



**BROWARD COUNTY BOARD OF RULES & APPEALS**  
**SEPTEMBER 10, 2020**  
**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  
Stephen E. Bailey, Vice Chair  
Ron Burr  
Gregg D'Attile  
John Famularo  
Shalanda Giles-Nelson  
Robert A. Kamm  
Sergio Pellecer  
David Rice  
Daniel Rourke  
James Terry  
Dennis Ulmer

Mr. Bailey made a motion and Mr. D'Attile seconded the motion to approve the agenda with a modification to Item 4 relating to Section 118 and ORCAT. The motion carried by unanimous vote of 12-0.

**Approval of Minutes – July 9, 2020**

Mr. Bailey made a motion and Mr. D'Attile seconded the motion to approve the minutes as submitted. The motion carried by unanimous vote of 12-0.

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**CONSENT AGENDA**

1. Certifications - Staff Recommended.

**BROWARD COUNTY SHERIFF'S OFFICE**  
O'CONNOR, TRICIA, FIRE INSPECTOR  
**CITY OF CORAL SPRINGS**

EGEZEINO, MICHAEL, CHIEF ELECTRICAL INSPECTOR  
**TOWN OF DAVIE**  
 ALBRECHT, RANDY, FIRE INSPECTOR  
**CITY OF DEERFIELD BEACH**  
 MITCHELL, STEVEN, CHIEF ELECTRICAL INSPECTOR  
**CITY OF HOLLYWOOD**  
 BATTAGLIA, ALEXANDER, FIRE INSPECTOR  
**TOWN OF LAUDERDALE-BY-THE-SEA**  
 ALVAREZ, REINER "REY", CHIEF MECHANICAL INSPECTOR  
**CITY OF LAUDERHILL**  
 GAUNCHE, STEVE, CHIEF ELECTRICAL INSPECTOR  
**CITY OF PEMBROKE PINES**  
 BENNETT, KYLE, FIRE PLANS EXAMINER  
 GLATZ, MICHAEL C., FIRE PLANS EXAMINER  
**TOWN OF SOUTHWEST RANCHES**  
 BENDAVID, ANDRE, ASSISTANT BUILDING OFFICIAL  
**CITY OF SUNRISE**  
 MENDOZA, ALEXANDER, FIRE PLANS EXAMINER  
**CITY OF TAMARAC**  
 AZEEZ TAIWO, FATAI O., STRUCTURAL INSPECTOR (PROVISIONAL)  
 FOLLES, GEORGE, BUILDING OFFICIAL  
**CITY OF WEST PARK**  
 BENDAVID, ANDRE, ASSISTANT BUILDING OFFICIAL  
**CITY OF WILTON MANORS**  
 ALVAREZ, REINER "REY", CHIEF MECHANICAL INSPECTOR  
**COUNTYWIDE**  
 FURONES, CARLOS M., PLUMBING INSPECTOR  
 FURONES, CARLOS M., PLUMBING PLANS EXAMINER  
 GUERRERO, OSCAR R., STRUCTURAL INSPECTOR  
 GUERRERO, OSCAR R., STRUCTURAL PLANS EXAMINER  
 JAMES, ROBERT, ELECTRICAL PLANS EXAMINER  
 MENARD, REESE, PLUMBING INSPECTOR  
 RODRIGUEZ, ROLANDO, STRUCTURAL INSPECTOR - LIMITED  
 STARKEY, EDWARD A., STRUCTURAL PLANS EXAMINER – LIMITED

Mr. Rice made a motion and Mr. Pellecer seconded the motion to approve the certifications as recommended. The motion carried by unanimous vote of 12-0.

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**REGULAR AGENDA**

2. **Formal Interpretation related to the Florida Building Code 6th Edition (2017) Chapter I Section 109.3, and 109.3.1 Building Permit Valuation, and Florida Building Code 7th Edition (2020) Chapter I Section 109.3 and 109.3.1.**

Chairman Lavrich advised that the Committee Chair, Shalanda Giles-Nelson, improved the interpretation text to make it more concise.

1. Request of the Ad Hoc Committee
2. Board Questions - none
3. Public Comment - none
4. Board Action

Mr. D’Attile made a motion and Mr. Pellecer seconded the motion to accept the Ad Hoc Committee Chair’s Alternate Version of the subject Formal Interpretation. The motion carried by unanimous vote of 12-0.

3. **Formal Interpretation related to the Florida Building Code 7th Edition (2020) Retrofit of Windows, Doors, Garage Doors, Shutters and Skylights FBC Existing Building, Alteration Level I, effective December 31st, 2020.**

Chairman Lavrich explained this is essentially a readoption with the new wind requirements prepared by the staff engineer, Mark Johnson.

1. Staff Report
2. Board Questions - none
3. Public Comment - none
4. Board Action

Mr. Rice made a motion and Ms. Giles-Nelson seconded the motion to approve the Formal Interpretation as submitted. The motion carried by unanimous vote of 12-0.

**Code amendments for 1<sup>st</sup> reading (applies to items Nos. 4,5,6,7,8, 9,10 and 11)**

4. **Amendment to the 7<sup>th</sup> Edition Florida Building Code (2020) effective December 31<sup>st</sup>, 2020, Chapter One Administrative Provisions.**

Chairman Lavrich noted this is a readoption for the new Florida Building Code. He noted the additional language in Section 118 relating to ORCAT that was a change provided to the Board today. (Agenda was amended to reflect this addition.)

1. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, noted that most of the changes are merely readoptions with minor grammar corrections as well as those cases where the State adopted and incorporated a local administrative provision into the Florida Building Code. Significant changes have to do with codifying Board of Rules and Appeals adopted policies. With respect to Section 110.14 Period of declared disaster, he noted that all sections related to emergencies and/or disasters have been moved to this part of Chapter One.

Mr. James DiPietro, Administrative Director, noted that this is the first of two readings.

2. Board Questions

Mr. Soto responded to Mr. D'Attile indicating that Section 109 was not changed. In the alternative a Formal Interpretation was put into place.

3. Public Comment - none
4. If desired, motion adopting response to State required questions for adopting technical amendments
5. If desired, motion amending Chapter One

Mr. D'Attile made a motion and Mr. Rice seconded the motion to adopt amendments to Chapter One as recommended and amended to include Section 118 add-to-the-agenda. The motion carried by unanimous vote of 12-0.

5. **Amendments to 7<sup>th</sup> Edition Florida Building Code (2020) – Plumbing, Section 604.4, effective December 31<sup>st</sup>, 2020**

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, advised that the code section has not changed.

2. Board Questions - none

3. Public Comment - none

4. If desired, motion adopting response to State required questions for adopting technical amendments.

Mr. D’Attile made a motion and Mr. Terry seconded the motion 1) acknowledging the Board’s review of answers to the State of Florida’s questions and adopting those answers. The motion carried by unanimous vote of 12-0.

5. If desired, motion amending the Building Code

Ms. Giles-Nelson made a motion and Mr. Burr seconded the motion to adopt the amendments to Section 604.4. The motion carried by unanimous vote of 12-0.

6. **Amendments to the 7<sup>th</sup> Edition Florida Building Code (2020), Residential Table P2903.2 Design of Building Water Distribution System, effective December 31<sup>st</sup>, 2020.**

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, indicated this is the same as the previous item, but the Residential area.

2. Board Questions - none

3. Public Comment - none

4. If desired, motion adopting response to State required questions for adopting technical amendments.

Mr. D’Attile made a motion and Mr. Ulmer seconded the motion 1) acknowledging the Board’s review of answers to the State of Florida’s questions and adopting those answers. The motion carried by unanimous vote of 12-0.

5. If desired, motion amending the Building Code

Mr. D’Attile made a motion and Mr. Rourke seconded the motion to adopt the amendments to the Residential Table P2903.2. The motion carried by unanimous vote of 12-0.

7. **Amendments to the 7<sup>th</sup> Edition Florida Building Code (2020) Plumbing Appendix F, Proposed Construction Building Codes for Turf and Landscape Irrigation Systems, effective December 31<sup>st</sup>, 2020.**

Mr. James DiPietro, Administrative Director, confirmed that page 16 (Section 314.2.1) should be removed and page 17 intended to be a summary of the changes is incomplete. The Board should consider the text only presented in the agenda backup information.

1. Staff Report

Mr. Otto Vinas, Chief Plumbing Code Compliance Officer, advised that this appendix has not changed from the 6<sup>th</sup> Edition. Also, because it is an appendix, there are no State required questions.

2. Board Questions - none
3. Public Comment - none
4. If desired, motion adopting response to State required questions for adopting technical amendments. – not applicable
5. If desired, motion amending the Building Code

Mr. D’Attile made a motion and Mr. Rice seconded the motion to adopt the Plumbing Appendix. The motion carried by unanimous vote of 12-0.

8. **Amendments to the upcoming Florida Mechanical Code (FMC) 7<sup>th</sup> Edition (2020), Section 307.2.1 and Florida Plumbing Code (FPC), Section [M] 314.2.1 “Condensate disposal”, effective December 31st, 2020.**

1. Staff Report – none
2. Board Questions – none
3. Public Comment – none
4. If desired, motion adopting response to State required questions for adopting technical amendments.

Mr. D’Attile made a motion and Mr. Pellecer seconded the motion 1) acknowledging the Board’s review of answers to the State of Florida’s questions and adopting those answers. The motion carried by unanimous vote of 12-0.

5. If desired, motion amending the Building Code

Mr. Terry made a motion and Mr. Pellecer seconded the motion to adopt the amendments to Florida Mechanical Code Section 307.2.1 and Florida Plumbing Code Section [M] 314.2.1. The motion carried by unanimous vote of 12-0.

9. **Amendments to the upcoming Florida Mechanical Code (FMC) 7<sup>th</sup> Edition (2020), Section 908 “Cooling Towers, Evaporative Condensers and Fluid Coolers”, subsection 908.3 “Location” effective December 31<sup>st</sup>, 2020.**

1. Staff Report – none
2. Board Questions – none
3. Public Comment – none
4. If desired, motion adopting response to State required questions for adopting technical amendments.

Ms. Giles-Nelson made a motion and Mr. Rice seconded the motion 1) acknowledging the Board’s review of answers to the State of Florida’s questions and adopting those answers. The motion carried by unanimous vote of 12-0.

5. If desired, motion amending the Building Code

Ms. Giles-Nelson made a motion and Mr. Ulmer seconded the motion to adopt the amendments to Florida Mechanical Code Section 908. The motion carried by unanimous vote of 12-0.

10. **Amendments to the upcoming Florida Mechanical Code (FMC) 7<sup>th</sup> Edition (2020), Section 908.8 “Cooling Towers, Evaporative Condensers and Fluid Coolers”, effective December 31<sup>st</sup>, 2020.**

1. Staff Report

Mr. Rolando Soto, Chief Mechanical Code Compliance Officer, indicated that the staff report shows that Chapter One language in this area was adopted by the State and therefore will no longer appear in Chapter One.

2. Board Questions – none
3. Public Comment – none
4. If desired, motion adopting response to State required questions for adopting technical amendments.

Mr. D’Attile made a motion and Mr. Rourke seconded the motion 1) acknowledging the Board’s review of answers to the State of Florida’s questions and adopting those answers. The motion carried by unanimous vote of 12-0.

5. If desired, motion amending the Building Code

Mr. Pellecer made a motion and Mr. D'Attile seconded the motion to adopt the amendments to Florida Mechanical Code Section 908.8. The motion carried by unanimous vote of 12-0.

11. **Amendments to 7<sup>th</sup> Edition Florida Building Code (2020), Section 454.1.4.1 and 454.2.16 Electrical, and Residential, Section R4501.16 Underwater Luminaries, effective December 31<sup>st</sup>, 2020.**

1. Staff Report

Mr. James DiPietro, Administrative Director, explained that if passed this evening, the public hearing on second reading will be divided appropriately into two items for consideration.

Mr. Ken Castronovo, Chief Electrical Code Compliance Officer, indicated that this is simply a re-adoption of these amendments found in three areas for Public and Private Swimming Pools and the Residential Code for Swimming Pools

2. Board Questions – none
3. Public Comment – none
4. If desired, motion adopting response to State required questions for adopting technical amendments.

Mr. Rice made a motion and Mr. Ulmer seconded the motion 1) acknowledging the Board's review of answers to the State of Florida's questions and adopting those answers. The motion carried by unanimous vote of 12-0.

5. If desired, motion amending the Building Code

Mr. D'Attile made a motion and Mr. Pellecer seconded the motion to adopt the amendments to Florida Mechanical Code Section 908.8. The motion carried by unanimous vote of 12-0.

12. **Director's Report** - none
13. **Attorney's Report**

Mr. Charles Kramer, Board Attorney, noted the first legal opinion has to do with building permit applicants using runners to file their documentation. There is no liability on the part of the municipality. Municipalities cannot be forced to accept a power of attorney; it is a matter of their discretion.

Mr. Kramer noted the second legal opinion has to do with an inquiry from the City of Margate whether a zoning law could be enacted to require elevators in all new buildings over one story. A zoning code that would change the Florida Building Code cannot be done.

14. **Committee Report** - none
15. **General Board Members Discussion**

Chairman Lavrich acknowledged the new Chief Energy Code Compliance Officer, Mr. Timothy DeCarion and indicated he has decided to create an ad hoc energy committee with Mr. Rice serving as the chair. Once this ad hoc committee is formed and organized, he will bring to the Board a request to establish it as a standing committee.

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

40/50 Year Building Safety Inspection Program

Mr. Carmelo Giglio advised that he is a structural professional engineer involved in a lot of restoration work as well as structural design including work relating to the 40-Year Building Safety Inspection Program. He believed there is a dilemma with some engineers not including full building surveys in their assessments and consequently not covering the requirements necessary to protect the public. His firm inspects every balcony whereas a competitor may not walk onto any balcony. There could be life-safety elements not being inspected. From an ethical and professional standpoint without checking every unit, how can the individual say it is safe. He asked the Board to consider this issue.

Chairman Lavrich indicated if he so desires Mr. Giglio could contact the Structural Committee Chair. A Board member may ask that this point be scheduled before a committee however it is not an agenda item this evening and as such the Board is not prepared to discuss the topic at this time.

17. **Adjournment**

There being no further business, the meeting adjourned at 7:46 p.m.



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Daniel Lavrich, P.E. - Chair