

The capitol shall read:

Petition for Declaratory Statement

Before: Florida Department of Community Affairs  
Board of Buildings Code @ Standard  
2555 Shumard Oak Boulevard  
Tallahassee, Fl. 32399-2100

To: The Florida Senate  
Mr. Jeff Atwater  
312 Senate Office Building  
404 South Monroe Street  
Tallahassee, Fl. 32399-1100

To: Sun Sentinel Corporate Headquarters  
200 E.Las Olas Blvd.  
Ft. Lauderdale, FL. 33301

From: Emil Veksenfeld P.E.  
1360 South Ocean Blvd. Apt.1503  
Pompano Beach, Fl 33062  
Tel/fax: (954)781-2171  
E-mail: emil7692@hotmail.com

DCA09-DEC-119  
FILING AND ACKNOWLEDGEMENT  
FILED on this date, with the designated  
Clerk, receipt of which is hereby  
acknowledged.

Paula P. Ford  
Commission Clerk

Date

**Question:**

**"Do the requirements for Threshold Inspection apply to all buildings which meet the Florida Building Code definition for Threshold Buildings, specifically construction and alteration to existing, new, residential, commercial, school, medical or other buildings?"**

During the last four years I have sent numerous letters to Pompano Beach Building Department, Broward Board of Rules and Appeals, Florida Department of Community Affairs, Florida Board of Professional Engineers regarding the definition of Threshold Building for existing buildings.

As defined in Section 553 Florida Statutes, means any building which is greater than 3 stories in height or which has an assembly occupancy classification that exceed 5000 square feet in area an occupant content.

Now, I would like to demonstrate how Florida officials followed the Statue 553.71:

**Pompano Beach Building Department.**

Mr. Sanzone, Chief Building Official, under oath in the Court Case #06-02883(11) Sandra Larusse, plaintiff vs. Renaissance One of Pompano Beach on December 28, 2006, made the following statement:

**"I have not had to have a Threshold Inspector on any project is under repair, and I've never been taken on it."** Ref. page 32(2), also page 30(7). See attachment #1.

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

Attorney Bob Ziegler and Jim DiPietro, Administrative Director, in the e-mail to me dated February 2007 replied about Friday meeting: "The matter discussed below is based upon State Law that we here locally at the Board of Rules and Appeals have no jurisdiction to interpret. The proper place for an inquiry to be filled would be with the Florida Board of Professional Engineers. Meanwhile, **Florida Statute 553.775(2) interpretations** stated: "Local enforcement agencies, local building officials, state agencies, and commission shall interpret provisions of the Florida Building Code..." See attachment #2.

### **Florida Department of Community Affair**

Rejected five Petition of Declaratory Statement regarding regulations for existing Threshold Buildings.

According to a letter from Ms. Monica Ross, Management Analyst, Department of Community Affair, **the Threshold Inspection requirements of section 105.13 of the Florida Building Code must be complied with, for any construction in an existing building.** (See attachment #3). Ms. Monica Ross is no longer with the DCA.

### **Florida Board of Professional Engineers**

Mr. Flury, Assistant Attorney General, in response to my petition to change some provision for Florida Administrative Code dated June 2007:" The Board does not have authority to make the **survey and inspection plan a requirement on existing threshold buildings, as the Board of Professional Engineers has no authority over the local authorities having jurisdiction.** This is a matter that is better rectified with the Florida Building Commission.' See attachment #4

It started four years ago as an engineering issue, and because it was not solved, it has become a political issue. Renovation of high-rise buildings became fast growing business with unclear law interpretation requirements, which enable contractors and engineers to perform excessive work without considering several aspects like the present economy, inconvenience caused to residents, monetary burden on the residents which forces them into foreclose or sell the apartment, and losing their lifetime dream of retirement in Florida. Most of the proposed excessive work was not an imminent threat to the public safety.

Your participation is essential.

Sincerely,

*Emil Veksenfeld, P.E.*

Emil Veksenfeld, P.E. lic. #49816, SI#1172

April 15, 2009

# ATTACHMENT #1

30

1 Q. SO OUR BASIC DIFFERENCE, JUST SO I CAN  
2 ENCAPSULATE IT HERE, IS THAT YOU BELIEVE A SPECIAL  
3 INSPECTOR'S QUALIFICATION IS NECESSARY IF IT IS A NEW  
4 BUILDING, BUT BECAUSE --

5 A. WELL, THRESHOLD INSPECTOR.

6 Q. YES. OKAY.

7 A. THRESHOLD INSPECTOR FOR A NEW BUILDING. A  
8 REPAIR OF A BUILDING WHEN IT WAS NOT EVEN REQUIRED TO  
9 HAVE A THRESHOLD INSPECTOR, WE REQUIRE IT BECAUSE WE  
10 CANNOT BE ON THE JOB 24 HOURS A DAY. WE COULDN'T  
11 AFFORD MY PEOPLE TO BE THERE IN THAT TIME, AND THE  
12 CITY COULD NOT AFFORD THAT MANY PEOPLE.

13 Q. SO WHAT YOU'RE TRYING TO DO IS ENSURE THE  
14 SAFETY BY HAVING A QUALIFIED PERSON CERTIFY OR SUBMIT  
15 THE VARIOUS REPORTS NECESSARY --

16 A. CORRECT.

17 Q. MONITOR THE PROJECT?

18 A. CORRECT.

19 Q. SO OUR ONLY DIFFERENCE THEN IS WHETHER OR NOT  
20 YOUR CRITERIA REGARDING THRESHOLD APPLIES TO  
21 RENOVATION VERSUS NEW CONSTRUCTION, RIGHT?

22 A. THE STATE LAW SAYS THAT.

23 Q. BUT I MEAN, UPON WHAT BASIS DO YOU BELIEVE  
24 THAT TO BE TRUE, MEANING DO YOU HAVE A SPECIFIC  
25 BUILDING CODE OR A FLORIDA ADMINISTRATIVE CODE?

1       NECESSARY UNDER THESE CIRCUMSTANCES?

2           A.    I DON'T KNOW THE QUESTION THAT WAS ASKED.    I  
3       HAVE NOT HAD TO HAVE A THRESHOLD INSPECTOR ON ANY  
4       PROJECT THAT IS UNDER REPAIR, AND I'VE NEVER BEEN  
5       TAKEN UP ON IT.

6           Q.    I APPRECIATE THAT.    CAN YOU TAKE A LOOK AT  
7       101.133 AND SEE IF THAT IS CONSISTENT WITH THE SOUTH  
8       FLORIDA BUILDING CODE?

9           A.    THIS IS REFERRING FOR THE CONSTRUCTION OF A  
10      THRESHOLD BUILDING.    IT DOESN'T SAY ANYTHING ABOUT  
11      REPAIRS.

12          Q.    SO IN THAT RESPECT, THAT CLARIFIES SOME OF  
13      OUR DIFFERENCES?

14          A.    IT CLARIFIES MY POSITION.

15          Q.    YES.    I DON'T HAVE A POSITION HERE.    BUT IN  
16      YOUR OPINION THEN, REPAIRS DON'T NEED THE TYPE OF  
17      CERTIFICATION WE'VE SPOKEN OF?

18          A.    RIGHT.    THAT'S VERY CLEAR.    IT SAYS  
19      CONSTRUCTION OF A BUILDING, AND I WOULD REQUIRE A  
20      THRESHOLD INSPECTION IN THAT CASE.

21          Q.    WOULD YOU AGREE WITH ME THAT IF A SPECIAL  
22      INSPECTION CERTIFICATION OR QUALIFICATION WAS  
23      NECESSARY, THAT THE ENGINEER ON THIS PARTICULAR  
24      PROJECT, MR. WOHLFARTH, WOULD NOT MEET THAT CRITERIA  
25      OR QUALIFICATION?

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Inbox

**From :** DiPietro, James <JDIPIETRO@broward.org>  
**Sent :** Thursday, February 8, 2007 11:40 AM  
**To :** <emil7692@hotmail.com>  
**CC :** <rez@rmzlaw.com>, "Carroll, Harry" <HCARROLL@broward.org>, "Dumbaugh, William" <WDUMBAUGH@broward.org>, "Scala, Anthony" <ASCALA@broward.org>  
**Subject :** FW:

Emil - Board Attorney Bob Ziegler believes, and I agree, that the matter discussed below is based upon state law that we here locally at the Board of Rules and Appeals have no jurisdiction to interpret. The proper place for an inquiry to be filed would be with the Florida Board of Professional Engineers, Paul Martin, Executive Director, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268. We would recommend that you forward your own inquiry on this matter to the State Engineering Board. Thank you. - Jim

Jim DiPietro

Administrative Director

Board of Rules and Appeals

955 South Federal Highway, Suite 401

Fort Lauderdale, FL 33316

954-765-4500x223

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

**From:** DiPietro, James  
**Sent:** Wednesday, February 07, 2007 8:28 AM  
**To:** 'emil7692@hotmail.com'  
**Cc:** Carroll, Harry; Dumbaugh, William; Scala, Anthony; rez@rmzlaw.com  
**Subject:**

Emil - I thought our meeting on Friday was useful, and it has been quite busy here ever since then. I think the essence of our discussion was whether or not State or local building code related law requires that a threshold building inspector be used for significant repairs on a threshold building. As part of this

consideration we would figure out the best way to get a response from another agency if it is determined that this call belongs to the State. These are the issues that I would like to review with the Board of Rules and Appeals attorney and get back to you. Is that OK? Thank you. - Jim

Jim DiPietro

Administrative Director

Board of Rules and Appeals

955 South Federal Highway, Suite 401

Fort Lauderdale, FL 33316

954-765-4500x223

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4

ATTACHMENT #3

STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS L. COHEN AIA  
Secretary

Mr. Emil Veksenfeld, P.E.  
1360 Ocean Blvd Apt 1503  
Pompano Beach, FL 33062

Dear Mr. Vekesenfeld:

This letter is in response to your letter dated July 15, 2005, regarding the renovation of your 27-floor condominium building. It is the staff opinion, that with regards to your question concerning the inspection of the building, the answer is yes, —the building in question is within the definition of a "threshold building" as defined in Ch. 2 of the FBC 2001. Structural alterations to the building must comply with the inspection requirements of section 105.13 (of the above code), Threshold Building.

In regards to who is permitted to do the inspection, that is beyond our jurisdiction and should be forwarded to the Department of Business and Professional Regulations (DBPR). I have included their contact information below:

Department of Business and Professional Regulations  
1940 North Monroe Street  
Tallahassee, FL 32399-0760  
Phone: 850.487.1395  
Email: [callcenter@dbpr.state.fl.us](mailto:callcenter@dbpr.state.fl.us)

If I may be of any further assistance to you, please do not hesitate to contact me at 850.922.9160.

Truly yours,

Monica Ross  
Management Analyst  
Florida Building Codes & Standards

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33650-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2354

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9964

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

TOTAL P.02

*Information To Build On*

# ATTACHMENT #4

## RE: Florida Board of Professional Engineers

From: **Michael Flury** (Michael.Flury@myfloridalegal.com)

Sent: Fri 10/31/08 5:01 PM

To: Emil Veksenfeld (emil7692@hotmail.com)

Cc: cflynn@fbpe.org

Mr. Veksenfeld,

This issue was brought before the Board of Professional Engineers at their Board meeting on October 15, 2008 in West Palm Beach. The Board recognizes the issue related to Chapter 553, Florida Statutes, while clear on the requirement of survey and inspection plans for new construction for threshold buildings, it is not as clear regarding requiring survey and inspection plans for existing threshold buildings (renovation, repair, refurbishment, etc.), which is why the Board agreed to look at its structural rules to see if it can rectify this issue.

However, in doing further research on the issues, the Board does not have authority to make the survey and inspection plan a requirement on existing threshold buildings, as the Board of Professional Engineers has no authority over the local authorities having jurisdiction. This is a matter that is better rectified with the Florida Building Commission. We do understand that you have been unsuccessful in getting a response out of them, however, the Board of Professional Engineers would not have the authority to make the local authorities having jurisdiction require that the survey and inspection plan be done for renovations/repairs on an existing threshold building.

Relating to your concerns regarding the qualifications of the authorized representative of a threshold inspector, the Board has taken your comments into consideration, however at this time it is not going to change its rule.

Thank you for your concerns.

Sincerely,  
Michael Flury  
Board Counsel  
Board of Professional Engineers

---

Michael T. Flury  
Assistant Attorney General  
The Capitol, PL-01  
Tallahassee, Florida 32399-1050  
Phone (850) 414-3300  
Fax (850) 922-6425

Emil Veksenfeld  
<emil7692@hotmail.com>  
To:  
Michael Flury  
10/06/2008 05:34 <michael.flury@myfloridalegal.com>  
PM cc



Subject  
RE: Florida Board of Professional  
Engineers

Mr. Flury:

Now, it is no question that Existing Building, which complies with the definition of Threshold Building, should comply with all requirements of Florida Statue 553.79(5) and Administrative Code G6115-15-35. Florida Statue 553.79(5) required that a Special Inspector perform structural inspection of Threshold Buildings in according to structural inspection plan describing specific procedures and schedules. This statement should be recognized for mandatory inspection plan for Existing Threshold Buildings mentioned in my petition. Simple and clear. Structural inspection plan, describing specific procedures and schedules mentioned in the Florida Statue 553.79(5), should be recognizes as mandatory Survey for Existing Threshold Building. What I expect in my petition, that Board of Professional Engineers will issue Declaratory Statements to clarify mentioned above information. The issues of mandatory Survey and Threshold Structural Inspection Plan was discussed on the Board of Professional Engineer meeting held on October 17, 2007 in Palm Beach Florida. My concern of this issues come after FBPE decision on complain of case #2005028330. At the Board meeting on October 17, 2008 I informed the Board members of my 5 times attempts to Florida Department of Community Affair to clarify Definition of Threshold buildings. All those attempt fail. On the issue on my letter dated July 23, 2008, I would like to have the following:

There are two type of Special Inspectors: Professional engineer who allow to inspect any buildings, which are not exceed 3 floor or 50 feet in height. Requirement for his representative is building inspector license. A Special Inspector for Threshold Building regulated by Florida Statue 553 and required additional experience in design and inspection of Threshold Building, therefore following with mentioned logic, having standard building inspector license without engineering degree, in my opinion, is not enough to comply with the requirement for Special inspector representative. You should have in mind that most work done by representative in the field.

At present time a few existing buildings close to Renaissance one, where I live, are on the similar reconstruction, therefore prompt decision on my petition, which is personal effect me and other buildings are essential. Emil Veksenfeld, P.E.

> Subject: Fw: Florida Board of Professional Engineers  
> To: emil7692@hotmail.com  
> CC: wgregory@fbpe.org  
> From: Michael.Flury@myfloridalegal.com  
> Date: Mon, 6 Oct 2008 12:08:15 -0400  
>  
>  
> Mr. Veksenfeld,  
>  
> I made a typographical error in the email below. I refer to a July  
> meeting, when I meant this meeting coming up in October.  
>  
> I apologize.