

BROWARD CO BOARD OF
RULES AND APPEALS

Chief Code Compliance Officer- Energy

Initial Salary up to \$107,240

Pay range is \$82,620 to \$131,861

Prof. pos. to assist in the consistent
application of building codes throughout
Broward Co. Must be certifiable as Chief
Inspector by BORA in accordance with the
Broward County Chapter I. For info view

<http://www.broward.org/CodeAppeals/Pages/JobAnnouncements.aspx>

Résumé with sal. history/lic.#s must be delivered or postmarked
by January 17, 2020 to:

BC BORA Energy CCCO Screening Comm.

1 North University Dr. Suite 3500 B.

Plantation FL, 33324 EOE

[Broward County Benefits Information](#)

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Broward County Board of Rules & Appeals
One North University Drive, Suite 3500-B Plantation, Florida 33324

STRONGER CODES MEAN SAFER BUILDINGS

Broward County Board of Rules & Appeals (BORA)

History

The Board of Rules & Appeals first met on January 10, 1971. On March 9, 1976, the voters of Broward County recognized the need for a single autonomous agency to write, modify, and interpret a uniform body of building codes applicable throughout the County. The County Charter was amended, as proposed by the Charter Review Commission, to establish the Broward County Board of Rules and Appeals as an extension of county government. Made up of professionals, some appointed by the Broward County League of Cities others by the Broward County Commissioners, Board members are volunteers who serve without pay.

BORA works throughout the year to provide educational programs available to inspectors, contractors and design professionals, and to increase and improve the knowledge and performance of the persons certified by BORA pursuant to the Building Code. The Board convenes monthly, as needed, to consider proposed amendments to the Florida Building and Fire Prevention codes to hear appeals on decisions made by Building and Fire Code Officials, and to render formal interpretations on the precise meanings of code sections that may be disputed. Board members and staff are continually working to provide stronger codes and greater safety for all who live and work in Broward County, and are well represented in state, national and international organizations developing codes and standards.

Chief Code Compliance Officer — Energy, Salary Range and Qualifications

The pay range for this title is \$82,620 to \$131, 861 (with FL Building Code Administration Certification) or \$127,905 (without). The initial hiring salary is up to \$107,240 with full benefits. The pay range is periodically reviewed by BORA and adjusted upward when appropriate. For appointment as the BORA Chief Energy Code Compliance Officer, an individual must be certifiable as a chief within their discipline by the Broward County Board of Rules and Appeals. The Energy Chief Code Compliance Officer shall have a minimum of three (3) years of experience in the enforcement of the Florida Building Code's Energy Conservation Volume or have at least three (3) years of experience as a certified energy rater per Florida Statute.

BORA provides the same employee benefits as Broward County and we participate in the Florida Retirement System (Pension Plan or Investment option). A county waiting period for health and life insurance benefits apply. The option of a take-home vehicle is available at an employee cost of 30.00 per week, \$1,560.00 per year for employees who reside in Broward County.

Energy Chief Code Compliance Officer—Hiring Process and Organizational Structure

A screening committee, appointed by the Director, is being used to narrow the field of applicants. Out of the final group, a single recommended appointment will be brought to the Board by the Director for requested ratification. In the organization, there are a total of twelve (12) authorized positions, including Director, six (6) current Compliance Officers, a Clerical staff of four (4) and the new Energy Code Compliance Officer.

This is a new position with the Broward County Board of Rules and Appeals authorized in 2019.

Broward County Board of Rules and Appeals

CHIEF CODE COMPLIANCE OFFICER

Class Code: Z9760

Nature of Work

This is advanced technical work which ensures that the Building and Fire Codes, and supporting regulations are being enforced in a uniform manner throughout Broward County in accordance with the direction provided by the Broward County Board of Rules and Appeals.

The work involves ensuring that the county and municipal building/fire code inspectors perform their duties in compliance with established rules, regulations and codes, and maintain a high degree of proficiency. Reviews building/fire code departments and visits construction sites throughout the county to assure uniform compliance with the Florida Building Code (FBC), Florida Fire Prevention Code (FFPC), local amendments and related regulations. Work also includes public contact by giving information and receiving complaints. Considerable tact and courtesy are required in public contact work. The employee must exercise independent judgement and initiative in completing assignments and resolving construction related problems. Work is performed under the direction of the Administrative Director. Assignments are received through conferences and written instruction. Work is reviewed by observation of results obtained.

The Code Compliance Officer forms the regulatory link and oversight between Broward County, municipal building departments, all fire prevention departments, all building and fire department certified personnel, design professionals, licensed contractors, stakeholders, various law enforcement entities and the manufacturing and construction industries and the general public. The Code Compliance Officer is the conduit for the dissemination of code information to the construction industry, Broward County, municipal building and fire departments, design professionals, stakeholders and the general public. Additionally, the Code Compliance Officer conducts field operations and is responsible for the oversight and quality control of inspections and plan reviews countywide. Essential to insuring public safety is the employment of stringent code requirements in the State of Florida for certification of building and fire officials, plans examiners and inspectors. These qualification requirements have been established and supplemented through Board of Rules and Appeals local code amendments and are enforced by the Code Compliance Officer.

The Board has exclusive jurisdiction in both the incorporated and unincorporated areas of Broward County with respect to its powers, duties and functions as directed by State of Florida Special Act 71-575 and the Broward County Charter.

Duties and Responsibilities

The functions listed below are those that represent the majority of the time spent working in this employment class.

1. Conducts a program to monitor and oversee the inspections, practices and procedures employed by the various governmental authorities charged with the responsibility of enforcing the building and fire codes.
2. Reviews each building/fire department and the various phases of construction activity within their discipline in Broward County to ensure uniform conformance with the FBC and FFPC and Broward local amendments and related regulations at least four (4) times per calendar year.
3. Informs the building/fire code official of each department of the results of the review.
4. Informs the building/fire code official of each department of all changes codes, providing on-site classes regarding the changes upon request.
5. Ensures that inspectors, plans examiners and code officials are performing their duties in uniform enforcement of all standards of the building and fire codes, within their discipline and to the highest degree of proficiency.
6. Reviews requests for Board of Rules and Appeals' certification.
7. Prepares records and reports.
8. Confers or corresponds with all parties concerning questions about the FBC and FFPC and Broward local amendments and related regulations.
9. Reviews and presents appeals to the Board at their scheduled meetings.
10. Serves as staff for committees established by the Board.
11. Conducts a minimum of four (4) educational seminars within their discipline each calendar year open to all interested parties.
12. Attends all meetings of the Board.
13. Performs other duties as assigned by the Administrative Director.
14. Prepares and/or reviews technical documents to be presented to the Board and Board committees.
15. Conducts research regarding appeals of Building and Fire Code Official decisions and code interpretations. Prepares and presents staff opinions.

16. Coordinates and cooperates with the Miami-Dade County Board of Rules and Appeals on High Velocity Hurricane Zone issues (excluding Fire).
17. Mediates and resolves disputes between municipal building departments, industry groups, designers, contractors and the general public.
18. Provides consultation and leadership to the construction industry in the functional applications of the complex regulatory framework of the building code and reference standards to ensure buildings are designed and constructed to be structurally safe. Assures greater accountability and compliance in the application of building regulations by attending trade association meetings, responding to industry concerns and clarifying technical means and methods of achieving compliant and efficient buildings and structures.
19. Codification and writing amendments to the Florida Building Code.
 - a. Provides leadership and coordination in the recommendation of policies promoting life safety in the built environment.
 - b. Actively participates in the Florida Building Commission process, submits code enhancements for inclusion in the code during each three-year code development cycle. Ensures the High Velocity Hurricane provisions are maintained and not weakened, serves on Technical Advisory Committees, code development workshops and ad hoc committees.
 - c. Interprets opinions for the Building Officials Association of Florida and the Florida Building Commission regarding informal and formal interpretations of the Florida Building Code.
 - d. Conducts post-hurricane assessment and evaluation of building construction performance and makes recommendations for necessary building code modifications to address deficiencies (excludes Fire).
 - e. Monitors and evaluates legislative bills which impact building and fire code content and enforcement, provides assessments, and organizes opposition or support.
20. Provides technical and supervisory assistance to up to thirty-two (32) building and fire departments (Broward County and 31 municipalities) in the application and enforcement of the building code and other applicable regulations.
21. Prepares and conducts monthly meetings with Building Officials, Chiefs, Plans Examiners, Inspectors and Fire Code Officials to explore avenues of building code compliance and interpretation which reinforces uniformity in the application of the Florida Building Code and the Florida Fire Prevention Code.

22. Administers certification programs for building and fire code inspectors and plans examiners, building and fire code officials.

- a. Reviews and makes recommendations on applications for certification of inspectors and plans examiners.
- b. Participates at Board of Rules and Appeals meetings regarding license certification matters.
- c. Investigates and resolves complaints against inspectors and plans examiners, makes recommendations on possible de-certification and coordinates with the Florida Department of Business and Professional Regulation and the State Fire Marshal's Office on disciplinary action referrals and by the Broward County Board of Rules and Appeals.

23. Provides analysis and research, assists with interviews of suspects and witnesses and provides direct investigative support to the County Inspector General, State and Federal law enforcement agencies in cases involving official misconduct, corruption and willful violations of the Florida Building and Fire Prevention Codes.

24. With respect to qualifications, all Code Compliance Officers must possess the skills and abilities necessary to ensure the mission and goals of the Board are pursued and met. The following is a limited summary of the proficiencies required for this position:

- a. Extensive knowledge of the mission, goals and objectives of the Board of Rules and Appeals and code administration in order to provide value added services throughout Broward County, to County building and fire departments and to various agencies and municipalities.
- b. Substantial knowledge of the principles of general management, technical and public administration.
- c. Considerable knowledge of all trades involved in the construction industry, construction practices, installation and design.
- d. Advanced knowledge of the South Florida Building Code, Florida Building Code and their various editions, amendments and supplements and Chapter 1 of the Building Code of Broward County.
- e. Extensive knowledge of the applicable Florida Statutes, including but not limited to Florida Statutes 468, 489, 553, 471, 481, 633 and 791, and related Florida Administrative Codes.
- f. Ability to quickly and effectively assess, diagnose and respond to both technical and administrative challenges confronted by the section.

- g. Possess the ability to establish and maintain effective working relationships with Miami-Dade County counterparts, the Florida Building Commission, the State Fire Marshal's Office, local officials, industry groups and other local, state and national organizations.
- h. Ability to apply advanced professional knowledge and experience of the principles of managing and coordinating complex and technical activities.
- i. Possess the ability to communicate clearly, concisely, effectively, both verbally and in writing to be able to generate and achieve consensus.
- j. Ability to effectively evaluate the impact of alternate courses of action, future developments and circumstances of a new or unprecedented nature.
- k. Possess a valid State of Florida Driver's license.

Minimum Education and Experience Requirements

It shall be preferred that Chief Code Compliance Officers (excluding the fire Chief Code Compliance Officer) possess a State of Florida Building Code Administrator certificate and

- a. Shall have experience in all phases of construction and inspection activities within their discipline. Graduate from a community college with formal education in construction related subjects or any equivalent combination of training and experience.
- b. Be certifiable as a chief within their discipline by the Broward County Board of Rules and Appeals. The Energy Chief Code Compliance Officer shall have a minimum of three (3) years of experience in the enforcement of the Florida Building Code's Energy Conservation Volume or have at least three (3) years of experience as a certified energy rater per Florida Statute.
- c. All applicants qualifying for employment will be required to inactivate their contractor's license certification at their expense upon employment.
- d. All applicants qualifying for employment will be subject to extensive background screening.

Americans with Disabilities Act (ADA) Compliance

The Broward County Board of Rules and Appeals is an Equal Opportunity Employer. ADA requires the Broward County Rules and Appeals to provide reasonable accommodations to qualified persons with disabilities. Prospective and current employees are encouraged to discuss ADA accommodations with management.

General Employee Responsibilities

All Broward County Board of Rules and Appeals employees must serve the public and fellow employees with honesty and integrity in full accord with the letter and spirit of Broward County's Ethics and Conflict of Interest policies. Additional Board of Rules and Appeals ethics policies may also apply.

All Broward County Board of Rules and Appeals employees must establish and maintain effective working relationships with the general public, co-workers, elected and appointed officials and members of diverse cultural and linguistic backgrounds, regardless of race, color, religion, gender, national origin, age, marital status, political affiliation, familial status, disability, sexual orientation, pregnancy, or gender identity and expression.

During emergency conditions, all Broward County Board of Rules and Appeals employees are automatically considered emergency service workers. Board of Rules and Appeals employees are subject to being called to work in the event of a disaster, such as a hurricane, or other emergency situations and are expected to perform emergency service duties, as assigned.

Mechanical discipline

104.6 Certification of the Chief Mechanical Inspector. To be eligible for appointment as a Chief Mechanical Inspector, such person shall be certified as required by BCAIB as a Mechanical Plans Examiner and as a Mechanical Inspector. Engineers are exempt from BCAIB certification.

104.6.1 Such person shall be certified by BORA and shall meet the following qualification:

104.6.1.1 A Mechanical Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section **104.10.3.1**.

104.6.2 Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Engineer issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board
- B. Broward County Central Examining Board of Mechanical Contractors and Specialty Mechanical Contractors
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineers

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

104.10.3.1.1 An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

104.10.3.1.2 A Mechanical Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section **104.13.3.1**.

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

104.13.3.1.1 An Engineer in the discipline requested.

104.13.3.1.2 Five (5) years construction experience in the mechanical discipline in a supervisory capacity and possess a Certificate of Competency as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor.

104.13.3.1.3 Five (5) years construction experience in the mechanical discipline and five (5) years experience as a Mechanical Inspector certified by BCAIB and possess a Certificate of Competency as a Master Mechanical or Mechanical Contractor or Class “A” Air Conditioning Contractor or Class “B” Air Conditioning Contractor.

104.13.3.1.4 Seven (7) years construction experience in the mechanical discipline and possess a Certificate of Competency as a Journeyman Mechanical.

104.13.3.1.5 Ten (10) years experience as a Mechanical Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.13.3.2.

Structural discipline

104.8 Certification of the Chief Structural Inspector. To be eligible for appointment as a Chief Structural Inspector, such person shall be certified as required by BCAIB as a Standard Plans Examiner and Standard Inspector or be a Florida Registered Architect or Florida Licensed Professional Engineer in the discipline requested.

104.8.1 Such person shall be certified by BORA and shall meet the following qualification:

104.8.1.1 Be a Standard Plans Examiner appointed as such, for a minimum of one (1) year by an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section **104.10.1.1**.

104.8.2 Each of the applicants shall possess a current Certificate of Competency as a G.C. or a Professional Engineer license or Architect registration issued by at least one of the following entities:

- A. Florida Construction Industry Licensing Board

- B.** Broward County Central Examining Board of Building Construction Trades
- C.** Miami-Dade County Construction Trades Qualifying Board
- D.** Florida Board of Professional Engineers
- E.** Department of Business and Professional Regulation as an Architect

104.10.1.1 Such person shall also be certified by BORA by meeting at least one of the following:

104.10.1.1.1 Be a Florida Registered Architect or a Florida Licensed Professional Engineer, in the discipline requested and having practiced for a minimum of five (5) years, within the State of Florida, two (2) years of which shall have been within the HVHZ or by passing BORA's HVHZ exam.

104.10.1.1.2

Be a Standard Inspector appointed as such, for a minimum of one (1) year by an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.16.3.1.

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

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

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

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

104.16.3.1.4 Five (5) years construction experience in the Structural discipline in a supervisory capacity of which at least two (2) years shall have been within the jurisdiction of

HVHZ or by passing BORA's HVHZ exam. An individual qualifying through this path shall be required to acquire an Unlimited G.C. license, by exam, from either the Construction Industry Licensing Board (CILB), Broward County Examining Board or the Miami-Dade Construction Trades Qualifying Board, within one (1) year of initial certification as an inspector.

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

Plumbing discipline

104.7 Certification of the Chief Plumbing Inspector. To be eligible for appointment as a Chief Plumbing Inspector, such person shall be certified as required by BCAIB as a Plumbing Plans Examiner and as a Plumbing Inspector. Engineers are exempt from BCAIB certification.

104.7.1 Such person shall be certified by BORA and shall meet the following qualification:

104.7.1.1 A Plumbing Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section 104.10.4.1.

104.7.2 Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Plumber or Plumbing Contractor or Engineer issued by at least one of the following entities:

- A.** Florida Construction Industry Licensing Board
- B.** Broward County Central Examining Board of Plumbers
- C.** Miami-Dade County Construction Trades Qualifying Board
- D.** Florida Board of Professional Engineers.

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

104.10.4.1.1 An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

104.10.4.1.2 A Plumbing Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section [104.14.3.1](#).

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

104.14.3.1.1 An Engineer in the discipline requested.

104.14.3.1.2 Five (5) years construction experience in the plumbing discipline in a supervisory capacity and possess a Certificate of Competency as a Master Plumber or Plumbing Contractor.

104.14.3.1.3 Five (5) years construction experience in the plumbing discipline and five (5) years experience as a Plumbing Inspector certified by BCAIB and possess a Certificate of Competency as a Master Plumber or Plumbing Contractor.

104.14.3.1.4 Seven (7) years construction experience in the plumbing discipline and possess a Certificate of Competency as a Journeyman Plumber.

104.14.3.1.5 Ten (10) years experience as a Plumbing Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.14.3.2.

Electrical discipline

104.5 Certification of the Chief Electrical Inspector. To be eligible for appointment as a Chief Electrical Inspector, such person shall be certified as required by BCAIB as an Electrical Plans Examiner and as an Electrical Inspector. Engineers are exempt from BCAIB certification.

104.5.1 Such person shall be certified by BORA and shall meet the following qualification:

104.5.1.1 An Electrical Plans Examiner serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section [104.10.2.1](#).

104.5.2 Each of the applicants shall possess a current Certificate of Competency or a Professional License in the discipline requested as a Master Electrician or Electrical Contractor or Engineer issued by at least one of the following entities:

- A. Florida Electrical Contractors Licensing Board
- B. Broward County Central Examining Board of Electricians
- C. Miami-Dade County Construction Trades Qualifying Board
- D. Florida Board of Professional Engineer

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

104.10.2.1.1 An Engineer in the discipline requested and having practiced for a minimum of five (5) years within the State of Florida.

104.10.2.1.2 An Electrical Inspector serving for a minimum of one (1) year for an AHJ or school board within the State of Florida and who complies with at least one (1) of the qualifications of Section [104.12.3.1](#).

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

104.12.3.1.1 An Engineer in the discipline requested.

104.12.3.1.2 Five (5) years construction experience in the electrical discipline in a supervisory capacity and possess a Certificate of Competency as a Master Electrician or Electrical Contractor.

104.12.3.1.3 Five (5) years construction experience in the electrical discipline and five (5) years experience as an Electrical Inspector certified by BCAIB and possess a Certificate of Competency as a Master Electrician or Electrical Contractor.

104.12.3.1.4 Seven (7) years construction experience in the electrical discipline and possess a Certificate of Competency as a Journeyman Electrician.

104.12.3.1.5 Ten (10) years experience as an Electrical Inspector certified by BCAIB. A person with multi-discipline certifications can only be certified in one discipline. A person certified under this section is exempt from Section 104.12.3.2.

Broward County Board of Rules & Appeals**NOTES**

This Special Act was incorporated in the Broward County Charter by public referendum as of March 9, 1976.

Chapter 71-575

AN ACT relating to Broward County repealing Chapter 69-917 and Chapter 70-616 Laws of Florida; adopting the Dade County 1970 edition of the South Florida Building Code as amended as the standard for Broward County; enforcement and inspection shall be the responsibility of elected or appointed officials in each municipality in the county; providing a penalty; removal from office for nonfeasance, misfeasance or malfeasance; provided that all laws, ordinances or resolutions in existence in any municipality or unincorporated area of Broward County in conflict herewith are repealed; the Board of County Commissioners, nor any municipality, may pass a law in conflict herewith; amending Section 203 of the South Florida Building Code relating to secretary to the Board of Rules and Appeals; amending Section 203 of the South Florida Building Code relating to secretary to the Board, office space, equipment and additional personnel by adding a new Sub-section (a); amending Sub-section (a) of Section 203.1 of the South Florida Building Code relating to membership of the Board of Rules and Appeals; amending Sub-section (b) of Section 204.1 of the South Florida Building Code relating to the term of Board membership, providing that all Board members appointed under Chapter 70-616 Laws of Florida are held over and reaffirmed to complete the terms appointed for; amending Section 203.2 relating to compensation for Board members, amending Sub-section (b) of Section 203.3 of the South Florida Building Code relating to officers and procedure; amending Sub-section (e) of Section 203.3 of the South Florida Building Code as it relates to a quorum; amending Sub-section (d) (2) of Section 203.4 of the South Florida Building Code as it relates to revisions to the Code; repealing Sub-section (d)(3) of Section 203.4 of the South Florida Building Code by adding new Sub-section (e) and a new Sub-section (f) relating to costs of appeal and procedure of appeal; amending Sub-section (a) (2) of Section 203.5 relating to the powers of the Board of Rules and Appeals; repealing Sub-section (c) of Section 203.6 of the South Florida Building Code; providing an effective date.

Be It Enacted by the Legislative of the State of Florida:

Section 1. Chapter 69-917 and Chapter 70-616 of the Special Acts, Laws of Florida are hereby repealed.

Section 2. The South Florida Building Code, Dade County 1970 edition, as amended, hereafter referred to as the South Florida Building Code, shall apply to all municipalities and unincorporated areas of Broward County, Florida.

(a) The South Florida Building Code as applicable to Broward County shall apply countywide in both incorporated and unincorporated areas to all new buildings and structures both private and public and to all operations, additions and repairs in any new or existing building or structure, both private and public, including but not limited to all public or private school facilities, notwithstanding the provisions of Section 8 of the Florida Education Finance Act of 1973; county buildings or structures; municipal and state buildings or structures; hospitals and any other building or structure of any governmental authority.

(b) The South Florida Building Code shall take precedence over and supersede the Southern Standard Building Code in Broward County regardless of whether the Southern Standard Building Code may be more or less stringent than the South Florida Building Code.

Section 3.

(a) Inspection and enforcement of the South Florida Building Code (as amended for Broward County) by competent and qualified building inspectors shall be the responsibility of elected or appointed city commissioners, city councilmen and mayor of each municipality; and the responsibility of elected and appointed members of the Board of County Commissioners in all unincorporated areas within Broward County.

(b) Inspection of all school facilities shall be based on the minimum standards of the South Florida Building Code as applicable to Broward County, notwithstanding the provisions of Section 8, Sub-section 4, of the Florida Education Finance act of 1973.

(c) The Board of Rules and Appeals shall certify each and every Building Department after it has determined to its satisfaction that the Building Inspectors which include the Building Official, Chief Plumbing Inspector and Chief Electrical Inspector are properly competent and qualified by the provisions of the South Florida Building Code as amended from time to time by the Broward County Board of Rules and Appeals. Those building departments not certified by the Board must utilize architects or engineers or professional architectural or consulting engineering firms meeting the requirements for a Building Official as prescribed in Section 201 of the South Florida Building Code or other certified building departments for inspections until they are capable of being certified by the Board. Violation of this Section by any appointed or elected official or officials shall constitute a misdemeanor of the second degree, punishable as provided in Florida Statutes, Sections 775.082 or 775.083.

Section 4.

(a) For the purpose of inspection, competent and qualified building inspectors shall be employed by these elected or appointed officials charged with the responsibility of enforcing this act. If any of the elected or appointed officials named in Section 3 of this act knowingly allow or permit any new buildings or structures, both private and public or any alterations, additions and repairs in any new or existing building or structure, both private and public, including but not limited to public schools, county buildings or structures, municipal and state buildings or structures, hospitals, and any other building or structure of any governmental authority, to be erected within Broward County in violation of the South Florida Building Code , or if any of the

elected or appointed officials prohibit , by any means, directly or indirectly, the use of any materials, types of construction and methods of design authorized by the Code or alternate materials, types of construction and methods of design approved by the provisions of the Code , then the elected or appointed official or officials may be removed from office for nonfeasance, misfeasance or malfeasance in office. Violation of this Section by an appointed or elected official shall constitute a misdemeanor of the second degree, punishable as provided in Florida Statutes Section 775.082 or 775.083.

(b) Any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.

Section 5. Any laws, ordinances or resolutions now in existence in the unincorporated areas in Broward County, or in any municipality in conflict herewith are hereby repealed.

Section 6. Neither the Board of County Commissioners nor any municipality may pass any law in conflict with this act, specifically but not limited to raising or lowering any standards in the South Florida Building Code.

History: Chapters 69-917, 70-616, 72-482, 72-485, 73-427, 74-435, 74-437, 74-448, and Referendum 11/6/84. (See Sec. 203 for legislative enactment concerning the Broward County Board of Rules and Appeals).

Charter of Broward County, Florida, Board of County Commissions

Section 9.02 – Building Code and the Board of Rules and Appeals

A. Purpose.

- (1) It shall be the function of the Broward County Board of Rules and Appeals to exercise the powers, duties, responsibilities, and obligations as 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) The provisions of the Florida Building Code shall be amended only by the Board of Rules and Appeals and only to the extent and in the manner specified in the Building Code. The County Commission or a Municipality shall not enact any ordinance in conflict with Chapter 98-287 and Chapter 2000-141, Laws of Florida, as may be amended from time to time.
- (3) The Board of Rules and Appeals shall conduct a program to monitor and oversee the inspection practices and procedures employed by the various governmental authorities charged with the responsibility of enforcing the Building Code.
- (4) The Board of Rules and Appeals shall organize, promote and conduct training and educational programs designed to increase and improve the knowledge and performance of those persons certified by the Board of Rules and Appeals pursuant to the Building Code and may require the completion of certain minimum courses, seminars or other study programs as a condition precedent to the issuance of certificates by the Board of Rules and Appeals pursuant to the Building Code.

B. Effective January 1, 2003, there shall be a Broward County Board of Rules and Appeals, “Board of Rules and Appeals,” composed of thirteen (13) members and nine (9) alternates as follows:

- (1) Six (6) members and three (3) alternates shall be appointed by the County Commission. Each County Commissioner shall nominate one (1) member or one (1) alternate by lot to the Board of Rules and Appeals subject to approval by a majority of the County Commission.
- (2) Seven (7) members and six (6) alternates shall be appointed by the Broward County League of Cities.
- (3) The membership of the Board of Rules and Appeals shall be comprised of one (1) of each of the following trades or groups: architect, general contractor, structural engineer, mechanical engineer, electrical engineer, master electrician, master plumber, air conditioning contractor, swimming pool contractor, roofing contractor, fire service professional, a disabled person, and a consumer advocate.
- (4) Alternate membership for the Board of Rules and Appeals shall be comprised of one (1) each of the following trades or groups: architect, general contractor, structural engineer, mechanical engineer, electrical engineer, master electrician, master plumber, roofing contractor, and a fire service professional.
- (5) No more than one (1) member and no more than one (1) alternate shall be appointed to represent the same category.
- (6) The County Commission and Broward County League of Cities shall coordinate appointments to the Board of Rules and Appeals in order to ensure they are consistent with the requirements of this Section.
- (7) Except for consumer advocates and disabled persons, all members and alternates appointed by the County Commission and the Broward County League of Cities to the Board of Rules and Appeals shall be qualified to serve on the Board of Rules and Appeals by being registered as a professional or by having been licensed as a contractor, and by having been active in their respective profession or trade for not less than ten (10) years.
- (8) Members and alternates to the Board of Rules and Appeals shall be residents of the County and shall have served in their professional capacity in the State of Florida for a period of two (2) years.
- (9) A quorum of the Board of Rules and Appeals shall consist of a majority of the total membership of the Board of Rules and Appeals, and a majority vote of those members voting on a measure shall be necessary for the Board of Rules and Appeals to take affirmative action.
- (10) All appointments to the Board of Rules and Appeals shall be for a term of three (3) years. A member shall be permitted to serve a maximum of three (3) consecutive terms. Service prior to the effective date of this

Section shall be considered in determining the member's ability to be reappointed. All members and alternates shall continue in office until their successors are duly appointed.

- (11) The Board of Rules and Appeals shall adopt rules of procedure to seat alternates in the event all board members are not present for a scheduled meeting of the Board.
- (12) The County Commission or Broward County League of Cities, whichever is the appointing authority, may remove, either by its own action or upon recommendation of the majority of the Board of Rules and Appeals, any member or alternate for misconduct, incompetence, or neglect of duty.
- (13) Any vacancy occurring on the Board of Rules and Appeals shall be filled for the remainder of the former member's or alternate's term of office by appointment of the County Commission when the former member or alternate was a County Commission appointee, or by the Broward County League of Cities when the former member or alternate was a Broward County League of Cities appointee.

- C. In order to carry out the objects and purposes stated in the Building Code and in this section of the Charter, the Board of Rules and Appeals shall employ administrative and clerical personnel as shall be required to perform the duties and functions provided in the Building Code and in this section of the Charter. The Board of Rules and Appeals shall determine in its sole discretion those positions which shall be subject to civil service classifications and procedures. The funding of the personnel for the Board of Rules and Appeals shall be subject to the County Commission's budgetary process.
- D. In order to carry out the objects and purposes stated in the Building Code and in this section of the Charter, the County Commission shall establish reasonable fees and charges to be collected from the above-described governmental authorities within the County. Any fees and charges paid to the County shall be deposited in a special fund for the exclusive use and benefit of the Board of Rules and Appeals.
- E. The County Commission may adopt ordinances that establish ethical standards and regulations concerning potential conflicts of interest regarding the members, alternates and staff of the Board of Rules and Appeals.



BROWARD COUNTY

Board of Rules & Appeals

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

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

From: Administrative Director

Date: May 8, 2014

Re: Proposed BORA Policy #14-02. Affidavit to Ensure Compliance with Chapter 71-575, Paragraph 4b, Laws of Florida

RECOMMENDATION

It is recommended that the Board approve by motion the attached policy and affidavit form that all future applicants for certification or recertification would be required to sign, in the presence of a Notary, relating to the non-use of his/her certificate of competency.

It is further recommended that the Board accept and approve by formal motion the enclosed opinion by BORA attorney Charles M. Kramer, entitled "Legal Advisory Opinion Re: Chapter 71-575 (4) (B)"

REASONS

The proposed policy is consistent with the legal opinion. The affidavit form will help to provide uniform application of the building and fire codes in matters relating to inspectors in Broward County avoiding conflicts of interest. Essentially, the policy, affidavit, and legal opinion provide that one may have an active license but may not use it.

Formally accepting by motion the legal opinion by counsel makes that opinion and supporting policy stronger giving way to greater uniformity and countywide implementation of these more clearly defined certification procedures.

ADDITIONAL INFORMATION

Building Officials, Chiefs, Plans Examiners and Inspectors are currently certified through December 31, 2015. The affidavit form would be applied for recertification at that time and for new inspectors currently being hired. Fire code officials, plans examiners and inspectors are certified on a rolling four (4) year basis, with a few individuals having renewals due each month. The affidavit form will apply at time of renewal or at the time of a new person being certified.

Respectfully submitted,

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

James DiPietro

Recommendation Approved 5/8/14

To: All Building and Fire Code Officials

Revised 9-22-14

From: James DiPietro 

Date: May 12, 2014

Subject: Conflict of Interest, policy and affidavit to ensure compliance with Chapter 71-575 Paragraph 4 (B), Laws of Florida.

The Board of Rules and Appeals recently acted to clarify policy concerning Conflicts of Interest. In recent years an individual certified by the Broward County Board of Rules and Appeals could work as a contractor or for a contractor outside of Broward County. The Board staff has strived to make sure any Certified Contractor had their certification located outside of Broward County when getting certified for the first time and also on renewals. During the past recertification period, one individual appealed the fact we were requiring that his certification be moved outside of Broward County. The Board ruled in his favor but decided to review Chapter 71-575 for future certifications. Attached are copies of the attorney's opinion that the Board approved on May 8, 2014 and the affidavit that must be filled out by any new hires, anyone promoted and everyone else when they are re-certified. **What this decision means is that anyone certified by the Broward County Board of Rules and Appeals can hold an active Certificate of Competency in any trade and it can be located within Broward County but they cannot use that certificate anywhere.** In short, it says an inspector, plans examiner, building official/fire official or anyone else certified by the Broward County Board of Rules and Appeals cannot act in the capacity of or for a contractor anywhere.

The effective date of this policy shall be immediate for new hires and everyone else when they re-new their building or fire certifications.

For any questions please contact any Code Compliance Officer or me at 954-765-4500

Please distribute this to your entire staff.

Thank you

Subject: Policy/Affidavit to ensure compliance with Chapter 71-575, paragraph 4(b), Laws of Florida

POLICY/AFFIDAVIT

The requirements below have been adopted by vote of the Broward County Board of Rules and Appeals on April 10, 2014, to help ensure compliance with Chapter 71-575, paragraph 4(b), Laws of Florida.

NOTICE

All applicants for certification or re-certification are required to execute the following statement and to have same notarized by a duly authorized Notary. Failure to execute and have this statement notarized will prevent the certification / re-certification process from proceeding to completion.

THE UNDERSIGNED HEREBY VOLUNTARILY AND KNOWINGLY STATES AS FOLLOWS:

The undersigned has read Chapter 71-575, paragraph 4(b), Laws of Florida and has had the opportunity to have same reviewed and explained by legal counsel. Undersigned understands the terms of same and that any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use his/her Certificate of Competency to engage in free enterprise thereby, competing against persons or firms that may do business within Broward County whose work he/she may also inspect, nor may he/she allow his/her Certificate of Competency to be used by another person or firm. This includes any activity, such as, but not limited to bidding, contracting, code consulting, design, employment, plan review, special building inspections, etc., regardless of compensation. The undersigned makes application for certification or re-certification, affirms compliance with aforementioned Code Section, and vouches for the truth and accuracy of all statements and answers herein contained by affixing his/her signature below. The undersigned agrees that failure to comply with the requirements of chapter 71-575 shall be considered a material breach of the terms of certification and may result in decertification/ denial of certification.

A copy of a legal opinion with respect to Chapter 71-575 is available upon request.

Printed Name and Signature of Applicant.

State of Florida

SS |

County of Broward

On the _____ day of _____, 20____, personally appeared before me the above named individual who signed the foregoing instrument declaring same to be true to his knowledge and belief.

Notary-Public: _____

(Printed name and Signature of Notary Public, State of Florida)

(NOTARY SEAL)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

Editor's Note: Affidavit Authorized by BORA vote on May 8, 2014, and issued by Chair on May 9, 2014.

LEGAL ADVISORY OPINION RE: CHAPTER 71-575(4)(B)

I. Statute Interpretation.

It is well established that when interpreting a statute, the courts must examine the plain meaning of the statute to determine the legislative intent. The legislative intent must be determined from the words used without looking to rules of construction or speculating as to intent if the language of the statute is clear and unambiguous. See Palermo v. City of Tampa, 945 So. 2d 550, (Fla. 2nd DCA, 2006). This rule of construction applies to state statutes as well as local ordinances, special acts of legislature, and administrative rules. See Town of Longboat Key v. Islandside Prop. Owners Coalition, LLC, 95 So. 3d 1037 (Fla. 2nd DCA, 2012).

Neither the courts, nor any administrative bodies have the authority to attempt to modify legislative intent through the addition or omission of wording which has been clearly set forth otherwise. See Harvard v. Palm Springs, 98 So. 3d 645, 2012 Fla. App. LEXIS 15330 (Fla. 4th DCA, 2012). (“*Legislative intent is the polestar that guides a court's statutory construction analysis. In attempting to discern legislative intent, a court first looks to the actual language used in the statute. If the statute is clear and unambiguous, a court will not look behind its plain language for legislative intent or resort to rules of statutory construction to ascertain intent. In such an instance, the statute's plain and ordinary meaning must control, unless this leads to an unreasonable result or a result clearly contrary to legislative intent.*”)

At the same time, statutes must be read in their entirety so as to discern legislative intent in its entirety. See Vrchota Corp. v. Kelly, 42 So. 3d 319 (Fla. 4th DCA 2010). Select passages may not be taken out of context to contort or alter the intent of the statute in its entirety.

II. Florida Building Code is Statutory Law.

The Florida Building Code is incorporated into the Florida Statutes at F.S. Sec 553.73 wherein is stated: 553.73

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

With respect to 71-575 Sec. 4(b) the Code clearly states:

(b) Any Inspector (such as and including but not limited to structural , engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.

See F.B.C. Chapter 71-575.

A thorough review of the legislation in question necessarily requires a sentence by sentence, word by word, review of the words in their entirety.

III. Analysis of Statute

In this case, the plain language of the Special Act at Sec 4(b) refers to:

Any Inspector (such as and including but not limited to structural, engineering, plumbing, mechanical, or electrical) or other building official charged with enforcing or otherwise supervising or inspecting any work covered under any section of the South Florida Building Code as applicable to Broward County pursuant to Chapter 71-575, Laws of Florida, and who is required to hold or who otherwise holds a Certificate of Competency in any area of construction...

In so saying, it is readily determinable as to whom the language contained in the Special Act applies.

The wording which seems to be generating the greatest discussion and uncertainty is the latter portion which states:

...shall not use that Certificate of Competency to engage in free enterprise thereby competing against persons or firms whose work he may also inspect, nor may he allow his Certificate of Competency to be used by another person or firm.

Again, where the court may be the ultimate decision maker in determining a question of statutory interpretation, the BORA must defer to the same rules used by the courts concerning statutory interpretation and which have been set forth above. (*Supra*).

The language in question does not make any determination that an inspector inactivate his license or close his place of business. The only requirements are that; 1) he/she not inspect any work which may have been performed by a competitor and; 2) not allow his/her license to be used [i.e. to act as a qualifier] by another person or firm.

The statute does not place any geographical limitations on where an inspector may compete with another tradesman. The inspector may not compete against any party which may be a competitor, anywhere.

(a) Inspection of Work of Possible Competitor and Definition of "Competitor."

The plain language rule determines that an inspector could not conduct an inspection on any work which *possibly could have been performed by a competitor*. Necessarily, the inspector may not compete against another licensed contractor in another county of the state of Florida, or another state, or another country. Location is irrelevant since the statute does not provide for any such limitations. The inspector simply cannot perform work in a construction discipline against a competitor whose work he/she may inspect in the course of their duties for Broward County.

Black's Law Dictionary does not define "competition" however it does define "compete." The word "compete" is legally defined as :

To contend emulously, to strive for the position, reward, profit, goal, etc. for which another is striving.

In so saying, the legal definition of "compete" does not require remuneration or compensation however it does require that another party be striving for the same position, goal, reward, or profit. The most literal determination of this language is that simply by engaging in business an inspector may be taking away work -- even if that work was to be obtained through a "no-bid" contract- from another contractor.¹ The language of the statute thereby determines that an inspector may not engage in any work, in any place, where it may entail competition against a party whose work he/she may inspect and which would require the use of his/her Certificate of Competency.

(b) Prohibition from Qualifying for Others

The second point to note is that the statute precludes an inspector from acting as a qualifier for ANY OTHER PERSON or ANY OTHER FIRM. As far as acting as a qualifier, it makes no difference whether or not the other person or other firm being contemplated for qualification may be a competitor of the inspector. As long

¹ The reason for this is evident where even in a "no-bid" situation, the inspector would still be taking work which would have otherwise been given to another contractor, "striving" or "contending" to obtain the same "goal" or "position."

as the license holder is employed as an inspector, they are not permitted to act as a qualifier for any other person or other firm, anywhere, anytime.

IV. Conclusion

The short version of this is that: 1) an inspector may not engage in any work which would require the use his/her certificate of competency anywhere it may entail competition against a party whose work he/she may inspect; 2) an inspector is not required to inactivate his/her license nor is he/she required to close their place of business while employed as an inspector; 3) an inspector may not qualify any other person or other firm anytime, anywhere, for any work requiring his/her Certificate of Competency.

Charles M. Kramer, Esq.
FBN # 133541
Board Certified, Construction Law

~~The Board of Rules and Appeals~~ voted to accept the Board Attorney's opinion on this matter on May 8, 2014 by a vote of 10-1.