



May 25, 1999

BUILDING DEPARTMENT
111 NW FIRST STREET
SUITE 1110
MIAMI FLORIDA 33128-1974
(305) 375-2500
FAX (305) 375-3626

Lewis Electric
E.T Samples
444 W. Mowry Drive
Homestead, Florida 33030

RE: DeLeones Bromeliads
13745 SW 216 Street

Dear Mr. Samples:

After careful review of the proposed electrical installation at the above location and after consultation with the Building Official, Mr. Charles Danger, I have concluded that the proposed installation is not within the exemption afforded Farm Structures as outlined in F.S. 553. The magnitude of the installation is such that I have significant concern for the safety of those individuals that will be working in and around the processing area.

While normal incidental electrical installations may be within the exemption, I must conclude that it was never contemplated that a growing process incorporating climate control was to be included.

Therefore, I am going to require that the electrical system be permitted and inspected by this department in its entirety. Please make arrangements consistent with the requirements of the South Florida Building Code for proper completion of this project.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Roy Van Wyk'.

Roy Van Wyk
Electrical Division Director
Chief Electrical Inspector

C: Charles Danger, P.E., Director
Humberto Codispoti, P.E., Elect. Sect. Supervisor



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

May 25, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974

Attn.: Roy Van Wyk

RE: Deleons Bromeliads

Dear Mr. Van Wyk,

It appears that the gist of your letter is to state that "I must conclude that it was never contemplated that a growing process incorporating climate control was to be included."

Is this an attempt to determine Legislative Intent on your part?

The Statute does not attempt to define any type of agricultural process.

'553.17 Application.--This code shall apply statewide in both incorporated and unincorporated areas to all new buildings and structures, both private and public, and to all alterations in any new or existing building or structure, **but shall not apply to nonresidential farm buildings.**

History.--s. 3, ch. 70-332; s. 68, ch. 98-287.

'Note.--Repealed by s. 68, ch. 98-287, "[e]ffective upon the approval by the Legislature of the adoption of the Florida Building Code by the Florida Building Commission."

A Florida State Statute is a Law that must be followed by all and I understand your predicament as Chief Electrical Inspector, but, this facility is a nonetheless a nonresidential farm building used to grow plants.

Growing processes including climate control have always been necessary in nurseries of this type and air conditioning units have been in use in these facilities for over twenty years.

Please advise at your earliest opportunity.

Sincerely,

E.T. Samples
President



cc. Charles Danger, Humberto Codispoti

Dade County (305) 247-3721 Fax (305) 245-9347 Monroe County (305) 852- 7585
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**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

June 11, 1999

Office of Building Code Compliance
Board of Rules and Appeals
Mr. Francisco J. Quintana, R.A.,
Secretary of the Board
140 West Flagler Street, Suite 1603
Miami, Florida 33130-1563

RE: Mr. Roy Van Wyk's Ruling on Deleons Bromeliads,
Agricultural Electrical Service
Service Address: SW 216th Street & 138th Avenue # Pump

Dear Mr. Secretary,

Pursuant to the South Florida Building Code, Chapter 2, 203.4 (a) **APPEAL FROM DECISION OF BUILDING OFFICIAL:** "The board shall hear all appeals from the decisions of the Building Official wherein such decision is on matters regulated by this Code from any person aggrieved thereby,".

At this time, as an aggrieved person, I am appealing the decision of Mr. Van Wyk regarding the above referenced Electrical project to the Board of Rules and Appeals. Reference Miami-Dade County Building Department Process #S1999114348.

In the course of his duties as the Miami-Dade County Chief Electrical Inspector, Mr. Van Wyk has "concluded that the proposed installation is not within the exemption afforded Farm Structures as outlined in F.S. 553". (Excerpted from attached letter)

Please note that the powers, duties and the appointment of the Chief Electrical Officials shall be as required per Chapter 45 of the South Florida Building Code. Such person will have the responsibility and duty of enforcing the Electrical Code.

The State Statute is very clear. It is not the intent of this appeal for the Board of Rules and Appeals to provide an interpretation, clarify or define F.S. 553.17. The Board has already acknowledged that these structures do not require permits per F.S. 553 and the Building Department will not issue permits for construction of said structures.



¹**553.17 Application.**—This code shall apply statewide in both incorporated and unincorporated areas to all new buildings and structures, both private and public, and to all alterations in any new or existing building or structure, **but shall not apply to nonresidential farm buildings.**

History.—s. 3, ch. 70-332; s. 68, ch. 98-287.

¹Note.—Repealed by s. 68, ch. 98-287, "[e]ffective upon the approval by the Legislature of the adoption of the Florida Building Code by the Florida Building Commission."

The intent of this appeal is to ask the Board to determine whether the BUILDING OFFICIAL, in this case the Chief Electrical Inspector, or any BUILDING OFFICIAL for Miami-Dade County can attempt to determine and enforce their version of legislative intent by their authority under the South Florida Building Code.

In stating that "I must conclude that it was never contemplated that a growing process incorporating climate control was to be included.", Mr. Van Wyk apparently has read something into the phrase "but shall not apply to nonresidential farm buildings" that I fail to see.

By making this conclusion as a Miami-Dade County BUILDING OFFICIAL, whose authority and powers are dictated by the South Florida Building Code, and an appeal of same by myself, under the powers and duties entrusted to the Board of Rules and Appeals by the South Florida Building Code it is the responsibility and the duty of the Board to address this matter.

Please advise me if there is any problems getting this matter scheduled before the Board.

Sincerely,

E.T. Samples
President

CC: Merret Stierheim, County Manager
Charles Danger, P.E., Director
Roy Van Wyk, Chief Electrical Inspector
Humberto Codispoti, P.E. Elect. Sect. Supervisor

enc: Van Wyk Letter dated 5/25/99





MIAMI-DADE COUNTY, FLORIDA
METRO-DADE FLAGLER BUILDING

BUILDING CODE COMPLIANCE OFFICE
METRO-DADE FLAGLER BUILDING
140 WEST FLAGLER STREET, SUITE 1603
MIAMI, FLORIDA 33130-1563
(305) 375-2901 FAX (305) 375-2908

CONTRACTOR LICENSING SECTION
(305) 375-2527 FAX (305) 375-2558

CONTRACTOR ENFORCEMENT SECTION
(305) 375-2966 FAX (305) 375-2908

PRODUCT CONTROL DIVISION
(305) 375-2902 FAX (305) 372-6339

June 24, 1999

Mr. E. T. Samples, President
Lewis Electric
444 W. Mowry Drive
Homestead, Florida 33030

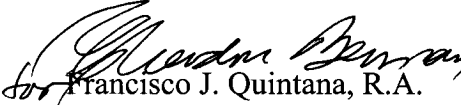
Reference: Deleons Bromeliads
SW 216th Street & 138th Avenue

Dear Mr. Samples:

This is in reply to your June 11, 1999 letter requesting a hearing to appeal the decision of the Building Official for Unincorporated Miami-Dade County on the electrical work at the above referenced project to the Board of Rules and Appeals (BORA). Our staff is processing your request at this time to schedule your appeal for the proposed July 22, 1999 meeting of BORA.

You will be receiving a notification, two weeks in advance of the hearing date, with the scheduled time and place of meeting. Feel free to contact me if you need any further assistance on this matter.

Very truly yours,


Francisco J. Quintana, R.A.
Director

FJQ:TB/tb

c: Merret Stierheim, County Manager

Memorandum

To: E. T. Samples
From: Steve L. McDaniel
cc:
Date: Friday, June 11, 1999
Subject: Deleon's Nursery-County

On June 11, 1999 Mr. Oriol-Torres-Haage called me on my cell phone to inform me that he had spoken with Charlie Danger and that Mr. Danger was not going to change his stand on the Deleons 400 amp service matter, he still believes that this is a processing operation or more than just a nursery. He is under the impression that the Florida Statue 553. was never intended to cover this type of facility. Mr. Oriol-Torres-Haage explained to me that the Board of Rules and Appeals would not hear this matter because it involved a State Statue and their purpose was not to interperert the law. At this time I reminded him that the Board had already ruled on the Statue once. His reply was that in that instance it involved a fencing matter, at that point I said what is the difference between a fencing matter and an Electrical matter. His reply was that it was very involved (Mr. Danger is the Secretary of the Board?) and could not explain all the details. His recommendation would be to peruse the matter thur an attorney. At this point I saw that I was going to get no further with this, and I thanked Mr. Torres-Haage for all his time and effort on this matter.

On June 10, 1999 I also spoke with Plumbing Plans Examiner Mr. Victor Fox, RE: Deleons turn down. I asked him why he turned down the plans he proceed to tell me that he wanted drawings for water service line, sewage line, toilet facilities, floor plan plumbing fixtures. I then explained that this was a shade house for growing plants and that none of the things he was asking for applied. I don't think he ever looked at the plans that were submitted Because he asked me where do the employees use the bathroom, I explained to him in the main office that was existing and again told him the plans were for a greenhouse. He then told me that on the permit it said government facility. I proceeded to explain to him that most Ag. service permits have this printed on them why I do not know, this is something that the county prints on them maybe he should find out from someone on his end. This is why I think he did not even look at the plan, because nobody could make this type of mistake. He then told me to resubmit the plan and he would review again.

On the same day I spoke with zoning- reason for turn down. I was informed that plans could not be processed as a category 21-Agriculture they would have to be processed as an 01 category-Building Electrical. At this point I began to feel like there is more to this

than meets the eye. Everybody that I have spoken to in the past is now kind of dodging me or making it very hard for me to get in touch with them.



Chairperson
Thomas Utterback

Vice-Chairperson
Richard Horton

Members
J. Robert Barnes, R. A.
Rolando Diaz, P. E.
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John Kurzman
Capt. Philip Knight
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Earl Raymond Niles, Esq.
Gregory Pierce
William Riley
Enrique Salvador
William Strachan, Jr.
Arnold M. Velazquez, P. E.
Moshe Weitz, P.E.
Edward W. Woodward

Staff
Kathy Charles

Secretary
Frank Quintana, R.A.

MIAMI-DADE COUNTY, FLORIDA
BOARD OF RULES AND APPEALS
SUITE 1603
140 WEST FLAGLER STREET
MIAMI, FLORIDA 33130-1563
(305) 375-2901

July 30, 1999

Mr. E. T. Samples, President
Lewis Electric
444 W. Mowry Street
Homestead, Florida 33030

Re: Appeal of Building Official
Unincorporated Miami-Dade County
DeLeon's Bromeliads
Agricultural Electrical Service Permit

Dear Mr. Samples:

At their meeting of July 22, 1999, the Board of Rules and Appeals (BORA) granted your appeal to consider the proposed facility under the exemptions afforded farm structures, as outlined in Florida Statute 553. A motion was made and seconded as follows:

"...based on the fact that this does not come under the jurisdiction of the South Florida Building Code, that we will grant the appeal."

Please call me at 375-2901 if you require additional information.

Sincerely,

Frank Quintana, R.A., Secretary
Board of Rules and Appeals

FQ:jfo'b

C: Thomas Utterback, Chairperson
Board of Rules and Appeals

Charles Danger, P.E., Building Official
Unincorporated Miami-Dade County

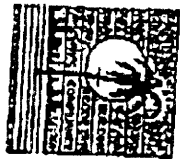
Pursuant to Section 2037 SFBC any person aggrieved by a decision of the Board of Rules and Appeals, whether or not a previous party to the decision, may apply to the appropriate court to correct errors of such decisions. Any order, requirement, decision or determination of the Board of Rules and Appeals shall be reviewed by the filing of a notice of appeal in the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, Florida, in accordance with the procedure and within the time provided by the Florida Rules and Appellate Procedure for the review of rulings of any commission or board; and such time shall commence to run from the date that the Board's order, requirement, decision or determination sought to be reviewed is rendered.

\\SD0450002\SHARE\DTRECOFF\COMMITTEE\BORA\CORRESPO\Rulings\990722 Lewis Electric.doc



Building Code Compliance Office

- ☐ DIRECTOR'S OFFICE
☐ CODE COMPLIANCE
☐ ADMINISTRATION
☐ PRODUCT CONTROL



FAX COVER SHEET

Date 8/3/99

To Steven Goldstein

Company

From

Frank Sventana (my line @ Svent)

Regarding Special & Electric

Fax Number 305-374-7593

Number of pages including this sheet (2)

Note: If any of these fax copies are illegible, or you do not receive the same number of pages as stated above, please contact us immediately at:

Phone Number (305) 375-2901

BCCO Fax Number (305) 375-2908

Product Control Fax Number (305) 372-6339

Internet Mail Address: postmaster@buildingcodeonline.com

Homepage: <http://www.buildingcodeonline.com>

Faxed by:

Time:

97-AS-93 noc



**LEWIS
ELECTRIC**
444 W. Mowry Street
Homestead, FL 33030

July 30, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974

Attn.: Roy Van Wyk

RE: Board of Rules and Appeals meeting July 22, 1999.

Dear Mr. Van Wyk,

At this meeting the Board acknowledged the fact that electrical permits are not required for nonresidential farm buildings per State of Florida Law and that they are exempt from the South Florida Building Code.

It was also noted by the Board that a notification to Florida Power and Light Company regarding getting these types of services energized was necessary. It was stated that a letter from a Florida Registered Engineer or State Certified Electrical Contractor would suffice.

As you are aware, FPL will not turn on any service without the consent of the Building Department. This is apparently some type of agreement between the County and FPL.

This is a request for the Building Department to issue such notification to all concerned parties including Building Departments and Power Companies that a letter signed by either a State Registered Engineer or a State Certified Electrical Contractor stating that the service is safe and meets the requirements of the National Electrical Code will suffice as an OK to energize said services.

Please advise at your earliest opportunity.

Sincerely,

E.T. Samples
President

cc. Charles Danger, Humberto Codispoti,
Francisco J. Quintana, Secretary BORA



Dade County (305) 247-3721 Fax (305) 245-9347 Monroe County (305) 852- 7585

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Page 1

LEWIS ELECTRIC

FAX COVER SHEET

FAX # (305) 245-9347

TO: Reg VanWyk DATE: 8/4/99
ATTN: _____ FAX NUMBER- 305-375-2794
FROM: E.T. Samples PAGES INCLUDING COVER- 2

REMARKS:

Please call me at
305-247-3721

IF YOU HAVE ANY QUESTIONS REGARDING
THIS TRANSMISSION, PLEASE CALL:
(305) 247-3721



August 17, 1999

BUILDING DEPARTMENT
111 NW FIRST STREET
SUITE 1110
MIAMI FLORIDA 33128-1974
(305) 375-2500
FAX (305) 375-3626

Mr. E. T. Samples
President, Lewis Electric
444 W. Mowry Street
Homestead, Florida 33030

RE: Deleons Bromeliads

Dear Mr. Samples:

As we discussed on the telephone yesterday, I have met with members of the County Attorneys Office regarding the final outcome of your appeal to the Board of Rules and Appeals (BORA). The Building Official, upon the recommendation of the County Attorney, has decided not to appeal the BORA decision.

Based on the ruling of the board, I will not be able to authorize the connection of the electrical service, as the project is not under my authority. Please contact the electrical utility that provides service for your location to arrange for connection.

If you have any questions or concerns regarding this letter please contact me at (305) 375-1137.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy Van Wyk'.

Roy Van Wyk
Electrical Division Director
Miami – Dade Building Department

C: Charles Danger, P.E., Director
File



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

August 25, 1999

To: Florida Power & Light
14250 S.W. 112th Street
Miami, Florida 33186
Attn: Mr. George Williams



Re: Dade County Board of Rules and Appeals (BORA) decision 7/22/99
Lewis Electric Position Letter.

Dear George,

This is a follow-up letter pertaining to our conversation this afternoon. I have already provided you with copies of most of the pertinent documents relating to this case. We have obtained a copy of the minutes of the BORA meeting, which are being sent as an attachment. Statute 553.17 pertains strictly to electrical.

It is my position that the Dade County Building Department has no jurisdiction on agricultural properties used as farms of any type so long as it is not a residence.

The first BORA ruling regarding the State of Florida statute was on October 16, 1997. This was a case of the County ticketing Lovell Farms for failure to obtain a permit for a fence. The appeal by Lovell Farms was granted and since then the Building Department has not required permits for fences, shadehouses, greenhouses, pumphouses, etc. (See attached) Note that this ruling was specified for a specific location but has not and can not be restricted to only that location.

In Mr. Van Wyk's letter dated August 17, 1999 he stated "as the project is not under my authority". This letter also states that the County Building Department after consulting with the County Attorneys Office had decided not to appeal the decision. Is this to mean that the Florida Statute applies only to a single location or instance? I think not.

Mr. Van Wyk's statement that the ruling applies only to the situation that predicated the ruling is ludicrous. Asking the defendant in a court case for a clarification of a ruling against him does not sound like the best of ways to get to the heart of the matter. Has anyone contacted the County Attorneys Office regarding their take on this whole thing?

According to the law, any farmer that builds a service can get it energized. This includes installations such the pole and pump, nurseries, fish farms, chicken farms, dairy and cattle farms, or even herb farms. We both recognize that this will lead to a myriad of different problems, mainly safety problems.

I propose that FPL accept a letter from a State of Florida Registered Engineer or a State Certified Electrical Contractor stating that the installation is safe and meets the requirements of the National



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Page 1

Electrical code as notification and release to hook up these services. Both of the mentioned fields are Professionals that once signing the letter are accepting responsibility for their work.

As far as independent inspections of these installations goes, I really do not feel that they are necessary. There will be a Licensed entity with their name on the dotted line and any FPL Lineman sent to hook up a service will check it again prior to setting the meter. And at that point, if for some reason the service appears unsafe the Lineman has the option of not energizing same. It might not be a bad idea to do these as a scheduled workwith where the FPL crew and the electricians can be there at the same time.

The reason for not stipulating that any contractor can sign such letters is threefold.

(1) Requirements for an Engineering degree or a State Certified Electrical Contractor are much more stringent than a County Contractor. One way to be able to take the State Electrical Contractors examination is to be an Engineer. Also, financial and business aspects are reviewed by the State prior to issuance of any license. This is not done by the County.

(2) Any County Contractors license is derived solely by the South Florida Building Code. It would be a violation of the SFBC for any Contractor to work without a permit. Also, by vacating the SFBC from these installations, it would place the validity of the County license in uncertainty.

(3) The numbers of Contractors involved could be staggering. At last check of the Florida DPR web site there were 237 Certified Electrical Contractors vs. 942 Registered Contractors in Dade County alone.

Note: These figures include both active and inactive contractors.

Lewis Electric obtained the BORA interpretation, and I feel we have some say in the way this whole matter is handled. Remember that what we are supposed to be doing is setting up a process to address the matter that is palatable to the parties concerned and at the present time that includes FPL and Lewis Electric. If, at a later time, some other entity takes the Building Department to BORA and receives the same interpretation then an adjustment in procedures can be made then.

Just a note. Imposing any restrictions, even the ones contemplated here, are technically violating State of Florida Law and abrogating the rights of anyone in the Agribusiness industry that has to abide by them.

Please keep me informed and contact me if there are any other documents that you may require.

Sincerely,

E.T. Samples
President

enc. BORA Minutes 7/22/99 (Partial), Original BORA Ruling 10/20/97



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Page 2



**LEWIS
ELECTRIC**
444 W. Memory Street
Homestead, FL 33039

Ed,
According to Dade Co.'s
Mr. VanWyk, we still have
to receive an inspection
from them before we can
release new meters, unless
they tell us they have
waived that individual
service because of an
appeal.

Cara Smith

9/1/99

August 31, 1999

To: Florida Power and Light
14250 S.W. 112th Street
Miami, Florida 33186

Attn: Ms. Cara Smith

Re: SW 320th St & 202 Ave, Folio # 30-7815-000-0300

Dear Cara,

The agricultural service at the above mentioned address is ready to be energized. The installation is safe, conforms to the National Electrical Code, and all applicable codes for this type of service.

This service is a 100 Ampere, 120/240 Volts, Single Phase, Overhead, with service conductors consisting of (3) #3 Cu conductors.

Customer information is as follows:

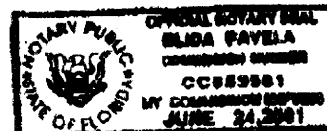
Steven Minh Tran
3701 Erie Street
Houston, Texas 77017
(713) 643-0616

Please contact me if there are any questions regarding this matter.

Sincerely,

E.T. Samples
President
EC #0001734

Signed & Delivered Before me this 31st Day of
August 1999.



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<http://www.lewiselec.com/> E-Mail ETS@lewiselec.com

Page 1



**LEWIS
ELECTRIC**
444 W. Mowry Street
Homestead, FL 33030

September 7, 1999

Office of Building Code Compliance
Board of Rules and Appeals
Mr. Francisco J. Quintana, R.A.,
Secretary of the Board
140 West Flagler Street, Suite 1603
Miami, Florida 33130-1563

RE: Re-appeal of July 22, 1999 BORA ruling regarding Agricultural Electrical Services.

Dear Mr. Secretary,

At the July 22nd meeting of the Board of Rules and Appeals the Board granted my Appeal of a decision by a Building Official under the exemptions afforded farm structures as outlined in Florida Statute 553.

I received a letter from Mr. VanWyk dated August 17th that stated that the Building Official had decided not to appeal the BORA decision and that since the project was not under his authority I was to contact the electrical utility that provides service to arrange for connection.

Mr. VanWyk has since informed Florida Power & Light that the ruling of July 22nd concerned the service that was appealed at Deleons Bromeliads, and only that one service. It appears that Mr. VanWyk expects the Board to rule on every individual Orchid Nursery, Bromeliad Nursery, Hibiscus Nursery, Ficus Nursery, Irrigation Service, Fish Farm, etc. even though these types of facilities very clearly fall under the same classification in regards to Florida Statute 553.

I ask to appear before the Board on September 23, 1999 for an affirmation of the Board's ruling of July 22nd and to possibly clarify the position the Building Official and the Building Department should have concerning these installations according to State Law.

Sincerely,

E.T. Samples
President

CC: Merret Stierheim, County Manager
Charles Danger, P.E., Director
Roy Van Wyk, Chief Electrical Inspector
Humberto Codispoti, P.E. Elect. Sect. Supervisor



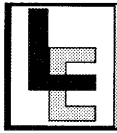
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Page 1



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

September 15, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974

Attn.: Roy Van Wyk

RE: SW 320th Street and SW 202 Ave. Folio # 30-7815-000-0300

Dear Mr. Van Wyk,

This company recently completed and agricultural electrical installation which includes a 100 Ampere 120/240 Volt service at the above mentioned property which now needs energized.

Note: This service requires no permit.

A letter bearing my signature was sent to the power company stating that the service was safe and meets all applicable codes.

According to Florida Power and Light, per your instructions, they can not release new meters without an OK or a waiver by your department.

At this time, I am requesting that you notify FPL and myself that you have no jurisdiction in this matter per Florida State Law and the Miami-Dade County Board of Rules and Appeals decision.

Please advise at your earliest opportunity.

Sincerely,

E.T. Samples
President

cc. Charles Danger, Humberto Codispoti,
Francisco J. Quintana, Secretary BORA

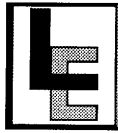


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Page 1



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

September 15, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974

Attn.: Roy Van Wyk

RE: 13701 SW 240th Street Pump #1. Folio # 30-6922-000-0040

FPL Representative: Mr. Lance Larkin

Dear Mr. Van Wyk,

This company recently completed an agricultural electrical installation which includes a 100 Ampere 120/240 Volt service at the above mentioned property which now needs energized. The folio number comprises 40 acres.

Note: This service requires no permit.

A letter bearing my signature was sent to the power company stating that the service was safe and meets all applicable codes.

According to Florida Power and Light, per your instructions, they can not release new meters without an OK or a waiver by your department.

At this time, I am requesting that you notify FPL and myself that you have no jurisdiction in this matter per Florida State Law and the Miami-Dade County Board of Rules and Appeals decision.

Please advise at your earliest opportunity.

Sincerely,

E.T. Samples
President

cc. Charles Danger, Humberto Codispoti,
Francisco J. Quintana, Secretary BORA

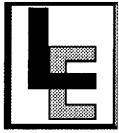


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Page 1



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

September 15, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974

Attn.: Roy Van Wyk

RE: 13701 SW 240th Street Pump #2. Folio # 30-6922-000-0040

FPL Representative: Mr. Lance Larkin

Dear Mr. Van Wyk,

This company recently repaired an agricultural electrical installation which includes a 200 Ampere 277/480 Volt service at the above mentioned property which now needs energized. The folio number comprises 40 acres.

Note: This service requires no permit.

A letter bearing my signature was sent to the power company stating that the service was safe and meets all applicable codes.

According to Florida Power and Light, per your instructions, they can not release new meters without an OK or a waiver by your department.

At this time, I am requesting that you notify FPL and myself that you have no jurisdiction in this matter per Florida State Law and the Miami-Dade County Board of Rules and Appeals decision.

Please advise at your earliest opportunity.

Sincerely,

E.T. Samples
President

cc. Charles Danger, Humberto Codispoti,
Francisco J. Quintana, Secretary BORA





**LEWIS
ELECTRIC**
444 W. Mowry Street
Homestead, FL 33030

September 15, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974

Attn.: Roy Van Wyk

RE: 13701 SW 240th Street Pump #3. Folio # 30-6922-000-0040
FPL Representative: Mr. Lance Larkin

Dear Mr. Van Wyk,

This company recently repaired an agricultural electrical installation which includes a 200 Ampere 277/480 Volt service at the above mentioned property which now needs energized. The folio number comprises 40 acres.

Note: This service requires no permit.

A letter bearing my signature was sent to the power company stating that the service was safe and meets all applicable codes.

According to Florida Power and Light, per your instructions, they can not release new meters without an OK or a waiver by your department.

At this time, I am requesting that you notify FPL and myself that you have no jurisdiction in this matter per Florida State Law and the Miami-Dade County Board of Rules and Appeals decision.

Please advise at your earliest opportunity.

Sincerely,

E.T. Samples
President

cc. Charles Danger, Humberto Codispoti,
Francisco J. Quintana, Secretary BORA





**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

September 20, 1999

Miami-Dade County
Building Department
111 N. W. First Street, Suite 1110
Miami, Florida 33128-1974

Attn.: Mr. Charles Danger, P. E.

RE: No Response from Roy Van Wyk,
Letters Dated September 15, 1999

Dear Mr. Danger,

On September 15, 1999, I sent Mr. Roy Van Wyk (4) four letters regarding agricultural properties of which you received copies.

It is understood that he is a very busy man but we should have received some type of a response at this point.

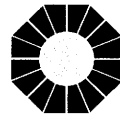
Would you please look into this matter so it may be resolved in a timely manner, as these properties are being planted with crops at this very moment, and extreme financial hardships can be incurred for all parties concerned.

Thank You for your time.

Sincerely,

E. T. Samples
President

cc. Mr. Merrett Stierheim, County Manager
Mr. Francisco J. Quintana, Secretary BORA
Mr. Roy Van Wyk, Chief Electrical Inspector



September 24, 1999

BUILDING DEPARTMENT
111 NW FIRST STREET
SUITE 1110
MIAMI FLORIDA 33128-1974
(305) 375-2500
FAX (305) 375-3626

Mr. E. T. Samples
President, Lewis Electric
444 W. Mowry Street
Homestead, Florida 33030

RE: Connection of Services

Dear Mr. Samples:

I have received your letter dated September 15th, 1999 in my office on September 17th, 1999. In response to your request, on September 24th, 1999 I instructed my Field Unit Supervisor to check to see if we had a permit issued for the work at the locations mentioned in your four letters. Today that report was returned to me indicating that we were unable to find any permits at the address of 13701 SW 240 Street or 320 Street and 202 Avenue. The latter is not a valid street address and the folio number provided does not relate back to one. Unfortunately, I will not be able to inspect the electrical work or authorize service connection until a permit is issued by this department.

I also received your follow-up letter of September 20th, 1999 complaining of my lack of response. Keeping in mind that the 18th and 19th was a Saturday and Sunday, I find your lack of understanding in allowing me to fully ascertain the scope of your request to release power without inspection very unprofessional.

If you have any questions or concerns regarding this letter, please contact me at (305) 375-1137.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roy Van Wyk'.

Roy Van Wyk
Electrical Division Director
Miami - Dade Building Department

C: Charles Danger, P.E., Director
File



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

September 29, 1999

Miami-Dade County
Building Department
111 NW First Street
Suite 1110
Miami, Florida 33128-1974
Attn.: Roy Van Wyk

RE: Response letter dated September 24, 1999

Dear Mr. Van Wyk,

I had honestly expected to receive a concise decision relating to your jurisdiction and authority regarding these types of services based on your knowledge, principles and responsibilities.

What was received was something totally different. So different, I really do not see the relevance to any of the matters at hand other than the fact that the Board of Rules and Appeals said no permits were necessary and your response is in direct conflict with that decision.

At no time were you asked in my letters to inspect any electrical work or authorize any service connection.

Mr. Van Wyk, I have no personal animosity toward you or Mr. Danger that is driving me and I hope you understand that. You are leaving me no recourse other than going over your head. As you said on the phone "You can take me to the Board again", I have every intention to see this matter through to the finish.

The finish, as far as I'm concerned is when Florida Power and Light will accept a letter from a State Certified Electrical Contractor or Florida Registered Engineer to energize services of this type.

If yourself and Mr. Danger are going to fight this process, please do it properly, legally and upfront as officials of the Miami-Dade Building Department. You owe that to the elected officials who are your bosses as well as the people of this county.

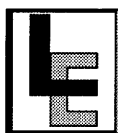
I will attempt to get this matter before the Board for review on October 14th, 1999.

Sincerely,

E.T. Samples
President

cc. Charles Danger, Humberto Codispoti,
Francisco J. Quintana, Secretary BORA





**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

September 29, 1999

Office of Building Code Compliance
Board of Rules and Appeals
Mr. Francisco J. Quintana, R.A.,
Secretary of the Board
140 West Flagler Street, Suite 1603
Miami, Florida 33130-1563

RE: Mr. Roy Van Wyk's decision 9/24/99

Dear Mr. Secretary,

At the July 22nd meeting of the Board of Rules and Appeals the Board granted my Appeal of a decision by a Building Official under the exemptions afforded farm structures as outlined in Florida Statute 553.

Pursuant to the South Florida Building Code, Chapter 2, 203.4 (a) **APPEAL FROM DECISION OF BUILDING OFFICIAL:** "The board shall hear all appeals from the decisions of the Building Official wherein such decision is on matters regulated by this Code from any person aggrieved thereby,".

At this time, as still an aggrieved person, I am appealing the decision of Mr. Van Wyk regarding the following.

On September 15th, 1999 I sent Mr. Van Wyk four separate letters concerning different electrical services and requested notification to Florida Power and Light that the Miami-Dade Building department has no jurisdiction as to these types of services per Florida State Law and the BORA ruling.

Yesterday, I received his response. To say I was surprised at the content of Mr. Van Wyk's letter would be an understatement.

Mr. Van Wyk's decision to blatantly **ignore** the issue of the BORA ruling leaves me no choice but to appeal that decision to the Board.

Please note that the powers, duties and the appointment of the Chief Electrical Officials shall be as required per Chapter 45 of the South Florida Building Code. Such person will have the responsibility and duty of enforcing the Electrical Code.

The intent of this appeal is to ask the Board to determine whether the BUILDING OFFICIAL, in this case the Chief Electrical Inspector, or any BUILDING OFFICIAL for Miami-Dade County can attempt to enforce



codes and regulations contrary to the Board's own ruling by their authority under the South Florida Building Code.

By making this decision as a Miami-Dade County BUILDING OFFICIAL, whose authority and powers are dictated by the South Florida Building Code, and an appeal of same by myself, under the powers and duties entrusted to the Board of Rules and Appeals by the South Florida Building Code it is the responsibility and the duty of the Board to hear this appeal.

It is apparent to me that Mr. Van Wyk's reply of 9/24/99 just happened to fall on the BORA deadline date for appeals with no fax copy sent because we would have received it in time. If this appeal can not be scheduled on the regular agenda then I request it to be entered into the emergency agenda.

I ask to appear before the Board at their meeting on October 14th, 1999 so that this matter can be addressed.

Sincerely,

E.T. Samples
President

CC: Merret Stierheim, County Manager
Charles Danger, P.E., Director
Roy Van Wyk, Chief Electrical Inspector
Humberto Codispoti, P.E. Elect. Sect. Supervisor

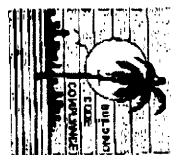
enc.: Van Wyk letter 9/24/99
LE letter 13701 SW 240 St #1 9/15/99
LE letter 13701 SW 240 St #2 9/15/99
LE letter 13701 SW 240 St #3 9/15/99
LE letter 320 St & 202 Ave 9/15/99





Building Code Compliance Office

☒ DIRECTOR'S OFFICE ☐ ADMINISTRATION
☐ CODE COMPLIANCE ☐ PRODUCT CONTROL



FAX COVER SHEET

Date 10/5/99
 To Mr. E.T. Sarpas
 Company Leis Electric
 From Norm Bell
 Regarding Deans Panels

Fax Number (305) 375-9347

Number of pages including this sheet 2

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Phone Number (305) 375-2901
 BCCO Fax Number (305) 375-2908
 Product Control Fax Number (305) 372-6339

Internet Mail Address: postmaster@buildingcodeonline.com



Homepage: <http://www.buildingcodeonline.com>

Faxed by:

Norm Bell

Time:

4:10 PM



MIAMI-DADE COUNTY, FLORIDA
METRO-DADE FLAGLER BUILDING

BUILDING CODE COMPLIANCE OFFICE
METRO-DADE FLAGLER BUILDING
140 WEST FLAGLER STREET, SUITE 1603
MIAMI, FLORIDA 33130-1563
(305) 375-2901 FAX (305) 375-2908

CONTRACTOR LICENSING SECTION
(305) 375-2527 FAX (305) 375-2558

CONTRACTOR ENFORCEMENT SECTION
(305) 375-2966 FAX (305) 375-2908

PRODUCT CONTROL DIVISION
(305) 375-2902 FAX (305) 372-6339

October 5, 1999

Mr. E. T. Samples, President
Lewis Electric
444 W. Mowry Drive
Homestead, Florida 33030

Dear Mr. Samples:

This is in reply to your September 29, 1999 letter requesting an interpretation from the Board of Rules and Appeals as to whether the Building Official can enforce the South Florida Building Code (SFBC) contrary to a previous Board ruling.

On July 22, 1999 BORA heard the appeal of the Building Official regarding Deleons Bromeliads located at SW 126th Street and 138th Avenue. As you know this involved an agricultural electrical service permit. The Board clearly ruled that **"....based on the fact that this does not come under the jurisdiction of the SFBC, that we will grant the appeal."** The official transcripts of that meeting revealed that BORA was hesitant to grant the appeal because of lack of jurisdiction.

It was suggested by one of the board members that FPL could energize the project if they could verify that the system was safe to operate as demonstrated by an engineer inspection report and approval. Whether FPL is requiring a waiver from the Building Official is a separate issue that needs to be addressed with the Building Department having jurisdiction.

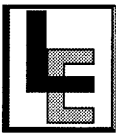
I feel that if this issue is brought back to BORA they may reinstate their previous ruling on jurisdiction and might not hear your request. I trust I have been able to clarify your concern. If I can be of further assistance, please contact my office at the above listing.

Sincerely,

Francisco J. Quintana, R.A.
Director

FJQ:jms

c: Merrett R. Stierheim, County Manager



**LEWIS
ELECTRIC**

444 W. Mowry Street
Homestead, FL 33030

October 6, 1999

Miami-Dade County
Building Code Compliance Office
140 West Flagler Street, Suite 1603
Miami, Florida 33130-1563
Attn: Mr. Francisco J. Quintana, R.A., Director

Dear Mr. Quintana,

Thank you very much for your October 5th, 1999 reply to my letter to you as Secretary of the Board of Rules and Appeals.

I understand that all parties concerned are probably getting pretty tired of hearing from me. Maybe we can get this whole thing over shortly.

The suggestion by a board member that FPL could energize a project if they could verify that the system was safe to operate as demonstrated by an engineer inspection report and approval was just that, a suggestion. At this point in time, we all should be looking for a workable solution.

Since the law makes no such stipulation to that effect, and until changed it would be prudent to keep it to the least amount of entities. I have been attempting to get FPL to accept a letter from a State Certified Electrical Contractor for same, with undo influence being exerted by the Miami-Dade Building Department to subvert any agreement.

Your letter clearly states that the board recognizes that the Miami-Dade Building Department has no jurisdiction for nonresidential agricultural electrical services. I added the nonresidential for clarification.

In the same letter, it was stated that "Whether FPL is requiring a waiver from the Building Official is a separate issue that needs to be addressed with the Building Department having jurisdiction". I agree. It is the Miami-Dade Building Department that is requiring FPL to demand said waivers, and that since the Miami-Dade Building Department has no jurisdiction as to these types of services my appeal to the Board is to address that very fact.

Thanks again, your time is greatly appreciated.

Sincerely,

E.T. Samples
President

CC: Merret Stierheim, County Manager





MEMORANDUM

TO: Frank Quintana, R.A.
Director
Building Code Compliance Office

DATE: October 12, 1999

FROM: Charles Danger, P.E.
Director
Building Department

SUBJECT: Letter to BORA from
Lewis Electric dated September 29,
1999

I am in receipt of a copy of the letter sent to you by Lewis Electric appealing Mr. Van Wyk's decision regarding electrical services to alleged agricultural property.

Mr. Samples is requesting release for the electrical service connection installed on his property. This department cannot release any electrical service to FP&L for work that has not been permitted and inspected

Since we do not have building permitting jurisdiction over agricultural buildings, my question is which section of the South Florida Building Code is Mr. Samples appealing that he was aggrieved by Mr. Van Wyk? We have not made a ruling on a building code issue and it is my understanding that the Board only has authority to rule on South Florida Building Code issues.

Since only the Building Official is authorized to request for an interpretation of the South Florida Building and his/her actions are the only issues that an aggrieved party can appeal to the Board, I do not understand what are the issues being appealed in this case.

If Mr. Samples cannot resolve this problem, then I suggest as an alternative that he deals with FP&L Co. directly.

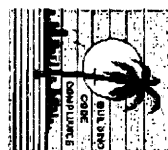
CD/lg

c: Mr. Hugo Benitez, Assistant County Attorney
Mr. Roy Van Wyk, Electrical Division Director, Bldg. Dept.
Mr. E.T. Samples, Lewis Electric



Building Code Compliance Office

☒ DIRECTOR'S OFFICE ☐ ADMINISTRATION
☐ CODE COMPLIANCE ☐ PRODUCT CONTROL



FAX COVER SHEET

Date 10/20/99

To 27 Samples

Company Levis Clothing

From Wm Bell w/BCCO

Regarding Combination LK

rescheduling your classification

meeting of 11/11/99.

Fax Number (305) 3445-9347

Number of pages including this sheet (2)

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Phone Number (305) 375-2901

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Product Control Fax Number (305) 372-6339

Internet Mail Address: postmaster@buildingcodeonline.com



Homepage: <http://www.buildingcodeonline.com>

Faxed by: Wm Bell

Time: 905 AM



**MIAMI-DADE COUNTY, FLORIDA
MIAMI-DADE FLAGLER BUILDING**

BOARD OF RULES AND APPEALS

SUITE 1603
140 WEST FLAGLER STREET
MIAMI, FLORIDA 33130-1563
(305) 375-2901

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Kathy Charles

Secretary

Francisco J. Quintana, R.A.

October 20, 1999

Mr. E. T. Samples, President
Lewis Electric
444 W. Mowry Street
Homestead, FL 33030

**Re: Request for Clarification
BORA Ruling 7/22/99
Agricultural Electrical Services
De Leon's Bromeliads
SW 216 Street & 138 Avenue Pump**

Dear Mr. Samples:

Your request to appear before the Board of Rules and Appeals regarding the above referenced request has been placed on the agenda of the November 18, 1999 Board of Rules and Appeals meeting. The meeting will be held at 140 W. Flagler, 16th Floor, Conference Room 1605 and will begin at 1:00 p.m.

Please call Yvonne Bell at 375-2901 if you require additional information.

Sincerely,

Francisco J. Quintana, R.A., Secretary
Board of Rules and Appeals

cc: Thomas Utterback, Chairperson
Board of Rules and Appeals

Charles Danger, P. E.
Building Official
Unincorporated Miami-Dade County

Roy Van Wyk, Electrical Division Director
Miami-Dade Building Department