspection**

Property Information

Property Name: \_\_\_\_\_ Permit #: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

Property Address: \_\_\_\_\_

Contact Information:

BDA Equipment Provider: \_\_\_\_\_

BDA Licensed Contractor: \_\_\_\_\_

Fire Alarm Licensed Contractor: \_\_\_\_\_

Fire Alarm Monitoring Company: \_\_\_\_\_

Engineer of Record: \_\_\_\_\_

- 1. The latest approved record drawings, operation manuals, and maintenance manuals are on the site.
- 2. The following representatives are on the site for the inspection:
  - Fire Inspector
  - Broward County RESC
  - Ft. Lauderdale TeleCom
  - Electrical Inspector
  - BDA equipment provider (systems integrator)
  - BDA Licensed Contractor
  - Fire Alarm Licensed Contractor
  - Engineer of Record, only for re-inspections, if required by the AHJ
  - Building Owner Representative
- 3. Fire Rated Enclosure openings and penetrations are properly sealed. (NFPA-1-12.7.5.1)
- 4. The installation complies with the pathway of survivability as shown on the approved record drawings.  
Note: All conductors shall be installed in raceways. (NFPA 1221-5)
- 5. The system components match the approved record drawings for manufacturer and part numbers.  
(NFPA 1221-9.6.11.1) (NFPA-1.1.4)
- 6. The BDA enclosure shall be painted red and a sign shall show permit number, vendor name and telephone number. (FBC BC 118.2.1.8)
- 7. Provide an information binder stored next to the BDA. Information shall include:  
(NFPA 72-14.6.1.1) (FBC BC 118)
  - (1) As-built drawings
  - (2) Manufacturer's data sheets and specs
  - (3) Heat map
  - (4) Final signal strength measurement (dB)
  - (5) Maintenance contract
  - (6) Broward County RESC, FCC AHJ (License Holders), all other approvals and elevator variance letter, if applicable.
  - (7) Maintenance repair log, expiration date, maintenance provider
- 8. Pathway survivability level shall be 1, 2, or 3. (NFPA 1221-5.10)  
All conductors shall be installed in raceways. (NFPA 1221-5)
- 9. The feeder and riser coaxial cables shall be rated as plenum cable (feeder cables shall be installed in an enclosure) that matches the building's fire rating and pathway survivability.  
(NFPA 1221-9.6.2.1.1.1, NFPA-1.4) Riser cables shall be installed in a 2-hour-rated enclosure.  
(NFPA 1221-9.6.2.1.3)
- 10. Feeder cables installed in raceways per Pathway Survivability Level 1 do not have to be in a rated enclosure. (NFPA 1221, TIA 16.2, NFPA-1.4)

**2.2.1 Inspection - Fire (cont.)**

- 11. Radio coverage shall be a minimum of 99% in critical areas, such as the fire command center(s), the fire pump room(s), exit stairs, exit passageways, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas deemed critical by the AHJ and 95% in general building areas. (NFPA 1221-9.3.1.2.1) Elevator hoistways shall be deemed critical areas. (FBC BC 118-2.1.9)
- 12. Inbound signal level shall be sufficient to provide a minimum of DAQ 3.0. (NFPA 1221-9.6.8.1)  
Outbound signal level shall be sufficient to provide a minimum of DAQ 3.0. (NFPA 1221-9.6.8.2)
- 13. Isolation shall be a minimum of 20 dB above the signal booster gain under all operating conditions. (NFPA 1221-9.6.9)
- 14. System radio frequencies: system shall be capable of transmitting all public safety radio frequencies assigned to the FCC AHJ (License Holder). (NFPA 1221-9.6.10.1) (FBC Broward Edition 2017-118)
- 15. Frequency changes: System shall be capable of upgrading. (NFPA 1221-9.6.10.2)
- 16. System Components: Components shall be approved and compatible with the Public Safety Radio System. (NFPA 1221-9.6.11)
- 17. All repeaters, transmitter receptacles, signal booster components and battery system components shall be in a NEMA 4, 4X enclosure. (NFPA 1221-9.6.11.2) (NFPA 1-1.4) Exception: batteries may be installed in a NEMA 3R enclosure when the system is UL2524 listed.
- 18. Power supplies shall have at least two independent sources. (NFPA 1221-9.6.12)
- 19. The primary power source shall be supplied from a dedicated circuit and shall comply with NFPA 72. (NFPA 1221-9.6.12.1)
- 20. The secondary power source shall consist of one of the following (NFPA 1221-9.6.12.2):
  - (1) Battery with at least 12 hours of operation at 100%
  - (2) Battery with at least 24 hours of operation at 100%
  - Legally required generator with at least 12 hours of operation at 100%
- 21. System Monitoring: The fire alarm system shall monitor the following items as a minimum (NFPA 1221-9.6.13.1):
  - (1) Monitoring for integrity of the system shall comply with NFPA 72-10
  - (2a) Donor antenna malfunction
  - (2b) Active RF emitting device failure
  - (2c) Low battery capacity indicator
  - (2d) System component failure
  - (3a) Loss of normal AC power
  - (3b) Failure of battery charger
  - (4) Communication link between the FACP and the BDA shall be monitored for integrity.
- 22. Dedicated Panel (annunciator panel) shall show (Auto-notification within 3 minutes, 20 seconds) (NFPA 1221-9.6.13.2):
  - (1a) Normal AC power
  - (1b) Loss of normal AC power
  - (1c) Battery charger failure
  - (1d) Low battery capacity
  - (1e) Donor antenna malfunction
  - (1f) Active RF emitting device malfunction
  - (1g) System component malfunction
  - (2) Communication link between the FACP and the BDA shall be monitored for3 integrity.



**2.2.1 Inspection - Fire (cont.)**

- 23. Signage is provided to locate the BDA.  
Fire Department signal booster permit number, service provider, expiration date, and contact telephone numbers are shown. (FBC 118.2.1.8) (NFPA 72-10.18.3.2)
- 24. Completed NFPA documentation specific to this system is provided. [NFPA 72-7.8.2; figure 7.8.2(a) and (b)]
- 25. Documentation is provided showing that a maintenance and service agreement has been entered into between the property owner and the provider of the BDA System.  
(NFPA 72-14.4.10.1) (NFPA 72-14.4.10.6) (NFPA 72-14.6.1.1)
- 26. DAQ, Delivered Audio Quality, for the system is a minimum of DAQ 3.0. Include all floors, critical areas, elevator cabs, and general building areas. (NFPA 1221-9.6.7.3)
- 27. Where required by the manufacturer, the power receptacle shall be an isolated ground type receptacle and shall be connected to an isolated ground. (NFPA 1221-5.8.2)
- 28. Systems shall have lightning protection (NFPA 1221-9.6.3). See FAQ 2021-05 for interpretation.

**Note:** This checklist is a minimum checklist. Coordinate with the local Fire AHJ for additional checklist items.

### 2.2.2 Inspection - Electrical

- 1. **Rough Electrical Inspection** (FBC BC (2020)-1.110.3(B))
  - Installation of conduits
  - Installation of coaxial cables according to manufacturer's instructions
  - Antenna, mast, cables, etc. shall be grounded and protected (NFPA 70-800, 810, 820)
  - Panels, BDA, and BBU shall be grounded and protected (NFPA 70-800, 810, 820).
  - See FAQ 2021-05 for interpretation.
  - Power connection to the BDA
  - Installation of conduits and equipment in fire-rated enclosures or rooms
  
- 2. **Final Inspection**
  - All electrical components are in place.
  - Label "BDA" circuit breakers.

**Note:** This checklist is a minimum checklist. Coordinate with the local Electrical AHJ for additional checklist items.

### 2.2.3 Inspection - Elevator

- 1. Rough System Inspection**
  - Elevator variance approved.
  - Conduit and cable installed in elevator shafts.
  
- 2. Final Inspection**
  - Antenna(s) installed in the elevator shaft.

**Note:** This checklist is a minimum checklist. Coordinate with the local Elevator AHJ for additional checklist items.

### 2.2.4 Inspection-Building (Structural)

**Rough Inspections:**

- 1. Inspection for all fire-rated enclosures/penetrations for cables and BDA room (FBC BC 110.3)
  - a. Framing inspection, if applicable
  - b. Drywall inspection, if applicable
- 2. In progress roof penetrations (if applicable, FBC BC 110.3)

**Final Inspections:**

- 1. Antenna mast installation (FBC BC 110.3)
- 2. Inspection for all fire-rated enclosures/penetrations for cables and BDA room (FBC BC 110.3)
- 3. Roof final (if applicable, FBC BC 110.3)

**Note:** This checklist is a minimum checklist. Coordinate with the local AHJ for additional checklist items.

## 2.2.5 Inspection - FCC AHJ (License Holder)

### 1. Initial Inspection

- 1. The system shall never be energized for testing or operation until written, or onsite approval is obtained from the FCC AHJ (License Holders).  
(FBC BC 1.118.4.2.2)
- 2. Prior to the initial inspection, a letter from the Engineer of Record stating that the installation is complete and ready to be energized for testing shall be received by the FCC AHJ (License Holders). The system settings and pictures of the installed major components shall also be provided to the FCC AHJ (License Holders). (FBC BC – 1.118.4.2.1)

The following components shall be included in the letter and pictures:

- (1) BDA with information  
Permit Number; Serviced by \_\_\_\_\_; Telephone \_\_\_\_\_
- (2) Enclosures with battery charger and batteries installed, wired with a label showing the battery installation date.
- (3) All equipment shall be properly grounded per TIA 607 and Motorola R56 Standards.
- (4) Antenna mast shall be grounded and protected by to the NFPA 780 Lightning Protection System.
- (5) Antenna shall have surge protection installed and wired.
- 3. The contractor shall coordinate the inspection with all responsible parties.  
The following shall be present at a minimum:
  - Owners representative
  - Electrical Contractor
  - Fire Alarm Contractor
  - BDA Vendor representative with analyzer and computer to gain access to the BDA program to check levels and settings.
  - System Engineer of Record, if requested by the AHJ.
  - Electrical AHJ
  - Fire Official AHJ
  - FCC AHJ(s) (License Holders) (There may be more than one.)
- 4. The Initial Inspection shall include the following:
  - (1) The System shall be energized for the first time.
  - (2) Items (1) through (10) in Section 2 above shall be inspected for compliance.
  - (3) Check the noise floor of the BDA transmitter. The noise floor shall not rise more than 1.5 dB at the donor antenna.
  - (4) System Engineer of Record shall attend all inspections, if requested by the AHJ.

### 2.2.5 Inspection - FCC AHJ (License Holder) (cont.)

#### 2. Final Inspection

This Inspection is a joint effort between the Fire Official and the FCC AHJ (License Holders). Prior to the final inspection, the contractor shall provide to the Fire Official and to the FCC AHJ (License Holders) the following documentation showing that the building is ready for the final inspection.

After passing the initial inspection, the contractor shall submit to the FCC AHJ (License Holder) a Post Heat Map Study to show that all areas are covered per the code. A letter from the Engineer of Record shall state that the System is completed, fully operational, and ready for the final inspection.

The contractor shall coordinate the inspection with all responsible parties. The following shall be present at a minimum:

- Owners' representative
- Electrical Contractor
- Fire Alarm Contractor
- BDA Vendor representative with analyzer and computer to gain access to the BDA program to check levels and settings.
- System Engineer of Record, if requested by the AHJ
- Electrical AHJ
- Fire Official AHJ
- FCC AHJ(s) (License Holders) (There may be more than one.)

Final Inspection:

- (1) Owner shall provide proof of a signed service agreement with the BDA vendor.
- (2) The noise floor of the BDA transmitter shall be rechecked.

**Note:** This checklist is a minimum checklist. Coordinate with the local FCC License Holder AHJ for additional checklist items.

## **Broward County Board of Rules and Appeals**

### **Emergency Responder Communications Enhancement Systems (ERCES) Guidelines**

#### **Section 3. Frequently Asked Questions (FAQ)**

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**FAQ 2021-3.1**  
**Cables Inside Buildings**

**Question:** Do the feeder and riser coaxial cables found in NFPA 1221-9.6 (2016), Two Way Radio Communications Enhancement Systems, have to comply with NFPA 1221-5.5 (2016), Wiring Inside Buildings?

**Applicable Codes:**

**NFPA 1221-5.5** Wiring Inside Buildings

**NFPA 1221-5.5.2** Where installed in buildings, conductors and fiber-optic cables shall be installed in accordance with NFPA 70 in any one of the following wiring methods:

- (1) Electrical metallic tubing
- (2) Intermediate metal conduit
- (3) Rigid metal conduit
- (4) Surface metal raceways
- (5) Reinforced thermosetting resin conduit (RTRC)

**NFPA 1221-5.5.2.1** Rigid polyvinyl chloride conduit shall be permitted where approved by the AHJ.

**NFPA 1221-9.6**

**Discussion:**

NFPA 1221-5.5.2 is for all wiring inside buildings.

**Answer:** The installation of all feeder and riser coaxial cables shall comply with NFPA 1221-5.5 (2016), Wiring Inside Buildings.



**FAQ 2021-3.2**  
**Cables and Flexible Conduit**

**Question:** Is flexible conduit allowed for use for riser and feeder cables?  
Is an assembly of armored cable with coaxial allowed for use as riser or feeder cables?

**Applicable Codes:** NFPA 1-1.4  
NFPA 1221-1.5  
NFPA 1221-5.5

**Discussion:** NFPA 1221-5.5 does not mention armored cable (AC) or flexible metal conduit (FMC) as approved wiring methods.  
NFPA 1.4 and NFPA 1221-1.5 May be used to allow armored cable or flexible metal conduit (FMC).

**Answer:** The engineer may design a system with armored cable (AC) or flexible metal conduit (FMC). The design is subject to obtaining the approval of the AHJ.

**FAQ 2021-3.3**

**Cables, Rated**

**Question:** NFPA 1221 (2016), Sections 9.6.2.1.1.1, 9.6.2.1.3, and 9.6.2.1.4 appear to be in conflict. TIA 16.2 for NFPA 1221 (2016) tried to resolve this problem. How does one comply?

**Applicable Codes:**

**NFPA 1-1.4**

**NFPA 1221-1.5**

**NFPA 1221-9.6.2.1.1,1** The feeder and riser coaxial cables shall be rated as plenum cables that match the building's fire rating and pathway survivability.

**NFPA 1221-9.6.2.1.3** Riser coaxial cables shall be rated as riser cables and routed through a 2-hour rated enclosure. [72:24.3.13.8.3]

**NFPA 1221-9.6.2.1.4** The connection between the riser and feeder coaxial cables shall be made with an enclosure matching the building's fire rating and pathway survivability, and passage of the feeder cable in and out of the enclosure shall be fire-stopped to the building's fire rating and pathway survivability.

**NFPA 1221-9.6.2.1 (2019)** The backbone, antenna distribution, radiating, or any fiber-optic cables shall be rated as plenum cables.

**NFPA 1221-9.6.2.3 (2019)** Backbone cables shall be routed through an enclosure that matches the building's fire rating.

**Discussion:**

NFPA 1221-9.6.2.1.1.1 and 9.6.2.1.4 were amended by TIA 16.2 to change from a 2-hour-rated enclosure to an enclosure matching the building's fire rating. However, NFPA 9.6.2.1.3 was not changed and still requires a 2-hour-rated enclosure. Where code sections conflict, the more stringent code section applies.

**Answer:** Riser coaxial cables shall be rated a riser cables and routed through a 2-hour-rated enclosure.

**FAQ 2021-3.4**  
**Lightning Protection**

**Question:** What is required to comply with NFPA 1221-9.6.3 (2016), Lightning Protection?

**Applicable Codes:**

**NFPA 1-1.4** Equivalency

**NFPA 70-Chapter 8** Communications Systems

**NFPA 1221-1.5** Equivalency

**NFPA 1221-9.6.3\*** Systems shall have lightning protection that complies with NFPA 780.

**NFPA 780** Standard for the installation of Lightning Protection Systems.

**Discussion:**

NFPA 780, is for a **complete** system to protect the **entire** structure or building.

Protecting a portion of a structure or building is not addressed and is not allowed by this code. Lightning Protection Systems are designed to protect the building structure, not to protect sensitive electronic equipment.

In Broward County, less than 30% of the buildings have lightning protection. Most of the buildings that have Lightning Protection Systems do not comply with NFPA 780. These Lightning Protection Systems do comply with the accepted standards in the industry: LPI-175/2020, by Lightning Protection Institute (LPI) and/or United Laboratories, Inc. (UL)

When a building is not protected by a Lightning Protection System that complies with NFPA 780, it may not be feasible or possible to add an NFPA 780 Lightning Protection System.

NFPA 1221 (2016) is 5 years old and was adopted by FBC 2020. NFPA 1225 (2022) will come out next year. While the FBC has not adopted the NFPA 1225 (2022), we can use the new codes to help us interpret the current codes when the current codes are vague and confusing. The committee for NFPA 1225 is re-addressing the Lightning Protection System requirements. The answer below is consistent with the committee's statement.

**Answer:**

1. The ECRES installed in any building shall be in compliance with the following Codes:

NFPA 70-800                      Communication Systems

NFPA 70-810                      Radio and Television Equipment

NFPA 70-820                      CATV and Radio Distribution Systems

2. The ECRES installed in buildings where an existing Lightning Protection System is in place, shall be protected by the existing Lightning Protection System.

The donor antenna shall be placed within the Lightning Protection System's "Zone of Protection". An assessment shall be completed by a qualified and certified Lightning Protection System installer to define the specific requirements.

**FAQ 2021-3.5**  
**Product Compatibility**

**Question:** Can we use the product compatibility form (3.4) to comply with NFPA 1-1.4 and NFPA 1221?

**Applicable Codes:** NFPA 1-1.4  
NFPA 1221

**Discussion:**

There are many components of an ERCES that do not fall into a category having a UL Standard. In these cases, the AHJ should use NFPA 1-1.4 Equivalencies, Alternatives, and Modifications to enable the usage of these components in an ERCES.

**Answer:** The engineer may design a system with the product compatibility list (see the attachment) shown on the drawings. The design is subject to obtaining the approval of the AHJ.

<b>Two-Way Radio Communications Enhancement Systems Product Compatibility</b>					
Item	Manufacturer	Product Name	Part Number	UL Standard	NRTL Listing
BDA/Repeater				60950 2524	
Power Supply					
Charger					
Battery/Enclosure					
Remote Annunciator					
Surge Protection					
Donor Antenna				N/A	-
In-Building Antenna				N/A	-
Couplers				N/A	-
Connectors				N/A	-
Splitters				N/A	-
Ground Kit				NA	-
Mast				NA	-
Outside Cable					
Plenum Cable					
The above items are compatible for use with the BDA. This form shall be filled out by the BDA manufacturer.					
BDA Mfgr. _____ Address _____ City/State _____ Rep Name _____ Title _____ Date _____			Florida Engineer of Record: _____ Name _____ PE # _____ Company _____ CA # _____ Date		

**FAQ 2021-3.6  
TESTING**

**Question:** What are the minimum requirements for radio coverage and signal strengths for fire department communication systems in buildings?

**Applicable Codes:** NFPA 1-11.10  
NFPA 1221-9.6 Two-Way Radio Communications Enhancement Systems  
NFPA 1221 A.11.3.9 Test Procedures  
FS 633.202(18) Florida Statutes

**Answer:** The Fire Official (Fire AHJ) shall determine the minimum requirements for radio coverage and signal strengths for the Fire Department Communication System inside buildings.

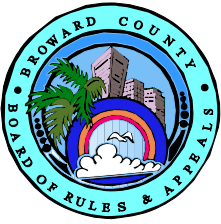
The Fire Official shall test a building to determine if an ERCES is required.

The Fire Official shall test a new ERCES installed in a building for final acceptance of the system.

Test procedures shall comply with NFPA 1221 A.11.3.9.

Contact the local municipality's Fire Official for coordination and scheduling the testing.

# Section 4



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director, James DiPietro  
**Date:** October 14, 2021  
**Subj:** Proposed addition of "Appointing Authority" definition to Section 101.2.2 Definitions of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020).

---

## Recommendation

That BORA approves by vote, on first reading the staff proposed addition of "Appointing Authority" definition to Section 101.2.2 Definitions of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020).

## Reasons

The phrase Appointing Authority is used in Section 104.1.1 "Appointment of a Building Official". The proposed addition will define who Appointing Authority is. Until now it has not been defined. The proposed definition is similar to the one proposed to be used in Miami Dade County. This final code draft has been reviewed by our Legal Counselor Mr. Charles Kramer and his recommended corrections were also included.

## Additional information

List of attached documents:

1. Revised 7<sup>th</sup> Edition Chapter 1 with stricken and underlined text to show addition of "Appointing Authority" definition to Section 101.2.2 Definitions.
2. Miami-Dade County proposed change to Chapter 8 of Miami-Dade County Ordinances.

Respectfully Submitted,

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

James DiPietro.

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**Proposed change to 7<sup>th</sup> Edition 2020 FBC CHAPTER 1 ADMINISTRATION—BROWARD COUNTY**

**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.
- Q. Appointing Authority shall mean any and all municipal governments within geographic Broward County acting through its appointed officers, and with respect to unincorporated Broward County, the Board of County Commissioners of Broward County, acting through its appointed officers.

**Additional information, not to be included in code.**

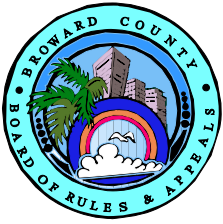
**Miami-Dade amendment to Chapter 8 of County Ordinances.**

**Sec. 8-3. - Definitions.**

Unless specifically defined elsewhere in this chapter, the definitions provided in this Section shall apply.

- (a) Appointing Authority shall mean any and all municipal governments within geographic Miami-Dade County >>through their appointed officers<<, and with respect to unincorporated Miami-Dade County, the Board of County Commissioners of Miami-Dade County, acting through its appointed officers.

# Section 5



**BROWARD COUNTY**

# Board of Rules & Appeals

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---

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director, James DiPietro  
**Date:** October 14, 2021  
**Subject:** Proposed change to Section 104.1.3 Certification of the Building Official and the Assistant Building Official of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020) requiring that the application for Certification of the Building Official or Assistant Building Official shall be signed by the jurisdiction's Chief Executive Officer (City Manager, Acting City Manager or Mayor) in accordance with existing BORA Policy 12-01.

---

### **Recommendation**

That BORA approves by vote, on first reading the staff proposed change to Section 104.1.3 Certification of the Building Official and the Assistant Building Official of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020).

### **Reasons**

This code revision will codify existing BORA Policy 12-01 that requires that the application for Certification of the Building Official or Assistant Building Official shall be signed by the jurisdiction's Chief Executive Officer (City Manager, Acting City Manager or Mayor).

If the Board chooses to approve this proposal, BORA Policy 12-01 will be rescinded.

This final code draft has been reviewed by our Legal Counselor Mr. Charles Kramer and his recommended corrections were also included.

### **Additional Information**

List of attached documents:

1. Revised 7<sup>th</sup> Edition Chapter 1 with underlined text to show change to Section 104.1.3.
2. BORA Policy 12-01 adopted October 11, 2012.

Respectfully Submitted,

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

James DiPietro

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***Proposed code change to 7<sup>th</sup> Edition FBC, Chapter 1, Broward Amendments.***

**104.1.3 Certification of the Building Official and the Assistant Building Official.** To be eligible for appointment as a Building Official or Assistant Building Official, such person shall be certified as required by BCAIB as a Building Code Administrator.

**104.1.3.1** Such person shall be certified by BORA and shall meet at least one of the following qualifications:

**104.1.3.1.1** A Florida Registered Architect or Florida licensed Professional Engineer having practiced for at least seven (7) years, a minimum of five (5) years shall have been within the jurisdiction of the HVHZ.

**104.1.3.1.2** Ten (10) years combined experience as a Master Electrician, Electrical Contractor, General Contractor, Master Mechanical, Mechanical Contractor, Class A Air Conditioning Contractor, Master Plumber, Plumbing Contractor, Chief Inspector, Standard Plans Examiner or Standard Inspector appointed by an AHJ or school board within the State of Florida. A minimum of five (5) years shall have been within the jurisdiction of the HVHZ.

**104.1.3.2** As part of the experience requirements above, the applicant shall have been appointed as Chief Inspector, Standard Plans Examiner or Standard Inspector by an AHJ or school board within the State of Florida for a minimum of two (2) years.

**104.1.3.3** Each of the applicants shall possess a current Certificate of Competency or a Professional Engineer license or Architect registration issued by at least one (1) of the following entities:

- A. Florida Construction Industry Licensing Board as a General Contractor, Mechanical Contractor or Plumbing Contractor.
- B. Florida Electrical Contractors Licensing Board as an Electrical Contractor.
- C. Broward County Central Examining Board of Building Construction Trades. (As Class "A" Unlimited General Contractor.)
- D. Broward County Central Examining Board of Electricians as a Master Electrician and/or Electrical Contractor.
- E. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors as a Mechanical Contractor or Class A Air Conditioning Contractor.
- F. Broward County Central Examining Board of Plumbers as a Master Plumber.
- G. Miami-Dade County Construction Trades Qualifying Board, for any of the above-referenced disciplines.
- H. Florida Board of Architecture and Interior Design.
- I. Florida Board of Professional Engineers.

**104.1.3.4** An applicant for Certification as Building Official or Assistant Building Official under the provisions of this section may only substitute two (2) years HVHZ experience with two (2) years of statewide experience by passing the BORA HVHZ exam.

**104.1.3.5** An applicant for Certification as a Building Official or Assistant Building Official under the provisions of this section who is a graduate from an accredited school holding a Bachelor or Associate of Science Degree in Engineering, Architecture or Building Construction from an accredited school may be credited for a maximum of two (2) years for Bachelor's Degree or a maximum of one (1) year for an Associate Degree towards the combined experience requirements. This credit is not applicable towards the requirements under Section 104.1.3.1.1.

**104.1.3.6** The application for Certification of the Building Official or Assistant Building Official shall be signed by the jurisdiction's chief executive officer (city manager, acting city manager or mayor).

Board Policy: 12-01

Subject: Modification of Form for Certifying the Building Official

---

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director  
**Date:** October 11, 2012  
**Re:** Modification of Form for Certifying the Building Official

---

**RECOMMENDATION**

It is recommended that the BORA approve, by motion, the revisions to the form used for certifying the building official position (indicated on the attachment), which requires the chief executive officer (City Manager, Acting City Manager, or Mayor) to sign the application rather than a delegated member of the staff.

**REASONS**

For the top building code position of building official, as contrasted with other inspector vacancies, this clarification would ensure that the local jurisdiction does not sponsor an applicant where questions are pending concerning the applicant's qualifications for the position without the direct knowledge of the chief executive officer.

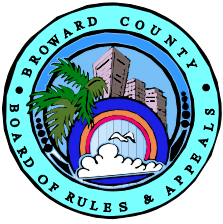
Respectfully submitted,



James DiPietro

This policy was approved by BORA during its regular meeting of October 12, 2012, and later incorporated to the Policies and Procedures book.

# Section 6



**BROWARD COUNTY**

# Board of Rules & Appeals

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---

**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director, James DiPietro  
**Date:** October 14, 2021  
**Subject:** Correction of typographic error on the numbering of Section 104.16.3 "Certification of the Structural Inspector", of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020), subsection 104.15.3.5 to read 104.16.3.5.

---

## **Recommendation**

That BORA approves by vote, on first reading the staff proposed change to the numbering of Section 104.16.3 "Certification of the Structural Inspector", of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020), subsection 104.15.3.5 to read 104.16.3.5.

## **Reasons**

A typographic error was made during the last Chapter 1 adoption. The section heading is 104.16.3 "Certification of the Structural Inspector". Subsection 104.15.3.5 should read 104.16.3.5. The proposed language will correct the error. No policy change is proposed. This final code draft has been reviewed by our Legal Counselor Mr. Charles Kramer and his recommended corrections were also included.

## **Additional information**

List of attached documents:

1. Revised Chapter 1, Florida Building Code (FBC) 7th Edition (2020) with stricken and underlined text to show changes to subsection 104.15.3.5 to read 104.16.3.5

Respectfully Submitted,

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

James DiPietro.

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**Section 104.16.3 Certification of the Structural Inspector.**

**104.16.3 Certification of the Structural Inspector.** To be eligible for appointment as a Structural Inspector, such person shall be certified by BCAIB as a Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

**104.16.3.1** Such person shall also be certified by BORA by meeting the requirements of at least one (1) of the following:

**104.16.3.1.1** Be a Florida Registered Architect or a Florida Licensed Professional Engineer in the discipline requested with two (2) years of HVHZ experience or by passing BORA's HVHZ exam.

**104.16.3.1.2** Be a BCAIB certified Standard Inspector in the Structural discipline with five (5) years of experience within the State of Florida, of which, two (2) years shall have been within HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire a G.C. license, by exam, within one (1) year of initial certification as an inspector.

**104.16.3.1.3** Be a licensed G.C. with at least five (5) years of experience within the State of Florida in the Structural discipline with that license of which, two (2) years shall have been within the HVHZ or by passing BORA's HVHZ exam.

**104.16.3.1.4** Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

**104.16.3.1.5** Ten (10) years construction experience in the Structural discipline of which at least two (2) years shall have been within the jurisdiction of the HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

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

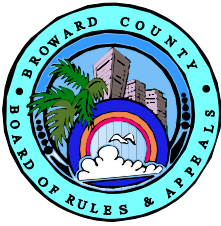
**104.16.3.3** Limited Building or Residential Inspector certifications may be issued to individuals holding current Building Contractor or Residential Contractor licenses and who otherwise meet the requirements of the appropriate section under which they are qualifying, with duties limited to the scope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

**104.16.3.4** An applicant for certification as Structural Inspector under the provisions of this section may only substitute the required two (2) year HVHZ experience with two (2) years of statewide experience by passing the BORA HVHZ exam.

→ **104.156.3.5** Building Inspectors (structural) certified by BORA on or after July 1<sup>st</sup>, 2020 shall be required to obtain a Reinforced Unit Masonry certification within two years from their initial BORA certification date.



# Section 7



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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**To:** Members of the Broward County Board of Rules and Appeals.  
**From:** Administrative Director, James DiPietro.  
**Date:** October 14, 2021  
**Subject:** Proposed change to Section 109.3 Building permit valuations, subsection 109.3.1 of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020) prohibiting a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit, in accordance with Florida Statute 553.79.

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## **Recommendation**

That BORA approves by vote, on first reading the staff proposed addition to Section 109.3 Building permit valuations, subsection 109.3.1 of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020).

## **Reasons**

House Bill 401 of 2021 was approved by the Governor on June 29, 2021 and became effective on July 1, 2021. The bill modified Florida Statute 553.79 "Permits; applications; issuance; inspections" adding "Section (1)(f)". It prohibits a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit.

This final code draft has been reviewed by our Legal Counselor Mr. Charles Kramer and his recommended corrections were also included.

## **Additional information**

List of attached documents:

1. Revised 7<sup>th</sup> Edition Chapter 1 with stricken and underlined text to show changes from the 6<sup>th</sup> Edition of Chapter 1.
2. Excerpt of HB 401-2021, and House of Representatives' staff bill analysis.

Respectfully submitted,

James DiPietro.

STRONGER CODES MEAN SAFER BUILDINGS  
~ESTABLISHED 1971~

**Section 109 Fees**

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at a time of application. Permit valuations, shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

**109.3.1** The Building Official may require an estimate of the cost utilizing RSMeans, ~~copies of signed contract~~ and/or other descriptive data as a basis for determining the permit fee. As mandated by HB-401-2021, a local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.

**Additional information, not to be included in code.**

CS/CS/HB 401, Engrossed 1 2021 Legislature Page 16, 17 of 39

Section 3. Paragraph (f) is added to subsection (1) of section 553.79, Florida Statutes, to read:

**553.79 Permits; applications; issuance; inspections.**

(1) (f) “A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.”

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0500-0599/0553/Sections/0553.79.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0553/Sections/0553.79.html)

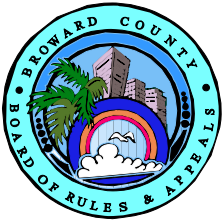
**HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS**

**BILL #:** CS/CS/HB 401 Florida Building Code

**Required Information in Building Permit Application – Effect of the Bill**

The bill prohibits a local government from requiring a contract between a builder and an owner as a condition to apply for or obtain a building permit.

# Section 8



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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**To:** Members of the Broward County Board of Rules and Appeals  
**From:** Administrative Director, James DiPietro  
**Date:** October 14, 2021  
**Subject:** Proposed change to Section 113 Board of Rules and Appeals, subsection 113.9.2 "Interpret code at request of Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA" of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020) to clarify code's intent.

---

## Recommendation

That BORA approves by vote, on first reading the staff proposed change to Section 113 Board of Rules and Appeals, subsection 113.9.2 "Interpret code at request of Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA" of Broward County Amendments (Chapter 1) Florida Building Code (FBC) 7th Edition (2020).

## Reasons

As written now Subsection 113.9.2 is unclear as what The Board need to do with interpretations requested by Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA. Proposed language will clarify the Boards role.

This final code draft has been reviewed by our Legal Counselor Mr. Charles Kramer and his recommended corrections were also included.

## Additional information

List of attached documents:

1. Current code Subsection 113.9.2.
2. Revised Chapter 1, Florida Building Code (FBC) 7th Edition (2020) with stricken and underlined text to show changes to subsection 113.9.2.
3. Full existing Section 113.9 for reference only.

Respectfully Submitted,

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

James DiPietro.

STRONGER CODES MEAN SAFER BUILDINGS  
~ESTABLISHED 1971~

**Proposed code change to 7th Edition 2020 FBC CHAPTER 1 ADMINISTRATION—BROWARD COUNTY**

**Section 113 Board of Rules and Appeals.**

*As currently written subsection 113.9.2 reads:*

**113.9.2 Interpret code at request of Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA.** The Board shall pass on all matters pertaining to this Code and referred to the Board by the Building Official, Assistant Building Official, Chief Inspector, or staff of BORA for interpretation or clarification.

*Staff proposed change to subsection 113.9.2:*

**113.9.2 Interpret code at request of Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA.** ~~The Board shall pass on all matters pertaining to this Code and referred to the Board by the Building Official, Assistant Building Official, Chief Inspector, or staff of BORA for interpretation or clarification.~~ At the request of a Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA; the Board shall issue final interpretations or opinions on any matter pertaining to this code and the FFPC.

**Current code for reference only.**

**113.8.4 Conflict of Interest.** No member of the Board shall sit as a voting member in any hearing involving any question in which he or she has personal or financial interest and shall be sequestered during the deliberation and vote of the Board.

**113.8.5 Quorum.** A quorum of the Board of Rules and Appeals shall consist of a majority of the total membership of the Board of Rules and Appeals, and a majority vote of those members voting on a measure shall be necessary for the Board of Rules and Appeals affirmative action. With a total membership of 13 members, quorum is 7.

**113.8.6** Written notice of Board decision shall be furnished to the appellant when requested.

**113.8.7** When an appeal of a decision of a Building Official/Fire Code Official or his or her subordinate has been filed with BORA that Building Official/Fire Code Official or his or her designated representative shall be responsible to (1, 2, 3, or all):

**113.8.7.1** Respond to BORA in writing defending his or her decision and/or interpretation, within five (5) (working) days.

**113.8.7.2** Attend the Board meeting when the appeal is on the agenda.

**113.8.7.3** Take immediate action in accordance with decision of BORA. Immediate action shall be that a Certificate of Completion, Temporary Occupancy, or a Certificate of Occupancy shall not be issued until compliance with the decision of the Board has been completed.

**Exception:** For fire related appeals only, see FFPC.

**113.9 Duties.**

**113.9.1 Appeal from decision of Building Official, Assistant Building Official or Chief Inspector.** The Board shall hear all appeals from the decisions of the Building Official, Assistant Building Official or Chief Inspector wherein such decision is on matters regulated by this Code from any person, aggrieved thereby, and specifically as set forth in Section 104.32, "Alternate Materials, designs and methods of Construction and equipment." Application for Appeal shall be in writing and addressed to the Secretary of the Board.

**113.9.2 Interpret code at request of Building Official, Assistant Building Official, Chief Inspector, Fire Code Official, or the staff of BORA.** The Board shall pass on all matters pertaining to this Code and referred to the Board by the Building Official, Assistant Building Official, Chief Inspector or staff of BORA for interpretation or clarification.

**113.9.3 Investigate Enforcement.** BORA, upon the request of any person charged with the responsibility of enforcing the Code, or upon its own initiative, shall conduct investigation into enforcement of this Code, and shall have the power to suspend or revoke any permits issued thereunder, after a hearing at which interested persons may appear and be heard and evidence indicates that the best interests of the public are served by such action except in regard to the qualifications of the applicant for permit.

**113.9.4 Report and Recommendations.**

**113.9.4.1** BORA may recommend to the elected Officials of the jurisdictions adopting this Code, ordinances prescribing the fee for examinations, permits, inspections of boilers and elevators, the testing of materials, and all other such work required by this Code.

**113.9.4.2** BORA shall make any desired amendments or revisions to the Code.

**113.10 Cost of appealing to Board.** Reserved.

**113.11 Procedure for Appeals.** Any person aggrieved by anyone enforcing this Code who desires to appeal to this Board shall first contact the Secretary of the Board for a date for his Appeal to be heard. A notice of Appeal shall be sent to the governing body of the jurisdiction wherein the dispute arose and said notice shall contain the following:

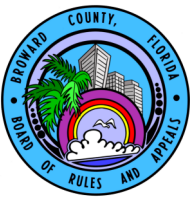
**113.11.1** The time and date of the hearing.

**113.11.2** A clear and concise statement of the subject to be decided on appeal sufficient to put the said governing body on notice so that they may defend their interpretation of this Code.

**113.11.3** The notice shall be sent by certified mail with return receipt and by facsimile or electronic media, with a receipt showing delivery by noon, or by personal delivery by noon at least nine (9) days prior to the hearing. The Board in its discretion may require a specific form for this notice. For an appeal

# Section 9





# Broward County Board of Rules and Appeals

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

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**To:** Members of the Board of Rules and Appeals

**From:** James DiPietro, Administrative Director

**Date:** October 14, 2021

**Re:** Updates Concerning the 40-Year Building Safety Inspection Program –  
2019, 2020 and 2021 Audits

---

Attached please find documentation related to the audits of the 40-Year Building Safety Inspection Program that the Broward County Board of Rules and Appeals is conducting with all jurisdictions for 2019, 2020 and 2021.

There is a summary of city activities dated September 22 on pages 3-4, followed by the original chart dated on September 7 on pages 5a-5b.

There are several additional staff comments and documentation provided in the report. These include a current survey where we are seeking to confirm that 99% of all Building Safety Inspection Program notices have in fact been mailed by the jurisdictions to the property owners for each of the last three years. A verbal update will be provided at the Board meeting.

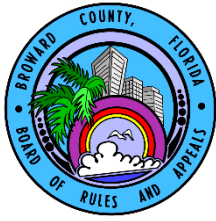
We are also requesting for each jurisdiction to appoint a single point of contact for all Building Safety Inspection Program matters for use by the Broward County Board of Rules and Appeals staff. Documentation on this matter is included. You will also find staff suggestions enclosed.

Although no specific action is being asked of the Board at this time, members may still choose to provide any direction by vote to the BORA staff as it pertains to this item as this is a regular agenda item, rather than a report.

Respectfully Submitted,

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

James DiPietro



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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

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

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

## **2021 Voting Members**

### **Chair**

Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

### **Vice-Chair**

Mr. Stephen E. Bailey, P.E.  
Electrical Engineer  
Mr. John Famularo,  
Roofing Contractor  
Mrs. Shalanda Giles Nelson,  
General Contractor  
Mr. Daniel Rourke  
Master Plumber  
Mr. Gregg D'Attile,  
Mechanical Contractor  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. John Sims,  
Master Electrician  
Mr. Dennis A. Ulmer  
Consumer Advocate  
Mr. Abbas H. Zackria, CSI  
Architect  
Mr. Robert A. Kamm, P.E.  
Mechanical Engineer  
Mr. Sergio Pellecer  
Fire Service Professional

## **2021 Alternate Board Members**

Mr. Jeff Falkanger  
Architect  
Mr. Steven Feller, P.E.  
Mr. William Flett,  
Roofing Contractor  
Mechanical Engineer  
Mr. Alberto Fernandez  
Mr. David Rice, P.E.  
Electrical Engineer  
General Contractor  
Mr. Robert Taylor  
Fire Service  
Mr. James Terry,  
Master Plumber  
Mr. David Tringo  
Master Electrician

## **Vacant**

Representative Disabled Community

## **Board Attorney**

Charles M. Kramer, Esq.

## **Board Administrative Director**

James DiPietro

—ESTABLISHED 1971—

**Date:** October 14<sup>th</sup>, 2021

**To:** James DiPietro, Administrative Director

**From:** 40-Year Building Safety Program Committee

**Subject:** Final summary report on the 40-Year Building Safety Program Audits

## **Final Committee Report**

On June 29th, 2021, the Board of Rules and Appeals initiated an audit of the 40-year building safety program to all towns, cities, and county for the calendar year of 2020 which was limited to six story and greater buildings only. After reviewing the results of the 2020 40-Year Building Safety Program audit, the Board had decided on July 26th, 2021, to extend the audit out to the calendar year of 2019 to include all buildings. These audits are currently still under review and will continue to be monitored.

The results of these audits are as followed:

1. A review of the audits indicated that more than half of the cities administered the program efficiently where others did not comply with the time restraints of the program mandates.
2. In most instances, it's shown that there are very few follow up programs throughout the municipalities. This follow up program should be developed and administered by each jurisdiction. Jurisdictions should also be utilizing the Special Magistrate to help them achieve compliance with the 40-year building safety inspection program.
3. We receive many calls from the public with questions that need and should be answered by the jurisdiction. We find this can be very frustrating to the public, jurisdictions need to designate specific personal to resolve any issues that may come up during the administration of the program.

Respectfully

  
\_\_\_\_\_  
40-Year Building Safety Inspection Committee Member

*Cc; Members of the Board of Rules and Appeals*

Original questions that were sent out for the 2019 audit ➔	What was the date the initial notice was sent out for this building?		Was the building safety inspection report completed for this building? Yes or No		Was the building safety inspection report received within the 90 day requirement for this building (September - November)? Yes or No		If received late, what date was the building safety inspection report received?	Is the building safety inspection report still outstanding for this building at the present time? Yes or No		Did the building safety inspection report for this building call for any repairs that required a permit? Yes or No		
	Data we receive back from the building departments ➔	Total number of notices required to be sent out and the number of notices that were sent out/percentage.	Date range notices were sent out	Number completed	Number not completed	Yes		No	Date range of reports received outside of Sep - Nov	Yes, number of reports still outstanding	No	Yes
Municipality												
Coconut Creek	697 / 697 Sent-100%	6/2019	697 - 100%	0	697 - 100%	0	0	0	0	0	0	0
Cooper City	11 / 11 Sent-100%	8/12/2021	0	11	0	0	0	0	11 -100%	0	0	0
Coral Springs	469 / 469 Sent-100%	8/8/2019	469 -100%	0	255-54%	214	12/10/2019 thru 10/23/20	16-3%	453	18 - 4%	451	
Dania Beach	185 / 185 Sent-100%	8/2019	184 - 99%	1	138 - 75%	47	12/17/19 thru 8/3/21	1 -1%	184	1 - 1%	0	
Davie	425 / 425 Sent-100%	7/23/2019 thru 7/27/2019	143 - 34%	275	24 - 56%	397	12/26/2019	253 - 77%	28	45 - 31%	53	
Deerfield Beach	89 / 89 Sent-100%	7/9/2019 thru 7/23/2019	53 - 60%	36	39 - 44%	50	12/9/2019-5/27/2020	36 - 40%	53	1 - 2%	52	
Fort Lauderdale	3226 / 3226 Sent 100%	8/20/2019-9/30/2021	2685 - 83%	541	287 - 9%	2904	2/2020-8/21/2021	1502 - 47%	1726	1184	1722	
Hallandale Beach	2249 / 2249 Sent 100%	6/30/2021	0	0	0	0	0	2249 - 100%	0	0	0	
Hillsboro Beach	160 / 160 Sent-100%	6/2019	160 - 100%	0	160 -100%	0	0	160 - 100%	0	160 - 100%	0	
Hollywood	3043 / 3043 Sent-100%	7/1/2021 and 7/29/2021	4 - 0.13%	3039	0	3043	0	3040 - 99%	3	0	4	
Lauderdale Lakes	23 Req / 23 Sent-100%	8/22/2019 to 6/23/2020 and 1 on 8/4/2021	13 - 56%	10	3-13%	20	2/6/2020 thru 7/22/2021	10 - 43%	13	4 - 31%	0	
Lauderdale-By-The-Sea	732 / 732 Sent-100%	7/28/2021 thru 8/16/2021	0	732	0	723	0	732 - 100%	0	Unknown	Unknown	
Lauderhill	32 / 32 Sent-100%	8/15/2019	0	32	0	32	0	32 - 100%	0	0	0	
Lazy Lake	N/A - None Required	0	0	0	0	0	0	0	0	0	0	
Lighthouse Point	9 / 9 Sent-100%	7/16/2019	8 - 89%	1	8 - 89%	1	0	8 - 89%	1	0	0	
Margate	802 / 802 Sent-100%	9/11/2019 thru 8/3/2021	530 - 66%	272	634 - 79%	168	2/12/20 thru 7/26/21	273 - 34%	529	273 - 51%	529	
Miramar	30 / 30 Sent-100%	8/5/2019 thru 8/6/2019	13 - 43%	17	0	24	6	17 - 57%	13	0	13	
North Lauderdale	326 / 326 Sent 100%	10/17/2019 thru 8/18/2021	289 - 89%	37	1 - 0.30%	325	6/25/2020 and 12/22/2020	37 - 11%	289	288 - 88%	38	
Oakland Park	358 / 358 Sent-100%	8/29/2019 thru 9/5/2019	72 - 20%	286	52 - 15%	306	12/2/2019 thru 1/20/2021	286 - 80%	72	4 - 6%	0	
Parkland	N/A - None Required	0	0	0	0	0	0	0	0	0	0	
Pembroke Park	15 / 15 Sent-100%	7/10/2019	11 - 73%	4	10-66%	5	5/15/2020 / 1 Total	4 - 27%	11	1 - 6%	10	
Pembroke Pines	30 / 30 Sent-100%	7/19/2016 thru 8/11/2021	16 - 53%	14	16 - 53%	14	1/6/2020 thru 7/1/2021	14 - 47%	16	0	16	
Plantation	932 / 932 Sent-100%	8/12/2019	720 - 77%	212	390 - 42%	542	5/17/2021 thru 6/14/2021	220 - 24%	712	619 - 34%	399	
Pompano Beach	2666 Req / 2666 Sent-100%	8/3/2019 thru 11/20/2019 1/31/2020 thru 9/23/2020 3/17/2021 thru 7/14/2021	387 - 15%	2279 - 85%	6 - .5%	2660	1/8/2020 thru 8/31/2021	387 - 15%	2279	4 - 1%	Unknown at this time	
Sea Ranch Lakes	N/A - None Required	0	0	0	0	0	0	0	0	0	0	
Southwest Ranches	N/A - None Required	0	0	0	0	0	0	0	0	0	0	
Sunrise	894 / 894 Sent-100%	8/2019 thru 8/2021	814 - 91%	80	760 - 85%	134	3/10/2020 & 8/10/2021	132 - 15%	762	124 - 14%	745	
Tamarac	380 / 380 Sent 100%	5/1/2020	111 - 29%	269	173 - 46%	207	6/15/2020 thru 12/21/2020	269 - 71%	111	89 - 23%	291	
Unincorporated Broward County	27 / 27 Sent-100%	7/28/2019	8 - 30%	19	8 - 30%	19	0	11 - 41%	16	0	7	
West Park	15 / 15 Sent-100%	7/8/2021	1 - 7%	14	1 - 67%	14	0	0	0	0	1	
Weston	307 / 307 sent-100%	2/26/2020	107 - 35%	200	107 - 35%	200	0	107 - 35%	200	0	307	
Wilton Manors	70 / 70 Sent-100%	8/16/2021	0	70	0	70	0	70 - 100%	0	0	0	

September 22, 2021

For printing purposes	What were the total number of permits issued on this building for the repairs? (If any)	Were the required repairs completed in the time allotted (December - May) by the building safety program requirements? Yes, No or N/A		Are repairs still in progress for this building? Yes or No		Was the final building safety inspection reports submitted, reviewed and approved by the building official? Yes or No		Are there any enforcement actions in progress or requirements that are in non-compliance (inspection reports, completion of repairs, final inspection reports). Yes or No	
	Total number of permit issued for repairs	Total number of repairs completed between Dec - May	Number of repairs completed outside of Dec - May	Yes	No	Yes	No	Yes	No
Municipality									
Coconut Creek	0	0	0	0	0	697	0	0	0
Cooper City	0	0	0	0	0	0	11	0	0
Coral Springs	5	45	110	40	104	453	16	16	453
Dania Beach	1	0	0	1	0	0	1	1	0
Davie	0	0	0		131	149	272	158	66
Deerfield Beach	0	0	1	0	0	38	35	36	36
Fort Lauderdale	3357	0	2307	1411	1546	1444	1777	1781	944
Hallandale Beach	0	0	0	0	0	0	0	0	0
Hillsboro Beach	2	0	0	2	0	0	160	0	0
Hollywood	0	0	0	0	4	0	0	0	3043
Lauderdale Lakes	4	0	0	4	0	9	14	9	0
Lauderdale-By-The-Sea	Unknown	0	0	0	0	0	0	0	0
Lauderhill	0	0	0	0	0	5	27	0	0
Lazy Lake	0	0	0	0	0	0	0	0	0
Lighthouse Point	0	0	0	0	0	8	1	1	0
Margate	1 Permit for all units	0	0	237	0	529	273	273	529
Miramar	0	0	0	0	13	13	17	0	30
North Lauderdale	0	0	0	288	38	2	324	324	2
Oakland Park	2	1	0	4	354	72	286	0	358
Parkland	0	0	0	0	0	0	0	0	0
Pembroke Park	1	0	1	0	11	11	4	4	11
Pembroke Pines	10	3	0	0	3	16	14	1	29
Plantation	268	4	928	296	636	20	912	356	576
Pompano Beach	3	0	0	3	0	216	2450	0	0
Sea Ranch Lakes	0	0	0	0	0	0	0	0	0
Southwest Ranches	0	0	0	0	0	0	0	0	0
Sunrise	141	0	33	52	842	762	132	132	762
Tamarac	180	0	0	180	0	137	243	269	111
Unincorporated Broward County	0	0	0	0	0	8	19	19	8
West Park	0	0	0	0	0	0	0	0	0
Weston	0	0	0	0	0	107	200	200	107
Wilton Manors	0	0	0	0	0	0	70	0	0

September 22, 2021

**From:** [Boselli, Ruth](#)  
**Subject:** Added pages to Board agenda 9-9-2021 - Updates 2019 Audit results  
**Date:** Tuesday, September 7, 2021 11:53:45 AM  
**Attachments:** [Final findings report 9 7 2021.pdf](#)  
[image001.png](#)

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Good morning, please see attached 2 additional pages (5.a & 5.b) containing the final results for the 2019 Audit. Please save them along with your agenda.  
Thank you.

**Ruth Boselli**

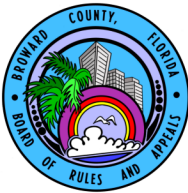
Administrative Coordinator

**Board of Rules and Appeals**

1 N University DR. Ste. 3500B  
Plantation FL 33324

954-765-4500 x 9889

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Original questions that were sent out for the 2019 audit ➔	What was the date the initial notice was sent out for this building?		Was the building safety inspection report completed for this building? Yes or No		Was the building safety inspection report received within the 90 day requirement for this building (September - November)? Yes or No		If received late, what date was the building safety inspection report received?	Is the building safety inspection report still outstanding for this building at the present time? Yes or No		Did the building safety inspection report for this building call for any repairs that required a permit? Yes or No	
	Total number of notices required to be sent out and the number of notices that were sent out/percentage.	Date range notices were sent out	Number completed	Number not completed	Yes	No		Yes, number of reports still outstanding	No	Yes	No
<b>Municipality</b>											
Coconut Creek	697 / 697 Sent-100%	6/2019	697 - 100%	0	697 - 100%	0	0	0	0	0	0
Cooper City	11 / 11 Sent-100%	8/12/2021	0	11	0	0	0	11 -100%	0	0	0
Coral Springs	469 Req / 469 Sent-100%	8/8/2019	469 -100%	0	255-54%	214	12/10/2019 thru 10/23/20	16-3%	453	18 - 4%	451
Dania Beach	185 / 185 Sent-100%	8/2019	184 - 99%	1	138 - 75%	47	12/17/19 thru 8/3/21	1 -1%	0	1 - 1%	0
Davie	425 / 425 Sent-100%	7/23/2019 thru 7/27/2019	144 - 34%	276	24 - 56%	346	12/26/2019	327 - 77%	260	45 - 31%	53
Deerfield Beach	89 / 89 Sent-100%	7/9/2019 thru 7/23/2019	53 - 60%	36	39 - 44%	50	12/9/2019-5/27/2020	36 - 40%	53	1 - 2%	52
Fort Lauderdale	3226 / 3226 Sent 100%	8/20/2019-9/30/2021	2685 - 83%	541	287 - 9%	2904	2/2020-8/21/2021	1502 - 47%	1726	1184	1722
Hallandale Beach	2249 / 2249 Sent 100%	6/30/2021	0	0	0	0	0	2249 - 100%	0	0	0
Hillsboro Beach	160 / 160 Sent-100%	6/2019	160 - 100%	0	160 -100%	0	0	1 - 1%	0	1 - 1%	0
Hollywood	3043 Req / 3043 Sent-100%	7/1/2021 and 7/29/2021	4 - 0.13%	3039	0	3043	0	3040 - 99%	3	0	4
Lauderdale Lakes	23 Req / 23 Sent-100%	8/22/2019 to 6/23/2020 and 1 on 8/4/2021	13 - 56%	10	3-13%	20	2/6/2020 thru 7/22/2021	10 - 43%	13	4 - 31%	0
Lauderdale-By-The-Sea	732 Req / 732 Sent-100%	7/28/2021 thru 8/16/2021	0	723	0	723	0	723 - 99%	0	Unknown	Unknown
Lauderhill	32 / 32 Sent-100%	8/15/2019	0	32	0	32	0	32 - 100%	0	0	0
Lazy Lake	N/A - None Required	0	0	0	0	0	0	0	0	0	0
Lighthouse Point	9 / 9 Sent-100%	7/16/2019	8 - 89%	1	8 - 89%	1	0	8 - 89%	1	0	0
Margate	802 / 802 Sent-100%	9/11/2019 thru 8/3/2021	530 - 66%	274	634 - 79%	168	2/12/20 thru 7/26/21	273 - 34%	529	273 - 51%	529
Miramar	30 / 30 Sent-100%	8/5/2019 thru 8/6/2019	13 - 43%	17	0	24	6	17 - 57%	13	0	13
North Lauderdale	326 / 326 Sent 100%	10/17/2019 thru 8/18/2021	289 - 89%	37	1 - 0.30%	325	6/25/2020 and 12/22/2020	37 - 11%	289	288 - 88%	38
Oakland Park	358 / 358 Sent-100%	8/29/2019 thru 9/5/2019	72 - 20%	286	52 - 15%	306	12/2/2019 thru 1/20/2021	286 - 80%	72	4 - 6%	0
Parkland	N/A - None Required	0	0	0	0	0	0	0	0	0	0
Pembroke Park	15 Req / 15 Sent-100%	7/10/2019	11 - 73%	4	10-66%	5	5/15/2020 / 1 Total	4 - 27%	11	1 - 6%	10
Pembroke Pines	30 / 30 Sent-100%	7/19/2016 thru 8/11/2021	16 - 53%	14	3 - 10%	14	1/6/2020 thru 7/1/2021	14 - 47%	16	0	16
Plantation	852 Req / 852 Sent-100%	8/12/2019	712 - 83%	212	591-69%	333	5/17/2021 thru 6/14/2021	211 - 25%	711	386 - 54%	399
Pompano Beach	2666 Req / 2419 Sent-91%	8/3/2019 thru 11/20/2019 1/31/2020 thru 9/23/2020 3/17/2021 thru 7/14/2021	387 - 15%	2279 - 85%	6 - .5%	2660	1/8/2020 thru 8/31/2021	387 - 15%	2279	4 - 1%	Unknown at this time
Sea Ranch Lakes	N/A - None Required	0	0	0	0	0	0	0	0	0	0
Southwest Ranches	N/A - None Required	0	0	0	0	0	0	0	0	0	0
Sunrise	897 / 897 Sent-100%	8/2019 thru 8/2021	814 - 91%	80	760 - 85%	134	3/10/2020 & 8/10/2021	132 - 15%	762	124 - 14%	745
Tamarac	380 / 380 Sent 100%	5/1/2020	111 - 29%	269	173 - 46%	207	6/15/2020 thru 12/21/2020	269 - 71%	111	89 - 23%	291
Unincorporated Broward County	27 Req / 27 Sent-100%	7/28/2019	8 - 30%	19	8 - 30%	19	0	11 - 41%	16	0	7
West Park	15 Req / 15 Sent-100%	7/8/2021	1 - 7%	14	1 - 67%	14	0	0	0	0	1
Weston	307 / 307 sent-100%	2/26/2020	107 - 35%	200	107 - 35%	200	0	107 - 35%	200	0	307
Wilton Manors	70 Req / 70 Sent-100%	8/16/2021	0	70	0	70	0	70 - 100%	0	0	0

For printing purposes	What were the total number of permits issued on this building for the repairs? (If any)	Were the required repairs completed in the time allotted (December - May) by the building safety program requirements? Yes, No or N/A		Are repairs still in progress for this building? Yes or No		Was the final building safety inspection reports submitted, reviewed and approved by the building official? Yes or No		Are there any enforcement actions in progress or requirements that are in non-compliance (inspection reports, completion of repairs, final inspection reports). Yes or No	
	Total number of permit issued for repairs	Total number of repairs completed between Dec - May	Number of repairs completed outside of Dec - May	Yes	No	Yes	No	Yes	No
Municipality									
Coconut Creek	0	0	0	0	0	697	0	0	0
Cooper City	0	0	0	0	0	0	0	0	0
Coral Springs	5	45	110	40	104	453	16	16	453
Dania Beach	1	0	0	1	0	0	1	1	0
Davie	0	0	0	0	132	150	270	158	66
Deerfield Beach	0	0	1	0	0	38	35	36	36
Fort Lauderdale	3357	0	2307	1411	1546	1444	1777	1781	944
Hallandale Beach	0	0	0	0	0	0	0	0	0
Hillsboro Beach	2	0	0	1	0	0	1	0	0
Hollywood	0	0	0	0	4	0	0	0	3043
Lauderdale Lakes	4	0	0	4	0	9	14	9	0
Lauderdale-By-The-Sea	Unknown	0	0	0	0	0	0	0	0
Lauderhill	0	0	0	0	0	5	27	0	0
Lazy Lake	0	0	0	0	0	0	0	0	0
Lighthouse Point	0	0	0	0	0	8	1	1	0
Margate	1 Permit for all units	0	0	237	0	529	273	273	529
Miramar	0	0	0	0	13	13	11	0	30
North Lauderdale	0	0	0	288	38	2	324	324	2
Oakland Park	2	1	0	4	354	72	286	0	358
Parkland	0	0	0	0	0	0	0	0	0
Pembroke Park	1	0	1	0	11	11	4	4	11
Pembroke Pines	10	3	0	0	3	16	14	1	29
Plantation	53	4	507	296	17	19	297	422	169
Pompano Beach	3	0	0	3	0	216	2450	0	0
Sea Ranch Lakes	0	0	0	0	0	0	0	0	0
Southwest Ranches	0	0	0	0	0	0	0	0	0
Sunrise	141	0	33	52	842	762	132	132	762
Tamarac	180	0	0	180	0	137	243	269	111
Unincorporated Broward County	0	0	0	0	0	8	19	19	0
West Park	0	0	0	0	0	0	0	0	0
Weston	0	0	0	0	0	107	200	200	107
Wilton Manors	0	0	0	0	0	0	70	0	0

2019 Audit - Updated 9-7-2021

**Dipietro, James**

---

**From:** Morell, John  
**Sent:** Tuesday, October 5, 2021 9:31 AM  
**To:** Attah, Adam; Alex Hernandez - B.O. Coral Springs; Brian Dillon - SW Ranches and W Park B.O.; Christopher Augustin - Sunrise B.O.; Edward Adach - LBTS B.O.; George Folles - Tamarac B.O.; Jack Boone - BO Coconut Creek; Jack Fisher; John Travers; Julio Briceno - Miramar B.O.; Lazy Lake Building Official - Michel Mesa; Michael Rada - Pompano Beach B.O.; mnunez@tppl.gov; Nicholas Todaro - Davie B.O.; Peter Beaudoin - Lighthouse Point B.O.; Randy Youse - Lauderhill B.O.; Reggie Cox - Weston B.O.; Richard R. Nixon - Margate B.O.; Roman Sanchez - Lauderdale Lakes B.O.; Puentes, Ronald; Russell Long - Hollywood B.O.; Shane Kittendorf - Wilton Manors B.O.; Sheila Oliver B.O. Deerfield Beach; Shellie Jackson; Stephen Hans - Sea Ranch Lakes B.O.; Steve Mitchell - Hillsboro Beach B.O.; Thomas Shubert B.O. Oakland Park ; Victor Blanco - Cooper City B.O.; William Gale - Plantation B.O.; William Tracy - Parkland B.O.  
**Cc:** Dipietro, James; Guerasio, Michael; Castronovo, Kenneth  
**Subject:** 40 year progress

**All Building Officials**

Please respond to this survey by the end of the week, 10/8/2021, regarding the progress of the 40 Year Inspection program in your jurisdiction

We want to know if at least 99% of all the notices for the 40 Year Inspection Program have been sent for the following years

2019 YES  No

2020 YES  No

2021 YES  No

Thank you in advance for your cooperation.

Respectfully

Jack Morell  
Chief Structural Code Compliance Officer  
Broward County Board of Rules and Appeals  
954-765-4500 x 9887  
[jmorell@broward.org](mailto:jmorell@broward.org)





**From:** [Curry, Brianna](#)  
**Cc:** [Dipietro, James](#)  
**Bcc:** [Abbas H. Zackria](#); [Alberto Fernandez](#); ["bflett@bellsouth.net"](#); [Dan Lavrich](#); [Daniel Rourke](#); [Dave Rice \(drice@rc-eng.com\)](#); [Dennis Ulmar - Consumer Advocate](#); [Greg D'atille](#); [J. Flores - Asst to Al Fernandez](#); [James Terry](#); [Jeff Falkanger AIA](#); [John Famularo](#); [John Sims](#); [Lynn Wolfson](#); [Robert A. Kamm](#); [Robert Taylor](#); [Ron Burr](#); [Sergio Pellecer](#); [Shalanda Giles Nelson](#); [Stephen Bailey, P.E.](#); [Steve Feller](#); [Tringo David \(dtringo@capfla.com\)](#)  
**Subject:** BORA October 14 Agenda – Item 9 Updates  
**Date:** Thursday, October 14, 2021 11:30:00 AM  
**Attachments:** [2019-2021 40 Year Survey Results.pdf](#)  
[Contacts 2021.pdf](#)

---

Good Morning,

Per Jim's request, please see the attached updates to pages 7-8 of agenda Item #9.

Thank You,

**Brianna Curry**  
**Administrative Specialist**  
Board of Rules and Appeals  
1 N. University Drive, Suite 3500B  
Plantation, FL 33324  
954-765-4500 x9885  
[broward.org/CodeAppeals](http://broward.org/CodeAppeals)

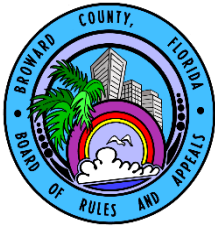


STRONGER CODES MEAN SAFER BUILDINGS  
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*Please consider the Environment before printing.*

JURISDICTION	SURVEY QUESTION, HAVE YOU SENT OUT AT LEAST 99% OF YOUR 40 YEAR INSPCCTION NOTICES?									
	2019		2020		2021					
	YES	NO	YES	NO	YES	NO				
<b>Broward County</b>	YES		YES		YES					
<b>Coconut Creek</b>	YES		YES		YES					
<b>Cooper City</b>	YES		YES		YES					
<b>Coral Springs</b>	YES		YES		YES					
<b>Dania Beach</b>	YES		YES		YES					
<b>Davie</b>	YES		YES		YES					
<b>Deerfield Beach</b>	YES		YES		YES					
<b>Fort Lauderdale</b>	YES		YES		YES	NO	50% sent and 50% will be by end of October			
<b>Hallandale Beach</b>	YES		YES		YES					
<b>Hillsboro Beach</b>	YES		YES		YES					
<b>Hollywood</b>	YES		YES		YES					
<b>Lauderdale by the Sea</b>	YES		YES		YES					
<b>Lauderdale Lakes</b>	YES		YES		YES					
<b>Lauderhill</b>	YES		YES		YES					
<b>Lazy Lake</b>	NA		NA		NA		NO BUILDINGS QUALIFY FOR 40 YEAR			
<b>Lighthouse Point</b>	YES		YES		YES					
<b>Margate</b>	YES		YES		YES					
<b>Miramar</b>	YES		YES		YES					
<b>North Lauderdale</b>	YES		YES		YES					
<b>Oakland Park</b>	YES		YES		YES					
<b>Parkland</b>	NA		NA		NA		NO BUILDINGS QUALIFY FOR 40 YEAR			
<b>Pembroke Park</b>	YES		YES		YES					
<b>Pembroke Pines</b>	YES		YES		YES					
<b>Plantation</b>	YES		YES		YES					
<b>Pompano Beach</b>	YES		YES		YES					
<b>Sea Ranch Lakes</b>	NA		NA		NA		NO BUILDINGS QUALIFY FOR 40 YEAR			
<b>Southwest Ranches</b>	YES		YES		YES					
<b>Sunrise</b>	YES		YES		YES					
<b>Tamarac</b>	YES		YES			NO	Have not sent out any 40 year notices for 2021			
<b>West Park</b>	YES		YES		YES					
<b>Weston</b>	YES		YES		YES					
<b>Wilton Manors</b>	YES		YES		YES					
	YES	29		29		28				
	NA	3		3		3				
	NO					2	* See Fort Lauderdale			



# BROWARD COUNTY BOARD OF RULES AND APPEALS

ONE NORTH UNIVERSITY DRIVE  
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PLANTATION, FLORIDA 33324

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FAX: 954-765-4504

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P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

### **Vice-Chair**

Mr. Stephen E. Bailey, P.E.  
Electrical Engineer

Mr. Sergio Pellecer  
Fire Service Professional  
Mr. Gregg D'Attile,  
Air Conditioning Contractor  
Mr. John Famularo,  
Roofing Contractor  
Mrs. Shalanda Giles Nelson,  
General Contractor  
Mr. Daniel Rourke,  
Master Plumber  
Ms. Lynn E. Wolfson,  
Representative Disabled Community  
Mr. Dennis A. Ulmer,  
Consumer Advocate  
Mr. John Sims,  
Master Electrician  
Mr. Ron Burr  
Swimming Pool Contractor  
Mr. Abbas H. Zackria, CSI  
Architect  
Mr. Robert A. Kamm, P.E.  
Mechanical Engineer

## 2021 Alternate Board Members

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Mechanical Engineer  
Mr. Alberto Fernandez,  
General Contractor  
Mr. William Flett,  
Roofing Contractor  
**Vacant,**  
Structural Engineer  
Mr. Robert Taylor,  
Fire Service  
Mr. David Rice, P.E.,  
Electrical Engineer  
Mr. James Terry,  
Master Plumber  
Mr. David Tringo,  
Master Electrician  
Mr. Jeff Falkanger,  
Architect

### **Board Attorney**

Charles M. Kramer, Esq.

### **Board Administrative Director**

James DiPietro

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**Date:** October 8<sup>th</sup>, 2021

**To:** James DiPietro. Director, Broward County Board of Rules and Appeals

**From:** Kenneth Castronovo. Chief Electrical Code Compliance Officer

**Subject:** List of 40-Year Contacts to Date

Jim.

The following is a list to date of cities and employees that I have received who are represented as their Forty Year Safety Inspection contacts. The remaining cities have until October 8<sup>th</sup> to comply. I will be sending out a reminder on October 5<sup>th</sup>, 2021.

Broward County, Francine Reid  
City of Coconut Creek, Daniella Lopez  
City of Cooper City, Victor Blanco  
City of Coral Springs, Alex Hernandez  
Town of Davie, Dianne Sarna  
City of Deerfield Beach, Sheila Oliver, Summer Konz  
City of Fort Lauderdale, Victoria Mack  
Town of Hillsboro Beach, Steven Mitchell  
City of Hollywood, Marlen Batista  
City of Lauderdale Lakes, Sandi Furman  
City of Lauderhill, Randy Youse  
City of Lighthouse Point, Sherry Burgan  
City of Margate, Andrew Valentino, Linda McNamara  
City of North Lauderdale, Judith Kull  
City of Oakland Park, Mala Jaggernauth  
City of Pembroke Park, Miguel Nunez, Lucie Manzerolle  
City of Pembroke Pines, Steve Pizzillo  
City of Plantation, Melissa Hurt  
City of Pompano Beach, Mr. Jeoboam  
City of Sunrise, Aaron Silverman  
City of Weston, Robert Franklin  
City of Wilton Manors, Shane Kittendorf

Respectfully,

Kenneth Castronovo



# BROWARD COUNTY BOARD OF RULES AND APPEALS

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PLANTATION, FLORIDA 33324

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FAX: 954-765-4504

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Mr. Daniel Lavrich,  
P.E., S.I., SECB, F.ASCE, F.SEI  
Structural Engineer

### Vice-Chair

Mr. Stephen E. Bailey, P.E.  
Electrical Engineer

Mr. John Famularo,  
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Mechanical Contractor

Mr. Ron Burr  
Swimming Pool Contractor

Mr. John Sims,  
Master Electrician

Mr. Dennis A. Ulmer  
Consumer Advocate

Mr. Abbas H. Zackria, CSI  
Architect

Mr. Robert A. Kamm, P.E.  
Mechanical Engineer

### Vacant

Representative Disabled Community

Mr. Sergio Pellecer  
Fire Service Professional

Mr. Sergio Pellecer  
Fire Service Professional

Mr. Sergio Pellecer  
Fire Service Professional

### 2020 Alternate Board Members

Mr. Jeff Falkanger  
Architect

Mr. Steven Feller, P.E.  
Mechanical Engineer

Mr. Alberto Fernandez,  
General Contractor

Mr. Robert Taylor  
Fire Service

### Vacant

Structural Engineer

Mr. David Rice, P.E.  
Electrical Engineer

Mr. James Terry,  
Master Plumber

Mr. David Tringo,  
Master Electrician

Mr. William Flett,  
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Roofing Contractor

Mr. William Flett,  
Roofing Contractor

**Date:** September 24, 2021

**From:** Ken Castronovo, Chief Electrical Code Compliance Officer,  
Jack Morell, Chief Structural Code Compliance Officer.

**To:** Broward County Building Officials

**Subject:** Staff Comments and observations from the 40-year audits.

Hello Building Officials

We would first like to say thank you for all your hard work in preparing the 40-year audits. We have compiled all your reports and staff has review them and we would like to share with you our views of the findings. These views are just the beginning on how to make to system run better. We would also like to invite you sometime in the future to hear your comments, suggestions and struggles when implementing this program.

Staff has seen the following issues with the program.

- There is a lack of communication between BORA and the Cities.
- City personnel changes regularly within the Building Department and the 40-year program suffers when someone leaves. The City should have a person designated to implement the program.
- Education in the BORA policy is lacking
- Cities are not keeping accurate records.
- Cities need to develop their own policy to administer the program.
- Time limits are not being followed.
- There are many issues with the Property Appraisers Office.
- The Building Officials Authority is limited.
- The Special Magistrate is not used regularly.
- Follow up on outstanding reports needs to be improved.
- Owners do not know the program.
- Cities direct questions to BORA when we do not have the information requested.

As you can see there are a few inconsistencies within the County. We understand that we all can make improvements. We will continue to monitor and make corrections in the coming weeks.

Thank you again for your time!

Kenneth Castronovo

John Morell

Board Attorney  
Charles M. Kramer, Esq.

Board Administrative Director  
James DiPietro

—ESTABLISHED 1971—

**From:** [Castronovo, Kenneth](#)  
**Subject:** 40 Year Contact Employee due October 8th.  
**Date:** Wednesday, October 6, 2021 2:24:46 PM

---

Hello

For the few cities that have not sent me their point of contact person for the 40 Year safety inspections please do so now. We are submitting this report to the Board of Rules and Appeals on Thursday night and we don't want to leave your city out.

Thanks to the cities that have sent me this information in a timely matter and I apologize for sending out this email to you.

Sincerely

Kenneth Castronovo

# Section 10



SUMMARY REPORT AND  
RECOMMENDATIONS OF THE BROWARD  
COUNTY CONDOMINIUM STRUCTURAL  
ISSUES COMMITTEE

MAYOR STEVE GELLER, CHAIR  
Broward County Governmental Center  
115 South Andrews Avenue, Room 411  
Fort Lauderdale, FL 33301



After the tragedy at the Champlain Towers South, I appointed a Committee to discuss the issues pertaining to condominium safety and governance. This Committee met for over 27 hours on 4 days. It consisted of a broad range of people, including 2 State Senators, 2 State Representatives, 2 Mayors, 2 City Commissioners, 2 representatives of condominium owners' groups, condominium lawyers, land use experts, representatives of Condominium Management Associations, a structural engineer, etc. The Committee heard testimony from invited guests, including engineers, condominium and insurance experts, and others. The Committee heard public testimony. The unanimous consensus of the Committee was to encourage better maintenance of condominiums, as being much cheaper in the long run than making expensive structural repairs caused by a lack of maintenance. The Committee understands the need to balance safety and affordability. The Committee represented various different interest groups, who sometimes had disparate views. For example, many of the Committee Members wanted to ban the waiving of statutory reserves, while others opposed this. The unanimous consensus was to permit waivers only after additional information was provided to the unit owners, and to increase the vote percentage required to waive the reserves. The Committee came up with 17 recommendations to improve governance and safety in condominiums, which are part of this report. It is important to note that despite the differing interests of the Committee Members, the final vote adopting the Report was unanimous.

We have attached hereto the backup materials distributed to the Committee and the links to all of the hearings. Considering the diverse makeup of this Committee, including 4 members of the Florida Legislature, when considering the testimony taken and the number of hours spent on hearings, and when considering the unanimous vote of the Committee, it is our fervent plea that the Florida Legislature give this report serious consideration, and adopt as many of the recommendations as the Legislature sees fit. Both I and our staff are available to assist the Legislature as requested.

Respectfully Submitted,

Steve Geller, Mayor, Broward County, Florida  
*Member Florida House and State Senator 1988-2008*



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**SUMMARY REPORT AND RECOMMENDATIONS OF THE  
BROWARD COUNTY CONDOMINIUM STRUCTURAL ISSUES COMMITTEE**

In response to the Surfside Champlain Tower tragedy, the Broward County Condominium Structural Issues Committee (Committee) was created by Mayor Steve Geller to: (1) review Broward County's current rules and regulations for condominiums, (2) determine which bodies have jurisdiction over what areas, (3) receive input from the public, and (4) make recommendations to various bodies, including the Florida Legislature, state and local agencies and offices, and the Broward County Board of Rules and Appeals (BORA), related to laws, regulations, and policies for condominiums. The Committee's participating members were Mayor Steve Geller (Chair); Senator Lauren Book; Senator Perry E. Thurston, Chair of the Broward County Legislative Delegation (2020-2021); Representative Michael Gottlieb, Chair of the Broward County Legislative Delegation (2021-2022); Representative Chip LaMarca; Mayor Jane Bolin (Oakland Park), attorney and founder and managing partner of PeytonBolin, PL, a real estate and community association law firm; Mayor Joy Cooper (Hallandale Beach); Commissioner Mary Molina-Macfie (Weston), owner of building cleaning and maintenance services company, certified mediator specializing in associations, and licensed Community Association Manager; Commissioner Caryl Shuham (Hollywood), Bachelor of Science degree in Civil Engineering, attorney and partner of Shuham & Shuham, P.A., specializing in construction law; Michael Chapnick, Esq.; principal of Sachs Sax Caplan, P.L., and Board certified in Condominium and Planned Development Law; Toby Feuer, President of the Broward Coalition and the Presidents Council of Bonaventure, Inc.; Karen Johnson, President of the Broward Palm Beaches and St. Lucie Realtors; Daniel Lavrich, P.E., Chair of the Broward County Board of Rules and Appeals; Fred Nesbitt, President and Chairman of the Presidents Council for the Galt Mile Community Association; Deputy County Attorney Maite Azcoitia; and Dr. Jennifer Jurado, Deputy Director of the Broward County Environmental Protection and Growth Management Department and Chief Resilience Officer.

The Committee met on August 9, 2021; August 23, 2021; August 30, 2021; and September 17, 2021. The hearings exceeded a total of 27 hours (Links to the Committee meetings are set forth in Appendix A and copies of the distribution materials for the meeting of August 9, 2021, are contained in Appendix B). During these hearings, the Committee received presentations from the following:

- Deputy County Attorney Maite Azcoitia relating to existing laws and regulations for the termination of condominiums, land use and density affecting the redevelopment of condominiums; statutory reserves requirements for condominiums; and Florida Building Code

provisions affecting the demolition and redevelopment of condominiums (Copy of memorandum dated August 5, 2021, contained in Appendix B-3).

- Paul Handerhan, President of FAIR (Federal Association for Insurance Reform), relating to insurance for high-rises, including the types of companies providing insurance for condominiums and the types of liabilities generally covered by each type; the inspections and reports currently required for insurance coverage; the responsibilities of condominium boards and condominium association managers for insurance and inspections of condominiums; and predictions of increased insurance rates and additional inspection requirements likely to be implemented in the near future (Outline of Mr. Handerhan's presentation contained in Appendix B-4).
- Dr. Jennifer Jurado regarding "Sea Level Rise-Projections, Impacts, and Resilience Considerations for Condominiums," indicating that many existing structures are below the current minimum required elevation; information regarding recent County enactments requiring an increase in the height of seawalls; recommendations for condominiums to address sea level rise, including waterproofing; methods to provide for water retention onsite; and requirements for the inspection of seawalls (Copy of powerpoint presentation contained in Appendix B-5).
- Senior Assistant County Attorney Michael Owens regarding the legal basis for Broward County's ordinance requiring an that the height of seawalls be increased where water is trespassing onto neighboring properties or the public right-of-way.
- Julian Sanchez, P.E., Todd Wasserman, and Lance Kaplan of LTM Group, LLC, as to waterproofing of condominium structures; the benefits of having community association managers oversee the letting and financing of necessary repairs, including spot checks for purposes of obtaining bids for work on the condominiums; and experiences from having managed condominiums.
- Lisa A. Magill, Esq., Board certified specialist in Condominium and Planned Development Law and Co-Chair of the Reserve Study and Reserve Funding Plan Task Force, regarding reserve studies, including their purpose and applicable regulations; the status of the Task Force's recommendations; and suggestions for clarifying and establishing parameters for the development of reserve studies by a professional and the development of manuals for the upkeep of various building components (Outline of Ms. Magill's presentation contained in Appendix B-7).
- City of Hollywood Building Official Russell Long describing triage process implemented at the City of Hollywood for the inspection of existing condominiums, beginning with the inspection of oceanfront condominiums and then proceeding inland, prioritizing condominiums over 6 stories in height and over 40 years old.

- Leonard Vialpando, P.E., Director of the Broward County Environmental Protection and Growth Management Department, regarding licensing requirements for stormwater management systems and inspections required by BORA's Building Safety Inspection Program.
- William O'Donnell, P.E., Managing Principal of DeSimone Consulting Engineers' Miami office, describing the inspections and testing performed by his firm as part of BORA's Building Safety Inspection Program, including destructive and nondestructive material testing; the effect of salt and saltwater on building components; and the impact of threshold inspections on the soundness of buildings and building materials; indicating that the cost of his firm's Building Safety Program inspections, including material testing, sampling, and the engagement of a lab, is approximately \$10,000, and inspections that also include a walkthrough of the units and parking structures, sometimes with the use of a drone, cost approximately \$25,000; and recommending that the BORA's inspection requirements be reduced to 30 years.
- Matt Kuisle, Regional Executive Director of Reserve Advisors, LLC, regarding reserve studies, including their purpose, cost, items included, and the estimating of repair costs; indicating that the cost of a reserve study is normally \$5,000 or less, depending on the size of the building and including a site visit, and less than \$2,000 if a site visit is not performed; recommended that the requirements for waiving reserve studies be increased and the eventual elimination of waivability, with a commensurate phase-in of reserve requirements over a period of time; and recommended that reserve studies should be performed at least every thirty-six (36) months.

The Committee also conducted a public hearing where members of the public were able to provide information related to the issues before the Committee. In addition to the presenters and public testimony, the Committee Members, most of whom were chosen for their expertise, contributed substantially to the extensive hearings.

The Committee discussed issues related to condominium building construction and maintenance; funding and reserves for building maintenance, including waiver of reserves and reserve studies; condominium insurance; BORA's Building Safety Inspection Program, including the timing of required inspections and enforcement; condominium association management; and education for condominium association managers, board members, and condominium unit owners.

The Committee is cognizant that condominiums form a large portion of the affordable housing stock in Broward County. The Committee is also aware that maintenance is required to ensure the safety of condominium buildings, and heard repeated testimony that good maintenance will be less expensive in the long run than skimping on maintenance, which would result in costly replacement of parts of the building or premises. For this reason, the Committee gave careful consideration to the impact of its recommendations on the affordability of condominium units and the Committee's recommendations reflect an intent that unit owners be better informed of the costs of condominium ownership. As an example, while reserve accounts are often necessary in order to allow a condominium association to perform necessary repairs without the need to impose onerous special assessments, instead of recommending the prohibition of reserve account waivers, the Committee recommended that a reserve study be performed and distributed to all unit owners and that a larger majority of the unit owners be required to approve the waiving of reserve accounts. This would allow unit owners to provide a knowing waiver of reserve accounts.

Information presented to the Committee indicates that the cost of insurance for condominiums was increasing prior to the Surfside tragedy and the expectation is that the cost will continue to increase. The consensus of the presenters and the Committee members, all experts in issues related to condominiums, is that regular maintenance of condominium buildings is less expensive than having to perform major repairs after a number of years. The Committee's recommendations provide for increased disclosures to prospective purchasers of condominium units, including reserve accounts and waivers; increased obligations and education for community association managers; and increased education and information for condominium association board members and condominium unit owners.

### **COMMITTEE RECOMMENDATIONS**

Based on the information presented, the Committee makes the following recommendations:

#### Inspections

- (1) That the Building Safety Inspection Program be made Statewide and require the inspection of buildings that are at least thirty (30) years old, with existing buildings that are between thirty (30) and thirty-seven (37) years old having thirty-six (36) months to come into compliance by having the appropriate inspection(s) performed. Subsequent reinspections shall occur every ten (10) years after the initial inspection.

(2) That the Building Safety Inspection Program require that, prior to each required inspection, including the ten (10) year reinspections (Required Inspection):

- Two (2) Years Before the Required Inspection: no later than March 31, condominiums will receive written notification from the applicable local government about the upcoming safety inspection, stating that the engineer's preliminary evaluation of the structure and electrical systems must be completed by March 31 of the following year and submitted to the local government. This notice shall be posted on the condominium's official bulletin board and website (if it has one).
- One (1) Year Before Required Inspection: The engineer's preliminary safety inspection listing any deficiencies must be filed with the applicable local government no later than March 31. At that time, the condominium would be required to submit its plan(s) to address the deficiencies, including a timetable, funding source, and condominium board-approved resolution binding the condominium to complete the repairs by the end of the next year. A copy of this report and the board's proposed actions will be posted on the condominium's official bulletin board and website (if it has one). If the engineer's report identifies no deficiencies, the engineer's report will serve as the official report for the Building Safety Inspection Program.
- Inspection Year: Unless the engineer's report identified no deficiencies, a final engineering report shall be submitted to the applicable local government no later than December 31, showing that the condominium is in full compliance with the safety inspection and that all deficiencies have been corrected. Failure to comply with this deadline will be addressed by the applicable local government.

(3) That Building Safety Inspection Program requirements include:

- (i) (For waterfront condominiums only) Assessment of seawall(s) for:
  1. evidence for tidal overtopping and potential source contributing to site flooding or tidal water pooling likely to impact the building (with potential need to elevate); and
  2. potential weaknesses (e.g., seepage/failure) that could compromise the building foundation (with potential need to restore/replace);
- (ii) Material testing of concrete core samples for signs of material degradation that impact concrete strength, as reasonably recommended by the engineer of record; and

- (iii) Geotechnical analysis to assess potential for structural or foundation issues, as reasonably recommended by the engineer of record.
- (4) That the Florida Statutes be amended to require that no later than thirty (30) days after receipt of an inspection report issued pursuant to the Building Safety Inspection Program, condominium associations distribute copies of the inspection report, or the Executive Summary of said report, if provided, to all unit owners. Additionally, the condominium board shall call a special meeting to discuss the report, with notice having been provided consistent with Section 718.112(2)(c), Florida Statutes. This requirement is applicable even if no deficiencies were noted in the inspection report.
- (5) That the Florida Statutes be amended to require engineers performing work for condominium associations to file a copy of their report(s) with the applicable local government and provide written notification to the condominium association and the applicable local government of any life safety issues observed. This requirement applies and includes all inspections and is not limited to inspections required by the Building Safety Inspection Program and requires engineers to report all life safety issues that are discovered by the engineer while performing work for a condominium association.

#### Condominium Reserves

- (6) That the Florida Statutes be amended to require that the list of required reserves in condominium association budgets also include reserve accounts for concrete restoration and other structural issues, and additional items with deferred maintenance or replacement costs exceeding the lower of \$100,000 or ten percent (10%) of the association's annual budget.
- (7) That the Florida Statutes be amended to require that a reserve study be performed at least every thirty-six (36) months and that, in order to waive or reduce required statutory reserves, a condominium association must: (i) have conducted a reserve study within the previous thirty-six (36) months; (ii) prior to the vote related to waiving or reducing the reserves, provide a copy of the reserve study to all unit owners by physical or electronic means, if the condominium bylaws authorize electronic notice; and (iii) approve the waiver or reduction by at least a seventy-five percent (75%) majority vote of the voting interests present at a duly called meeting of the association.
- (8) That the Florida Statutes be amended to require condominium associations to provide prospective purchasers of units within the condominium with the most recent reserve study, if one was prepared within the previous thirty-six (36) months. If a reserve study current to within

the previous thirty-six (36) months does not exist, the condominium association shall provide information related to existing reserves or waivers, as applicable.

- (9) That the Florida Realtors' form contract for the purchase and sale of real property be amended to incorporate the language of Section 718.112(2)(f)4., Florida Statutes, including font size requirements, requiring that disclosure be provided for condominium sales where the funding of reserves has been previously waived or reduced by the condominium association.

#### Insurance

- (10) That the Florida Statutes be amended to: (i) remove best efforts language of Section 718.111(11)(d), Florida Statutes, thereby requiring associations to obtain and maintain adequate property insurance; (ii) require that condominium association insurance documents be filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation (Division); and (iii) require that a copy of notices of cancellation issued by insurers or their agents to condominium associations be filed with the Division.

#### Condominium Association Management

- (11) That the Florida Statutes be amended to require that condominium associations, including master associations, with greater than fifty (50) units and/or a budget of \$100,000 or more be required to obtain the services of a community association manager, licensed pursuant to Part VIII of Chapter 468, Florida Statutes, to manage the condominium property, unless a majority of the members of the board of the condominium association have obtained the minimum continuing education requirements of Rule 61E14-4.001, F.A.C., for community association managers.
- (12) That the Florida Statutes and/or the Florida Administrative Code be amended to increase the number of continuing education hours needed biennially to renew community association management licenses from fifteen (15) hours to twenty (20) hours, including one (1) hour in each of the following areas: building maintenance, building inspections, and reserves.
- (13) That the Florida Statutes be amended to include an obligation for community association managers as part of their management functions to identify issues related to the structural maintenance and integrity of the buildings, and other life safety issues, and report these findings in writing to all condominium association board members.

#### Education

- (14) That the Florida Statutes be amended to (i) remove the certification option for newly elected or appointed condominium association board members, thereby requiring that new board members



must satisfactorily complete an educational curriculum administered by a Division-approved condominium education provider; (ii) require that condominium association board members complete the educational curriculum every two (2) years; and (iii) increase the current two (2) hour educational curriculum to three (3) hours, to include an additional one (1) hour related to maintenance of condominium buildings.

- (15) That the \$4 per unit collected for the Condominium Trust Fund pursuant to Rule 61B-23.002, F.A.C., should remain in the Condominium Trust Fund and be used for its intended purpose; i.e., education and enforcement, rather than being reallocated to the General Fund.
- (16) With the assistance of the Florida Condominium Ombudsman Office, that there be increased education for residential condominium board members and unit owners related to the duties and responsibilities of condominium board members and unit owners, the cost of condominium ownership, maintenance, reserve funding, etc.
- (17) That educational materials be developed by the Division, the Florida Building Commission and local or regional governments regarding the maintenance of condominium property, including the benefits of regular maintenance, for distribution by the Property Appraiser's Offices with the TRIM Notices.

A copy of this Summary Report and Recommendations shall be forwarded to the Florida Condominium Ombudsman, Department of Business and Professional Regulation; Florida Senate President Wilton Simpson; Florida Speaker of the House of Representatives Chris Sprowls; the Members of the Florida Legislature; the Florida Association of Counties; the Florida League of Cities; the Broward League of Cities; the Broward County Board of Rules and Appeals; the Mayor and City Manager of all municipalities within Broward County; and other interested parties.

## APPENDIX A

### Links to Video of Committee Meetings

August 9, 2021: [https://www.youtube.com/watch?v=0ZaGz1F\\_jsY](https://www.youtube.com/watch?v=0ZaGz1F_jsY)

August 23, 2021: [https://www.youtube.com/watch?v=v\\_PfN\\_AOln4](https://www.youtube.com/watch?v=v_PfN_AOln4)

August 30, 2021: [https://www.youtube.com/watch?v=sUjHUTG\\_yUw](https://www.youtube.com/watch?v=sUjHUTG_yUw)

September 17, 2021: <https://www.youtube.com/watch?v=1j4JjHY47Us>

## APPENDIX B

### DISTRIBUTION MATERIALS

- B-1 Articles distributed at the meeting of August 9, 2021, entitled "How Condo Buildings End, Aggressive developers looking for a way in-or desperate homeowners looking for a way out," "Forced out of their unsafe condo building, families set off into an uncertain future," and "The Surfside condo that collapsed was vulnerable to sinking earth, engineers say. Your house might be too."
- B-2 Email from Commissioner Caryl Shuham dated August 8, 2021
- B-3 Memorandum from Deputy County Attorney Maite Azcoitia dated August 5, 2021
- B-4 Outline of presentation by Paul Handerhan
- B-5 Powerpoint presentation of Dr. Jennifer Jurado
- B-6 Article distributed at the meeting of August 23, 2021, entitled "incentives to encourage structural and electrical repairs to multi-family residential buildings endorsed by Miami beach planning board"
- B-7 Outline of presentation by Lisa A. Magill, Esquire
- B-8 Articles distributed at the meeting of August 30, 2021, entitled "57-year old condo could be demolished, rebuilt taller than in Miami Beach" and "Related Group, Two Roads near deal to buy out Bal Harbour condo"

How Condo Buildings End

## Aggressive developers looking for a way in—or desperate homeowners looking for a way out.

BY [HENRY GRABAR](#)

AUG 04, 2021 5:45 AM



River City in Chicago. Getty Images Plus

Bertrand Goldberg’s famous River City complex in Chicago looks like nothing so much as an old bus operator’s coin dispenser, glass windows stacked inside its joined concrete cylinders. The South Loop megaproject was the architect’s [try at a utopian urban neighborhood](#), complete with offices, shopping, restaurants, a park, and the “River Road,” a winding inner atrium lit from skylights. It’s a landmark of Brutalist design, a monument to ’80s thinking about cities, and a fixture of the Chicago Architecture Boat Tour.

The building also tells a story Goldberg could not have anticipated: the rise and fall of the Chicago condo. When completed in 1987, River City’s 448 units were rentals designed to appeal to middle-income yuppies who found city living attractive but homeownership out of reach.

In 2001, one cycle of gentrification later and at the start of a massive run-up in the Chicago housing market, the concrete icon was converted to condos. But prices never recovered after the 2008 crash, and owners soon found themselves unable to recoup their investment and facing major maintenance bills. Investors trying to cash in on Chicago's hot rental market swooped in.

Making condos is easy. Unmaking condos is hard. When River City became a "deconversion" target in 2016, Chicago required 75 percent of owners to vote for a sale. (It's now 85 percent.) Once that happened, everyone else was compelled to sell at the agreed-upon rate. Chicago-based developer Marc Realty made three offers over two years for River City. After owners agreed to sell for \$100 million, Marc canceled the sale and dropped the offer by \$10 million. While owners pondered the lower bid, Marc pitched [additional deals to the holdouts](#)—a process some owners on both sides of the vote later categorized in a lawsuit as bribery. Even after Marc's hard bargaining, the sale was Chicago's priciest deconversion recorded and its largest by unit count. River City is a rental building again, and its raw concrete atrium has been painted white, a concession to the tastes of today's yuppie renters.

Stories like this make Chicago the perfect place to understand how condos usually meet their end—not in a pile of rubble, but in a buyout that leaves some owners feeling lucky and others feeling betrayed. Lauren Kerchill, the owner of a Gold Coast unit overlooking Lake Michigan, was a holdout when investors came to buy out her building. After fighting to toss her condo board, she [told Crain's Chicago Business](#) she was called "petty," "greedy," and "uneducated." She just didn't think she could find another home like hers nearby. In the end, she didn't have a choice. Her neighbors voted to sell her building, at 1400 Lake Shore Drive, [for \\$107 million in 2019](#)—another record, this time the most expensive deconversion in the country.

In an attempt to stand up for condo owners on the losing side of deconversion votes, the Chicago City Council decided in 2018 to increase the share of owners required to approve a sale, up to 85 percent from 75. "Most people, when they purchase a condominium, they are buying a home more than they're buying an investment. So, a condo deconversion has a direct impact on people's ability to plan their lives," Alderman Michele Smith told the Chicago Tribune.\* Deconversions were upending the retirement plans of Chicagoans who thought they would not have to move again, she said, and developers didn't always just put things to a vote in order to take over a building.

Sometimes, developers bought up units on the sly, knowing that control over assessments and expenditures could come as soon as a majority. "Once you have a simple majority, it's pretty much game over," says Alex Argianas, a deconversion consultant in Chicago. When a bulk owner takes control, banks can balk at providing financing to new buyers. What if the bulk owner goes broke? That in turn makes it cheaper for investors to purchase the remaining units. The fewer retail owners to appease, the lower the deconversion bid (and the lower the payout for each unit). For investors, the approach is risky and slow, but potentially lucrative in a pricy rental market. That is what happened at 21 East Chestnut, also in Chicago's Gold Coast neighborhood, where the developer Strategic Properties bought nearly 40 percent of the building before [initiating a deconversion](#).

Professional landlords can pay above-market rates for apartments in deconversion sales, since the whole building is worth more than the sum of its units. They can finance and streamline the

maintenance that bedevils amateur boards. They can join firms like Blackstone in [profiting from a housing shortage](#) at a time when low interest rates have pushed investors to find new ways to make money.

### **Making condos is easy. Unmaking condos is hard.**

Longtime homeowners tend to think that's not fair. Lawsuits abound, and some Chicago condo boards are starting to play defense by amending their bylaws to head off takeovers. But there's another side to the story, in which deconversion is the only way out for condo owners stuck in deteriorating properties. In June, the collapse of Champlain Towers South in Surfside, Florida, drew attention to the challenges that confront condo boards as they assess structural damage and raise money for repairs. Maintenance bills for the [Great American Condo Boom of the '70s and '80s are starting to come due](#) in areas like South Florida.

This is also a reason Chicago is the nation's capital of deconversion, a place where great swaths of owner-occupied apartments are being replaced with rentals.

While states like Florida, California, and Hawaii saw tons of new condo construction in the decades after the concept was established in the 1960s, Chicago saw a different kind of boom: older buildings becoming condos. Fearing rent control, facing declining profits, or saddled with obsolete prewar commercial space, landlords in Chicago raced to sell off their units in the 1970s. Yuppies and middle-class workers gobbled up these starter apartments, which provided an easy and cheap entry point to homeownership.

Fifty years later, those buildings are among the oldest condominiums in the country. Owners who have not kept on top of maintenance, and even some who have, sometimes find themselves facing massive repair bills.

Andy Friedman represents condo boards that are trying to find an exit strategy. One recent project featured 115 units among 113 owners. "Their resale values were stuck in the mud, and it was glaringly obvious that it was worth more as apartments," he said. "Units that could never sell over \$200,000 got \$250,000. Absolutely they get more for their unit—otherwise, why do the deconversion in the first place?"

When boards fail to drum up support for a deconversion, Friedman said, values can fall quickly once a bulk owner enters the picture or maintenance problems become apparent. In one dilapidated building in the Oak Park suburb of Chicago, owners rallied for a sale with 78 percent of the vote. Had Oak Park been subject to Chicago's new rule requiring 85 percent, Friedman said, the owners would have "raced each other down the toilet," panic-selling their high-maintenance units to professional landlords one by one.\*

Often, deconversions are battles fought less between owners and investors than among the owners themselves. David Lampert managed operations at Kennelly Square, a 22-story building in Lincoln Park built in 1970. Like River City, Kennelly Square had gone from rentals for nurses and flight attendants to condos for young traders and retirees. Starting in 2003, Lampert shepherded the condo association

through some significant construction projects, including rebuilding the pool deck. But a multimillion-dollar bill for replacing the windows broke this spirit of collaboration.

Families and older, longtime residents who planned to live out their days overlooking the park were ready to spring for new windows. Younger owners and investors renting out their units balked, and prompted the search for a buyer. Kennelly Square was sold to Strategic Properties for \$78 million in 2018. Some owners felt the deconversion offer they received was the best one they'd ever get. Others said they were forced to sell their renovated, well-kept apartments in an expensive neighborhood at a discount.

At the end of the day, Lampert said, it wasn't even that anyone was being shortsighted or irrational. Long-term buyers rightly placed a high value on staying in a place they loved and recognized their deconversion payout wouldn't get them much nearby. Newer buyers rightly realized they'd be paying a huge assessment for a 40-year improvement that would never make its way into their resale price when they flipped in four years. The sale was approved by a couple of votes, and nearly a quarter of the owners were forced to sell against their wishes.

"The Kennelly Square deconversion should live on in the annals of condominium history as an example of what can happen when board members do not perform needed maintenance on a timely basis," the broker Bruce Theobald, who owned a condo in the building and voted to sell, [emailed to Crain's Chicago Business](#).

Today, it's K Square, and there's a shuffleboard table in the common room.

## Forced out of their unsafe condo building, families set off into an uncertain future

By ANGIE DIMICHELE

SOUTH FLORIDA SUN SENTINEL |

AUG 05, 2021 AT 6:22 PM

CORAL SPRINGS — On the last night residents could stay in their homes at the Villa Bianca Condominiums, a few renters fraught with worry were still packing up their belongings shortly before dark.

Few windows showed any lights on inside. Moving trucks were parked in the lot as workers carried furniture and boxes outside into the heat. A little girl's twin mattress, the pink sheets still on, a child's bicycle and broken furniture sat in a haphazard pile next to the dumpster, the families not able to take them along.

### ADVERTISING

Residents at the Coral Springs condo building were given little notice that they would need to leave their homes. Conditions at Villa Bianca lingered for years until the Surfside condo collapsed. Two weeks ago, the city deemed the building unsafe with its dilapidated roof, rotted wood and fire hazards. Pink slips of paper posted on the doors ordered everyone to be out by Thursday.

[RELATED: Condo building ruled unsafe; residents ordered to leave »](#)

They face an uncertain future. Though the city does not have an exact number of how many people are now displaced, a total of 25 people who lived there have been helped with temporary housing, city spokeswoman Lynn Martzall said.

Fifteen of the 16 units were occupied. People in nine of the units contacted the city looking for help, and they are all staying at a nearby hotel, paid for by the Coral Springs Community Chest, a local nonprofit organization. Family Success Centers, another nonprofit organization in Broward County, is working with residents to find permanent housing, Martzall said.





Pieces of the roof have cracked and fallen, the wood supporting the structure has rotted and walls and ceilings have been scattered with mold at the Villa Bianca Condominium in Coral Springs as occupants prepare vacate their units Thursday August 5, 2021. The City of Coral Springs deemed the building unsafe two weeks ago. The city gave owners the option to make the necessary repairs or it will be demolished. Pieces of the roof have cracked and fallen, the wood supporting the structure has rotted and walls and ceilings have been scattered with mold. (Mike Stocker / South Florida Sun Sentinel)

But the hotel stay buys them only five to seven days. Some plan to go stay with family. Many don't know where they will go after that.

James Haddad, 69, and his 20-year-old son live in one unit and own another. Haddad estimated that making the necessary repairs could cost about \$100,000 and could take a few months to complete.

Haddad moved there in the early 2000s. He remembered it when it was a building that owners maintained, years before it fell into its current state of disrepair. His son looked at the cracking steps up to the second floor and remembered growing up at the building.

"It was neglected economically," Haddad said. "Can you imagine a condo paid for one day, and the next day you're homeless?"

[RELATED: Building safety audit: Few Broward cities completed 40-year safety checks »](#)

Haddad recalled that three years ago, the members paid the condo association a \$225 monthly fee. It was then dropped to \$140. He said the last time anyone paid an association fee was about two years ago. Some owners have pointed fingers at others, but it is unclear when members last paid any fee since the association was defunct or how many members were paying the fee.

Attempts to reach names of those who were once on the condo association's board and those whose names are on the reinstated association were unsuccessful Wednesday and Thursday.

Records from the city show the condo was supposed to have its 40-year safety inspection done in 2015, but it never was. The city previously told the South Florida Sun Sentinel it had not sent notices to the condo until [four years went by](#).

Martzall said the condo association that existed was dissolved but reinstated Wednesday. Prior to Wednesday, the last record filed with the Broward County Property Appraiser's Office for the condo's incorporation was when it was administratively dissolved in September 2020.

The city gave the owners two options: make the repairs or the city will tear it down.

As of Thursday, Martzall said no owner or person from the newly reinstated association had responded to the city's ruling deeming it an unsafe structure. No one has contacted the city to say the repairs would be made or to let them know that the association was reinstated.

"Today is the day tenants must vacate and no repairs have been made, nor has any landlord or the association's registered agent contacted the city with updates about repairs," Martzall said in an email Thursday.

Aside from the list of seven violations given to the owners, Martzall said the water bill for the building at 3990 Woodside Drive is more than \$12,000 past due.

"This is not the reason for vacating, but important to note, because that important utility was not being paid, nor was the building being properly maintained," Martzall wrote.



Kayla Pierre,11, gets ready to leave thei apartment she lives in with her family at the Villa Bianca Condominium in Coral Springs on Thursday August 5, 2021.They plan to stay with family after the City of Coral Springs deemed the building unsafe and ordered all of the occupants to vacate the building. The city gave owners the option to make the necessary repairs or it will be demolished. Pieces of the roof have cracked and fallen, the wood supporting the structure has rotted and walls and ceilings have been scattered with mold. (Mike Stocker / South Florida Sun Sentinel)

Several residents said that their water had been shut off in the time that they lived at Villa Bianca. Ally, who declined to give her last name because she said she is embarrassed by the situation, said she went five days without water about a month and a half ago and more recently for three days.

The 30-year-old accountant and her two children, ages 6 and 7, have lived at Villa Bianca for a year. On Thursday afternoon, after a night of little sleep, she was still gathering her things before heading to the hotel where they will stay for the next five days.

“It’s nerve-racking, not going to know what’s going to happen,” Ally said at her condo Wednesday night.

She had planned to stay at the condo, saving until she could buy a home of her own. Now, she'll have to start over, she said.

"I'm trying to just take it one moment at a time," she said. "My babies are here, my plants. I basically built my life here."

Monica Defreitas, 48, who cleans homes in Coral Springs, and her 15-year-old daughter, Nadalie, left their unit on the second floor Thursday and moved into a new place.

She and her daughter left much behind as they moved their two beds in next to each other in their new one-room apartment. Defreitas said it took her almost the full two grueling weeks to find another place. She found the apartment the day before needing to move out.

"I went so many places, and people just taking your names, your address they won't call you back. A lot of places I went, and I didn't get through," Defreitas said.



Angie DiMichele

South Florida Sun Sentinel



## The Surfside condo that collapsed was vulnerable to sinking earth, engineers say. Your house might be too.

By MARIO ARIZA and DAVID FLESHLER

SOUTH FLORIDA SUN SENTINEL |

AUG 07, 2021 AT 9:00 AM



A home at 222 West Kelly Park Road in Apopka is swallowed by a sinkhole on Sept. 19, 2017. The sinkhole is a result of Hurricane Irma. In South Florida, where sinkholes are rare and smaller than those to the north, subsidence is more gradual. When it takes place unevenly, with one side of a building settling faster than the other, it can crack floors, distort window frames and generate lawsuits over insurance coverage. (Stephen M. Dowell/Orlando Sentinel) (Stephen M. Dowell / Orlando Sentinel)

Just days after the collapse of the condo tower in Surfside, an obscure study emerged that the building had been sinking into the earth for years.

It remains unclear whether the settling, or subsidence, of Champlain Towers South [was a factor when the 12-story building crumbled](#) to the ground in the middle of the night on June 24, killing 98 residents. But the phenomenon of subsidence occurs throughout South Florida and has been implicated in damage to structures, especially houses, from Key West to Palm Beach.

In its most spectacular form, subsidence (pronounced subs-EYE-dense) appears as gaping sinkholes in Central Florida, where the ground collapses over limestone that's been dissolving for years, creating cavities that can swallow houses.

In South Florida, where sinkholes are rare and smaller than those to the north, subsidence is more gradual. But when it takes place unevenly, with one side of a building settling faster than the other, it can crack floors, distort window frames and generate lawsuits over insurance coverage.

The South Florida Sun Sentinel identified at least 30 instances over the past 15 years in which houses were damaged by shifting soil. In one extreme example from the 1980s, a Miami skyscraper sank 5 inches immediately after it was built. But in the majority of cases, it's only fractions of inches over decades.

But those examples are certainly an undercount. Scientists are [just now trying to map and measure subsidence in South Florida](#), not necessarily in response to the Surfside condo collapse but as an attempt to measure the impacts of sea level rise. The state Legislature has restricted payouts to homeowners for subsidence, reducing the number of claims likely to appear in the court record. Insurers don't have to report cases that they settle out of court, anyway.

[RELATED: Buildings don't just fall down. Why did the condo in Surfside? »](#)

But even with the Legislature's decade-old restrictions, Florida leads the nation in annual sinkhole insurance claims, with about 5,000 per year, according to [Mark Friedlander of the Insurance Information Institute](#). The average claim, Friedlander says, is for about \$140,000.

Subsidence has damaged the home of Surfside's former mayor. In Parkland, about a dozen homes required foundation repairs from subsidence in the past three years. In Palm Beach Gardens, sinking earth cost Constance Bonvechio her house, cracking the ceiling and foundation, and leading to a lawsuit against her insurance company.

“If the decision [of the court] was a sinkhole, I was covered for it,” Bonvechio said, “But I was not covered for organic matter.”

The damage to Bonvechio’s home wasn’t from a sinkhole. Bonvechio says inspectors drilled for sinkholes at least five times. The last time, “they went with an auger underneath the garage where the main problem seemed to be.”

They found pine trees, she said. “There were pine trees decomposing under the house,” causing subsidence.

Bonvechio and her insurance company ultimately settled the case for an undisclosed amount in January 2013, court records show. Unable to afford the cost of repairs. Bonvechio sold the house for its land value.

The new owners razed the damaged structure, refilled the lot, and built a new home.

### **An issue for your house**

During the breakneck expansion of South Florida’s endless suburbs, some builders didn’t always drain and fill the swamp responsibly — opening the door to a future of buildings slowly and unevenly sinking across the region.

Though it has not been extensively studied by researchers, anecdotal evidence seems to point to subsidence occurring across Southeast Florida in small pockets, especially in areas where the soil contains organic matter or was not properly prepared.

Subsidence was a major issue during the initial development of the region, when swamp and marsh were first drained. As a 1960s soil survey of Broward County notes, “with drainage, the organic soils are subject to oxidation and subsidence.” The study mentions the Dania, Lauderhill, and Plantation soil formations as vulnerable. It says in order for the soil to be useful for anything other than farming, the topsoil of fertile muck has to be removed and replaced by fill.

“What happens is the guys didn’t do the preparation of the soil by the compaction methods that can be used or they did it half-baked,” said Richard Slider, president of Slider Engineering Groups of West Palm Beach, who investigates the causes of building damage.



That leaves homes with concrete slab foundations placed directly on the soil vulnerable to incorrectly prepared land.

### [INVESTIGATION: Lax enforcement leaves South Florida condos at risk, Surfside catastrophe reveals »](#)

“As a result [of the subsidence], it causes this differential settlement,” Slider says, “and that’s what causes the problem. If the house is settling three-quarters of an inch on one side and a half-inch on the other, that’s a problem because the house wants to bend or break, and that’s what causes the cracks.”

“You have subsidence everywhere,” said Daniel Lavrich, the structural engineer who chairs the Broward Board of Rules and Appeals, which enforces the building code. “Soil tends to settle over a period of time. Whatever soil you have, if you put a heavy load on the soil, it’s going to settle more than if it didn’t have a heavy load on it.”



The house of Daniel Deitch, former mayor of Surfside, is settling. The subsidence has led to an uneven door. (Daniel Deitch/Daniel Deitch)

Daniel Deitch, former mayor of Surfside and a current resident, says he has uneven subsidence going on at his house.

“I know the house is on spread footers,” he says of his 1948 home. Spread footers are a type of foundation that distributes the weight of a structure on soft soils. Even with the special foundation, Deitch says he has cracks in his ceiling in one room and a door that has shifted.

Subsidence, if caught early, can be corrected.

City of Parkland building official Bill Tracy has experience dealing with sinking earth. In response to an inquiry from the Sun Sentinel, Tracy said Parkland has had “perhaps a dozen SFRs [single-family residences] that have had foundation repairs due to differential settling,” in just the past three years.

According to Tracy, subsidence issues with seven homes in the Cascata housing development were identified during construction and remediated. Tracy said most of the houses with foundation issues have been 25-40 years old.

[RELATED: Underground garages enrich developers, but create expensive problems for homeowners »](#)

“This is normally due to the ground under the slab drying and shrinking over decades.” he said, adding that the houses typically settle in only a ½- to 1-inch range. Engineers sometimes repair the slab using pressure-injected foam that levels the foundation, according to documents provided by Tracy.

But getting an insurance company to pay to fix the foundation is another matter entirely.

### **‘Cautious homeowners’ need multiple insurance plans**

Florida’s homeowner insurance regulations often can leave people with a sinking feeling when they realize that uneven subsidence — and even full-on sinkholes — might not be covered.

Now, if you want to protect your home from subsidence you have to purchase extra insurance.

That’s because Florida law once required homeowners insurance to provide sinkhole coverage, but not coverage for subsidence. Today, it covers only “catastrophic ground cover collapse.”

By about 2010, sinkhole claims across Florida were rising. So in 2011, Florida’s Legislature altered the law to restrict payouts for sinkhole claims to only the most catastrophic cases. That meant that many people whose homes were merely damaged by subsidence in Southeast Florida were often not eligible for payouts.

Stephen Marino, managing partner of Ver Ploeg & Marino, a Miami law firm that represents insurance policy holders, said insurance companies have spent years carving out exceptions to homeowners coverage to reduce their costs. Now, if a homeowner wants coverage for a specific risk like a flood or a sinkhole, they have to buy it separately, he says.



In 1981, a sinkhole in Winter Park opened up gulping down 250,000 cubic yards of soil, five Porsches at a foreign car repair shop, the deep end of an Olympic-size swimming pool, chunks of two streets and a three-bedroom home. Picture taken May 11, 1981. (Red Huber, Orlando Sentinel file) (Orlando Sentinel)

“In Florida, to be a fully covered homeowner in certain parts of the state, you now have to have a property insurance policy for liability coverage, a windstorm policy, a flood policy and a sinkhole endorsement or separate sinkhole coverage,” he said. “Florida is treated differently than other states because a cautious homeowner has to buy four separate insurance policies for the same structure.”

Not a lot of people do, says Paul Handerhan, president of the Federal Association for Insurance Reform, a consumer-focused watchdog group.

“The broader coverage is more expensive, and I don’t believe many people purchase it,” he said.

One reason might be the high deductibles.

Friedlander, from the Insurance Information Institute, points out that optional sinkhole coverage has deductibles set by law at either “1%, 2%, 5% or 10% of the property dwelling limit. So, if your home’s dwelling limit is \$300,000, and you have a 5% deductible, the deductible would be \$15,000 before a claim payout is made by your insurer.”

In 2010, sinkhole damage claims in Southeast Florida almost doubled, data from the Florida Department of Insurance Regulation shows. Between 2006 and 2009, Miami-Dade and Broward accounted for only 2.9% of all sinkhole claims state-wide. In 2010, the two counties accounted for 4.2% of all claims statewide.

Hernando, Pasco, Hillsborough, and Pinellas counties, known as “the sinkhole belt,” accounted for well over 85% of all sinkhole claims in and payouts in the early 2000s.

The 2011 laws also had predictable effects. In one 2017 lawsuit out of West Kendall in Miami-Dade, a judge found in favor of an insurance company simply because the house in question had not collapsed — even though the insurance company recognized that the “cause of distress to the property is related to non-engineered fill causing settlement of the soils which caused damage to the home,” court records read.

But not all sinkhole claims go unpaid.

“I myself have 30, 40 claims in the Hollywood area, in the Plantation area, South Miami area, where the engineers for the insurance companies have confirmed sinkhole activity,” says Howard Levine, an attorney who has represented Broward homeowners in sinkhole cases against insurance companies.

**Rarer in larger buildings, but possibly more dangerous.**

Subsidence has affected at least one other large building in the area. In downtown Miami, the opening of the 47-story building now called Miami Tower was delayed in 1988 after the building sank 5 inches on

one side, disrupting the operation of its elevators. Engineers had to remove and reinstall the elevators after the building finished settling into its foundation.

In Surfside, the Champlain Towers building sank at a rate of about 2 millimeters a year in the 1990s, according to a study by Florida International University professor Shimon Wdowinski.

“Two millimeters per year is usually not a big threat,” Wdowinski said, unless the building was subsiding unevenly, though the data from his study cannot speak to that.

Wdowinski used satellite data to determine that the building itself was sinking. He also detected small pockets of land subsidence that were distributed along the western area of Miami Beach, a part of the city that was historically built on fill dredged from the bottom of Biscayne Bay.

[RELATED: Blame Miami Beach’s high-tide flooding on sea-level rise and climate change | Opinion »](#)

But it appears that the Surfside building may have lacked design elements intended to prevent it from settling unevenly, say two independent civil engineering experts who reviewed the building’s plans.

Like most large structures in Florida, Champlain Towers South was built on piles — long concrete rods sunk or pounded deep into the earth that hold the building up in soft or mushy soil.

Atorod Azizinamini, dean of the Department of Civil and Environmental Engineering at Florida International University, says that the plans for the Surfside building lacked any indication that its support pilings were connected by grade beams, which can tie them together and prevent them from settling at different rates.

Mohamed W. Fahmy, a lecturer in engineering at the University of Miami who also runs a structural consulting firm, concurs with Azizinamini’s analysis about the building’s vulnerability to lateral movement caused by differential subsidence.

He points out that the building’s foundation — an almost foot-thick slab of concrete laid around all the piles — does not have rebar connecting it to the piles at both its top and bottom.

Both Fahmy and Azizinamini said that the design elements lacking from the building don’t prove that uneven settlement actually took place, just that the building lacked an element designed to prevent it.

“You’re going to find out many factors played a role in this thing,” Azizinamini said. “Not just one.”

Allyn Kilsheimer, the engineer hired by the Town of Surfside to investigate the collapse, is skeptical of theories that the building was vulnerable to differential subsidence.

“We’ve done close to a thousand buildings that we have on piles. We don’t have grade beams in any of those,” he said.

*Mario Ariza is an investigative reporter for the Sun Sentinel. You can follow him on Twitter*

*@inaminorkey or email him [mariza@sunsentinel.com](mailto:mariza@sunsentinel.com).*

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Mario Ariza

South Florida Sun Sentinel

APPENDIX B-2

**From:** Caryl Shuham <[CSHUHAM@hollywoodfl.org](mailto:CSHUHAM@hollywoodfl.org)>  
**Sent:** Sunday, August 8, 2021 12:55 PM  
**To:** Geller, Steve <[SGELLER@broward.org](mailto:SGELLER@broward.org)>  
**Subject:** Re: [EXT]Aug. 9, 2021 Agenda - Broward County Condominium Structural Issues Committee

**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).

Mayor Geller,

Thank you creating this very critical committee and allowing me to be a part of it. As an elected official in Hollywood's eastern most district with its many condos, as a lawyer with a degree in civil engineering focused on construction law, as a member of the board of my own beachside condo preparing for its 40-year inspection, and as a member of the Broward Climate Change Task Force, I feel uniquely qualified to participate and greatly appreciate the opportunity to do so. I will be joining the meetings remotely on 8/9 and in person on 8/23 and 8/30.

Please consider having Keren Bolter speak to the group about geological and land subsidence monitoring in coastal areas (and other resiliency topics). She was quoted immediately after Surfside in USA Today, "Investing in preventative measures instead of reactive responses saves lives, money and time."

<https://www.usatoday.com/restricted/?return=https%3A%2F%2Fwww.usatoday.com%2Fstory%2Fnews%2Finvestigations%2F2021%2F06%2F24%2Fbuilding-collapse-miami-structure-had-been-sinking-into-earth%2F7778631002%2F>. Here is her LinkedIn bio:

Dr. Keren Bolter leads climate change and resilience initiatives in South Florida. Her work as senior planner at Arcadis includes GIS modelling, vulnerability analyses, adaptation planning, green infrastructure, and outreach/engagement. She overlays risk data to map impacts of climate shocks and stressors with the intention of identifying opportunities for prioritizing risk hotspots. In 2018, Dr. Bolter led the development of five FEMA applications, all of which are being successfully awarded. These grants will provide nearly \$40 million to support planning and to protect infrastructure for jurisdictions in Florida and Virginia. Dr. Bolter has presented her Sea Level Rise and storm surge models for TEDx Miami, NBC, PBS, National Geographic, and more. Her success lies with her inner drive to increase awareness on environmental impacts in a positive way which inspires a call to action.

Recently, I organized a meeting between City staff members and Hollywood residents living in older condos on the barrier island within Hollywood. The meeting served to enhance staff's understanding of the challenges condo owners and their boards are facing. Below is a list of ideas the new County committee might consider as suggested by these residents and staff.

With warmest wishes,

Caryl

**SUGGESTED CHANGES TO APPLICABLE LEGISLATION IN LIGHT OF SURFSIDE COLLAPSE (Please forgive typos, etc. we wanted to get this to you before tomorrow)**

**Mandated Certifications, Inspections, and Engineering Reports:**

- The certification requirements need to be broader (e.g., include geotechnical, foundation, outdated safety issues and more)
- 40 years is too long to wait to re-certify any building. Suggested: initial 15 years plus every 5 thereafter; every 10 years with complete concrete and foundation checks. After the initial certification, re-certified every 5-7 years. (It is recommended that buildings be painted every 5-7 years, so it would make sense to ensure the concrete is in good shape before painting.)
- More frequent basic life-and-safety inspections. (Use these inspections to "force" or trigger an increase reserve schedule. That way associations have some professional engineering expertise driving what money is put aside.
- Engineering report should be completed at least a year in advance of and repairs under contract by anniversary date.
- When an engineer is called in to certify or otherwise assess an issue, their report should be registered with the municipality. [This is important so that in the event there is a board change, the work that is recommended by the engineer stays on track.]
- Concrete roof slabs should be certified by an engineer before a roofing permit is issued.
- During the recertification, items that affect the safety should be updated to current code when possible. High risk safety rules should not be avoided by grandfathering. (e.g., the code for balcony railings has changed but older buildings are still allowed dangerously wide pickets due to grandfathering. If this is not mandated, members will not voluntarily spend money until something tragic happens.)
- Pilings/ foundations need to be part of the requisite certification process at certain key anniversaries (e.g., 20 years) Use ground-penetrating radar to analyze the concrete and steel that make up the building. Take samples of the concrete for strength testing.
- 

**Condo Laws (Fl. Sttt. Section 718)**

Reserves

- Allow for partial reserves or full reserves but never no reserves. (Inadequate reserves are the reason for huge assessments which in turn displace seniors and others on fixed incomes)
- Mandate reserve studies every 3-5 years and the amount to be reserved should be based on that report.
- Broaden categories of expressly required reserves
- Mandate reserves for ongoing engineering studies.
- Mandate reserves for foundational investigations (or other roots of Champlain collapse once determined).
- Revise reserve accounting from the component method to the pooled method. This way if there is not enough money in, for example, the painting component you can use money from elevator component until you can replace the money in the reserve account.



### Board Members

- Annual condo training mandatory – no opt out. Training to include basic building structural safety and proper maintenance as well as critical nature of professional engineering opinion (too many board members deem themselves “experts”)
- There should be a training component similar to the Supreme Court Certified Mediation Training program. This would make it easier to find qualified board members.
- Afford board members qualified immunity
- Create “safe harbor” for board members if they rely on a written professional opinion (e.g., engineering, legal)
- Legislate better indemnification/insurance coverage for board members.
- Allow for non-owners to be on a board of directors, if they have certain licensed professional qualifications, such as an attorney, engineer, real estate broker, community association manager, etc.

### Property Management

- Any building that has more than X units (e.g.,40) or Y floors (e.g., 6) must utilize and budget for a licensed property manager.

### Special Meetings

- Once the required engineering report is in hand, condo should be required to hold a special meeting where all owners get special notice (like annual meeting). Engineer and municipal building official must attend. Residents to be notified at this meeting that failure to timely repair will result in huge daily municipal penalties for which association is responsible (no longer can repairs be delayed.)

### Owner Initiated Inspections

- Create unit owner-initiated private or municipal building department inspections (circumventing condo board). For example, if 10% of owners sign a complaint, an inspector must investigate identified safety issues (need a mechanism to preclude boards from sweeping issues under the rug and covering up in order to save money.)
- 

### **Government Obligations**

- Municipalities should send out required inspection notices at least 2 years before the subject building anniversary. In today’s market, 180-day period to complete repairs is impossibly short.
- Mandate that municipalities assess financial penalties for repair delays. (As incentive to compliance with certification rules)
- Municipality to provide a list of available/knowledgeable/qualified engineers who are taking on local work
- Any countywide engineering to be with shared (e.g., land subsidence /flooding/drainage, etc.)
- State/County should commence monitoring land shifts in coastal areas. (Inefficient for a single city or building to do this). Per Dr. Keren Bolter, "Investing in preventative measures instead of reactive responses saves lives, money and time." USA Today.
- FDOT must fix all roadway drainage issues may be damaging buildings or causing sinkholes due to flooding. (e.g. faulty storm drainage systems including flap gates and check valves from ICW have failed). Question: If the drainage pipes, basins, and check valves are the responsibility of FDOT and the State, are they also responsible for any structural damage that might have been caused by rising waters due to the failure of their equipment onto adjacent buildings all along

A1A? If yes, what action can a city take on behalf of its residents against FDOT and get FDOT to pay for any resulting damages, particularly now that there are ongoing structural inspections of buildings due to the calamity in Surfside?

- State/County should require developers do geotechnical investigation of surrounding buildings.
- 

### Insurance

- Insurance companies should offer discounts to condos that get engineering inspections:
  - 5 years 10% discount
  - 10 years 5 % discount
  - and so on

(These discounts would easily offset the cost of the engineer's reports and minimal maintenance instead of waiting till repairs are excessive.)

- Need better controls on insurance companies re: costs, deductibles and delays of payment using the court system.

### *Caryl S. Shuham*

Commissioner, District 1  
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**Notice:** Florida has a broad public records law. All correspondence sent to the

City of Hollywood via e-mail may be subject to disclosure as a matter of public record.

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County Attorney



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## **MEMORANDUM**

**TO:** Mayor Steve Geller

**FROM:** Maite Azcoitia, Deputy County Attorney /s/ Maite Azcoitia

**DATE:** August 5, 2021

**RE: Condominium Structural Issues  
CAO File: 60053-0000**

You have asked several questions related to condominiums and existing laws and regulations that would affect their redevelopment, including existing land use and density requirements, termination of condominiums, insurance requirements and statutory reserves, and Florida Building Code provisions requiring the demolition of unsafe buildings when correction of deficiencies exceed certain thresholds.

### **Land Use and Density Requirements**

The maximum density permitted by the Broward County Land Use Plan is fifty (50) units per gross acres. However, existing condominiums in the Coastal High Hazard Area that were subject to past decreases in density resulting from the adoption of the 1977 or 1989 Broward County Land Use Plans may be redeveloped to the actual built density and intensity, provided that the redevelopment meets all public safety codes in effect at the time of redevelopment. This includes the Florida Building Code and the flood elevation and hurricane evacuation standards. The Coastal High Hazard Area, also referred to as the Coastal Storm Area, includes properties directly connected to the mainland by bridges and all low-lying properties that have restricted evacuation and emergency access. The Coastal High Hazard Area is reflected in the map attached to this memorandum.

### **Termination of Condominium**

Condominiums are created as authorized by statute and are subject to covenants that encumber the land and restrict the use of real property. In some circumstances, the Florida Legislature has found that the continued enforcement of those covenants may create economic waste and areas of disrepair that threaten the safety and welfare of the public or cause obsolescence of the property for its intended use and thereby lower property tax values. In such instances, it is the public policy of the State to provide by statute a method to preserve the value of the property interests and the rights of alienation thereof that owners have in the condominium property before and after termination.

Accordingly, the Florida legislature established a method of termination of a condominium for economic waste or impossibility and an optional method of termination.

Section 718.117(2), F.S., establishes procedures to terminate a condominium form of ownership for economic waste or impossibility. Notwithstanding any provision in the declaration, a condominium form of ownership of a property may be terminated by a plan of termination approved by the lesser of the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration for approval of termination if:

- The total estimated cost of construction or repairs necessary to construct the intended improvements or restore the improvements to their former condition or bring them into compliance with applicable laws or regulations exceeds the combined fair market value of the units in the condominium after completion of the construction or repairs; or
- It becomes impossible to operate or reconstruct a condominium to its prior physical configuration because of land use laws or regulations.

The statute contains provisions for the termination of a condominium in which 75 percent or more of the units are timeshare units. In such a condominium, a plan of termination may be approved by 80 percent of the total voting interests of the association and the holders of 80 percent of the original principal amount of outstanding recorded mortgage liens of timeshare estates in the condominium, unless the declaration provides for a lower voting percentage. Section 718.118(2), F.S., further provides that a condominium that includes units and timeshare estates where the improvements have been totally destroyed or demolished may be terminated pursuant to a plan of termination proposed by a unit owner upon the filing of a petition in court seeking equitable relief.

If economic waste or impossibility is not the basis for a condominium termination, Section 718.117(3), F.S., establishes a procedure for optional termination. Under the statute, the condominium form of ownership may be terminated for all or a portion of the condominium property pursuant to a plan of termination meeting the requirements of Section 718.117(3), F.S., and approved by the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation ("Division"). Before a residential association submits a plan to the Division, the plan must be approved by at least 80 percent of the total voting interests of the condominium and not have been rejected by 5 percent or more of the total voting interests of the condominium by negative vote or by providing written objections.

As you know, a previous version of Section 718.117, F.S., was the subject of an opinion by the Third District Court of Appeal in *Tropicana Condo. Ass'n, Inc. v. Tropical Condo., LLC*, 208 So. 3d 755 (Fla. 3<sup>rd</sup> DCA 2016). In *Tropicana*, the Court examined "whether a retroactive application of [Section 718.117(3), F.S.] exists to override the procedural defect of the Declaration amendments; and, if so, whether such retroactive application is constitutional." The condominium at issue in *Tropicana* had a provision within its declaration requiring unanimous approval of the owners for termination. After a number of attempts to amend this provision, the condominium board successfully secured a majority vote to amend the declaration to comport with the then recently enacted Section 718.117, F.S., reducing the number of required votes for termination to only 80 percent. Notably, the declaration did not include "*Kaufman*" language confirming that the Florida Condominium Act (which was referenced in the declaration) was incorporated "as amended from time to time". The Court held that, absent *Kaufman* language, an amendment to the Condominium Act will not have retroactive application to a condominium's Declaration if it impairs contractual obligations. The Court further held that the condominium unit holders had a vested right in the contractual provision relating to termination in the declaration, and that the retroactive effect of Section 718.117, F.S., was an impermissible impairment of contract.

The *Tropicana* court did attempt to determine "how much impairment is tolerable" by applying the three-prong balancing test found in *Pomponio v. Claridge of Pompano Condo., Inc.*, 378 So. 2d 774 (Fla. 1979) (although, notably, the court only evaluated the third prong: "[d]oes the law effect a temporary alteration of the contractual relationship of those within its coverage, or does it work a severe, permanent, and immediate change in those relationships irrevocably and retroactively?"), and determined that the amendment worked a severe, permanent and immediate change to the unit owners' safeguards against the condominium termination that are expressed in the declaration. *Id.* Therefore, no degree of impairment was held to be tolerable.

In *Pomponio*, the Florida Supreme Court examined whether Section 718.401, F.S., regarding the deposits of rents into the registry of the court during litigation involving obligations under a condominium lease impermissibly impaired the obligation of contracts in violation of Article I, Section 10 of the Florida and federal constitutions. The Court held that "virtually no degree of contract impairment is tolerable in this state" and that the conclusion "that 'virtually' no impairment is tolerable **necessarily implies that some impairment is tolerable** [emphasis added], although perhaps not so much as would be acceptable under traditional federal contract clause analysis." *Id.* at 780. The court adopted the following three-prong balancing test:

To determine how much impairment is tolerable, we must weigh the degree to which a party's contract rights are statutorily impaired against both the source of authority under which the state purports to alter the contractual

relationship and the evil which it seeks to remedy. Obviously, this becomes a balancing process to determine whether the nature and extent of the impairment is constitutionally tolerable in light of the importance of the state's objective, or whether it unreasonably intrudes into the parties' bargain to a degree greater than is necessary to achieve that objective.

Ultimately, the Court held that the statute's application against the declaration constituted an unconstitutional impairment of contract and that the state's justification of exercising its police powers was not sufficient to tolerate any degree of impairment. *Id.* at 782.

The Florida Supreme Court revisited the contract impairment issue in *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State of Florida*, 209 So. 3d 1181 (Fla. 2017), a case examining the constitutionality of statutory limitations on attorneys' fees against a contract negotiated by the parties. The Court held that "an impairment may be constitutional if it is reasonable and necessary to serve an important public purpose. . . . However, where the impairment is severe, '[t]he severity of the impairment is said to increase the level of scrutiny to which the legislation will be subjected.' . . . There must be a 'significant and legitimate public purpose behind the regulation.'" *Searcy, Denney, Scarola, Barnhart & Shipley, etc.* at 1192 (quoting *U.S. Trust Co. v. New Jersey*, 431 U.S. 1, 25, 97 S.Ct. 1505, 52 L.Ed.2d 92 (1977) and quoting *Energy Reserves*, 459 U.S. at 411, 103 S.Ct. 697). Most recently, in *Northwood Assocs., LLC v. Ertel*, 265 So. 3d 665, 670 (Fla. 1<sup>st</sup> DCA 2019), the First District Court of Appeal affirmed that "an impairment may be constitutional if it is reasonable and necessary to serve an important public purpose."

Notably, Subsections (c) and (d) of Section 718.117(1), F.S., state:

(c) **It is contrary to the public policy of this state to require the continued operation of a condominium when to do so constitutes economic waste or when the ability to do so is made impossible by law or regulation.**

(d) It is in the best interest of the state to provide for termination of the covenants of a declaration of condominium in certain circumstances in order to:

1. Ensure the continued maintenance, management, and repair of stormwater management systems, conservation areas, and conservation easements.

2. **Avoid transferring the expense of maintaining infrastructure serving the condominium property**, including, but not limited to, stormwater systems and conservation areas, **to the general tax bases of the state and local governments.**

3. **Prevent covenants from impairing the continued productive use of the property.**

4. **Protect state residents from health and safety hazards created by derelict, damaged, obsolete, or abandoned condominium properties.**

5. **Provide fair treatment and just compensation for individuals and preserve property values and the local property tax base.**

6. Preserve the state's long history of protecting homestead property and homestead property rights by ensuring that such protection is extended to homestead property owners in the context of a termination of the covenants of a declaration of condominium. [Emphasis added]

In conclusion, if a condominium association can demonstrate that economic waste or impossibility exists (as described in the statute), the procedure outlined in Section 718.117(2), F.S., may be utilized to terminate the condominium. If neither economic waste or impossibility exists and the condominium association still wishes to terminate, the condominium may seek to terminate pursuant to the optional termination provisions of Section 718.117(3), F.S. If the declaration does not contain *Kaufman* language, an optional termination may be deemed an impermissible impairment of contract. Courts may apply the *Pomponio* three-prong balancing test to weigh the degree to which a party's contract rights are statutorily impaired against both the source of authority under which the state purports to alter the contractual relationship and the evil which it seeks to remedy. Moreover, a Court may find that an impairment is constitutional if it is reasonable and necessary to serve an important public purpose.

#### Condominium Insurance Requirements

Section 718.111(11), F.S., requires associations controlled by unit owners operating as a residential condominium to use their **best efforts** to obtain and maintain property insurance to protect the association, the association property, the common elements, and the condominium property insured for full insurable value, replacement cost, or similar coverage, based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal conducted at least once every 36 months. This language is consistent with case law that recognizes that some buildings may be uninsurable or extremely expensive.

In *Citizens Prop. Ins. Corp. v. River Manor Condo. Ass'n, Inc.*, 125 So. 3d 846, 848 (Fla. 4th DCA 2013), a condominium association brought suit against Citizens Property Insurance, claiming that certain language in the policy "requiring that it be amended to 'conform' to any conflicting statutes of the State where the property is located" conflicted with Section 718.111(11), F.S. "requir[ing] insurers that issue condominium policies to provide coverage for '[a]ll portions of the condominium property located outside the units,' and '[a]ll portions of the condominium property for which the declaration of condominium requires coverage by the association." The Court held "that when considered as a

cohesive whole, Section 718.111(11), Florida Statutes (2005), is intended to regulate the insurance obligation of condominium associations by: (a) specifying the items that the association is responsible for covering versus the items that the unit owners are responsible for covering; and (b) requiring associations to use their "best efforts" to obtain the coverage it is responsible for securing. The statute was not intended to impose a mandatory insurance obligation upon carriers." *Id.* at 853.

Notably, other jurisdictions have adopted statutes similar to Section 718.111(11), F.S. For example, North Carolina requires associations to maintain insurance against commonly insured perils "to the extent available." See N.C St. § 47C-3-113. Maryland has a similar "reasonably available" requirement. Md. Code., Real Prop. § 11-114. Conversely, in Illinois, any policy issued to a condominium association must provide certain coverage, which is unlike Florida where a condominium association has discretion to get coverage for some things and not others. See 765 ILCS 605/12.

#### Statutory Reserves

Section 718.112(f)2.a., F.S., states that, "[i]n addition to annual operating expenses, budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost that exceeds \$10,000... This subsection does not apply to an adopted budget in which the members of an association have determined, by a majority vote at a duly called meeting of the association, to provide no reserves or less reserves than required by this subsection." Notwithstanding, statutory reserves are often not maintained pursuant to this opt-out, requiring that structural repairs be funded by special assessment. In many instances, condominium owners do not have the means to a pay special assessment.

It is worth noting that very few states require reserves to be funded. A general guide on all 50 states concerning reserves and reserve funding is available at <https://www.caionline.org/Advocacy/Priorities/ReserveStudy/Pages/default.aspx>.

#### Florida Building Code Regarding Demolition of Unsafe Structures

Section 116.2.2 of the Florida Building Code provides that, if the cost of completion, repair, and/or replacement of an unsafe building or structure, or part thereof, exceeds 50% of its value, or if the cost of structural repair or replacement of an unsafe building or structure, or part thereof, exceeds 33% of its structural value, the building or structure, or part thereof, must be demolished and removed from the premises. An exception to the foregoing percentages may be recognized, provided: (1) the owner of the property has the ways and means to complete the work; (2) all imminent danger has been removed



Mayor Steve Geller  
August 5, 2021  
Page 7

from the site; (3) all applicable zoning regulations are met; (4) all applicable requirements of other departments and agencies are met; (5) criteria noted in the Florida Building Code Existing Building are followed; and (6) any remaining portion of the structure to be used in rebuilding is certified as safe by an engineer or architect.

If you have any questions or need additional clarification, please let me know.

MA/gmb

c: Andrew J. Meyers, County Attorney

## **Broward County Condominium Structural Issues Committee: Insurance**

### **Commercial Residential Insurance Institutions:**

- 1) Reinsurers
- 2) Primary Insurers
  1. Admitted Insurers
  2. Excess & Surplus Lines Insurers
- 3) Residual Market Mechanism – Citizens Property Insurance Corporation (CPIC)

### **Macro Challenges for Commercial Residential Insurance Coverage Can Be Bifurcated into Availability and Affordability:**

- 1) Availability
  1. Reinsurance, Primary Insurance, Residual Market (CPIC) - Appetite/Capacity
    - a. Private underwriting
      - A1. Property age, 20+ years
      - A2. Property height, 5 stories and up
      - A3. Property Location, Coastal vs. Inland (Wave wash erosion)
      - A4. Significant industry concerns over veracity of the current inspection process
    - b. Residual market underwriting
      - B1. Windstorm area – wind only
      - B2. Multiperil- no differences in conditions (DIC) or liability coverage
      - B3. Structural inspections required for sinkhole coverage only
      - B4. Electrical and roof inspections required
- 2) Affordability
  1. Primary Insurers – 20-25% minimums
    - a. Admitted
    - b. Excess & Surplus Lines
  2. Residual Market (CPIC) – 10% glide path – Fire resistive non sinkhole, best rates

### **718.111 The association.—**

(11) (a) Adequate property insurance, regardless of any requirement in the declaration of condominium for coverage by the association for *full insurable value, replacement cost, or similar coverage*, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal. *The replacement cost must be determined at least once every 36 months.*

1. An association or group of associations *may provide adequate property insurance through a self-insurance fund* that complies with the requirements of ss. 624.460-624.488.
2. The association *may also provide adequate property insurance coverage for a group of at least three communities* created and operating under this chapter, chapter 719, chapter 720, or chapter 721 by obtaining and maintaining for such communities insurance coverage sufficient to

cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

# SEA LEVEL RISE – PROJECTIONS, IMPACTS, AND RESILIENCE CONSIDERATIONS FOR CONDOMINIUMS

CONDOMINIUM STRUCTURAL ISSUES COMMITTEE  
AUGUST 9, 2021



# SEA LEVEL RISE AND OTHER CLIMATE IMPACTS - THE UNIQUE COASTAL RISK

## Compounded Effects

- Sea Level Rise
- Increase in Rainfall and Storms
- Storm Surge
- Tidal Flooding

## Impacts

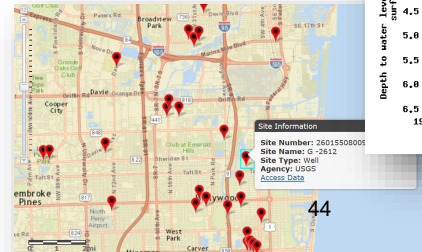
- More frequent
- More severe
- More widespread

## Exposures

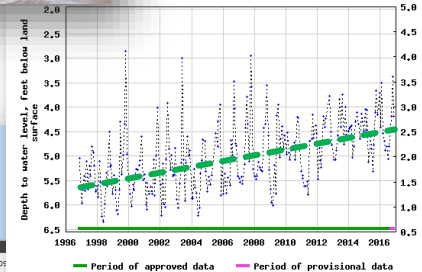
- Chronic and Acute



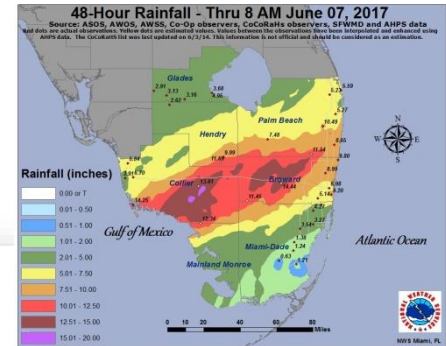
High Tides and Surge



USGS 26015000092002 G -2612



Higher Groundwater

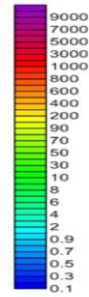
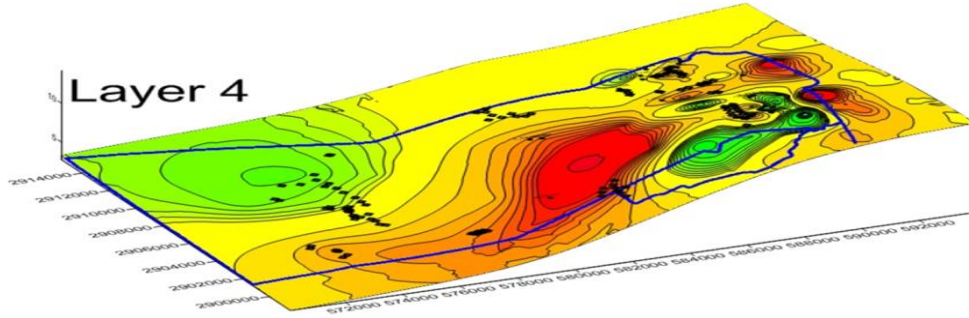


Extreme Rainfall

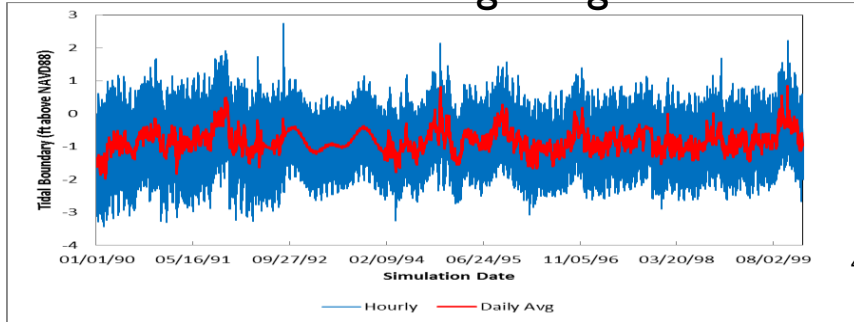
# Geology, Hydrology, and Sea Level Rise

## Transmissive Geology

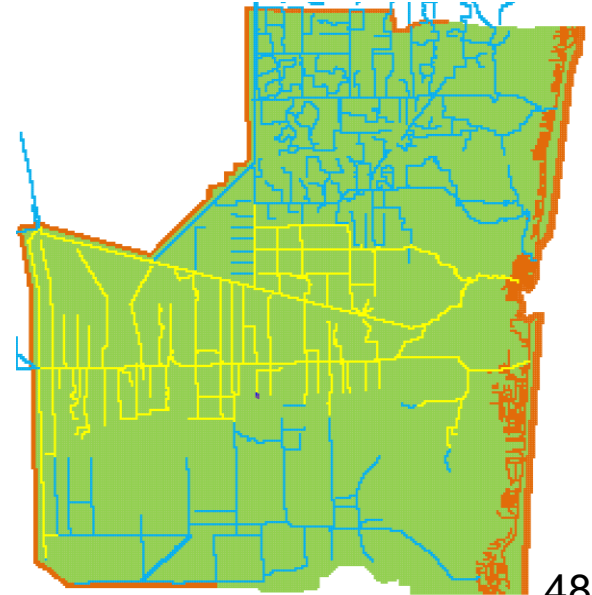
Horizontal Hydraulic Conductivity ( $m^2/d$ )



## Integrating Sea Level Rise

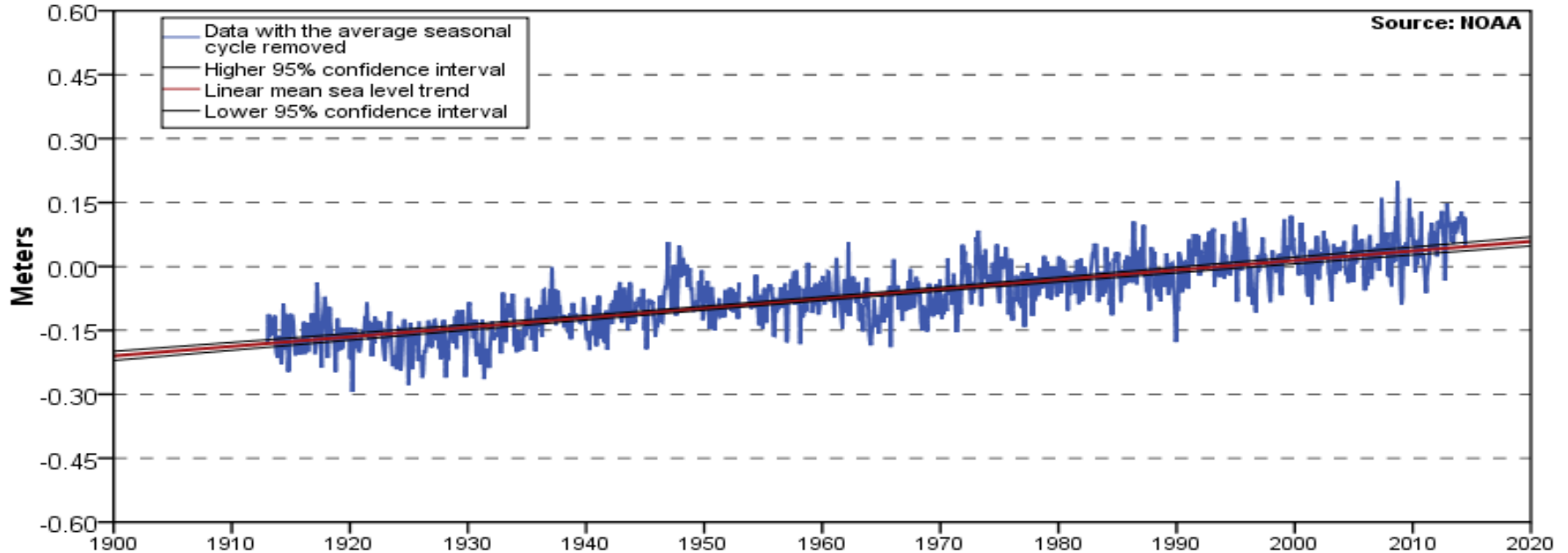


## Broward County Water Management System



# SEA LEVEL RISE - A STATEWIDE TREND

Key West, FL      2.24 +/- 0.16 mm/yr

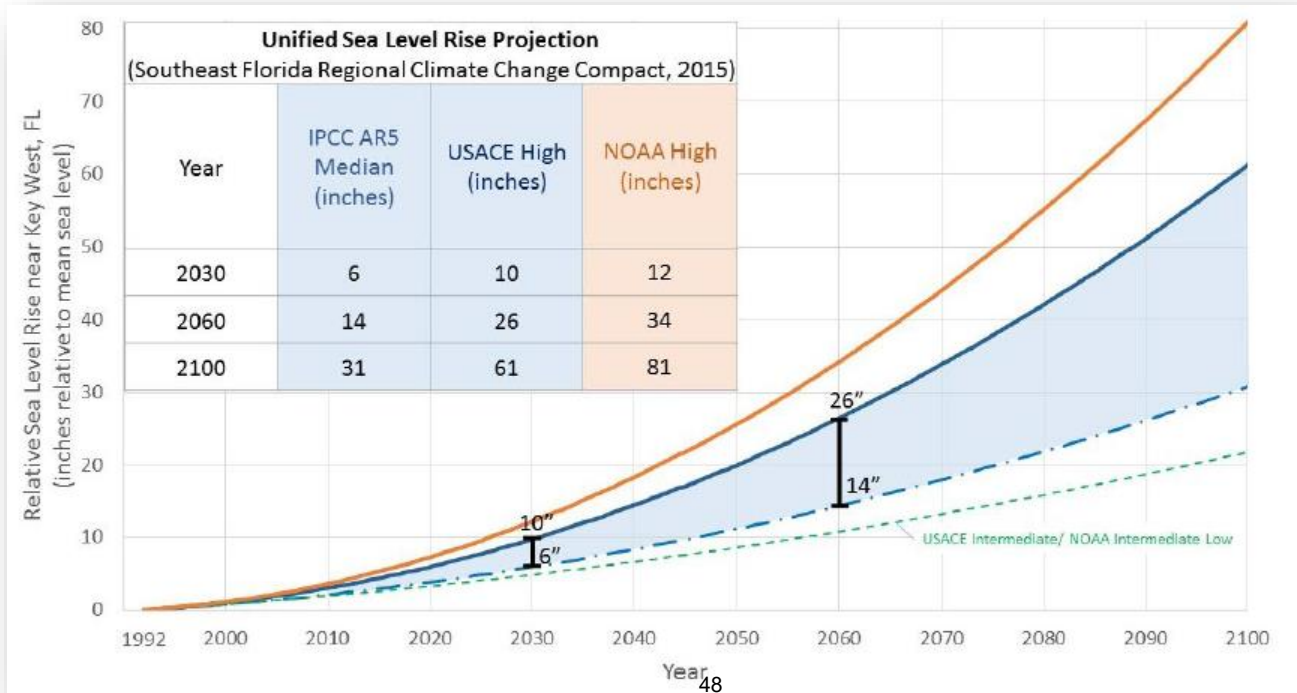


## HOW HAS ACCELERATION AFFECTED THE RATE OF RISE?

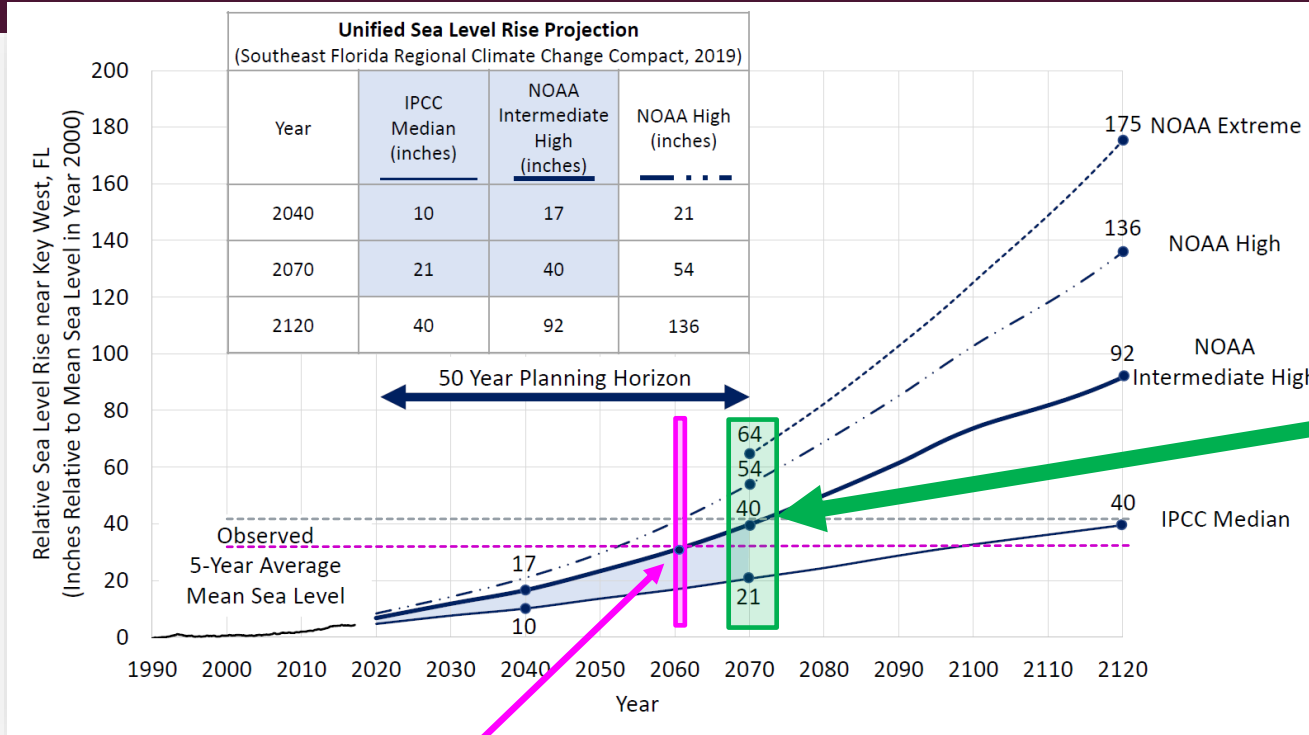
- 9 inches of sea level rise from 1900 to 2000  
(100 years, 1 inch every 11 years)
- 3 inches of sea level rise from 1992 to 2015  
(23 years), 1 inch every 7.6 years
- 4 inches sea level rise from 2000 to 2017  
(17 years) or 1 inch every 4.25 years



# REGIONAL PLANNING: 2015 UNIFIED SEA LEVEL RISE PROJECTION



# UPDATE: 2019 REGIONAL SEA LEVEL RISE PROJECTION



**40 inches  
by 2070  
(current)**

**27 inches by 2060 (previous)**

# IMPLICATIONS FOR INFRASTRUCTURE AND INVESTMENTS

- Higher Flood Elevations
- Increase in Tidal Flooding
- Constrained Water Management
- Drainage Limitations
- Sanitary Sewer I&I
- Foundation Saturation
- Subterranean Flooding
- Roadbed Undermining

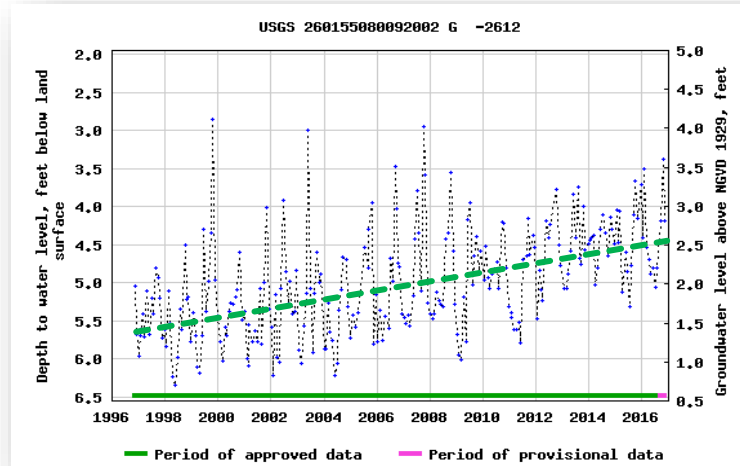
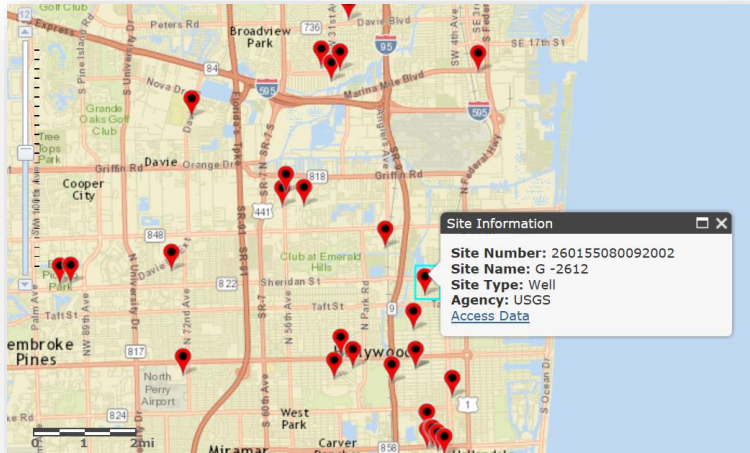




# GROUNDWATER TABLE RISE



# MEASURED INCREASE IN GROUNDWATER TABLE



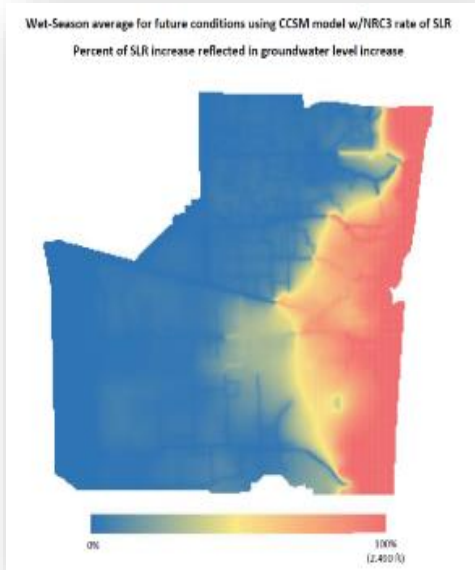


# REDUCTION IN SOIL STORAGE IMPACTS DRAINAGE

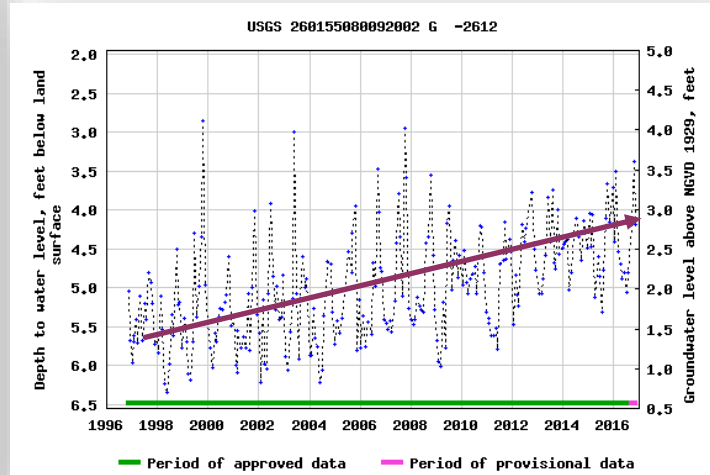


# FUTURE CONDITIONS GROUNDWATER TABLE MAP – ESTABLISHED JULY 2017

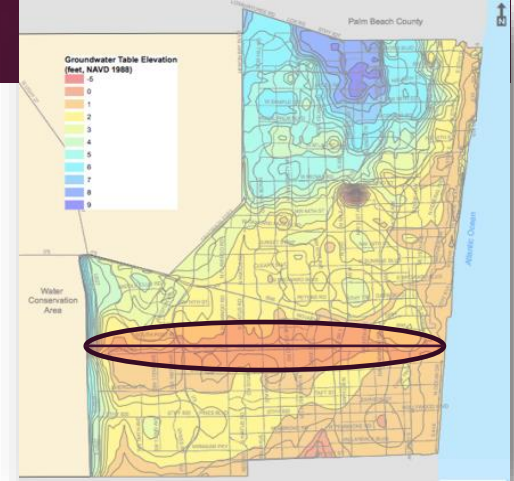
Section 27-200, Plate WM 2.1  
Code of County Ordinances



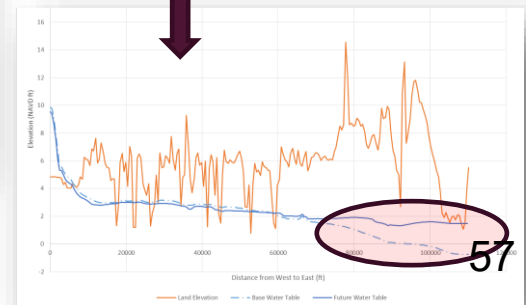
Modeled Rise



Measured<sup>5</sup>Rise

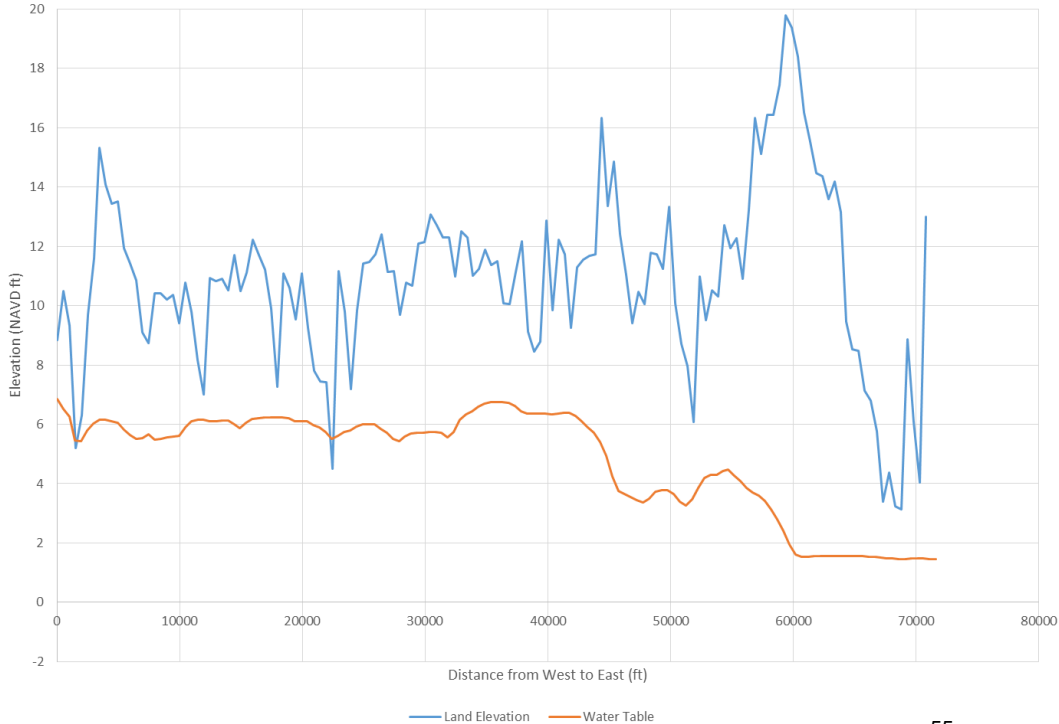


Cross-Section



# NORTHERN CROSS-SECTION

Northern X-Section



**Legend**

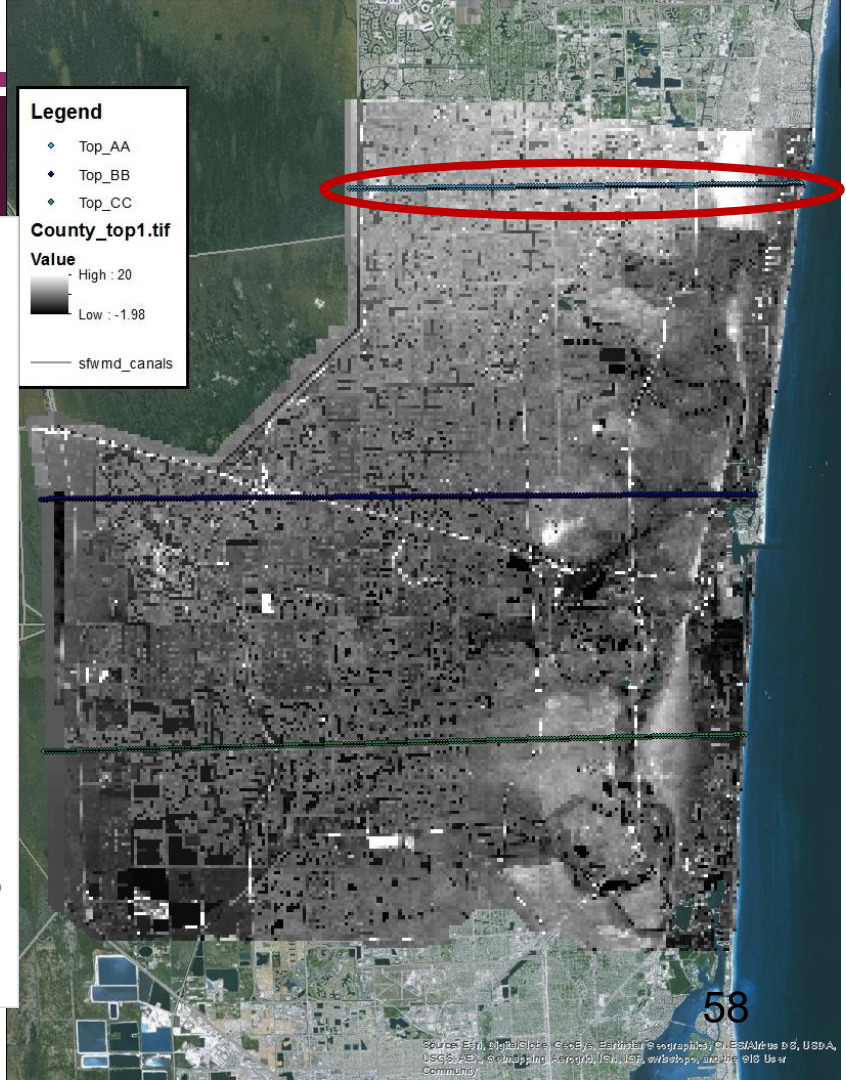
- ◆ Top\_AA
- ◆ Top\_BB
- ◆ Top\_CC

**County\_top1.tif**

**Value**

- High : 20
- Low : -1.98

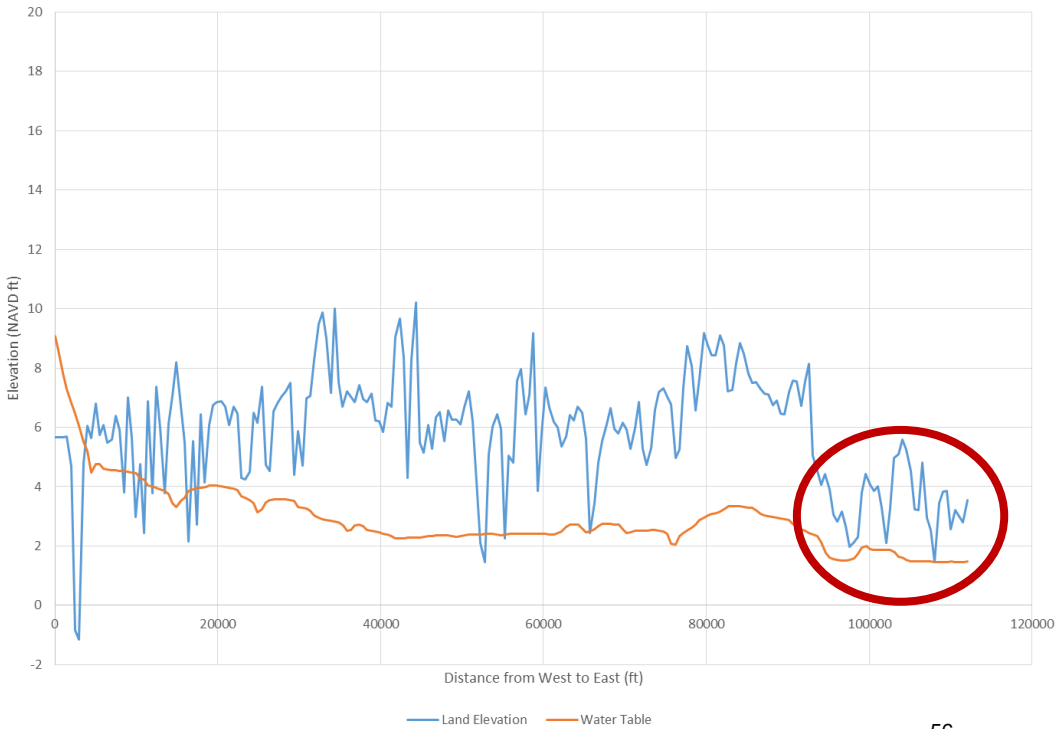
— sfwmd\_canals





# CENTRAL CROSS-SECTION

Central X-Section



**Legend**

- ◆ Top\_AA
- ◆ Top\_BB
- ◆ Top\_CC

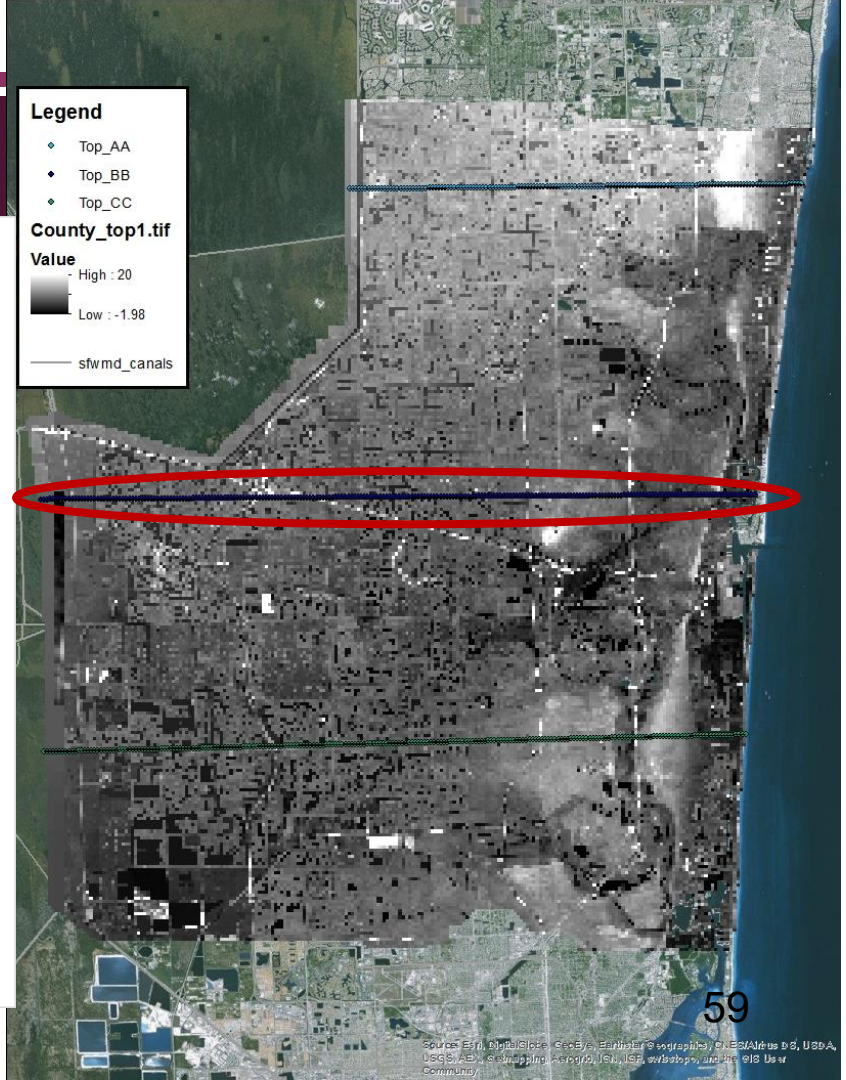
**County\_top1.tif**

**Value**

High : 20

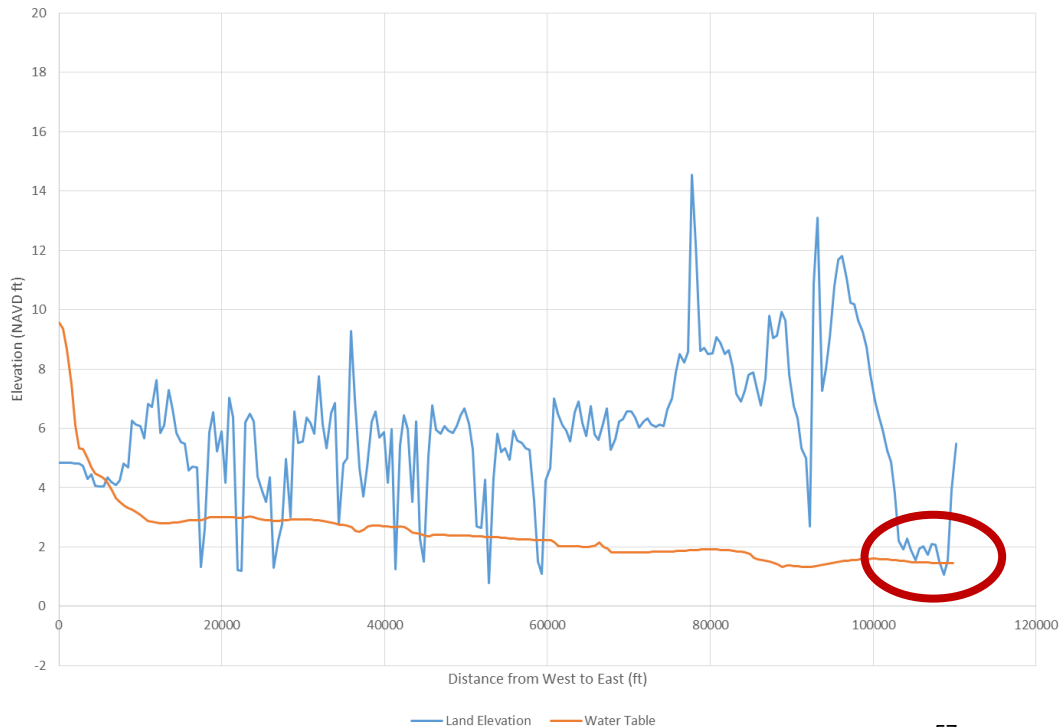
Low : -1.98

— sfwmd\_canals



# SOUTHERN CROSS-SECTION

Southern X-Section



**Legend**

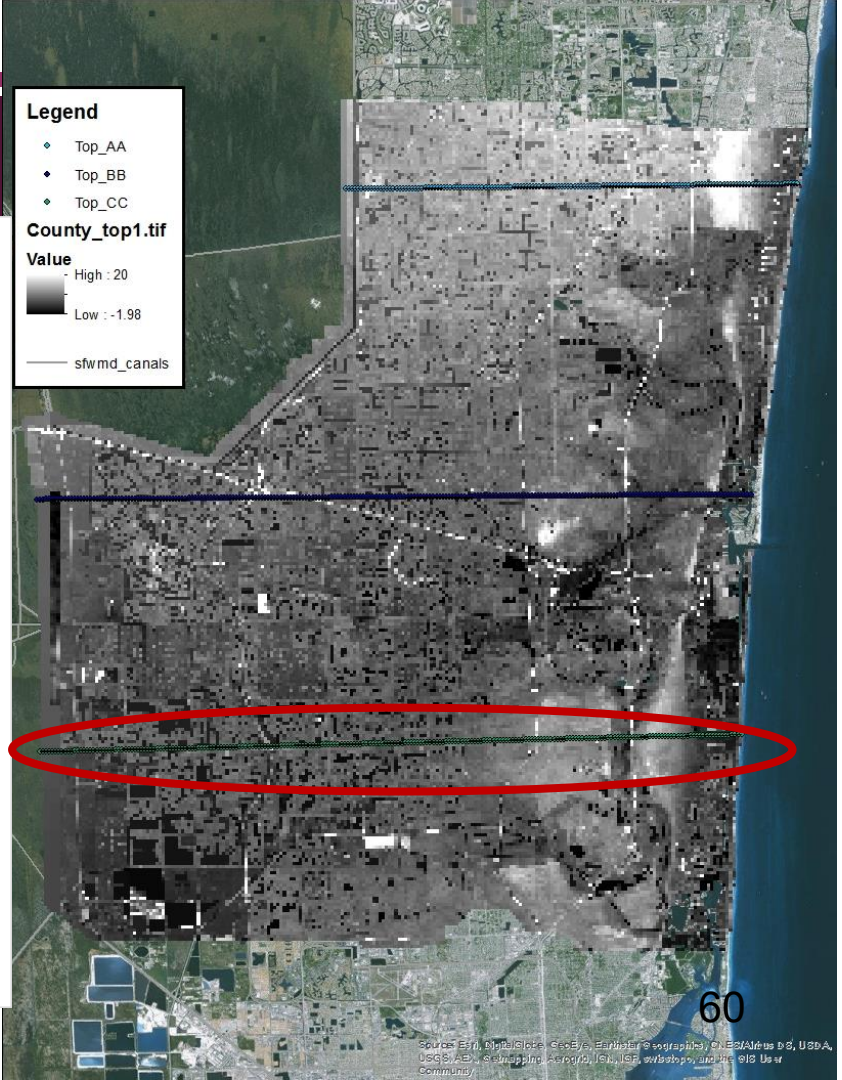
- ◆ Top\_AA
- ◆ Top\_BB
- ◆ Top\_CC

**County\_top1.tif**

**Value**

- High : 20
- Low : -1.98

— sfwmd\_canals



### Surface Water Management Design Example 1



#### Permitted Condition

- 38% exceeded capacity

#### Adjusted SLR Design

- +40' trench
- + pump on drainage well

### Surface Water Management Design Example 2



#### Permitted Condition

- Dry retention inundated
- Berm overtopped, pipe submerged

#### Adjusted SLR Design

- +85' trench
- Raise berm 5" and orifice 2'

### Surface Water Management Design Example 3



#### Permitted Condition

- -58% capacity
- Lot inundated
- Cause offsite flooding

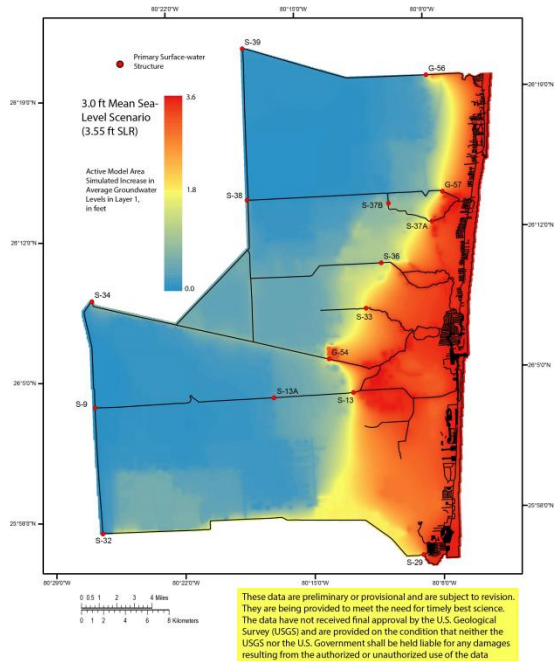
#### Adjusted SLR Design

- Stem wall initially
- Raise parking lot 261
- Add drainage well



# 2021 GROUNDWATER TABLE MAP UPDATE

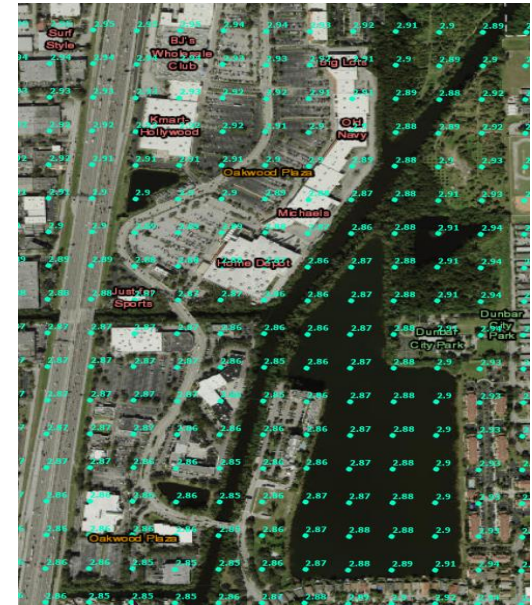
2021 Modeled Results (Draft)  
(2019 Projection)



2017 Map  
(2015 Projection)



2021 Draft Update  
(2019 Projection)



0.5' Historic  1.5' 2017 Map  3.0' 2021 Results

## OPPORTUNITY #1 – GROUNDWATER RISE

- Require upgrade of site drainage consistent with future conditions standards as part of 40-year recertification process.
- Require coastal properties to improve/seal foundation to sustain exposure to (salty) groundwater



# TIDAL FLOODING AND EXPOSURE



# RESILIENT TIDAL FLOOD BARRIERS

## Issue:

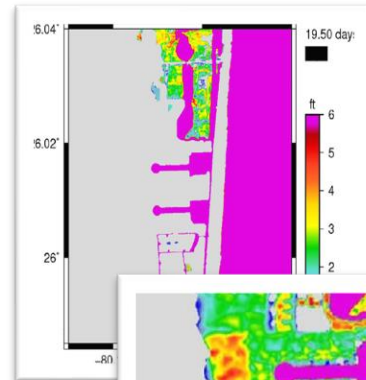
- Tidal overtopping of seawalls
- Allows additional exposure/intrusion of saltwater to structure
- Address via upgrades, consistent with new standards



# COUNTY-WIDE RESILIENCE STANDARD: TIDAL FLOOD BARRIERS

- Established **5 feet NAVD by 2050**, allowing **4 feet NAVD until 2035**
- Requires municipal adoption in 2 years – March 2022.
- Applies to new construction, major restoration, properties cited for tidal trespass
- Expand to 40-year Recertification?

Modeled 4' sea wall



Sea wall + surge

Hollywood Marina





## OPPORTUNITY #2 – TIDAL FLOOD PROTECTION

- Consider required upgrade of seawall, berms, and related tidal flood barriers in accordance with county code, concurrent with the 40-year recertification process.



# FUTURE CONDITIONS FLOOD RISK



# BROWARD'S FINISHED FLOOR REQUIREMENTS

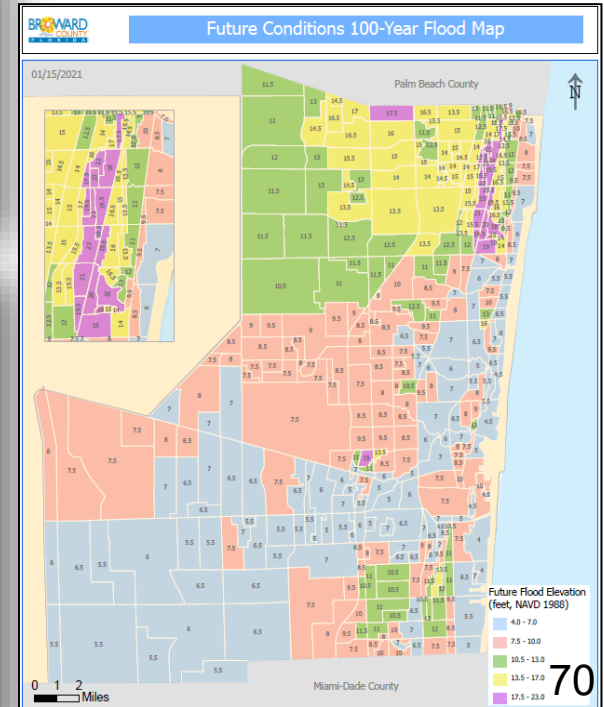
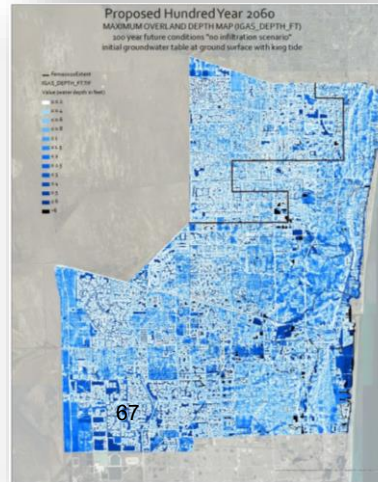
County code requires higher of the following:

- County 100-yr flood map
- County Future Conditions Flood Map
- FEMA maps - existing conditions
- Site specific 100-year calculation
- 18 inches above crown of road



# 100-YEAR FUTURE CONDITIONS FLOOD MAP

- Accounts for:
  - 2 Feet SLR
  - King tides
  - Increase rainfall (13%)
  - Ground saturation
- 368 discrete flood areas
- Informed by basins, topographic features, drainage

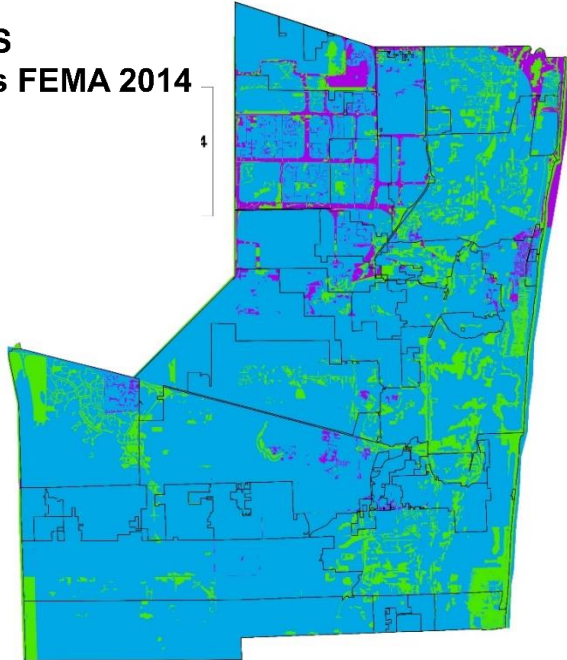


# FLOOD ELEVATION CHANGE COMPARISON

1977 COMMUNITY MAP COMPARED TO  
ADOPTED FEMA 2014 FLOOD ELEVATIONS

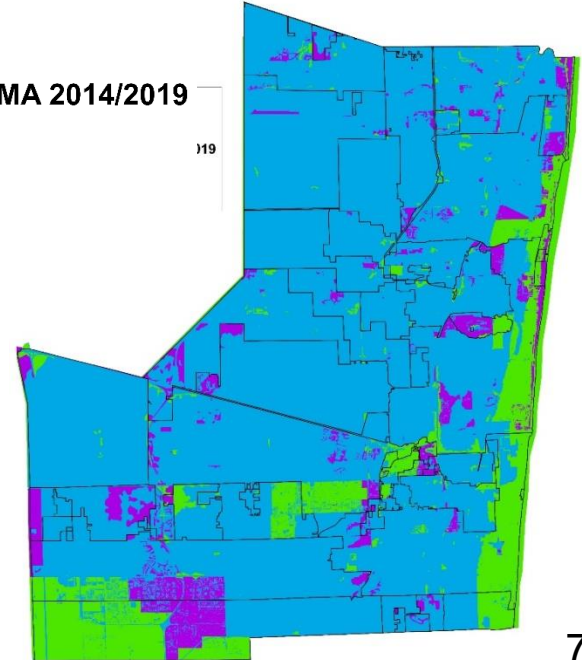
PROPOSED FUTURE FLOOD MAP COMPARED TO HIGHER OF  
ADOPTED FEMA 2014 / PROPOSED FEMA 2019 FLOOD ELEVATIONS

Legend  
-CITY LIMITS  
1977 MAP vs FEMA 2014  
■ HIGHER  
■ LOWER  
■ EQUAL



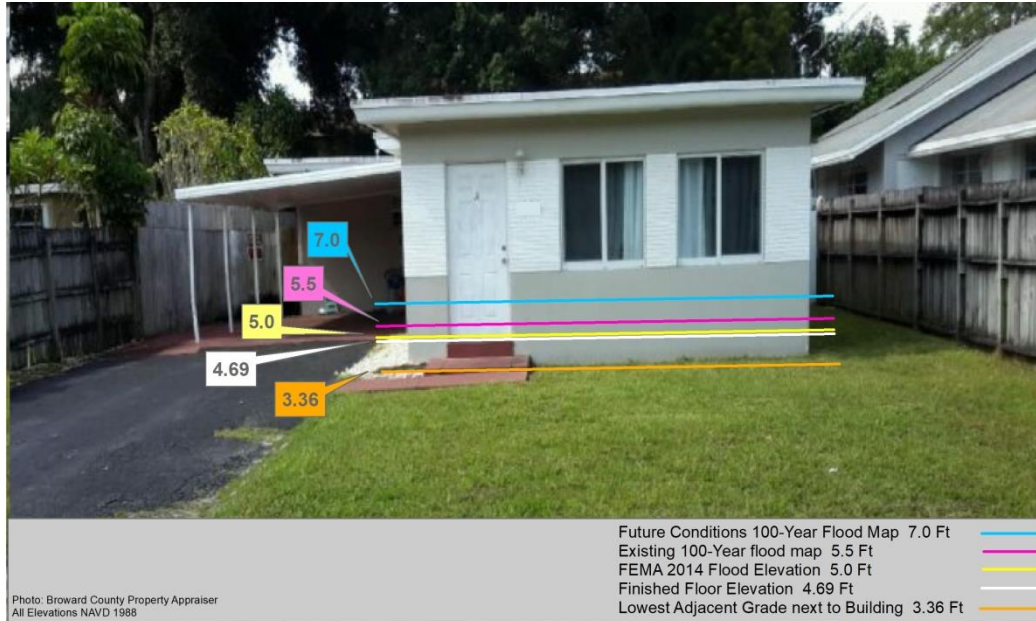
68

Legend  
-CITY LIMITS  
FLOOD\_UNION  
NEW MAP vs FEMA 2014/2019  
■ HIGHER  
■ LOWER  
■ EQUAL



71

# COMMERCIAL AND RESIDENTIAL RELEVANCE





## OPPORTUNITY #3 – BASE FLOOD ELEVATION

- Require wet/dry-proofing of infrastructure below the highest applicable flood elevation.
- Require relocation and/or hardening of critical infrastructure (e.g., electrical panels and systems) above applicable base flood elevation.
- Require architect/engineer to certify that structure is flood-proofed to new flood elevation.

## OPPORTUNITY #4 – ENERGY AND COOLING

- Consider mechanism for achieving upgrades consistent with the International Energy Code, as the accepted standard (Florida Building Code lags by ca. 6 years).
- Require that where roof replacement and improvement is required, require compliance with commercial cool roof standards (Broward/Miami-Dade BORA effort).



# Resilience Return on Investment

## Project Purpose

To identify the **return on investment** for resilience and adaptation measures in Southeast Florida.



## Key Findings



There is a **regional business case** for resilience in Southeast Florida.

**4:1**

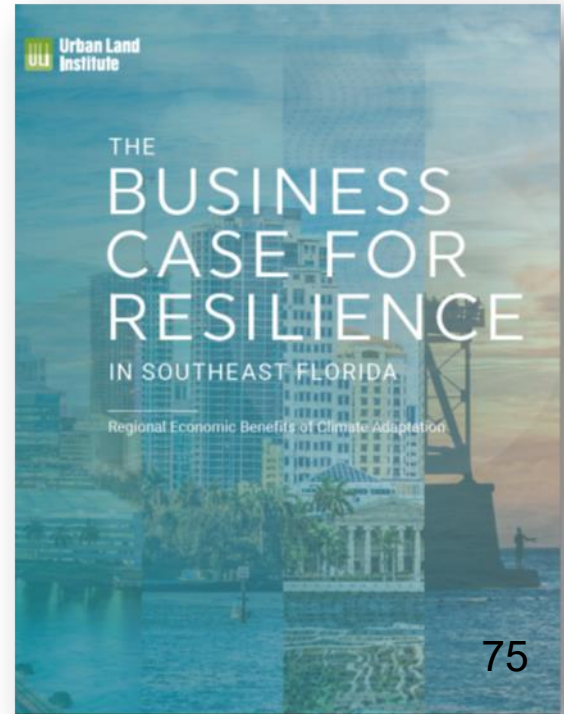
**Building-level** adaptation strategies outweigh the costs 4:1

**2:1**

**Community-wide** adaptation strategies outweigh the costs 2:1

72

*Note: Community-wide and building-level adaptation strategies work together.*



# ANALYSIS OF RESILIENCE ROI

## Community-wide Adaptation

- A combination of soft and hard engineering investments at the open coast, intracoastal, and inland areas.

- Seawalls
- Beaches
- Berms

## Building-level Adaptation

- A combination of structural improvements to property itself.

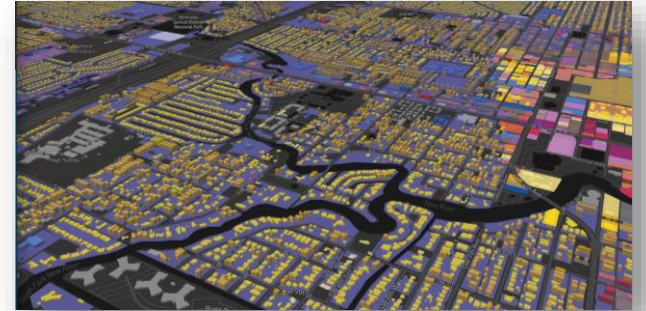
- Elevate
- Flood proof



Note: Building-level adaptation will not provide benefit to regional infrastructure or to coastal resources such as beaches.

# NEXT STEPS: COUNTY-WIDE RESILIENCE PLAN

- Project elements
  - Basin-level analysis
  - Redevelopment strategies
  - Water storage and management
  - Infrastructure siting
- Deliverables
  - Planning level cost estimates
  - Shared database and planning platform
  - Quantified flood and risk reduction
- Outcome
  - Organized investment
  - Multi-decade plan



## SUMMARY

- Broward County has advanced several resilience policies and standards addressing land use and infrastructure design
- Integration of resilience in the certification process should be considered a necessary standard of care.
- Building-level adaptation is an essential area of investment, along-side community-wide improvements.
- Investment are not only critical for long-term risk reduction but will likely be instrumental to both insurance affordability and availability.
- Update of 40-year recertification requirements to address vulnerabilities by incorporating incorporate resilience criteria into the standard of care reduces sea-level rise-related impacts, losses, and threats to public safety.
- Resilience planning maps and tools are available via the Broward Resilience Dashboard at [broward.org/resilience](https://broward.org/resilience)

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Thank You!

Jennifer L. Jurado, Ph.D.  
Chief Resilience Officer and Deputy Director  
Environmental Protection and Growth Management Department

[jjurado@broward.org](mailto:jjurado@broward.org)

954-519-1464





be heard >



Submitted by Mayor Joy Cooper



miamibeach



KEEPING OTHERS SAFE IS EVERYONE'S BUSINESS  
#StrongerFlorida



# incentives to encourage structural and electrical repairs to multi-family residential buildings endorsed by miami beach planning board

August 21, 2021



susan askew



incentives to encourage structural and electrical repairs to multi-family residential buildings endorsed by miami beach planning board: proposal is one idea to improve building safety following surfside collapse



Following the collapse of the Champlain Towers South condominium building in Surfside, Miami Beach joined a number of municipalities in looking at ways to prevent another occurrence including changes to the City Code. One of the proposals would incentivize the repair and rehabilitation of existing, non-conforming residential buildings by allowing them to exceed the "50% rule" which refers to the value of building improvements, provided no new floor area is added.

Non-conforming buildings are those that met all Code requirements when built but as requirements changed, the buildings no longer met them, making them legal, non-conforming structures. Under current law, if the value of improvements exceeds 50% of the value of the building, the entire building must be brought up to current code including meeting current FAR (Floor Area Ratio), height, and setback limits in order to not lose its legal, non-conforming status. In other words, all or parts of the building would have to be torn down. That provision has kept some owners from making improvements because it is difficult to not trip the 50% threshold given the cost or they elect to do them piecemeal over a period of time.

In a memo to the Board, Planning Director Tom Mooney wrote, "The proposed amendment [to the Land Development Regulations] would allow non-conforming multi-family residential buildings to exceed the 50% rule and maintain all existing non-conforming attributes provided the work includes structural, electrical, life-safety and related repairs to comply with and/or exceed the requirements of the Florida Building Code."

"The proposed amendment would provide an [incentive] for building owners and condo associations to implement repairs by allowing a building's legal nonconforming status to remain (including nonconforming FAR, height, setbacks, open space, minimum and average unit size, and parking credits) even if the work exceeds 50 percent of the value of the building."

"To ensure compliance, the amendment requires the following," Mooney noted:

1. All portions of the entire building shall remain fully intact and retained.
2. The building shall meet or exceed the minimum structural, life-safety and electrical requirements of the Florida Building Code.
3. Increases in the size of exterior window and door openings shall not be permitted unless required by the Florida Building Code.

First Assistant City Attorney Nick Kallergis emphasized the proposal is "limited to residential multi-family buildings."

Planning Board member Alex Fernandez said, "We need to be encouraging building owners to do everything that they can to make sure the buildings are up to the standards and to the codes and to the safety codes that are necessary to ensure the safety of those who occupy these buildings."

"I think this is critically important to provide a third alternative," Board member Tanya Bhatt said. "Because currently you either have a building like some that we have in North Beach, for instance, that are owned actually by people in Surfside who are not repairing their buildings. We have buildings that are at risk for not conforming to current standards of safety putting their residents at risk or you have the alternative of



letting the building get into such disrepair that people choose to leave and then developers come in, raze the building and put in something else so those families then get displaced. This is a third way which encourages and incentivizes, if you will, the owners, the residents, and the organizing forces of those buildings to get their acts together, to make the repairs they need to to ensure that their buildings are safe and continue about their life. It shouldn't be a 'risk your life every night or be displaced from your home' option and this provides a third pass, so I fully support this."

With two members absent, the Board voted 5-0 to send a favorable recommendation to the City Commission which will hold two readings on the legislation as required.

Details of the Planning Board item are here.

tags

tom mooney

micky steinberg

nick kallergis

tanya bhatt

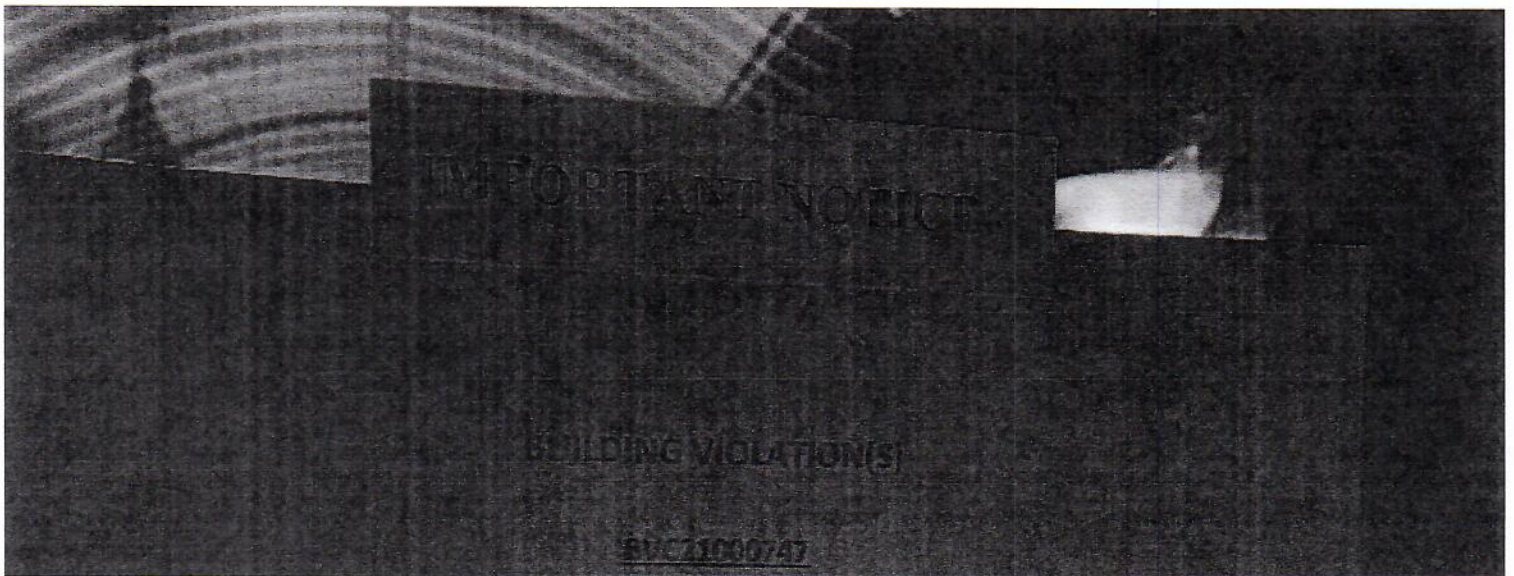
alex fernandez

surfside

champlain towers south

## miami beach reports 22 percent of buildings in 40/50-year recertification process have not produced required professional reports on safety

July 31, 2021





APPENDIX B-7

**From:** Mary <[marymacfie333@gmail.com](mailto:marymacfie333@gmail.com)>  
**Date:** August 18, 2021 at 1:52:09 PM EDT  
**To:** Steve Geller <[sgeller@broward.org](mailto:sgeller@broward.org)>  
**Subject: Re: Lisa's presentation to committee**

Lisa Magill's presentation no longer than 15 min...

Purpose of presentation is to discuss and offer suggestions with respect to:

1. Purpose & benefits of reserve study to include discussion of
  - a. confusion and distinction between reserve studies and building condition evaluations/building/structural inspections
  - b. suggestions for legislative proposals to define terms & establish parameters/criteria before imposing reserve study and/or reserve funding mandates
  - c. discuss funding options (to include suggestions for ramp-up time for underfunded communities and alternatives)
    - i. possible consideration of extending PACE type program to fund structural/life safety repairs for economically distressed communities
2. suggestions for improvements to transition process (turnover from developer control)
  - a. preventative maintenance schedules / manuals
3. educating/warning consumers about real cost of ownership – with legislative suggestions
  - a. development of preventative maintenance schedules / manuals / local inspection programs
  - b. disclosure requirements to purchasers and existing owners on periodic basis
    - i. existing funds
    - ii. funding plan
    - iii. building inspection needs & projected costs
  - c. discussion of affordability factors
4. Shortcomings of reliance on board-education mandates
5. Possible expansion of condominium ombudsman program or development of local program to
  1. provide resources to community leaders and owners to include DBPR/county suggested preventative maintenance schedules / manuals based on various types of construction and building components (to be developed by appropriate professionals)
  2. develop education with respect to preventative and corrective maintenance/repair of buildings and improvements
  3. develop education regarding climate resilience/adaptation and energy efficiency improvements

*The devastating tragedy in Surfside shocked and saddened all of us at Kaye Bender Rembaum along with the community association industry as a whole. Remember we are available to help clients implement best practices for association operations.*

*Lisa A. Magill, Esq.*

Board Certified Specialist, Condominium and Planned Development Law

Fellow, College of Community Association Lawyers (CCAL)



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COMMERCIAL REAL ESTATE

## 57-year-old condo could be demolished, rebuilt taller in Miami Beach



IN THIS ARTICLE

**Construction**



By Brian Bandell  
Senior Reporter, South Florida Business Journal

Company Aug 25, 2021, 11:53am EDT

**Starwood Capital Mortgage**

Company

Mast Capital and Starwood Capital have filed plans to

**ODP Architecture & Design**

demolish and redevelop a Miami Beach condo after

**panickianing** the majority of the units in the beachfront

**building.**

**Neisen Kasdin**

Person

The city's Design Review Board will hear plans for the 2.43-acre site at 5333 Collins Ave. on Sept. 10. The La Costa, a 15-story condo with 120 units that was built in 1964, is currently on the property. The building was deemed unsafe following a recent inspection.

For years, there has been a trend of older condos in coastal areas being bought out and redeveloped with more expensive units under modern building codes. The collapse of the Champlain Towers South condo in Surfside in June has accelerated this trend, as cities have cracked down on delayed repairs in older buildings.

Starting in May, a joint venture between Miami-based Mast Capital and Miami Beach-based Starwood, 5333 Collins Acquisitions LP, began acquiring 104 condos in La Costa from the individual owners. That gave it control of the condo association and the ability to terminate it, converting all units back to a single piece of property. There are no residents living there now, a spokesperson for Mast Capital has confirmed.

The developers otherwise wouldn't comment on their project.

Their application says the new condo would total 317,918 square feet in 19 stories, with 100 units, 183 parking spaces, a pool deck, a clubhouse, and a private restaurant. It was designed by Hollywood-based ODP Architects and the Office for Metropolitan Architecture led by Rem Koolhaas in the Netherlands. Akerman attorney Neisen Kasdin represents the developers.

The developer described the building design in the application as follows:

“Rather than conceiving the building as a monolithic slab or filling the site to block the distinctive water-to-water location, a series of slender ‘towers’ are rotated to orient views away from neighbors towards the Atlantic Ocean and Biscayne Bay. These “towers” are then merged and lifted into one simple and timeless form, shaped by the specifics of site. This multi-tower design and its 45-degree articulation to the water on two sides allows residents to experience unique open views of sunrise, sunset, the Miami skyline and the ocean while enjoying multiple corner exposures.”



Units would range from 711 to 4,815 square feet. There would be 10 studios, 12 one-bedroom units, 49 two-bedroom units, three three-bedroom units, and 26 four-bedroom units.

In July, 5333 Collins Acquisitions obtained a \$75 million mortgage on its property from ACRC Lender LLC, in care of Ares Commercial Real Management in New York.

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**T H E L I S T**

## South Florida Condominium Developers by Starts

Ranked by 2019 S. Fla. starts

Rank	Company	2019 S. Fla. Starts
1	El-Ad National Properties	384
2	Aria Development Group	231
3	Okan Group	163

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COMMERCIAL REAL ESTATE

# Related Group, Two Roads near deal to buy out Bal Harbour condo




Carlton Terrace at 10245 Collins Ave., Bal Harbour.

GOOGLE STREETVIEW

### IN THIS ARTICLE

#### Construction

 By Brian Bandell  
Senior Reporter, South Florida Business Journal  
Person Aug 25, 2021, 5:02pm EDT

#### Jaret Turkell

Person  
The Related Group and Two Roads Development formed a 50/50 joint venture they say is close to buying out an oceanfront condo in Bal Harbour for redevelopment.

#### Jorge M. Pérez

Person

According to a source with knowledge of the deal, the 50/50 venture between Miami-based Related Group and West Palm Beach-based Two Roads has pledged to pay about \$130 million to buy out all 88 units in Carlton Terrace. The 15-story condo was built at 10245 Collins Ave. in 1956.

Related Group and Two Roads were competitors in recent years as they developed nearby condos in Miami's Edgewater. Now, they are working together to craft a condo tower in this wealthy town, known for luxury retail center Bal Harbour Shops and pricey penthouses.

Bal Harbour has some of the highest prices per square foot for condos, making it easier to justify paying big bucks to buy out an existing condo.

The average price per square foot for a Bal Harbour condo in the second quarter was \$1,041, with a median sales price of \$1.2 million, according to Douglas Elliman.

Given the condo's age, the cost of maintenance and repairs can be expensive. After the collapse of the Champlain South Tower in nearby Surfside in June, South Florida cities have cracked down on delayed repairs in older condos, so that has spurred some unit owners to consider selling to developers.

"Related Group and Two Roads Development have proudly joined forces to bring about a project that will define Bal Harbour for years to come," the developers stated. "As of today, we have acquired sufficient units to pave the way for redevelopment of the property, and will be sharing additional details in the coming months."

According to county records, Carlton Terrace Acquisition LLC, managed by Related Group CEO Jorge M. Pérez, has acquired eight condos in the building so far in deals that started in early July. These transactions were often profitable for the sellers. For instance, the developers paid \$1.51 million for Unit 14C, which last traded for \$407,000 in May 2020. It bought Unit 15A for \$2.4 million, after it sold in January for \$1 million.

Scott Wadler and Jaret Turkell of Berkadia worked with the majority of the condo owners at Carlton Terrace in advising them on the bulk sale.

The developers didn't reveal information about the project they are planning here. Current zoning allows for



development that's taller than the 15 stories Carlton Terrace measures today. The tallest building in Bal Harbour is the Oceana Bal Harbour at 28 stories.

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**THE LIST**

## South Florida Condominium Developers by Starts

Ranked by 2019 S. Fla. starts

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**Related Group obtains \$84M construction loan for downtown tower**



**Condo proposed on waterfront site in one of S. Fla.'s wealthiest areas**





APPENDIX C-1

**Summary Meeting Minutes of the Meeting of the  
BROWARD COUNTY CONDOMINIUM STRUCTURAL ISSUES COMMITTEE**

**August 9, 2021**

**Governmental Center, County Commission Chambers, Room 422  
115 S. Andrews Avenue, Fort Lauderdale, FL**

**CALL TO ORDER**

The meeting was called to order by Mayor Steve Geller, Chair, at 10:05 AM.

**Members present:** Senator Steve Geller, Mayor and County Commissioner (Chair); Senator Lauren Book; Senator Perry E. Thurston; Representative Michael Gottlieb; Representative Chip LaMarca; Mayor Jane Bolin (Oakland Park); Mayor Joy Cooper (Hallandale Beach); Commissioner Mary Molina-Macfie (Weston); Commissioner Caryl Shuham (Hollywood) (telephonically); Michael Chapnick, Esq.; Toby Feuer, President of the Presidents Council of Bonaventure, Inc.; Karen Johnson, President of the Broward Palm Beaches and St. Lucie Realtors; Daniel Lavrich, P.E., Chair of the Broward County Board of Rules and Appeals; Fred Nesbitt, President and Chairman of the Presidents Council for the Galt Mile Community Association; Deputy County Attorney Maite Azcoitia; and Dr. Jennifer Jurado.

**Members absent:** Commissioner Mark Bogen, (Broward County); Greg Bastista, P.E., President of G. Batista Engineering & Construction; Raul Schwerdt, P.E., President of RAS Engineering; and Deputy County Attorney Annika Ashton.

**INTRODUCTORY REMARKS AND SELF-INTRODUCTIONS**

Chair Geller provided introductory remarks, including the charge and scope of the Committee. Self-introductions were then provided by the Committee members.

**OVERVIEW OF EXISTING LAWS AND REGULATIONS REGARDING CONDOMINIUMS**

Deputy County Attorney Maite Azcoitia provided a summary of a memorandum dated August 5, 2021, that was previously provided to the Committee, and responded to questions regarding the termination of condominiums, land use/density issues for redeveloped condominiums, and reserve funding for condominiums.

Paul Hanrahan provided information related to insurance and condominiums. Mr. Hanrahan discussed the differences between admitted insurance companies, excess/surplus lines of insurance, and

Citizens insurance and the types of liabilities typically insured by each. Mr. Hanrahan predicts a minimum of 20%-25% increase in insurance rates in the near future and that insurance companies will require an engineer's certification prior to providing insurance to condominiums. In response to questions received, Mr. Hanrahan explained the distinction between an engineer's certification and the 36 month appraisal required of condominiums and the responsibilities of condominium boards and condominium association managers for insurance and inspection of condominiums.

Dr. Jennifer Jurado made a presentation regarding "Sea Level Rise-Projections, Impacts, and Resilience Considerations for Condominiums." The information demonstrated that sea level rise is occurring more quickly than previously projected. As a result, many existing structures are below the current minimum required elevation. The presentation included information regarding recent County enactments requiring an increase in the height of seawalls that are below 4 feet, when the lower height is causing water to trespass onto neighboring properties or the public right-of-way. Dr. Jurado's presentation also provided recommendations for condominiums to address sea level rise, including waterproofing. Dr. Jurado responded to questions from the Committee, including regarding the inspection of seawalls and methods to provide for water retention onsite.

[After a lunch break, Senator Thurston and Commissioner Shuham participated by phone.]

Senior Assistant County Attorney Michael Owens discussed Broward County's recent enactment of an ordinance requiring that the height of seawalls be increased to 4 feet by 2035 and 5 feet by 2050. The basis for the requirement is founded upon common law principles of nuisance and water trespass.

Mr. Chapnick expressed a concern regarding the constitutionality of terminating condominiums under current statutory authority.

Ms. Bolin expressed her belief that condominium association managers are able to provide needed assistance to condominium boards and that the current licensing exemption for condominium managers if there are less than 50 units or a budget of \$100,000 or more should be eliminated.

Mr. Lavrich discussed the impact of sea level rise on the integrity of condominium structures and the impact of salt on the structures. He stressed the importance of adequately shoring structures when performing repairs. In response to questions from Committee members, Mr. Lavrich discussed the testing of concrete and Broward County's 40 Year Inspection Program, including the engineer's responsibilities and the notice requirements to the applicable city.

At the request of Mayor Cooper, Julian Sanchez, P.E., Todd Wasserman, and Lance Kaplan of LTM Group, LLC, provided information related to the waterproofing of condominium structures, the benefits of having community association managers oversee the letting and financing of necessary repairs, and experiences from having managed condominiums. This included discussion of spot checks for purposes of obtaining bids for work on the condominiums.

Ms. Johnson expressed her belief that condominium statutory reserves should not be waivable.

Mr. Nesbitt stated that action should not be taken until it is learned what caused the recent condominium collapse.

Commissioner Molina-Macfie discussed reserve studies as a valuable source for a condominium board to plan the financing of necessary repairs. Commissioner Molina-Macfie also stated that she believes that the \$4 per door that is currently collected for the Condominium Trust Fund should not be swept and should be retained for education and enforcement. Chair Geller stated that he tried to ensure that it was not swept when he was at the Legislature but was unable to do so.

Chair Geller stated that the discussion would be continued at its next meeting on August 23<sup>rd</sup> and public input would be allowed, if time permits.

#### **ADJOURNMENT**

The meeting was adjourned at 5:10 PM.

APPENDIX C-2

**Summary Meeting Minutes of the Meeting of the  
BROWARD COUNTY CONDOMINIUM STRUCTURAL ISSUES COMMITTEE**

**August 23, 2021**

**Governmental Center, County Commission Chambers, Room 422  
115 S. Andrews Avenue, Fort Lauderdale, FL**

**CALL TO ORDER**

The meeting was called to order by Mayor Steve Geller, Chair, at 9:35 AM.

**Members present:** Senator Steve Geller, Mayor and County Commissioner (Chair); Senator Lauren Book; Senator Perry E. Thurston; Representative Michael Gottlieb; Representative Chip LaMarca; Mayor Joy Cooper (Hallandale Beach) (telephonically); Commissioner Mary Molina-Macfie (Weston); Commissioner Caryl Shuham (Hollywood); Michael Chapnick, Esq.; Toby Feuer, President of the Presidents Council of Bonaventure, Inc.; Karen Johnson, President of the Broward Palm Beaches and St. Lucie Realtors; Daniel Lavrich, P.E., Chair of the Broward County Board of Rules and Appeals; Fred Nesbitt, President and Chairman of the Presidents Council for the Galt Mile Community Association; Deputy County Attorney Maite Azcoitia; and Dr. Jennifer Jurado.

**Members absent:** Commissioner Mark Bogen, (Broward County); Mayor Jane Boline (Oakland Park); Greg Bastista, P.E., President of G. Batista Engineering & Construction; Raul Schwerdt, P.E., President of RAS Engineering; and Deputy County Attorney Annika Ashton.

**INTRODUCTORY REMARKS AND SELF-INTRODUCTIONS**

Chair Geller provided introductory remarks. Self-introductions were then provided by the Committee members.

**APPROVAL OF MINUTES OF MEETING OF AUGUST 9, 2021**

Commissioner Molina-Macfie indicated that page 3 of the Minutes should reflect her statement that the \$4 per door that is currently collected for the Condominium Trust Fund should not be swept and should be retained for education and enforcement. Also, Chair Geller's statement that he tried to ensure that it was not swept when he was at the Legislature but was unable to do so.

A motion was made by Senator Book, seconded by Toby Feuer to approve the minutes as amended by Commissioner Molina-Macfie. The motion passed unanimously.

## **EXISTING LAWS AND REGULATIONS REGARDING CONDOMINIUMS**

At the previous meeting an overview was received regarding existing laws and regulations. The Committee discussed statutory reserves, what the minimum should be to require reserves, whether condominium associations should be able to waive the requirement and, if so, under what conditions.

Paul Handerhan provided information related to insurance, the types of inspections of condominiums typically performed by insurance companies, and the coverage generally afforded. Mr. Handerhan suggested that the statutory "best efforts" language for condominiums to obtain insurance could be eliminated or better defined.

At the request of Commissioner Molina-Macfie, Lisa Magill, Esq., made a presentation regarding reserve studies. Ms. Magill is an attorney and Board certified specialist in Condominium and Planned Development Law and is Co-Chair of the Reserve Study and Reserve Funding Plan task Force. Ms. Magill indicated that reserve studies are budgetary tools to assist condominium boards with preventative maintenance and required repairs. Reserve studies are not required to be performed in Florida. Ms. Magill suggested that reserve studies could be better defined and parameters established for when a reserve study needs to be prepared by a professional. Additionally, Ms. Magill suggested that building officials could develop manuals for the upkeep of various building components.

At the request of Commissioner Shuham, City of Hollywood Building Official Russell Long discussed steps implemented at the City post Surfside, including the development of a triage for development that began with the inspection of oceanfront condominiums and then proceeded inland, prioritizing condominiums over 6 stories in height and over 40 years old. Mr. Long indicated that determining the age of the buildings can be problematic because the age of buildings that used to be hotels is measured from the time that the units were converted to private ownership. The Property Appraiser's Office is aware of the issue and is working towards resolving it.

The Committee discussed adding items to the statutory list of items for which condominium associations must provide reserve funding, absent a waiver. These included elevators and structural components such as concrete, glass, and steel. The general consensus was that the current catch-all be retained with possible modification of the amount from \$10,000 to a percentage of the association's budget, or both. The Committee generally agreed that if waiver of statutory reserves is going to continue to be permitted, additional requirements should have to be satisfied in order to do so. These included requiring a supermajority vote of the unit owners, the number of units, the location of the building, the

height of the building, conducting of a reserve study, and disclosing the reserve study to unit owners and purchasers.

Broward County's 40 year inspection program was discussed, including its purpose, enforcement, whether consideration should be given to the location of buildings, and whether the program should provide for the initial inspection earlier than 40 years with subsequent inspections earlier than 10 years thereafter.

Chair Geller stated that the discussion would continue at its next meeting on August 30, 2021, including the redevelopment of condominiums. Chair Geller asked that Committee members provide their recommendations no later than Thursday, August 26<sup>th</sup>, so that they may be discussed at the next meeting.

#### **ADJOURNMENT**

The meeting was adjourned at 4:56 PM.

APPENDIX C-3

**Summary Meeting Minutes of the Meeting of the  
BROWARD COUNTY CONDOMINIUM STRUCTURAL ISSUES COMMITTEE**

**August 30, 2021**

**Governmental Center, County Commission Chambers, Room 422  
115 S. Andrews Avenue, Fort Lauderdale, FL**

**CALL TO ORDER**

The meeting was called to order by Mayor Steve Geller, Chair, at 9:36 AM.

**Members present:** Senator Steve Geller, Mayor and County Commissioner (Chair); Senator Lauren Book; Senator Perry E. Thurston; Representative Michael Gottlieb; Mayor Jane Bolin (Oakland Park) (telephonically); Mayor Joy Cooper (Hallandale Beach); Commissioner Mary Molina-Macfie (Weston); Commissioner Caryl Shuham (Hollywood); Michael Chapnick, Esq.; Toby Feuer, President of the Presidents Council of Bonaventure, Inc.; Karen Johnson, President of the Broward Palm Beaches and St. Lucie Realtors; Daniel Lavrich, P.E., Chair of the Broward County Board of Rules and Appeals (BORA); Fred Nesbitt, President and Chairman of the Presidents Council for the Galt Mile Community Association; Deputy County Attorney Maite Azcoitia; and Dr. Jennifer Jurado.

**Members absent:** Representative Chip LaMarca; Commissioner Mark Bogen, (Broward County); Greg Bastista, P.E., President of G. Batista Engineering & Construction; Raul Schwerdt, P.E., President of RAS Engineering; and Deputy County Attorney Annika Ashton.

**INTRODUCTORY REMARKS AND SELF-INTRODUCTIONS**

Chair Geller provided introductory remarks. Self-introductions were then provided by the Committee members.

**APPROVAL OF NOTES OF MEETING OF AUGUST 23, 2021**

A motion was made by Toby Feuer, seconded by Mayor Cooper to approve the notes of the meeting of August 23, 2021. The motion passed unanimously.

**GENERAL CONSENSUS ITEMS**

The Mayor listed items believed to have reached general consensus that could form the basis for the Committee's recommendations: the need for more frequent inspections and more items to be

inspected; community association manager certification and requirements; reserve funding; insurance coverage; increased education for condominium board members; better quality concrete in construction; special assessment funding options for low income communities; inspections and waterproofing; increased municipal enforcement; maintenance of buildings; condominium affordability; post-inspection condominium meeting; Condominium Trust Funds; Department of Business and Professional Regulation as a central repository; disclosures to condominium unit owners and purchasers; and condominium redevelopment.

At the request of Representative Gottlieb, William O'Donnell, P.E., Managing Principal of DeSimone Consulting Engineers' Miami office, appeared and described the inspections and testing performed by his firm as part of BORA's Building Safety Inspection Program, including destructive and nondestructive material testing; the effect of salt and saltwater on building components; and the impact of threshold inspections on the soundness of buildings and building materials; and recommended that the BORA's inspection requirements be reduced to 30 years.

At the request of Representative Gottlieb, Matt Kuisle, Regional Executive Director of Reserve Advisors, LLC, appeared telephonically. Mr. Kuisle discussed reserve studies, including their purpose, cost, items included, and the estimating of repair costs; recommended that the requirements for waiving reserve studies be increased with the eventual elimination of waivability, with a commensurate phase-in of reserve requirements over a period of time. Thereafter, reserve studies should be performed at least every thirty-six (36) months.

The Committee agreed to consider the following items for recommendation at its next meeting:

(1) Motion by Mr. Lavrich, seconded by Mayor Cooper to recommend to the Florida Building Commission that it adopt the American Concrete Institute requirement regarding serviceability. The motion passed unanimously.

(2) Motion by Dr. Jurado, seconded by Mayor Cooper to recommend that the 40 year inspection deadline under the Building Safety Inspection Program be reduced to 30 years; with any existing building that is more than 30 years old but less than 37 years old being required to come into compliance within thirty-six (36) months. The motion passed 13-2, which Mr. Nesbitt and Mr. Lavrich voting no.

(3) Without objection, to increase the number of continuing education hours needed biennially to renew community association management licenses from fifteen (15) hours to twenty (20)



hours, including one (1) hour in each of the following areas: building maintenance, building inspections, and reserves.

(4) Mayor Bolin agreed to provide proposed statutory amendment language that would make community association managers responsible for identifying structural maintenance and integrity issues for the buildings they manage.

(5) A motion was made by Commissioner Molina-Macfie, seconded by Commissioner Shuham to require that condominium associations, including master associations, with greater than fifty (50) units and/or a budget of \$100,000 or more be required to obtain the services of a community association manager, licensed pursuant to Part VIII of Chapter 468, Florida Statutes, to manage the condominium property, unless a majority of the members of the board of the condominium association have obtained the minimum continuing education requirements for community association managers. The motion passed unanimously.

(6) A motion was made by Senator Book, seconded by Representative Gottlieb to allow the waiver of statutory reserves only if: (i) a reserve study is conducted at least every thirty-six (36) months; (ii) a copy of the reserve study is provided to all unit owners prior to the vote related to waiving of the reserves; and (iii) the waiver is approved by at least a seventy-five percent (75%) majority vote of a quorum at a duly called meeting of the association. The motion passed 14-1, with Mayor Cooper voting no.

(7) A motion was made by Senator Book, seconded by Ms. Johnson, to remove the "best efforts" language related to condominium insurance from Section 718.111(11)(d), Florida Statutes. The motion passed unanimously.

(8) Dr. Jurado agreed to prepare language to be considered at the Committee's next meeting to expand the Building Safety Inspection Program requirements to include assessment of seawalls.

(9) Without objection, that the \$4 per unit collected for the Condominium Trust Fund should remain in the Condominium Trust Fund and be used for its intended purpose; i.e., education and enforcement, rather than being reallocated to the General Fund.

(10) Without objection, a requirement that engineers providing reports for condominium associations file a copy of the report with the applicable local government. This is applicable to all structural reports and is not limited to reports required under the Building Safety Inspection Program.

(11) Without objection, that the Building Safety Inspection Program be amended to require that no later than thirty (30) days after receipt of an inspection report issued pursuant to the Building Safety Inspection Program, condominium associations distribute copies of the inspection report, or the

Executive Summary of said report, if provided, to all unit owners. Additionally, the condominium board shall call a special meeting to discuss the report, with notice having been provided consistent with Section 718.112(2)(c), Florida Statutes.

(12) Motion by Commissioner Shuham, seconded by Senator Book to allow for the pooling of reserve accounts; provided current law does not permit pooling of reserves with a vote of the unit owners.

(13) Commissioner Shuham requested for a possible recommendation of reenactment the language of Section 718.113(6), Florida Statutes (2008), requiring condominium association boards of buildings greater than three (3) stories in height to have the building inspected and for the provision of a report under seal of an architect or engineer authorized to practice in the State at least every five (5) years. The report would attest to required maintenance, useful life, and replacement costs of the common elements. Mr. Chapnick agreed to provide same.

(13) Motion by Commissioner Shuham, seconded by Mayor Cooper that condominium unit owners who have entered into a contract for the sale of the condominium unit be required to provide prospective purchasers with the most recent reserve study, if one was prepared within the previous thirty-six (36) months. If a reserve study current to within the previous thirty-six (36) months does not exist, the unit owners shall provide information related to existing reserves or waivers, as applicable. The motion passed unanimously.

(14) Motion by Commissioner Molina-Macfie, seconded by Ms. Feuer that the Florida Realtors' form contract for the purchase and sale of real property be amended to incorporate the language of Section 718.112(2)(f)4., Florida Statutes, including font size requirements, requiring that disclosure be provided for condominium sales where the funding of reserves has been previously waived by the condominium association.

(15) Mr. Nesbitt agreed to provide a draft recommendations that would provide for municipal notice of upcoming required action(s) pursuant to the Building Safety Inspection Program.

(16) Without objection, that condominium association insurance documents be required to be filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation (Division).

(17) Motion by Mr. Chapnick, seconded by Mr. Lavrich that existing educational and training programs required for condominium board members also include a minimum of two (2) hours related to maintenance of condominium buildings. The motion passed unanimously.

(18) Motion by Commissioner Molina-Macfie, seconded by Mr. Chapnick to remove the certification option for newly elected or appointed condominium association board members, thereby

requiring that new board members must satisfactorily complete an educational curriculum administered by a Division-approved condominium education provider. The motion passed unanimously.

(19) Motion by Commissioner Shuham, seconded by Commissioner Molina-Macfie that, with the assistance of the Florida Condominium Ombudsman Office, there be increased education for residential condominium board members and unit owners related to the cost of condominium ownership, maintenance, reserve funding, etc. Additionally, that condominium association board members be required to complete the educational curriculum every two (2) years. The motion passed unanimously.

(20) Without objection, that reserve studies be better defined statutorily, to include but not be limited to, maintenance and deferred maintenance.

(21) Without objection, that educational materials be developed by the Division or BORA regarding the maintenance of condominium property, including the benefits of regular maintenance, for distribution by the Property Appraiser's Office with the TRIM Notices.

(22) By unanimous consent, that reserve accounts be required for concrete/structural issues. Motion by Commissioner Shuman, seconded by Commissioner Molina-Macfie that condominium association budgets include reserve accounts for items with deferred maintenance or replacement costs exceeding the lower of \$100,000 or ten percent (10%) of the association's budget. The motion passed unanimously.

The next and final meeting of the Committee will be on September 17, 2021, at 10:00 AM, at which time the foregoing recommendations will be considered.

#### **ADJOURNMENT**

The meeting was adjourned at 5:55 PM.

APPENDIX C-4

**Summary Meeting Minutes of the Meeting of the  
BROWARD COUNTY CONDOMINIUM STRUCTURAL ISSUES COMMITTEE**

**September 17, 2021**

**Governmental Center, County Commission Chambers, Room 422  
115 S. Andrews Avenue, Fort Lauderdale, FL**

**CALL TO ORDER**

The meeting was called to order by Mayor Steve Geller, Chair, at 10:03 AM.

**Members present:** Senator Steve Geller, Mayor and County Commissioner (Chair); Senator Perry E. Thurston; Representative Chip LaMarca; Representative Michael Gottlieb; Mayor Jane Bolin (Oakland Park); Mayor Joy Cooper (Hallandale Beach); Commissioner Mary Molina-Macfie (Weston); Commissioner Caryl Shuham (Hollywood); Michael Chapnick, Esq.; Toby Feuer, President of the Presidents Council of Bonaventure, Inc.; Karen Johnson, President of the Broward Palm Beaches and St. Lucie Realtors; Daniel Lavrich, P.E., Chair of the Broward County Board of Rules and Appeals (BORA); Fred Nesbitt, President and Chairman of the Presidents Council for the Galt Mile Community Association; Deputy County Attorney Maite Azcoitia (telephonically); and Dr. Jennifer Jurado.

**Members absent:** Senator Lauren Book; Commissioner Mark Bogen, (Broward County); Greg Bastista, P.E., President of G. Batista Engineering & Construction; Raul Schwerdt, P.E., President of RAS Engineering; and Deputy County Attorney Annika Ashton.

**INTRODUCTORY REMARKS AND SELF-INTRODUCTIONS**

Chair Geller provided introductory remarks. Self-introductions were then provided by the Committee members.

**APPROVAL OF NOTES OF MEETING OF AUGUST 30, 2021**

A motion was made by Mayor Cooper, seconded by Representative LaMarca to approve the Minutes of the meeting of August 30, 2021. The motion passed unanimously.

**RECOMMENDATIONS**

The Committee discussed each recommendation contained in the draft Committee Report and approved the following as final recommendations:

## Inspections

- (1) That the Building Safety Inspection Program be made Statewide and require the inspection of buildings that are at least thirty (30) years old, with existing buildings that are between thirty (30) and thirty-seven (37) years old having thirty-six (36) months to come into compliance by having the appropriate inspection(s) performed. Subsequent reinspections shall occur every ten (10) years after the initial inspection.
- (2) That the Building Safety Inspection Program require that, prior to each required inspection, including the ten (10) year reinspections (Required Inspection):
  - Two (2) Years Before the Required Inspection: no later than March 31, condominiums will receive written notification from the applicable local government about the upcoming safety inspection, stating that the engineer's preliminary evaluation of the structure and electrical systems must be completed by March 31 of the following year and submitted to the local government. This notice shall be posted on the condominium's official bulletin board and website (if it has one).
  - One (1) Year Before Required Inspection: The engineer's preliminary safety inspection listing any deficiencies must be filed with the applicable local government no later than March 31. At that time, the condominium would be required to submit its plan(s) to address the deficiencies, including a timetable, funding source, and condominium board-approved resolution binding the condominium to complete the repairs by the end of the next year. A copy of this report and the board's proposed actions will be posted on the condominium's official bulletin board and website (if it has one). If the engineer's report identifies no deficiencies, the engineer's report will serve as the official report for the Building Safety Inspection Program.
  - Inspection Year: Unless the engineer's report identified no deficiencies, a final engineering report shall be submitted to the applicable local government no later than December 31, showing that the condominium is in full compliance with the safety inspection and that all deficiencies have been corrected. Failure to comply with this deadline will be addressed by the applicable local government.
- (3) That Building Safety Inspection Program requirements include:
  - (i) (For waterfront condominiums only) Assessment of seawall(s) for:

1. evidence for tidal overtopping and potential source contributing to site flooding or tidal water pooling likely to impact the building (with potential need to elevate); and
  2. potential weaknesses (e.g., seepage/failure) that could compromise the building foundation (with potential need to restore/replace);
- (ii) Material testing of concrete core samples for signs of material degradation that impact concrete strength, as reasonably recommended by the engineer of record; and

[This portion of the recommendation passed with a vote of 11-3, with Representative LaMarca, Mr. Lavrich, and Mr. Nesbitt voting No.]

- (iii) Geotechnical analysis to assess potential for structural or foundation issues, as reasonably recommended by the engineer of record.

[This portion of the recommendation passed with a vote of 11-3, with Representative LaMarca, Mr. Lavrich, and Mr. Nesbitt voting No.]

- (4) That the Florida Statutes be amended to require that no later than thirty (30) days after receipt of an inspection report issued pursuant to the Building Safety Inspection Program, condominium associations distribute copies of the inspection report, or the Executive Summary of said report, if provided, to all unit owners. Additionally, the condominium board shall call a special meeting to discuss the report, with notice having been provided consistent with Section 718.112(2)(c), Florida Statutes. This requirement is applicable even if no deficiencies were noted in the inspection report.
- (5) That the Florida Statutes be amended to require engineers performing work for condominium associations to file a copy of their report(s) with the applicable local government and provide written notification to the condominium association and the applicable local government of any life safety issues observed. This requirement applies and includes all inspections and is not limited to inspections required by the Building Safety Inspection Program and requires engineers to report all life safety issues that are discovered by the engineer while performing work for a condominium association.

#### Condominium Reserves

- (6) That the Florida Statutes be amended to require that the list of required reserves in condominium association budgets also include reserve accounts for concrete restoration and other structural issues, and additional items with deferred maintenance or replacement costs exceeding the lower of \$100,000 or ten percent (10%) of the association's annual budget.

- (7) That the Florida Statutes be amended to require that a reserve study be performed at least every thirty-six (36) months and that, in order to waive or reduce required statutory reserves, a condominium association must: (i) have conducted a reserve study within the previous thirty-six (36) months; (ii) prior to the vote related to waiving or reducing the reserves, provide a copy of the reserve study to all unit owners by physical or electronic means, if the condominium bylaws authorize electronic notice; and (iii) approve the waiver or reduction by at least a seventy-five percent (75%) majority vote of the voting interests present at a duly called meeting of the association.
- (8) That the Florida Statutes be amended to require condominium associations to provide prospective purchasers of units within the condominium with the most recent reserve study, if one was prepared within the previous thirty-six (36) months. If a reserve study current to within the previous thirty-six (36) months does not exist, the condominium association shall provide information related to existing reserves or waivers, as applicable.
- (9) That the Florida Realtors' form contract for the purchase and sale of real property be amended to incorporate the language of Section 718.112(2)(f)4., Florida Statutes, including font size requirements, requiring that disclosure be provided for condominium sales where the funding of reserves has been previously waived or reduced by the condominium association.

#### Insurance

- (10) That the Florida Statutes be amended to: (i) remove best efforts language of Section 718.111(11)(d), Florida Statutes, thereby requiring associations to obtain and maintain adequate property insurance; (ii) require that condominium association insurance documents be filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation (Division); and (iii) require that a copy of notices of cancellation issued by insurers or their agents to condominium associations be filed with the Division.

#### Condominium Association Management

- (11) That the Florida Statutes be amended to require that condominium associations, including master associations, with greater than fifty (50) units and/or a budget of \$100,000 or more be required to obtain the services of a community association manager, licensed pursuant to Part VIII of Chapter 468, Florida Statutes, to manage the condominium property, unless a majority of the members of the board of the condominium association have obtained the minimum continuing education requirements of Rule 61E14-4.001, F.A.C., for community association managers.

- (12) That the Florida Statutes and/or the Florida Administrative Code be amended to increase the number of continuing education hours needed biennially to renew community association management licenses from fifteen (15) hours to twenty (20) hours, including one (1) hour in each of the following areas: building maintenance, building inspections, and reserves.
- (13) That the Florida Statutes be amended to include an obligation for community association managers as part of their management functions to identify issues related to the structural maintenance and integrity of the buildings, and other life safety issues, and report these findings in writing to all condominium association board members.

#### Education

- (14) That the Florida Statutes be amended to (i) remove the certification option for newly elected or appointed condominium association board members, thereby requiring that new board members must satisfactorily complete an educational curriculum administered by a Division-approved condominium education provider; (ii) require that condominium association board members complete the educational curriculum every two (2) years; and (iii) include an additional one (1) hour related to maintenance of condominium buildings in the educational and training programs required for condominium board members.
- (15) That the \$4 per unit collected for the Condominium Trust Fund pursuant to Rule 61B-23.002, F.A.C., should remain in the Condominium Trust Fund and be used for its intended purpose; i.e., education and enforcement, rather than being reallocated to the General Fund.
- (16) With the assistance of the Florida Condominium Ombudsman Office, that there be increased education for residential condominium board members and unit owners related to the duties and responsibilities of condominium board members and unit owners, the cost of condominium ownership, maintenance, reserve funding, etc.
- (17) That educational materials be developed by the Division, the Florida Building Commission, and local or regional governments regarding the maintenance of condominium property, including the benefits of regular maintenance, for distribution by the Property Appraiser's Offices with the TRIM Notices.

A motion was made by Commissioner Molina-Macfie, seconded by Commissioner Shuham, to accept the foregoing recommendations. The motion passed unanimously.



**ADJOURNMENT**

The meeting was adjourned at 12:21 PM.

# Section 11

**From:** [Dipietro, James](#)  
**To:** [Curry, Brianna](#); [Joseph, Jonda](#); [Kong, Maria](#)  
**Subject:** FW: Miami-Dade structural committee and BORA committee actions  
**Date:** Monday, October 4, 2021 3:02:56 PM

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Please place in the October meeting agenda packet Jaime`s October 4 e-mail below. Thank you.

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**From:** Dipietro, James  
**Sent:** Monday, October 4, 2021 2:59 PM  
**To:** Gascon, Jaime (RER) <[Jaime.Gascon@miamidade.gov](mailto:Jaime.Gascon@miamidade.gov)>  
**Subject:** RE: Miami-Dade structural committee and BORA committee actions

Thank you Jaime. I am sharing a blind copy of your communication with Broward BORA boardmembers and staff at this time. Jim

954-931-2393

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**From:** Gascon, Jaime (RER) <[Jaime.Gascon@miamidade.gov](mailto:Jaime.Gascon@miamidade.gov)>  
**Sent:** Monday, October 4, 2021 2:41 PM  
**To:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Cc:** Clarke, Lundy J. (RER) <[Jeanne.Clarke@miamidade.gov](mailto:Jeanne.Clarke@miamidade.gov)>; Hall, John (RER) <[John.Hall2@miamidade.gov](mailto:John.Hall2@miamidade.gov)>  
**Subject:** RE: Miami-Dade structural committee and BORA committee actionsHi Jim,

At their September 23<sup>rd</sup>, 2021 meeting, the Board of Rules and Appeals (BORA) ratified the following recommendations be made to MDCC Chapter 8-11(f) Recertification of Buildings and Components.

1. Require all jurisdictions to send advanced notices on building recertification two years, one year and 90 days prior to their official due date. (Subsequent initial recertification notices for the following 10-year increments would also follow the same notification schedule.)
2. Mandate the exclusive use of Florida licensed professional engineers that are also Florida licensed special inspectors for issuing the structural reports of threshold buildings as defined in the FBC.  
*(THRESHOLD BUILDING. In accordance with Florida Statute, any building which is greater than 3 stories or 50 feet (15 240 mm) in height, or which has an assembly occupancy classification that exceeds 5,000 square feet (464.52 m<sup>2</sup>) in area and an occupant content of greater than 500 persons.)*
3. Include code mandated stricter criteria for applicants requesting extensions to the report filing deadline. A Building Official can consider extensions of not more than 60 days for just cause, and request must contain a signed and sealed 'safe to occupy' statement from the engineer or architect commissioned for this service.
4. Legislate a professional's affirmative "duty to report" to the Building Official any adverse findings on a building whether within or outside of a 40-year evaluation no later than 10 days after informing the owner or if there is imminent danger reporting must be done within 24 hours.
5. In condominiums with multiple unit ownership scenarios where recertification requirements fall to an association, require that unsafe notices be posted in a conspicuous location and require that associations notify all building unit owners and residents of the declaration.

6. Require the first recertification of buildings and components to occur at the building's 30 year age as recorded by the County's Property Appraiser.
7. When submitting reports early, modify section 8-11(f)(ii)(3) to require the *recertification shall not be required for a minimum of 10 years from that time, or age thirty (30), whichever is the shorter period of time.*

Contact me with any questions. Thank you.

**Jaime D. Gascon, P.E.**

Board and Code Administration Division

**Miami-Dade County Department of Regulatory and Economic Resources**

11805 SW 26 St, Room 230

Miami, FL 33175-2474

Phone:(786) 315-2508

Cell: (786) 402-9582

[www.miamidade.gov/building](http://www.miamidade.gov/building)

♻️ please consider your environmental responsibility before printing this e-mail or any other document

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**From:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>

**Sent:** Monday, October 4, 2021 8:49 AM

**To:** Gascon, Jaime (RER) <[Jaime.Gascon@miamidade.gov](mailto:Jaime.Gascon@miamidade.gov)>

**Subject:** Miami-Dade structural committee and BORA committee actions

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good morning Jaime. If you have an available summary of what actions are being proposed for the building safety inspection program I would be please to provide the information in my Broward BORA agenda packet which will be distributed this week. Thank you for your time and consideration.Jim

James DiPietro Administrative Director

Broward County Board of Rules and Appeals

1 North University Drive, Suite 3500 BPlantation, Florida 33324

954-931-2393

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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-mailaddresses contained therein, may be subject to public disclosure.

# Section 12



# Broward County Board of Rules and Appeals

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

**To:** Members of the Board of Rules and Appeals  
**From:** James DiPietro, Administrative Director  
**Date:** October 14, 2021  
**Re:** Consideration of maximum merit pay adjustments for staff effective October 3, 2021

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## **RECOMMENDATION**

It is recommended that the Board of Rules and Appeals approve by motion, the maximum salary increases for employees for the Fiscal Year 2022 as described in the attached worksheet, subject to merit reviews.

## **REASONS**

Traditionally salaries are adjusted once a year. Per existing BORA Policy, a deserving employee might reach the top of his or her pay plan within 13 to 14 years of service. By using straight line math, six of our Code Compliance Officers are eligible to receive a 1.97% to 2.34% pay increase and three support staff members would receive merit adjustments of 3.82% to 4.41%. Given the fact that inflation is 5.3% for the most recent 12 months ending September 2019, I feel that some adjustments should be recommended.

## **ADDITIONAL INFORMATION**

The recommended not to exceed merit pay adjustments for the code compliance officers range from 4.00% to 5.00% (for the two lowest paid people) and are detailed on the attached chart. Recommended maximum merit raises for three lowest paid clerical positions are 5.3%.

An additional code compliance officer and a staff person are at the top of their perspective pay range and are recommended to receive a 3%, the same policy that is being followed by the County Commission for unrepresented employed, who are at the top of their pay range, plus an additional 1% in cash per County policy, for a total of 4%.

All employee raises and cash bonuses are subject to a merit review by the Administrative Director.

Respectfully Submitted,

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

James DiPietro

## Code Compliance Maximum Merit Reviews Effective for October 3, 2021

*Pay ranges as of September 2021*

	*BORA Policy	Recommended Adjustment/Comments
<p><b>EMP #1000209897 – B.P. – DOH 09/25/06, Maximum October 2018</b>            Current rate \$135,816.72, top of the pay plan is \$139,891.65, as of 10/03/2021 for a difference of \$4,074.93.</p>	Base plus merit = \$0	Change is 3%, or \$4,074.93. Plus, 1% merit cash bonus, or \$1,358.17, County Commission formula when employee is at top of pay plan, for a total of \$5, 433.10 in either pay change or cash bonus.
<p><b>EMP #1000179185 – R.S. – DOH 09/04/13, Maximum October 2026</b>            Current rate \$124,862.82. Top of the pay plan is \$139,891.65. The BORA formula is the difference of \$15,028.83 divided by 6 years = \$2,504.80 or 2.00 % BORA merit.</p>	Base plus merit = 2.00%	Change is 4% or \$4,994.51 increase to \$129,858.33.
<p><b>EMP #1000290481 – M.G. – DOH 01/15/17, Maximum October 2030</b>            Current rate – before take-home car deduction is \$116,875.82, \$115,315.82 with take home car. Top of the pay plan is \$139,891.65. The BORA formula is the difference of \$23,015.83 divided by 10 years = \$2,301.58 or 1.97% BORA merit.</p>	Base plus merit = 1.97%	Change is 4% or \$4,675.03 increase to \$121,550.85. Subtract \$1,560.00 for take-home car equals \$119,990.85.
<p><b>EMP #1000239028 – K.C. – DOH 12/02/14, Maximum October 2028</b>            Current rate – before take-home car deduction is \$114,320.75, \$112,760.75 with take home car, 97% of the pay plan is \$135694.90, The BORA formula is the difference of \$21,374.15 divided by 8 years = \$2,671.76 or 2.34% BORA merit.</p>	Base plus merit = 2.34%	Change is 4% or \$4,572.83 increase to \$118,893.58. Subtract \$1,560.00 for take-home car equals \$117,333.58.
<p><b>EMP#1000334616 – T.D. – DOH 8/9/2020, Maximum October 2033</b>            Current rate, before take-home car deduction is \$108,544.80, \$106,984.80 with take-home car. The top of the pay plan is \$139,891.65. The BORA formula is the difference of \$31,346.85, divided by 12 years = \$2,612.23 or 2.41% BORA merit review.</p>	Base plus merit = 2.14%	Change is 5% or \$5,427.24 increase to \$113,972.04. Subtract \$1,560.00 for take-home car equals \$112,412.04.
<p><b>EMP#1000336414 – J.M. – DOH 12/14/2020, Maximum October 2034</b>            Current rate, before take-home car deduction is \$108,199.91, \$106,639.00 with take-home car. The top of the pay plan is \$139,891.65. The BORA formula is the difference of \$31,691.74, divided by 13 years = \$2,437.83 or 2.25% BORA merit review.</p>	Base plus merit = 2.25%	Change is 5% or \$5,410.00 increase to \$113,609.91. Subtract \$1,560.00 for take-home car equals \$112,049.91.

*\$1,560 reduced from salary maximum for take-home car located in Broward County.*

## Support Staff Maximum Merit Reviews Effective for October 3, 2021

*Pay ranges as of September 2021*

	*BORA Policy	Recommended Adjustment/Comments
<p><b>EMP #1000161959 – R.B. – DOH 12/15/04, Maximum October 2018</b>  <b>For old job title</b>  <b>Out of class work started 07/8/16. Promotion occurred 8/16/16</b>                      Current rate is \$76,153.17, top of pay plan is \$78,437.84, As of 10/03/2021 for a difference of \$2,284.67 is the difference is \$0 divided by 0 years = \$0 or 0%</p>	<p>Base plus merit = \$0</p>	<p>Change is 3% or \$2,284.67 plus 1 merit cash bonus, or \$761.53, County commission formula when employee is at top of pay plan, for a total of \$3,046.29 in either pay change or cash bonus.</p>
<p><b>EMP #1000281776 – J.J. – DOH 05/09/16, Maximum October 2029</b>                      Current rate is \$54,275.10, top of pay plan is \$72,965.57, BORA formula is the difference is \$ 18,690.47, divided by 9 years is \$2,076.72 or 3.82%</p>	<p>Base plus merit = 3.82%</p>	<p>Change is 5.3% or \$2,876.58 increase to \$57,151.68.</p>
<p><b>EMP #1000282179 – M.K. – DOH 05/23/16, Maximum October 2029</b>                      Current rate is \$52,341.95, top of pay plan is \$72,965.57, BORA formula is the difference is \$20,623.62 divided by 9 years is \$2,291.51 or 4.38%</p>	<p>Base plus merit = 4.38%</p>	<p>Change is 5.3% or \$2,774.12 increase to \$55,116.07.</p>
<p><b>EMP #1000296587 – B.C. – DOH 07/03/17, Maximum October 2030</b>                      Current rate is \$50,627.82, top of pay plan is \$72,965.57, BORA formula is the difference of \$24,339, divided by 10 years= \$2,233.76 or 4.41%.</p>	<p>Base plus merit = 4.41%</p>	<p>Change is 5.3% or \$2,683.27 increase to \$53,311.09.</p>

*\*Current policy to reach the top of the pay plan on merit basis is between 13 and 14 years of service.*



**BROWARD COUNTY**  
**Board of Rules & Appeals**  
One North University Drive, Suite 3500-B, Plantation, Florida 33324  
Phone (954) 765-4500 Fax: (954) 765-4504  
[broward.org/codeappeals](http://broward.org/codeappeals)

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**TO: Mary Cuervo, Compensation Services and Records Manager**  
**FROM: James DiPietro, Administrative Director**  
**DATE: October 5, 2021**  
**SUBJECT: Board of Rules and Appeals Pay Plan Effective October 3, 2021, for Fiscal Year 2022**

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Please be advised of the Board of Rules and Appeals pay grades effective October 3, 2021. Thank you.

TITLE	OCTOBER 4, 2020	OCTOBER 3, 2021	% INCREASE
Director	105,718.29 – 168,726.06	108,889.87 – 173,787.74	3.0
Chief Code Compliance Officer or Structural Engineer	85,099.25 – 135,817.14	87,651.20 – 139,891.65	3.0
Administrative Coordinator	47,715.10 – 76,153.17	49,146.66 – 78,437.84	3.0
Administrative Specialist	44,385.33 – 71,038.59	45,716.94 – 72,965.57	2.7

For employees hired on or after January 2, 2010, employees who have a permanent overnight vehicle assignment are charged \$1,560 per year to help defray costs, by way of paycheck deductions, per Board of Rules and Appeals vote on July 14, 2012.

Code Compliance Officers must have obtained a Building Code Administrator's license issued by the State of Florida Building Code Administration and Inspector's Board in order to reach 97% or higher on the Code Compliance Officer pay range, per Board of Rules and Appeals vote adopted March 10, 2016.

Employees hired after March 1, 2016, may reach the top of their pay range, on a merit basis, between 13 and 14 years of service, per Board of Rules and Appeals vote on March 10, 2016.

A Structural Engineer is eligible to receive 103% of pay range per Board of Rules and Appeals action on May 9, 2019.

Thank you for your time and consideration of this matter. Please let me know if additional information is desired.

Sincerely,



James DiPietro

Board of Rules and Appeals Pay Plan Effective October 3, 2021.



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Details Reports

File #: 21-1685

Status: Agenda Ready
In control: Finance - Human Resources Division

On agenda: 9/21/2021

Final action:

Title: A. MOTION TO APPROVE Unrepresented Pay Plan and Compensation Policy for Fiscal Year 2022, as reflected in Exhibit 1. ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.) VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically. B. MOTION TO APPROVE elimination of unused job classifications, board-level reclassifications, and salary range reallocations, as reflected in Exhibit 2. ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.) VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically. C. MOTION TO EXTEND base salary increase granted to unrepresented employees for Fiscal Year 2022 to the County Administrator, the County Attorney, and the County Auditor. ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.) VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically. D. MOTION TO AUTHORIZE County Administrator to take the necessary administrative and budgetary actions to implement these ...

Attachments: 1. Exhibit 1 - Unrepresented Compensation Policy Fiscal Year 2022, 2. Exhibit 2 - Pay Plan Update for Fiscal Year 2022

History (0) Text
0 records

Table with columns: Date, Action By, Action, Result, Action Details, Meeting Details, Video. Content: No records to display.

# Economic News Release

## Consumer Price Index Summary

Transmission of material in this release is embargoed until  
8:30 a.m. (ET) September 14, 2021 UGDL-21-1644

Technical information: (202) 691-7000 • cpi\_info@bls.gov • www.bls.gov/cpi  
Media Contact: (202) 691-5902 • PressOffice@bls.gov

### CONSUMER PRICE INDEX - AUGUST 2021

The Consumer Price Index for All Urban Consumers (CPI-U) increased 0.3 percent in August on a seasonally adjusted basis after rising 0.5 percent in July, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 5.3 percent before seasonal adjustment.

The indexes for gasoline, household furnishings and operations, food, and shelter all rose in August and contributed to the monthly all items seasonally adjusted increase. The energy index increased 2.0 percent, mainly due to a 2.8-percent increase in the gasoline index. The index for food rose 0.4 percent, with the indexes for food at home and food away from home both increasing 0.4 percent.

The index for all items less food and energy rose 0.1 percent in August, its smallest increase since February 2021. Along with the indexes for household operations and shelter, the indexes for new vehicles, recreation, and medical care also rose in August. The indexes for airline fares, used cars and trucks, and motor vehicle insurance all declined over the month.

→ The all items index rose 5.3 percent for the 12 months ending August, a smaller increase than the 5.4-percent rise for the period ending July. The index for all items less food and energy rose 4.0 percent over the last 12 months, also a smaller increase than the period ending July. The energy index rose 25.0 percent over the last 12 months, and the food index increased 3.7 percent; both were larger than the increases for the 12-month period ending July.

Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Aug. 2021
	Feb. 2021	Mar. 2021	Apr. 2021	May 2021	June 2021	July 2021	Aug. 2021	
All items.....	.4	.6	.8	.6	.9	.5	.3	5.3
Food.....	.2	.1	.4	.4	.8	.7	.4	3.7
Food at home.....	.3	.1	.4	.4	.8	.7	.4	3.0
Food away from home (1)...	.1	.1	.3	.6	.7	.8	.4	4.7
Energy.....	3.9	5.0	-1.1	.0	1.5	1.6	2.0	25.0
Energy commodities.....	6.6	8.9	-1.4	-.6	2.6	2.3	2.7	41.9
Gasoline (all types)....	6.4	9.1	-1.4	-.7	2.5	2.4	2.8	42.7
Fuel oil (1).....	9.9	3.2	-3.2	2.1	2.9	.6	-2.1	33.2
Energy services.....	.9	.6	1.5	.7	.2	.8	1.1	8.6
Electricity.....	.7	.0	1.2	.3	-.3	.4	1.0	5.2
Utility (piped) gas service.....	1.6	2.5	2.4	1.7	1.7	2.2	1.6	21.1
All items less food and energy.....	.1	.3	.9	.7	.9	.3	.1	4.0
Commodities less food and energy commodities....	-.2	.1	2.0	1.8	2.2	.5	.3	7.7
New vehicles.....	.0	.0	.5	1.6	2.0	1.7	1.2	7.6
Used cars and trucks....	-.9	.5	10.0	7.3	10.5	.2	-1.5	31.9
Apparel.....	-.7	-.3	.3	1.2	.7	.0	.4	4.2
Medical care commodities (1).....	-.7	.1	.6	.0	-.4	.2	-.2	-2.5
Services less energy services.....	.2	.4	.5	.4	.4	.3	.0	2.7
Shelter.....	.2	.3	.4	.3	.5	.4	.2	2.8
Transportation services	-.1	1.8	2.9	1.5	1.5	-1.1	-2.3	4.6
Medical care services...	.5	.1	.0	-.1	.0	.3	.3	1.0

1 Not seasonally adjusted.

### Food

The food index increased 0.4 percent in August after larger increases in recent months. The food at home index increased 0.4 percent over the month as four of the six major grocery store food group indexes rose. The index for nonalcoholic beverages increased 1.0 percent in August, its third consecutive monthly increase. The index for meats, poultry, fish, and eggs rose 0.7 percent over the month as

**Board Policy #95-1**

**Effective 3/9/95  
Amended 10/14/04;  
11/13/14;  
3/10/16;  
09/12/19**

**SUBJECT: Pay Plan**

**PURPOSE**

The Pay Plan is designed to provide a fair and equitable method of compensating the employees of the Board of Rules and Appeals. It also establishes a uniform system for administration. The Pay Plan shall be directly related to the Classification Plan. The Pay Plan reflects the following:

- A. Relative difficulty and responsibility existing between the various classes of work within the Board of Rules and Appeals;
- B. Prevailing rates of pay for similar types of work in private and public employment in the labor market where the Board recruits for employees;
- C. Availability of applicants to fill positions in the Board's service;
- D. Economic conditions in the area;
- E. Financial policies of the Board.

**COMPOSITION**

The Pay Plan shall set forth the basic salary schedule as approved by the Board of Rules and Appeals. The Salary Range shall consist of minimum and maximum rates of pay for all classes of positions included in the Classification Plan.

**AMENDMENT AND MAINTENANCE**

The Administrative Director shall be responsible for maintaining and amending the Pay Plan with all substantial changes subject to Board approval. When Broward County increases the pay range for all Broward County job descriptions the Administrative Director is authorized to increase the pay ranges for all Broward County Board of Rules and Appeals job descriptions by the same percent.

**APPLICATION**

All persons employed by the Board shall be paid in accordance with the rates and policies established by the Pay Plan. Employees designated as exempt from the provisions of the Fair Labor Standards Act shall be considered to be compensated on a salaried rather than hourly basis.

Such employees shall not be subject to compensation reduction for absences of less than one day with the approval of their supervisor.

## **NEW APPOINTMENT AND STARTING RATES**

Generally the starting rate for a new employee shall be the minimum rate of pay for their class based upon the assumption that a new employee meets the minimum qualifications stated in the job description. However, if the Administrative Director determines a selected candidate substantially exceeds the minimum qualification by education and job-related experience, then they may be hired at a rate not to exceed fifty percent (50%) above the minimum rate. Appointment above this amount requires the approval of the Board.

## **MERIT INCREASES**

- A. Pay Ranges are established to provide a means of rewarding an employee for merit, to encourage careers with the Board, to provide employee incentive and to recognize individual differences in employee performance. Increases within the range are not automatic but must be based upon formal performance evaluation of the employee in accordance with the Board's Performance Appraisal System. For the purpose of this policy, the Board has adopted the Performance Appraisal System established by Broward County. Employees on a merit basis may reach the top of their pay range between 10 and 11 years of service. For employees hired on or after March 1, 2016, employees on merit basis may reach the top of their pay range between 13 and 14 years of service. Each Building Code compliance Officer must have obtained a Building Code Administrator Certification license issued by the State of Florida Building Code and Inspectors Board in order to reach 97% or higher on the Code Compliance Officer pay range.
- B. Normally, one year after the date employment or last merit increase, the salary of each employee whose performance is rated satisfactory or above, shall be appropriately advanced within the assigned pay range. Cost-of-living or other across-the-board increases will not affect this time requirement. Special increases may be granted upon request of the Administrative Director and the specific approval of the Board Chairman.
- C. An employee whose performance is less than satisfactory shall not be awarded a merit increase. Said employee shall be placed on six (6) month probation.
- D. If funds for the purpose of awarding merit payments are appropriated by the Board, the Board shall approve the timing and range of amounts for the award of merit increases, but not the specific amount given to an employee.

- E. Following 10 years of service as a current full-time Board of Rules and Appeals employee, individuals shall be considered for a combination one-time longevity/merit review bonus based on following schedule:

**Longevity/Merit Review Program**

<b>Number of Years</b>	<b>Longevity/Merit Review Bonus</b>
After 10 years	2% above base pay
After 11 years	\$0
After 12 years	\$0
After 13 years	\$0
After 14 years	\$0
After 15 years	2% above base pay
After 16 years	2% above base pay
After 17 years	2% above base pay
After 18 years	2% above base pay
After 19 years	2% above base pay
After 20 years	2% above base pay
After 21 years	2% above base pay
After 22 years	2% above base pay
After 23 years	2% above base pay
After 24 years	2% above base pay
After 25 years	2 1/2% above base pay

Editor’s Note: Paragraph E above was adopted on 10/14/04, repealing a prior policy. Director’s report to the Board of Rules and Appeals includes language that the Longevity/Merit Review Bonus will be paid as close as possible to the anniversary date of hire.

# Section 13



**BROWARD COUNTY**

# **Board of Rules and Appeals**

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

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**To:** Board of Rules and Appeals

**From:** James DiPietro, Administrative Director

**Date:** October 14, 2021

**Re:** Annual Leadership Performance Review for Administrative Director,  
and Separate Longevity/Merit Bonus

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## **REQUESTS**

It is respectfully requested that I be considered for a pay adjustment of 3% or \$5,061.75 and an additional 1% or \$1,687.25 as a one-time lump sum for a 4% pay/lump sum total of \$6,749.00. This amount of 4% matches what the County Commission is providing for fiscal year 2022 for unrepresented employees. Additionally, all long-term Board of Rules and Appeals' employees are eligible for a fixed cash merit/longevity bonus, which in my case would occur on January 3, 2022.

## **ADDITIONAL INFORMATION**

Broward County is providing a 4% merit raise pay adjustment for its unclassified employees and increasing the pay ranges by 3%. When an employee's salary is at the top of the pay range, he/she receives that portion above the range as a cash bonus based upon a merit review.

The Board of Rules and Appeals has had a program in effect since 2004 of a one-time merit/longevity cash bonuses for long-term employees. The amount specified for 22 years of service is 2%. If granted by our Board this 2% bonus would be \$3,475.74.

The total for salary and pay bonus if approved would be \$10,224.74. The current salary is \$168,725.23. The new requested salary effective October 3, 2021 is \$173,786.98.

Respectfully Submitted,

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

James DiPietro



**UNREPRESENTED PAY PLAN AND COMPENSATION POLICY  
FOR FISCAL YEAR 2022**

The following is the unrepresented compensation policies for Fiscal Year 2022.

1. **Base Salary Increase** - Effective the first full pay period in October of 2021 (October 3, 2021), eligible unrepresented employees, who on their most recent annual Leadership Performance Review (LPR) received a rating of “meets overall expectations” or “exceeds overall expectations”, shall receive a 4% base salary increase (within the salary range). Those current unrepresented employees, recently hired and who have yet to receive their annual performance review for their current position as of October 2, 2021, shall also receive the 4% base salary increase. To be eligible, employees must be in an unrepresented position as of the effective date and be employed by the County as of the date of Board approval of this policy.
  
2. **Range Extension** - Effective the first full pay period in October 2021 (October 3, 2021), all pay range minimums and maximums in the County’s Unified Pay Plan shall be increased by 3%.

Broward County Policy

**Board of Rules and Appeals Policy 03-02**

**Effective Date December 12, 2003**

**Annual Evaluation of the Administrative Director**

**At its regular meeting of December 11<sup>th</sup>, 2003 the Board of Rules and Appeals adopted the attached Leadership Performance Review form of the Human Resources Division of Broward County for the processing the evaluation of the Administrative Director.**

Board of County Commissioners, Broward County, Florida  
 Finance and Administrative Services Department  
**DIVISION OF HUMAN RESOURCES**  
**BROWARD COUNTY**  
**LEADERSHIP PERFORMANCE REVIEW**

Employee		Job Title	
Department/Division/Office			
Rating Period: from		to	Anniversary Date
Type:	<input type="checkbox"/> Annual	<input type="checkbox"/> Follow-up	<input type="checkbox"/> Probationary (if applicable) <input type="checkbox"/> Other:

**I. PROFESSIONAL SKILLS AND COMPETENCY APPRAISAL**

<p>1. How well does the employee's performance support the agency's mission and represent the County in a positive and effective manner demonstrating SUNsational public service with colleagues, members of the public, and customers/clients?</p>	
<b>COMMENTS</b>	
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected	
<p>2. How well does the employee demonstrate an understanding of the agency's business operations in support of innovation?</p>	
<b>COMMENTS</b>	
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected	
<p>3. How effectively does the employee communicate (verbally and in writing), keep supervisors, coworkers and other stakeholders informed about agency issues, liabilities, and programs?</p>	
<b>COMMENTS</b>	
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected	
<p>4. How well does the employee listen and give consideration and feedback to the ideas of others?</p>	
<b>COMMENTS</b>	
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected	

5. How well does the employee resolve disputes constructively and take prompt and effective actions to address issues and reduce liabilities?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected		
6. How well does the employee work as part of a team, helping build consensus, sharing information and contributing to the overall success of the agency?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected		
7. How well does the employee keep up with professional education and enhance job-related personal skills?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected		
8. How well does the employee respond to critical incidents, emergencies, unexpected situations, anomalies?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected		

<b>Items 9-12 are to be completed for those who supervise other employees</b>		
9. As a supervisor or manager, how effective is the employee as a positive role model?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected		
10. How effective is the employee as a coach, provider of praise and corrective action and in supporting SUNsational public service?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected <input type="checkbox"/> Contributes as expected <input type="checkbox"/> Contributes less than expected		

11. How effective is the employee in demonstrating support for County's equal employment opportunity, workplace and supplier diversity policies?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected		
<input type="checkbox"/> Contributes as expected		
<input type="checkbox"/> Contributes less than expected		
12. How effective is the employee in completing performance appraisals in a job-related and timely manner?		COMMENTS
<input type="checkbox"/> Consistently contributes more than expected		
<input type="checkbox"/> Contributes as expected		
<input type="checkbox"/> Contributes less than expected		

**II. PROFESSIONAL DEVELOPMENT OBJECTIVES**

A. Describe the employee's attainment of the PREVIOUS RATING PERIOD'S agreed upon professional growth and development objectives.

1.	
2.	
3.	

B. List at least three agreed upon professional growth and development objectives with measurable outcomes to be implemented by the employee IN THE COMING RATING PERIOD to enhance the employee's Professional Skills and Competencies described in Section I.

1.	
2.	
3.	

**III. PERFORMANCE OBJECTIVES**

A. Review the previously identified agreed upon MEASURABLE PERFORMANCE OBJECTIVES for which the employee has been responsible OVER THE PAST RATING PERIOD and assess how well the employee achieved the OBJECTIVES.

1.	
2.	
3.	

B. Reach an agreement between the evaluator and employee on MEASURABLE PERFORMANCE OBJECTIVES to be used to review the employee's achievements NEXT RATING PERIOD - List at least three:

1.	
2.	
3.	

**IV. CONCLUSIONS AND RECOMMENDATIONS**

Based upon the employee's overall performance during the rating period CHECK ONE of the following. (NOTE: references to salary increase eligibility pertain to annual evaluations and if applicable, follow-up evaluations.)

- Does not meet overall expectations - no salary increase
- Meets overall expectations - annually determined salary increase
- Exceeds overall expectations - annually determined salary increase and performance bonus eligibility

**Evaluator's Comments:**

Evaluator's Name (Please Print or Type)	Evaluator's Signature	Date
Reviewer's Signature		Date

**Employee's Comments:**

Employee's Signature		Date
Signature certifies the employee had the opportunity to review and discuss the appraisal with the evaluator and does not necessarily mean the employee agrees with the appraisal. Further, this appraisal does not constitute an actual or implied employment contract, nor does it establish any expectation of continued employment.		

**Performance Bonus recommendation for employees rated as "Exceeds Overall Expectations"**

Performance Bonus award	\$		
Division/Office Director's Signature		Date	
Department Director's Signature, if applicable		Date	

- E. Following 10 years of service as a current full-time Board of Rules and Appeals employee, individuals shall be considered for a combination one-time longevity/merit review bonus based on following schedule:

**Longevity/Merit Review Program**

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File #: 21-1685

Status: Agenda Ready
In control: Finance - Human Resources Division

On agenda: 9/21/2021 Final action:

Title: A. MOTION TO APPROVE Unrepresented Pay Plan and Compensation Policy for Fiscal Year 2022, as reflected in Exhibit 1. ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.) VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically. B. MOTION TO APPROVE elimination of unused job classifications, board-level reclassifications, and salary range reallocations, as reflected in Exhibit 2. ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.) VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically. C. MOTION TO EXTEND base salary increase granted to unrepresented employees for Fiscal Year 2022 to the County Administrator, the County Attorney, and the County Auditor. ACTION: (T-11:02 AM) Approved. (Refer to minutes for full discussion.) VOTE: 9-0. Commissioner Furr voted in the affirmative telephonically. D. MOTION TO AUTHORIZE County Administrator to take the necessary administrative and budgetary actions to implement these ...

Attachments: 1. Exhibit 1 - Unrepresented Compensation Policy Fiscal Year 2022, 2. Exhibit 2 - Pay Plan Update for Fiscal Year 2022

History (0) Text
0 records

Table with 7 columns: Date, Action By, Action, Result, Action Details, Meeting Details, Video. Content: No records to display.

# Economic News Release



## Consumer Price Index Summary

Transmission of material in this release is embargoed until  
8:30 a.m. (ET) September 14, 2021 UGDL-21-1644

Technical information: (202) 691-7000 • cpi\_info@bls.gov • www.bls.gov/cpi  
Media Contact: (202) 691-5902 • PressOffice@bls.gov

### CONSUMER PRICE INDEX - AUGUST 2021

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→ The all items index rose 5.3 percent for the 12 months ending August, a smaller increase than the 5.4-percent rise for the period ending July. The index for all items less food and energy rose 4.0 percent over the last 12 months, also a smaller increase than the period ending July. The energy index rose 25.0 percent over the last 12 months, and the food index increased 3.7 percent; both were larger than the increases for the 12-month period ending July.

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Energy.....	3.9	5.0	-1.1	.0	1.5	1.6	2.0	25.0
Energy commodities.....	6.6	8.9	-1.4	-.6	2.6	2.3	2.7	41.9
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Fuel oil (1).....	9.9	3.2	-3.2	2.1	2.9	.6	-2.1	33.2
Energy services.....	.9	.6	1.5	.7	.2	.8	1.1	8.6
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Utility (piped) gas service.....	1.6	2.5	2.4	1.7	1.7	2.2	1.6	21.1
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Used cars and trucks....	-.9	.5	10.0	7.3	10.5	.2	-1.5	31.9
Apparel.....	-.7	-.3	.3	1.2	.7	.0	.4	4.2
Medical care commodities (1).....	-.7	.1	.6	.0	-.4	.2	-.2	-2.5
Services less energy services.....	.2	.4	.5	.4	.4	.3	.0	2.7
Shelter.....	.2	.3	.4	.3	.5	.4	.2	2.8
Transportation services	-.1	1.8	2.9	1.5	1.5	-1.1	-2.3	4.6
Medical care services...	.5	.1	.0	-.1	.0	.3	.3	1.0

1 Not seasonally adjusted.

### Food

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# Section 14



**BROWARD COUNTY**

# Board of Rules & Appeals

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

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

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

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To: Board of Rules and Appeals  
From: Jim DiPietro – Administrative Director  
Date: 10/14/2021  
RE: Small cities grant to support e-Permitting between the local government and Broward County.

---

Please be advised that Broward County Board of Rules and Appeals and the County Commission have approved, by vote, the small cities grant program to enhance electronic permitting for cities of 50,000 populations or less. The program for small cities has also been approved for FY2022.

Attached:

- Summaries of the ePermitting status from Cooper City, Dania Beach, Lauderdale-By-The-Sea, North Lauderdale, Pembroke Park, Southwest Ranches and West Park.
- Policy#20-02

Thank you

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

## GRANT ePermitting Program for small cities within Broward County

<i>City</i>	<i>Summary</i>	<i>Contact info</i>	<i>Email</i>
<u>Cooper City</u>	<u>Included</u>	<u>Carlos Vega</u>	<u>CVega@coopercityfl.org</u>
<u>Dania</u>	<u>Included</u>	<u>Deborah Sabino</u>	<u>dsabino@daniabeachfl.gov</u>
		<u>Eleanor Norena</u>	<u>enorena@daniabeachfl.gov</u>
<u>LBTS</u>	<u>Included</u>	<u>Jhanelle Campbell</u>	<u>JhanelleC@lauderdalebythesea-fl.gov</u>
<u>North Lauderdale</u>	<u>Included</u>	<u>Mitch Williams</u>	<u>mwilliams@nlauderdale.org</u>
		<u>Tammy Reed-Holguin</u>	<u>tholguin@nlauderdale.org</u>
<u>Pembroke Park</u>	<u>Included</u>	<u>Harry Taubenfeld</u>	<u>htaubenfeld@tppfl.gov</u>
		<u>JC Jimenez</u>	<u>icjimenez@tppfl.gov</u>
		<u>Lucie Manzerolle</u>	<u>lmanzerolle@tppfl.gov</u>
<u>SWR</u>	<u>Included</u>	<u>Andy Berns</u>	<u>aberns@southwesttranches.org</u>
		<u>Russell Muniz</u>	<u>rmuniz@southwesttranches.org</u>
<u>West Park</u>	<u>Included</u>	<u>Maritza Prebal</u>	<u>mprebal@cityofwestpark.org</u>
		<u>Carol Aubrun</u>	<u>caubrun@cityofwestpark.org</u>

**Kong, Maria**

---

**From:** Carlos Vega <CVega@coopercityfl.org>  
**Sent:** Thursday, September 30, 2021 6:23 PM  
**To:** Dipietro, James  
**Cc:** Kong, Maria  
**Subject:** RE: Small cities ePermitting Grant program - summary request

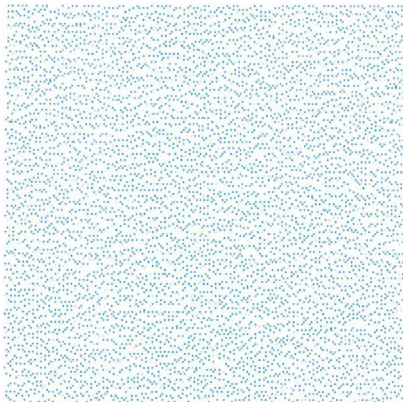
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jim,

We are happy to report that the City is about one week away from launching our new electronic queuing system/Broward County One Stop Kiosk. As you know the electronic queuing system and kiosk will assist our permit applicants and other visitors to the Community Development Department with appointment scheduling and will streamline in-person processes for those applicants who prefer in-person interaction with Community Development staff as well as aide with COVID-19 protocols, by alleviating in-house wait periods while providing ongoing communications with our contractors and residents regarding wait times and queue statuses. The Kiosk is also in place to assist our Cooper City residents to enable visitors to link to Broward County's E-Permits One-Stop website right from our facility. This will provide our residents and contractors a more streamlined process to submit their application and receive approvals from Broward County on required documents such as a Notice of Commencements or Environmental reviews of a project and eliminate the need to travel to Broward's Government Center. We are honored to be the first City to receive this grant and appreciate the Broward Board Rules and Appeal for assisting cities like Cooper City with this initiative. Thank you for helping Cooper City continue to be "someplace special" have a great day!

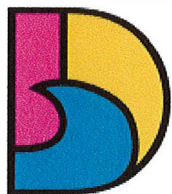
**Kong, Maria**

**From:** Sabino, Deborah E. <dsabino@daniabeachfl.gov>  
**Sent:** Tuesday, October 5, 2021 3:52 PM  
**To:** Kong, Maria  
**Cc:** Norena, Eleanor; Mykoo, Shanesa; Dipietro, James  
**Subject:** ACTION REQUIRED Small cities ePermitting Grant program - summary is needed



Good afternoon.

The City of Dania Beach and Broward county has worked together to implement the e-Permits OneStop system which provide our residents, contractors and business owners with a seamless process to submit their applications and receive approval for associated plan review. The Building Division provides a designated kiosk station fully equipped with a laptop, printer and supplies needed to submit their plans for review, print licenses and approvals.



**DANIA BEACH**  
SEA IT. LIVE IT. LOVE IT.

**Deborah Sabino**  
**Administrative Coordinator | City of Dania Beach**  
 dsabino@daniabeachfl.gov | daniabeachfl.gov  
 100 W. Dania Beach Blvd. | Dania Beach, FL, 33004  
 Phone: 954-924-6805 x3643



Web: [daniabeachfl.gov](http://daniabeachfl.gov) | App: AskDaniaBeach  
 RISE - Respect, Integrity, Standard of Excellence

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**From:** Kong, Maria <[MKONG@broward.org](mailto:MKONG@broward.org)>  
**Sent:** Tuesday, October 5, 2021 12:17 PM  
**Cc:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Subject:** ACTION REQUIRED Small cities ePermitting Grant program - summary is needed  
**Importance:** High

**\*\*CAUTION\*\* This email originated from external sources. Do not open attachments OR click any links until you have verified the authenticity of the message and its contents.**

Hello,

Please note that the director's report for the ePermitting Grant program is expected to be mail on Thursday October 7, 2021. We can include any update you may have between today and tomorrow 10/6 by 10:00 am.

**Kong, Maria**

**From:** Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>  
**Sent:** Tuesday, October 5, 2021 12:34 PM  
**To:** Kong, Maria  
**Subject:** RE: ACTION REQUIRED Small cities ePermitting Grant program - summary is needed

Good afternoon Maria,

I hope this email finds you well. Thank you for allowing the Town of Lauderdale By The Sea to participate in the grant program. We received the check and have placed our order for the large format scanner/printer. We currently await its arrival and will proceed with scanning of the building permits once the machinery is received. Please let me know if there is any additional documentation you need form me and I will be happy to send it over to you.

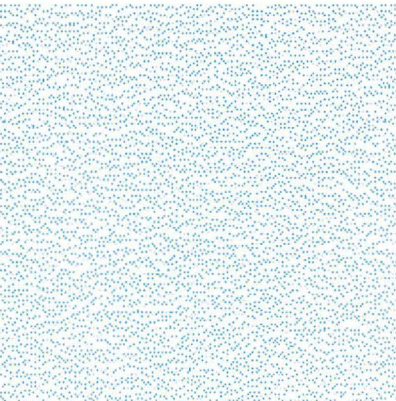
Thank you,



**Jhanelle Campbell**  
Acting Development Services Director  
4501 N. OCEAN DRIVE,  
LAUDERDALE-BY-THE-SEA, FL 33308  
Phone: 954-640-4219 • [JhanelleC@lbts-fl.gov](mailto:JhanelleC@lbts-fl.gov)  
[www.lbts-fl.gov](http://www.lbts-fl.gov) • [www.lbtsevents.com](http://www.lbtsevents.com)

**From:** Kong, Maria <MKONG@broward.org>  
**Sent:** Tuesday, October 5, 2021 12:17 PM  
**Cc:** Dipietro, James <JDIPIETRO@broward.org>  
**Subject:** ACTION REQUIRED Small cities ePermitting Grant program - summary is needed  
**Importance:** High

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Hello,



**Kong, Maria**

**From:** Mitch M. Williams <mwilliams@nlauderdale.org>  
**Sent:** Tuesday, October 5, 2021 5:34 PM  
**To:** Kong, Maria  
**Cc:** Dipietro, James  
**Subject:** RE: ACTION REQUIRED Small cities ePermitting Grant program - summary is needed  
**Attachments:** Mobile Kiosk.png; DisplayKiosk.png

Hello,

We hope this email finds you well. We have purchased all equipment, and are in the process of staging and implementing the solutions. Please see the attached pictures.

The custom ePermitting Mobile Kiosk will be used for customers to complete permitting requests for Notice of Commencement, Environmental Review Approvals, and other permitting submissions. The ePosters will be used to advertise ePermitting Services to visiting patrons.

The custom ePermitting Mobile Kiosk and ePosters will aid us in our continued efforts toward streamlining processes and improving the permitting experience for our citizens and local contractors.

Regards,



**Mitch Williams**  
 Chief I.T. Officer  
 Information Technology Services  
 701 SW 71st Ave.,  
 North Lauderdale, FL 33068  
[mwilliams@nlauderdale.org](mailto:mwilliams@nlauderdale.org)  
 (954)597-4730  
[www.nlauderdale.org](http://www.nlauderdale.org)



**HOURS OF OPERATION**

Please be advised that effective Thursday, October 29th 2019, hours of operation for North Lauderdale City Hall and North Lauderdale Government Services will be Monday through Thursday from 7am to 6pm – we will be closed on Fridays. Police, Fire, Code Enforcement and Parks and Recreation will continue to operate 7 days a week with no interruption in service.

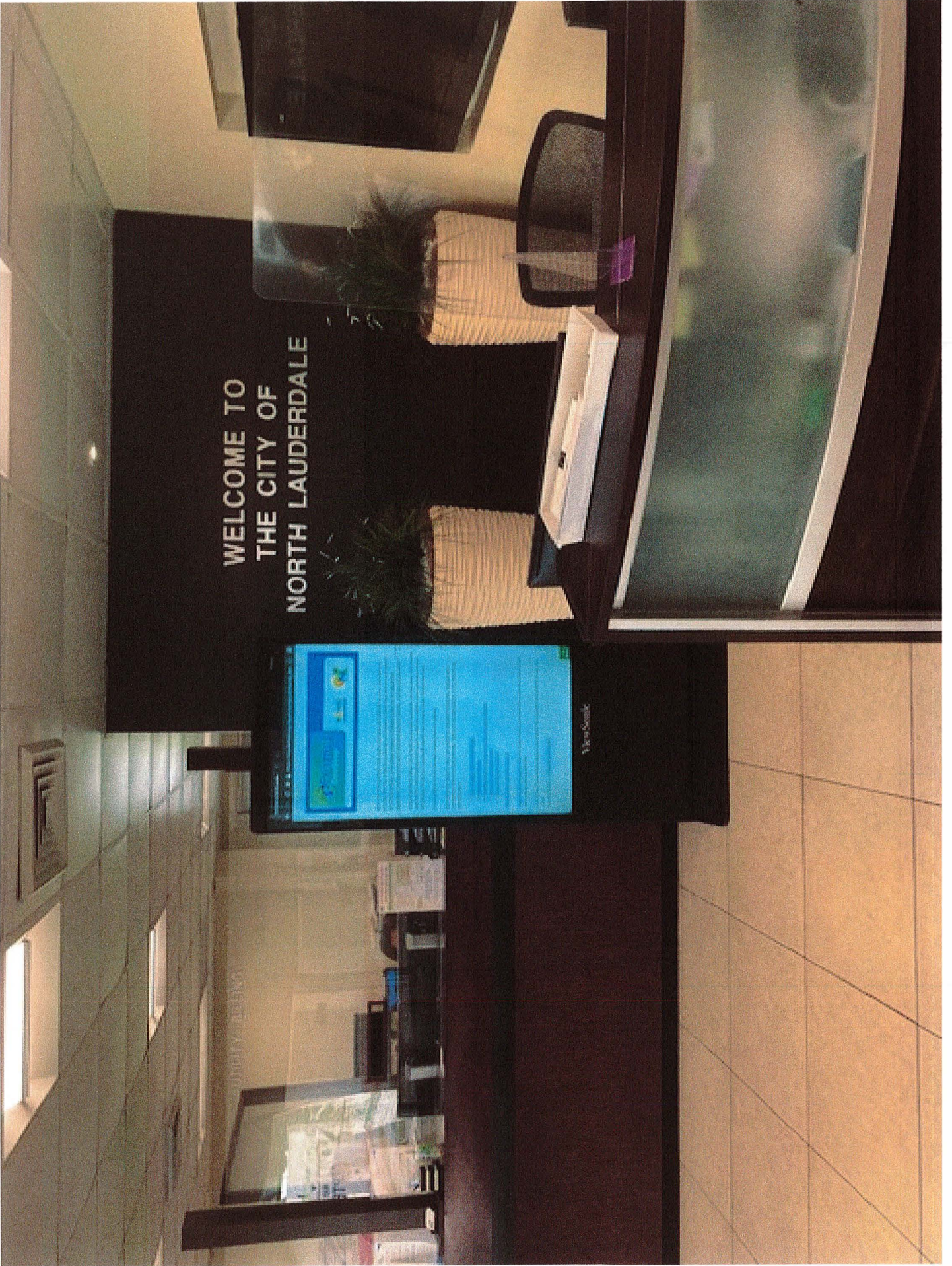
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**From:** Kong, Maria <MKONG@broward.org>  
**Sent:** Tuesday, October 5, 2021 12:17 PM  
**Cc:** Dipietro, James <JDIPIETRO@broward.org>  
**Subject:** ACTION REQUIRED Small cities ePermitting Grant program - summary is needed  
**Importance:** High











## TOWN OF PEMBROKE PARK

BUILDING DEPARTMENT

3150 SW 52<sup>ND</sup> Avenue

Pembroke Park, FL 33023

954-966-4600

August 26, 2021

Mr. James DiPietro  
Broward County Board of Rules and Appeals  
1 North University Drive, Suite 3500-B  
Plantation, FL 33324

**Re: Small Cities ePermitting Grant**

Dear Mr. DiPietro,

At this time, and on behalf of the Town of Pembroke Park; I would like to express my most sincere gratitude for the funds provided via the Small Cities ePermitting Grant Program. These funds allowed the town in the procurement of scanning equipment which was instrumental in the implementation of our electronic permitting process.

Through the Broward County Board of Rules and Appeals (BORA) grant program generosity, we were able to do the following:

- Acquire large format scanning equipment; which allowed the Building Department to digitalize the customers submitted drawings; and convert (In progress) the storage records for a completed electronic experience.
- Supplement our permitting software so the provided paper drawings, be able to be coordinated and be electronically reviewed, to avoid the numerous paper submission.

Finally, we remain eternally grateful for your assistance, and we pledge our best efforts in continuing our electronic process, while making it an example for the Broward County, the Town of Pembroke Park, and others.

Sincerely,

Miguel A. Núñez

Digitally signed by Miguel A. Núñez  
DN: cn=Miguel A. Núñez, o=Town of  
Pembroke Park, ou=CBO,  
email=mnunez@townofpembrokepark.com,  
c=US  
Date: 2021.09.27 14:51:55 -04'00'

Miguel A. Núñez, MPA, CBO, CFM

Chief Building Official

[mnunez@tppfl.gov](mailto:mnunez@tppfl.gov)

## Kong, Maria

---

**From:** Miguel Nunez <mnunez@tppl.gov>  
**Sent:** Tuesday, September 28, 2021 1:01 PM  
**To:** Kong, Maria  
**Cc:** JC Jimenez; Harry Taubenfeld; Lucie Manzerolle  
**Subject:** RE: Small cities ePermitting Grant program - summary request  
**Attachments:** BORA 001.pdf

You don't often get email from mnunez@tppl.gov. [Learn why this is important](#)

Good afternoon, Pat,

Hope this email finds you well; also, in accordance with Jim's request, please see attached the summary for your use and Board presentation.

As always, if you have any questions, comments or needed assistance; just let me know.

Regards.



**Miguel A. Núñez, MPA, CBO, CFM.**

*Building Official*

**P: (954) 966-4600 ● F: (954) 966-5310 / [mnunez@tppl.gov](mailto:mnunez@tppl.gov)**

**Town of Pembroke Park / Building Department**

3150 SW 52<sup>nd</sup> Avenue, Pembroke Park, FL 33023

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**From:** [Dipietro, James](#)  
**To:** [Russell Muniz](#)  
**Cc:** [Andy Berns](#); [Kong, Maria](#)  
**Subject:** RE: [EXTERNAL] Small cities ePermitting Grant program - summary request  
**Date:** Monday, October 4, 2021 8:02:52 AM

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Good morning Russell. Thank you for the update. 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:** Russell Muniz <[rmuniz@southwestranches.org](mailto:rmuniz@southwestranches.org)>  
**Sent:** Saturday, October 2, 2021 3:43 PM  
**To:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Cc:** Andy Berns <[aberns@southwestranches.org](mailto:aberns@southwestranches.org)>  
**Subject:** RE: [EXTERNAL] Small cities ePermitting Grant program - summary request

Hi Jim,

Pardon my delay in replying to your email request. No disrespect intended.

We are still evaluating vendors for our e-permitting kiosk project. The initial vendor, while well established, does not appear to have any local government installations that we can visit to evaluate the units in a real world setting so we are developing an Invitation to Bid, or RFP to solicit responses from qualified companies.

We believe the e-permitting kiosk will provide tremendous benefits to our local development community, property owners, and visitors by providing an easy to use portal to access information on their permits. The kiosk will be loaded with our contracted vendor's permitting portal that will allow users to register for access, submit permit applications, check permit status, pay for permits, print receipts and also schedule inspections. As users get more comfortable with the kiosk they will not need to interact nearly as much with building staff.



Additionally, we intend to leverage the technology to access other services tied to development through interaction with our Engineering and Zoning departments.

We are targeting the November 18<sup>th</sup> meeting (our only meeting in November) to have the agreement with the selected vendor in front of our Town Council for consideration with full implementation by December 31<sup>st</sup>.

Thanks again for your assistance in helping us acquire the grant and please advise if I can answer any additional questions that should arise.

Regards,

Russell Muñiz, MBA, MPA, MMC  
Assistant Town Administrator/Town Clerk

Town of Southwest Ranches  
13400 Griffin Road  
Southwest Ranches, FL 33330  
Phone: (954) 434-0008  
Fax: (954) 434-1490  
E-mail: [rmuniz@southwestranches.org](mailto:rmuniz@southwestranches.org)  
Website: [www.southwestranches.org](http://www.southwestranches.org)



**From:** Dipietro, James <[JDIPIETRO@broward.org](mailto:JDIPIETRO@broward.org)>  
**Sent:** Wednesday, September 22, 2021 10:55 AM  
**Cc:** Kong, Maria <[MKONG@broward.org](mailto:MKONG@broward.org)>  
**Subject:** [EXTERNAL] Small cities ePermitting Grant program - summary request

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

Dear Board of Rules and Appeals small cities ePermitting Grant recipients.



Good morning,

We are in the process of preparing a report to the Board of Rules and Appeals of grant funds distributed in FY 2020/2021. Accordingly, it would be appreciated if you can provide a brief one-page email summary as to where you are in your jurisdiction in implementing this program, and the current or expected benefits to be achieved.

Please reply by September 30<sup>th</sup> to Pat Kong at [mkong@broward.org](mailto:mkong@broward.org).

Thank you for your time and consideration to this request.

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

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## City of West Park E-Permitting Project

The City submitted a grant application packet to the Broward County Board of Rules and Appeals (BORA) last month for a total amount of \$7,500.00. The grant request was for the purchase and installation of computer equipment to assist with modernizing our Building Department. This much needed grant funding will allow us to better manage day-to-day customer needs of residents, business owners and other stakeholders seeking online permit assistance. An E-Permitting mechanism is essential to a fully functional instrument of local government. The E-Permitting equipment will allow for automation, advanced technology and prompt response to stakeholders.

Earlier this week, we received a notice of award and a check for the full amount requested. The project is in the Procurement Phase. City's staff is working with IT consultant for the purchase and installation of the equipment. The equipment being purchased for installation are:

- Two OptiPlex 3080 Computer Towers
- Two 27-inch Dell E2720HS LCD Monitors
- One Ergotron LX Sit-Stand Wall Mount LCD Arm, Heavy Duty
- Two Curved Monitors – 34-inches
- One Apple 12.9" iPad Pro (5<sup>th</sup> Generation)
- Other parts and installation materials

Installation will be scheduled immediately upon receipt of equipment.

## Kong, Maria

---

**From:** Aubrun, Carol <caubrun@cityofwestpark.org>  
**Sent:** Thursday, September 30, 2021 5:37 PM  
**To:** Kong, Maria  
**Cc:** Prebal, Maritza  
**Subject:** FW: Small cities ePermitting Grant program - summary request  
**Attachments:** CWP ePermitting Report Sept 2021.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Pat.

Please see the attached revision and let us know if there are any questions or concerns.

Thank you!

*Carol M. Aubrun, MSM, BHSA  
Programs & Services Manager*

City of West Park  
1965 South State Road 7  
West Park, FL 33023  
Phone: 954.989.2688 Ext. 211  
Fax: 954.989.2684  
[caubrun@cityofwestpark.org](mailto:caubrun@cityofwestpark.org)  
[www.cityofwestpark.org](http://www.cityofwestpark.org)



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**TEAMWORK - INCLUSION - PROFESSIONALISM - SERVICES**

**From:** Dipietro, James <JDIPIETRO@broward.org>  
**Sent:** Wednesday, September 22, 2021 10:55 AM  
**Cc:** Kong, Maria <MKONG@broward.org>  
**Subject:** Small cities ePermitting Grant program - summary request

*Dear Board of Rules and Appeals small cities ePermitting Grant recipients.*

Good morning,

From: James DiPietro  
Administrative Director



Subject: Small cities grant to support E-Permitting between the local government and Broward County.

---

**Policy:**

It is the policy of the Broward County Board of Rules and Appeals as authorized by the Broward County Commission to provide a one-time non-recurring grant to small cities of 50,000 population or less to support electronic permitting. The maximum amount to be reimbursed to the cities is equal to \$7,500. The funding of these grants was approved by vote of the Broward County Board of Rules and Appeals and the Broward County Commission effective for the fiscal year 2021, (October 1, 2020 thru September 30, 2021), and will automatically continue in future fiscal years if authorized by budgetary appropriation. This policy was created to encourage the e-permitting system the County's smallest jurisdictions and Broward County.

**Guidelines:**

A one-time grant to local jurisdictions shall be paid to cities of 50,000 population or less, on a reimbursement basis only, provided that all written paperwork is satisfactory submitted and that the purchase(s) is made on or after October 1, 2020. Documentation should be submitted, via USPS mail. Att. James DiPietro, 1 N University Drive, Suite 3500 B , Plantation FL, 33324 or via email to [jdipietro@broward.org](mailto:jdipietro@broward.org) and Ruth Boselli [rboselli@broward.org](mailto:rboselli@broward.org). As an example, the reimbursement request could consist of funds to cover the cost of a large format scanner capable of scanning plans, computer purchase, the cost to set up a kiosk or work station for the use of the public to access e-permitting. The request must be authorized in writing by the Chief Executive Officer or the Chief Financial Officer of the jurisdiction. The Administrative Director upon receipt of all the supporting proper paperwork will authorized the processing of the reimbursement thru the Broward County accounting division.

Attached is a list of local jurisdictions within Broward County eligible for the grant.

**6.94**

16	Oakland Park	44,085
17	North Lauderdale	43,574
18	Hallandale Beach	39,285
19	Cooper City	35,081
20	Lauderdale Lakes	34,744
21	Dania Beach	31,526
22	Parkland	28,901
23	West Park	14,960
24	Wilton Manors	12,407
25	Lighthouse Point	11,042
26	Southwest Ranches	7,820
27	Pembroke Park	6,491
28	Lauderdale-By-The-Sea	6,441
29	Hillsboro Beach	1,465
30	Sea Ranch Lakes	572
31	Lazy Lake	30

Source: Broward County  
 Planning and Development  
 Management Division (2018)  
<https://bcgis.maps.arcgis.com/apps/MapSeries/index.html?appid=948a41100ff84e25a8d49d564814075d>

## 6.95