

Broward County Board of Rules and Appeals Meeting Agenda

April 11, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1614982962>

Meeting ID: 161 498 2962

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES – March 14, 2024, Board Meeting

V. PUBLIC COMMENT (Except public hearing items on this agenda)
Public comments are limited to 3 minutes.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

CITY OF CORAL SPRINGS

Bell, Josh, Structural Inspector-Limited (Temporary 120-Day)

CITY OF DEERFIELD BEACH

Carle, Joshua, Plumbing Inspector (Temporary 120-Day)

CITY OF HALLANDALE BEACH

Brina, Antonio A., Chief Structural Inspector
Sauer, Philip A., Building Official

COUNTYWIDE

Alexis, Quesly, Structural Inspector
Alexis, Quesly, Structural Plans Examiner
Donovan, Kevin, Structural Inspector
Donovan, Kevin, Structural Plans Examiner
Gomes, Lecio Do, Electrical Inspector
Gomes, Lecio Do, Electrical Plans Examiner

VII. REGULAR AGENDA

1. Updates, Deletions, and Moves to Board Policies

- a. Staff Report
- b. Board Questions
- c. Board Action

2. Director's Report

3. Attorney's Report

4. Committee Reports

5. **General Board Member Discussion**

6. **Adjournment**

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a 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 (FS Sec.286.0105).

Members: If you cannot attend the meeting, please get in touch with Dr. Barbosa at 954-931-2393 between 6:00 PM and 7:00 PM.

March 14, 2024
Board Meeting Minutes

Broward County Board of Rules and Appeals Meeting Minutes

March 14, 2024

Time: 7:00 PM

Zoom Meeting Information:

<https://broward-org.zoomgov.com/j/1610236644>

Meeting ID: 161 023 6644

I. CALL MEETING TO ORDER

Chairman D'Attile called a published virtual meeting of the Broward County Board of Rules and Appeals to order at 7:00 PM.

II. ROLL CALL

Gregg D'Attile, Chairman
Ron Burr, Vice Chairman
John Famularo
Shalanda Giles-Nelson
R. Art Kamm
Daniel Lavrich
Sergio Pellecer
Robert Taylor
David Tringo
Dennis Ulmer
Lynn Wolfson
Abbas Zackria

III. APPROVAL OF AGENDA

Mr. Lavrich made a motion, and Mr. Bailey seconded the motion to approve the agenda as posted. The motion was carried out by a unanimous vote of 11-0.

IV. APPROVAL OF MINUTES – January 11, 2024, Board Meeting

Mr. Lavrich made a motion, and Mr. Bailey seconded the motion to approve the January 11, 2024, minutes as submitted. The motion was carried out by a unanimous vote of 12-0.

V. PUBLIC COMMENT (Except public hearing items on this agenda)

Public comments are limited to 3 minutes.

There was no one wishing to speak.

VI. CONSENT AGENDA

1. Certifications – Staff Recommended

BROWARD COUNTY SHERIFF'S OFFICE FIRE RESCUE

Majhess, Joseph, Fire Inspector

CITY OF COCONUT CREEK

Flanagan, Sean, Building Official

CITY OF DANIA BEACH

O'Linn, Daniel F., Chief Structural Inspector

CITY OF DEERFIELD BEACH

Kirkegaard, Randy S., Mechanical Inspector (Provisional)

CITY OF FORT LAUDERDALE

Morgan, Forrest, Plumbing Inspector (Temporary 120-Day)
Miller, Jason, Assistant Fire Marshal

CITY OF HALLANDALE BEACH

Bundy, David E., Chief Plumbing Inspector

CITY OF HOLLYWOOD

Amy, Joseph, Fire Inspector
Camacho, Sonya, Fire Inspector
Chew, John, Structural Plans Examiner (Provisional)
Francois, Louis, Fire Plans Examiner
Williams, Lawrence, Fire Inspector

CITY OF LAUDERDALE LAKES

Conkie, Daniel, Chief Electrical Inspector

CITY OF NORTH LAUDERDALE

Lorenzo, Jose, Fire Plans Examiner

CITY OF PARKLAND

Robinson, Joseph III, Chief Structural Inspector

CITY OF PEMBROKE PINES

Duncanson, Howard, Jr., Structural Inspector (Temporary 120-Day)
Wansor, Douglas, Chief Electrical Inspector

CITY OF SOUTHWEST RANCHES

Bennett, Jeremie, Assistant Building Official
Mansor, Simo, Building Official
O'Linn, Daniel F., Chief Structural Inspector

CITY OF WEST PARK

Bendavid, Andre, Building Official
Bennett, Jeremie, Assistant Building Official

CITY OF WILTON MANORS

Penevolpe, Anthony, Chief Mechanical Inspector

COUNTYWIDE

Aguilar, Nelson, Structural Inspector
Aguilar, Nelson, Structural Plans Examiner
Alexander, Diko, Structural Plans Examiner
Mediavilla, Armando, Electrical Plans Examiner

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

VII. REGULAR AGENDA

1. Revision to Administrative Policy 95-01, Appeal Application Process

a. Staff Report

Dr. Ana Barbosa, Administrative Director, advised that this is the beginning of a review of Board policies. She started with this one because this policy is posted on the Board's website, and some

nuances need to be changed. The roles of staff, Board, and applicant were separated. There is no language change.

- b. Board Questions – none
- c. Board Action

Mr. Tringo made a motion, and Ms. Wolfson seconded the motion to approve the revised Administrative Policy 95-01 as submitted. The motion was carried out by a unanimous vote of 12-0.

2. Director's Report

Dr. Barbosa drew attention to two emails she sent out today. One had to do with Sunrise Mayor Michael Ryan's opinion of the Board's Building Safety Inspection Program. She is in the process of meeting with County and City Commissioners to clear the air and get their feedback. She met with Mayor Ryan. Many meetings were held on this life-safety program, and many board members provided feedback.

Dr. Barbosa noted that the second email had to do with House Bill 735. She described her work with building officials in the repeal effort. The bill is still moving forward and will take effect in June/July.

Dr. Barbosa provided a status report on the going paperless project. Scanning will be the next step.

Dr. Barbosa noted that the building and fire codes have been updated and information on the electrical code has been disseminated.

Mr. Ulmer asked if she has received any other comments from the building or other city officials concerning Sunrise Mayor Ryan's comments on the Building Safety Inspection Program. Dr. Barbosa indicated that she received comments from two cities who indicated having an issue with the program but not the same issue as Mayor Ryan. She met with the mayors of those cities. One fire side issue was allowing anyone to perform plan review. Chief Fire Code Compliance Officer Bryan Parks will be providing further follow-up. The building officials and professional associations have been very supportive. Those who know what the Board does are supportive.

Mr. Lavrich was displeased with Mayor Ryan's disrespectful tone. He was personally offended. He felt that Mayor Ryan should have reached out to the Board before going to the news media. Dr. Barbosa commented that she is attempting to maintain as many good relationships as possible. Even when one does not like what the Board does, they should still have an opportunity to speak about it.

- 3. **Attorney's Report** - none
- 4. **Committee Reports** - none
- 5. **General Board Member Discussion** - none
- 6. **Adjournment**

The meeting adjourned at 7:19 PM.

If a person desires to appeal any decision with respect to any matter considered at this meeting, such person will need a 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 (FS Sec.286.0105).

Board Members: If you cannot attend the meeting, please contact Dr. Barbosa at 954-931-2393 between 6:00 PM and 7:00 PM.

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Consent Agenda

Section 1

CITY OF CORAL SPRINGS

Bell, Josh, Structural Inspector-Limited (Temporary 120-Day)

CITY OF DEERFIELD BEACH

Carle, Joshua, Plumbing Inspector (Temporary 120-Day)

CITY OF HALLANDALE BEACH

Brina, Antonio A., Chief Structural Inspector

Sauer, Philip A., Building Official

COUNTYWIDE

Alexis, Quesly, Structural Inspector

Alexis, Quesly, Structural Plans Examiner

Donovan, Kevin, Structural Inspector

Donovan, Kevin, Structural Plans Examiner

Gomes, Lecio Do, Electrical Inspector

Gomes, Lecio Do, Electrical Plans Examiner

Regular Agenda

Section 1



Broward County Board of Rules and Appeals

1 N. University Drive Suite, 3500B, Plantation, FL 33324

broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

TO: Members of the Broward County Board of Rules and Appeals

FROM: Administrative Director

DATE: April 11, 2024

RE: Updates, Deletions, and Moves to Board Policies

Recommendation

It is recommended that the Board of Rules and Appeals adopt, by vote, the following seven revised Board Policies:

- 95-02 The Function of the Broward County Board of Rules and Appeals
- 95-03 Probable Cause
- 96-01 Staff Opinion
- 05-01 Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines
- 06-06 Program guidelines for countywide certification of Broward County Certified Inspectors and plans examiners of all disciplines.
- 16-03 December Holiday Work Schedule
- 20-03 Payment for First Attempt Taking Fire Inspector Examinations

Reasons

The Board of Rules and Appeals' Policies and Procedures manual contains both Board and Administrative policies. Board and Administrative policies were first developed in 1995. Board Policy 95-02 had four different policies within one number. The staff and I reviewed each Board Policy to determine if they needed to be updated, deleted, or moved to Administrative Policies. Additionally, we formatted each policy for uniform and consistent language.

Additional Information

The following eleven Board Policies were updated for formatting and grammatical updates; no Board action is needed:

- 08-01 Codebooks Policy Relating to Members and Alternates of the Broward County Board of Rules and Appeals
- 14-01 Mandatory Permitting Guidelines for Fog Effects Systems
- 15-01 Pre-Qualification for employment for Companies seeking to provide Plans for Examiners and/or Inspectors who are not sponsored by City or County Building Departments.
- 15-02 Delegation by Board to Administrative Director (obtain goods/services <\$9,500/year [see policy])
- 17-03 Complimentary Book Loan Program
- 17-04 Building Official Applicant High-Velocity Hurricane Zone Exam and/or Chief Structural Inspector Applicant or Structural Plans Examiner Applicant High-Velocity Hurricane Zone Exam
- 19-02 Broward County Uniform Data Form for Residential and Light Commercial A/C Replacements
- 20-01 Broward County Uniform Retrofit Window & Door Schedule
- 20-02 Cost of Foreign Credential Evaluation to Determine U.S. Educational Equivalency
- 22-02 Dwelling Unit Water Heater Replacement Data Form
- 22-03 Uniform Countywide Rooftop Mounted Equipment Affidavit Administrative Policy 95-01, Appeal Application and Process.

The following seventeen Board Policies have been deleted because they were created at a specific time in history and are no longer applicable: no Board action is needed:

- 95-05 Review Standard for Annual Recertifications
- 02-01 Postponement of Appeals
- 04-02 Protocol for resolution of Structural Design Issues
- 05-03 Policy regarding the expression of sympathy or best wishes on behalf of the Board of Rules and Appeals for events involving a Board member, employee, or their immediate family
- 06-01 Minimum Standards for PERMANENT Residential Stand-By Generator Permitting Electrical Checklist
- 06-02 Questions relating to Part Time Chiefs
- 06-04 Stamp required to be included on all Roofing Permit Cards
- 07-02 Board Representation at Florida Building Commission Meetings
- 09-01 Restrictions on Out-of-State Business and Educational Travel through Calendar Year 2012
- 10-02 24 Furlough Day Program for Fiscal Year 2011
- 11-01 Restrictions on Annual Leave Cash-out for Fiscal Year 2012
- 11-02 18 Furlough Day Program for Fiscal Year 2012
- 13-02 Board of Rules and Appeals Policy Addressing the Question as to Whether Permits are Required for the Remodeling of Mobile Homes
- 16-02 Voluntary Building Permitting
- 17-02 Records Retention Schedule for Building and Fire Certifications
- 18-01 Records Retention Schedule for Audio Recordings and Notes of Board and Committee Meetings
- 19-01 Requiring a refundable deposit for BORA-sponsored training sessions on a case-by-case basis

The following nine Board Policies have been incorporated in Chapter One and no longer need to be separated; no Board action is needed:

- 97-01 Suspension of Certification Requirements
- 03-01 Certification as a Fire Inspector
- 04-01 Avoiding conflict of interest for Committee, Sub-committee, and Ad Hoc Committee Members
- 08-02 Administration Guidelines for the Processing of an Expired Permit
- 10-01 Rainwater Harvesting Guidelines for Irrigation and Other Non-potable Outdoor Domestic Uses in One and Two-family Dwellings
- 12-01 Modification of Form for Certifying the Building Official
- 13-01 Board of Rules and Appeals Policy regarding Stand-Alone Fire Permits
- 16-01 Reduction of paperwork for Building Officials and Chief Inspectors seeking to serve in multiple jurisdictions or moving from one jurisdiction to another within a biennial certification period
- 17-05 Waiver of recertification processing for those individuals who have been given their initial

Finally, the following seven Board Policies were moved to the Administrative Policies, which deal with the internal workings of the office; no Board action is needed:

- 95-01 Pay Plan
- 05-04 Vehicle Driver Requirements
- 05-02 Overnight Vehicle Assignment (OVA) when not applicable
- 06-05 Policy Concerning Cell Phone Use
- 14-03 Purchase of Hybrid Vehicles as replacement vehicles become due
- 17-01 Safety Shoes for employees
- 21-01 Office Occupancy due to COVID-19

Respectfully Submitted,



Dr. Ana C. Barbosa

The Function of the Broward County Board of Rules and Appeals

1. Name and Powers

The name of this Board shall be the Broward County Board of Rules and Appeals. The powers of the Board of Rules and Appeals are those set forth and established in Chapter 71-575, Laws of Florida, Special Acts of 1971, as amended by Chapter 72-482 and 72-485, Laws of Florida, Special Acts of 1972; Chapter 73-427, Laws of Florida, Special Acts of 1973; Chapters 74-435, 74-437, and 74-448, Laws of Florida, Special Acts of 1974; and Chapter 98-287, as amended by Chapter 2000-141, Laws of Florida, or any successor building code to the Florida Building Code applicable to the County, as amended.

2. Jurisdiction

The Board has jurisdiction over those matters of the Building and Fire Code set in the provisions of the Florida Building Code, Local Amendments, and Florida Statutes, Section 553.73(4), and Section 633.202.

3. Composition of the Board

The Board shall consist of thirteen (13) members and nine (9) alternates as follows:

Voting Members	
League of Cities (7)	County Commission (6)
Architect	Air Conditioning Contractor
General Contractor	Consumer Advocate
Electrical Engineer	Disabled Community Representative
Master Plumber	Fire Service Professional
Roofing Contractor	Master Electrician
Structural Engineer	Mechanical Engineer
Swimming Pool Contractor	
Alternate Members	
League of Cities (6)	County Commission (3)
Architect	Fire Services Professional
General Contractor	Master Electrician
Electrical Engineer	Mechanical Engineer
Master Plumber	
Roofing Contractor	
Structural Engineer	

Nomination of the Chairperson and Vice-Chairperson shall be made from among the voting members at the annual organizational meeting, and the election shall be held immediately thereafter. A candidate receiving a majority vote shall be declared elected and shall serve a term of one (1) year. Vacancies in the position of Chairperson and Vice-Chairperson shall be filled immediately by regular election procedures.

All appointments to the Board of Rules and Appeals shall be for a term of three (3) years. A member may be permitted to serve a maximum of three (3) consecutive terms. All members and alternates shall continue in office until their successors are duly appointed. An alternate may be appointed as a member if not previously appointed. Any vacancy on the Board of Rules and Appeals shall be filled for the remainder of the former member's or alternate's term of office.

4. Meetings

Regular meetings of the Board of Rules and Appeals shall, at the Board's discretion, be held on the second Thursday of each month at 7 o'clock p.m. in the Broward County Commission Chambers Room 422 in the Broward County Government Center East or in electronic media format accessible to all BORA members, attendees, and the public with due notice provided as set forth in Florida Statutes §125.001, as that term relates to the provisions of the Sunshine Law FS §286.001.

The chairperson may convene special meetings of the Board by giving notice thereof to each member of the Board or by written request signed by at least seven (7) members of the Board of Rules and Appeals.

- 1) Notice of a special meeting shall be given to all Board members at least three (3) working days before the meeting. At any meeting, the Board may set a future meeting date.
- 2) Notice of all meetings shall be provided to the county administrator for inclusion in the county's weekly schedule of meetings and events.

a. Attendance

1. Thirteen of the twenty-two members of the Board of Rules and Appeals may be seated at every meeting. Members shall notify the secretary to the Board if they cannot attend a meeting.
2. If a member misses three (3) consecutive meetings without cause or prior approval of the chairperson, the Board may, by formal action, request the appointing agency to replace said member.
3. If a member of the Board is absent and there is an appointed designated alternate, then that alternate will be seated. If the designated alternate cannot attend, any available alternate may be seated as a voting member. If a member of the Board is absent and no designated alternate is appointed, then any available alternate will be seated. The staff will contact the available alternates alphabetically, starting with the name of the last alternate seated at a prior board meeting.

b. Quorum

A quorum of the Board shall consist of a majority of the Board of Rules and Appeals members.

c. Voting

1. Voting shall be by roll call vote and shall be recorded by individual "aye" or "nay." However, the Board, by consensus, may call for a voice vote with the recording of individual "nay" votes into the record.
2. Each member present shall cast an "aye" or "nay" vote on each question before the Board.
3. No member shall vote in their official capacity upon any measure that would affect their financial or personal gain.
4. The Board member must publicly announce the nature of their interest and abstain from any discussion and voting pursuant to the requirements of this section.
5. No appointed member of the Board of Rules and Appeals for two (2) years after the termination of service shall personally represent any person or entity for compensation, payment, or other value before the Board of Rules and Appeals.

d. Records

All regular and special meetings, hearings, and records shall be public.

e. Procedure

Parliamentary procedures during Board meetings may follow Robert's rules of order, as amended, and by the rules and regulations contained herein.

f. Order of Business

1. Call to order
2. Roll call
3. Public Comment
4. Approval of minutes of previous meeting(s)
5. Approval of the Agenda
6. Consent Agenda
7. Regular Agenda

8. Director's report
9. Attorneys report
10. Committee reports
11. General Board member discussion
12. Adjournment

A vote of the majority of those members present may suspend the order of business.

5. Standing Committees

The chairperson of the Board shall appoint the committee chairperson and members of each committee at the regularly scheduled Board meeting in January of each year. Alternate members of the Board may be appointed as the chairperson of various committees, subcommittees, and Ad Hoc committees. The Board chairperson shall work with the committee chairperson and staff to make their appointments. However, the Board chairperson is ultimately responsible for all appointments. There shall be the following standing committees:

- Electrical Committee
- Energy Committee
- Fire Code Committee
- Mechanical Committee
- Plumbing Committee
- Probable Cause Committee
- Structural Committee
- Swimming Pool Committee

Occasionally, the chairperson may appoint other Ad Hoc committees as required. Appointing staff to committees will be made after consultation with the Board's Administrative Director. Staff shall not be appointed voting members.

Probable Cause

DISCIPLINARY PROCEEDINGS

For any investigation or proceedings conducted under this Section, the Administrative Director shall have the power to administer oaths, take depositions, which shall be supported and compel witnesses' attendance, and produce books, papers, documents, and other evidence. The Administrative Director shall exercise this power on its initiative or by the direction of the Board or the Probable Cause Committee.

ADMINISTRATIVE DIRECTOR RESPONSIBILITY

- A. Investigate any complaint filed if the grievance is in writing and signed by the complainant.
- B. Prepare and submit a report to the Probable Cause Committee when the investigation is completed. This report shall contain the investigative findings and the recommendation of the Administrative Director concerning the existence of probable cause.

ANSWER OF RESPONDENT

- A. Each respondent shall file a written answer with the Board of Rules and Appeals within ten (10) days of service of the complaint. If the answer is filed by mail, five (5) days shall be added to this time.
- B. The answer shall include a specific admission, denial, or explanation of each complaint allegation; or if the respondent is without knowledge thereof, it shall state, in which case such statement shall operate as a denial. Admissions or denials may be made to all or part of a particular allegation.
- C. The answer shall include a specific, detailed statement of any defense.
- D. If a respondent fails to file a timely answer without cause or request an extension, such failure shall constitute a default by that respondent.

NOTICE AND SERVICE OF PROCESS

- A. Notice shall be given to all interested parties at least twenty (20) days before any hearing or proceeding under this Section. If notice is given by mail as provided in this Section, five (5) days shall be added to this time.
- B. The notice required by this Section shall incorporate the following:
 - 1) The name of the complainant
 - 2) The name of the respondent
 - 3) The nature of the hearing or the proceeding
 - 4) The hearing or proceeding's time, date, and place
 - 5) A statement that the failure of a party to attend may result in an order being issued adversely to that party's interest
 - 6) A statement that all parties shall be allowed to present evidence and witnesses in support of their position
- C. Service on an individual shall be made by delivering a copy of the Notice of Hearing along with a copy of the complaint or other pleading to the person to be served, emailing with read receipt, or mailing a copy of said documents to the person by certified mail, return receipt requested.
- D. If personal service is made upon an individual, all subsequent processes or services shall be sufficient if mailed to the person at the address where the service was initially sent.
- E. If, after diligent search and inquiry, personal service cannot be completed in Broward County. Service shall be made by publishing the notice in a newspaper of general circulation in Broward County once each week for the two consecutive weeks before the hearing or proceeding.

DEFAULTS

- A. Any party to a hearing or proceeding under this Section who fails to file a timely answer as provided for in this Section or who fails to appear, either in person or through counsel, at the hearing or proceeding for which the cause was scheduled, shall be deemed to be in default. Upon considering the matter as thoroughly as possible at the hearing or proceeding, the Board of Rules and Appeals may enter an order as to the defaulting party, even if averse to that party.

RIGHTS OF THE PARTIES AND HEARING PROCEDURES

Each party to a hearing or proceeding shall have the following rights:

- A. To appear with and be represented by an attorney;
- B. To call and examine witnesses;
- C. To introduce relevant evidence;
- D. To cross-examine adverse witnesses on any relevant matter, and
- E. To rebut the evidence presented.

DETERMINATION OF PROBABLE CAUSE

Whether probable cause exists shall be determined by a majority vote of the Probable Cause Committee of at least one member or alternate of the Board of Rules and Appeals appointed by the Board Chairman. If the probable cause Committee finds probable cause, it shall request that the Board conduct a decertification or disciplinary hearing. Members of the Probable Cause Committee shall be excused from this hearing.

In accordance with chapter 71-575, the Board shall have the power to revoke, suspend, or deny the renewal of certification of competency or to reprimand, censure, or otherwise discipline a certificate holder if the Board finds that the Florida Building Code, Broward Edition, or chapter 71-575 has been violated, or any other law, ordinance, rules, and regulations the Board may have the authority to enforce.

The Board may accept an agreement setting an appropriate punishment instead of a hearing.

HEARINGS

Hearings or proceedings under this Section shall be conducted in the following manner:

- A. The complainant and respondent may present opening statements. The complainant's opening statement shall be presented first. Respondent's opening statement may then follow or may be reserved until the presentation of its case.
- B. Following opening statements, the complainant shall present its evidence, followed by presenting the respondent's evidence. After presenting the respondent's evidence, the complainant may present rebuttal evidence.
- C. Following the direct examination of each witness, the opposing party shall be allowed to cross-examine the witness.
- D. After the close of all the evidence, the complainant and respondent may present closing statements. The complainant's closing statement shall be given first, followed by the respondent's statement.
- E. Upon the completion of closing statements, any interested party permitted by the Board to intervene may present oral or written evidence. The complainant and respondent shall be allowed to cross-examine and rebut any such evidence.
- F. The complainant and respondent shall be allowed equal time to present their cases. The Board shall determine the time allotted before the hearing or proceeding, which shall be calculated based on the complexity of the particular case.
- G. The Board shall have the opportunity to examine the complainant, respondent, and any witnesses presented during the hearing or proceeding.

- H. The Board shall ensure that a complete hearing record is preserved, and the record shall be public and open to inspection and transcription by any person.
- I. In any hearing or proceeding under this Section, all evidence commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a Florida court of law. However, all irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
- J. All testimony of parties and witnesses shall be made under oath.
- K. Hearsay evidence may be used to supplement or explain other evidence. Still, it shall only be sufficient to support a finding if it would be admissible over objection in a Florida court of law.
- L. Documentary evidence may be received as a copy or excerpt if the original is unavailable. However, upon request, any party shall be allowed to compare the copy with the original if the original is accessible.
- M. The rules of privilege shall be effective to the same extent that they are recognized in a Florida court of law.
- N. The attorney for the Board shall represent the Board and advise it on the propriety and admissibility of evidence presented at the hearing or proceeding.

ORDERS OF THE BOARD

- A. After any hearing or proceeding under this Section, the Board of Rules and Appeals shall issue its order upon a majority vote of those Board members attending. All orders shall be based upon the greater weight of evidence and shall contain any findings of fact supporting the order and any recommendations of the Board.
- B. If, after the hearing or proceeding, the Board finds that the person against whom the complaint was filed has not violated any provision of the code for which they have been charged, any rule of this Board, or any law or regulation of the state of Florida where the Board has jurisdiction, then the Board shall so state and issue an order dismissing the Complaint.

JUDICIAL REVIEW

- A. Notwithstanding the provisions of Section 113.14 of the Florida Building Code, Broward Edition, an application for judicial review of any final order of the Board of Rules and Appeals shall be made in accordance with the Florida Rules of Appellate Procedure.

EXCEPTIONS

- A. These rules and regulations may be altered in a manner consistent with Board policy during a regular meeting by the affirmative vote of at least a majority of the Board, provided notice of the proposed change is given to the Board at a preceding regular meeting.
- B. The Board may change these procedures occasionally if they deem it necessary to benefit the public.

Staff Opinions

In response to a written or oral inquiry regarding a specific factual situation, a staff member may issue an informal opinion if the issue pertains to their discipline that shall not be binding upon any building or fire department.

Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines

ELECTRICAL COMMITTEE

One Board Member or Alternate
One Fire Service Professional
Three Certified Electrical Inspectors
One Alarm or Low Voltage Representative
Two Master Electricians or Electrical Contractors
One Consumer Advocate

9 Total

ENERGY CONSERVATION COMMITTEE MEMBERS

One Board Member or Alternate
One A/C Contractor
One Broward County Sustainability Representative
One Certified Electrical Inspector
One LEED Accredited Professional
One Mechanical Inspector
One Plumbing Inspector
One Structural Inspector
One Architect
One Professional Engineer
One Test and Balance Contractor
One Consumer Advocate

12 Total

FIRE CODE COMMITTEE

One Fire Service Board Member or Alternate
One Mechanical Engineer Florida P.E
One Architect, Florida Registered
One Fire Sprinkler Contractor
One Representative of the Disabled Community
One Master Electrician
Four Fire Service (Florida Certified Fire Inspectors)
One Contractor, Certified to Install Fire Alarms
One General Contractor
One Electrical Engineer, Florida P.E
One Mechanical Contractor
One Consumer Advocate
One Structural Engineer
One Chief Plumbing Inspector

17 Total

MECHANICAL COMMITTEE

One Board Member or Alternate
Three Mechanical or Class A Air Conditioning Contractors
One Test and Balance Contractor
Three Certified Mechanical Inspectors
One Professional Engineer
One Fire Service Professional
One Consumer Advocate

11 Total

PLUMBING COMMITTEE

One Board Member or Alternate
Five Certified Plumbing Inspectors
Three Plumbing Contractors or Master Plumbers
One Fire Service Professional
One Representative of the Disabled Community
One Professional Engineer

12 Total

PROBABLE CAUSE COMMITTEE

One Board Member
Two Alternate Board Members

3 Total

STRUCTURAL COMMITTEE

One Board Member or Alternate
Two Structural Professional Engineers
One Architect
Two General Contractors
One Roofing Contractor
Two Building Officials
One Chief Structural Inspector
One Industry Representative
One Consumer Advocate
One Representative of the Disabled Community
One Fire Service Professional

14 Total

SWIMMING POOL COMMITTEE

One Board Member or Alternate
One Swimming Pool Contractor
One Certified Plumbing Inspector
One Certified Electrical Inspector
One Certified Structural Inspector
One Professional Engineer
One Electrical Contractor
One Representative of the Disabled Community

8 Total

Appointment Guidelines

- A. Committee members will promptly advise the Administrative Director of any possible conflicts of interest for further determination as necessary. The Administrative Director will notify the committee appointees of this Board Policy when letters of appointment are sent.
- B. None of the above committees will include two or more individuals from the same private or government entity except members of the Board of Rules and Appeals.
- C. As members of a committee operating under the State of Florida Sunshine Law, they shall not discuss any potential committee topic among themselves except at a legally advertised meeting.
- D. The above guidelines are also intended to apply to any ad hoc committees or sub-committees that may be created.

Countywide Certification of Inspectors and Plans Examiners

1. SCOPE

Building inspectors and standard plans examiners currently certified and employed or contracted by a government agency within Broward County are authorized to serve countywide in their current certified title.

2. RECORD ACCESS

It shall be the responsibility of the Building Official to maintain records of all inspections and plan reviews, which are to be easily accessible. These records shall include name, discipline, and date of inspections and plan reviews.

3. VERIFICATION OF INDIVIDUAL'S QUALIFICATIONS TO PERFORM DUTIES

It shall be the responsibility of all Chief Inspectors of any building department utilizing a countywide inspector or plans examiner to review that individual's BORA certification card and all other certifications required to maintain the current BORA certification (for example CILB, ECLB, BCAIB, Board of Professional Engineers, Architects Board, etc.) to verify that the individual is certified to perform duties within the specific discipline.

4. CERTIFICATION CARD

Newly certified persons employed or contracted by a government agency offering building code professionals for hire will receive a new certification card, which will, as a minimum, show the license numbers required to maintain the current BORA certification.

5. REDUCTION OF PAPERWORK AND FILES

Once an individual has been certified as a building inspector or plans examiner by BORA within a two-year certification period, no additional paperwork or fee is required to authorize this individual to work for another agency of government within the scope of that certification, except as restricted by Florida Administrative Rule 61G19-6.012 for provisional and temporary certificates.

December Holiday Work Schedule

Dating back to approximately 1996, it has been the practice of the Board of Rules and Appeals, under previous administrations, to allow the Administrative Director flexibility to create employee work schedules and office hours during the holiday season.

POLICY

At the end of each calendar year, the Administrative Director shall establish holiday season office hours and employee work schedule.

Fire Examination Payment

The Board of Rules and Appeals will sponsor the first-time cost for an individual taking the BORA Fire Examination, per Code Section F-104.5.5. Individuals must pass a written competency examination approved by BORA. Tests are scheduled in May and November of each year but may be scheduled for additional dates by the direction of the test provider and when requested by at least three (3) applicants.

REQUIREMENTS:

- A. Should an individual not pass the exam(s) on the first attempt, they may retake it at their own expense.
- B. If the candidate is unsuccessful after three (3) attempts, a remedial class developed and provided by FCABC, Fire Prevention Subcommittee shall be taken.
- C. Upon completion of the remedial class, the candidate will be permitted three (3) additional attempts.
- D. If the candidate is still unsuccessful, the candidate shall wait a mandatory period of at least twelve (12) months from their last test before being able to retest.
- E. The exam cost shall be the amount authorized by the Board of Rules and Appeals with an outside vendor.