

# Broward County Board of Rules and Appeals Meeting Agenda

May 9, 2024  
Time: 7:00 PM

Zoom Meeting Information:  
<https://broward-org.zoomgov.com/j/1605358384>  
Meeting ID: 160 535 8384

I. **CALL MEETING TO ORDER**

II. **ROLL CALL**

III. **APPROVAL OF AGENDA**

IV. **APPROVAL OF MINUTES** – April 11, 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 FORT LAUDERDALE**

Pelaez, Ricardo III, Electrical Inspector (Temporary 120-Day)

**TOWN OF HILLSBORO BEACH**

Folles, George, Building Official

**CITY OF PLANTATION**

Sulaman, Mohamed M., Chief Plumbing Inspector

**COUNTYWIDE**

Prieto, Rosendo, Structural Inspector

VII. **REGULAR AGENDA**

1. **Update to Board Policies 95-02, Function of the Board and 05-01, Committee Guidelines**

- 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.*

April 11, 2024  
Board Meeting Minutes

# Broward County Board of Rules and Appeals Meeting Minutes

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

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  
Stephen Bailey  
Jeffrey Falkanger  
R. Art Kamm  
Daniel Lavrich  
Daniel Rourke  
David Tringo  
Dennis Ulmer  
Derek Wassink  
Lynn Wolfson

## 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 9-0.

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

Mr. Kamm made a motion, and Mr. Wassink seconded the motion to approve the March 14, 2024, minutes as submitted. The motion was carried out by a unanimous vote of 9-0.

## 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

Mr. Lavrich made a motion, and Mr. Tringo seconded the motion to approve the certifications as recommended. The motion was carried out by a unanimous vote of 9-0.

## **VII. REGULAR AGENDA**

### **1. Updates, Deletions, and Moves to Board Policies**

#### **a. Staff Report**

Dr. Ana Barbosa, Administrative Director, advised that she is recommending adoption of 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. Board and administrative policies were mixed. The recommended changes have to do with format and grammar. Those policies created for a specific time in history and no longer needed were eliminated. Some policies have been incorporated into the Code and therefore not needed as policies. Some policies were moved to the administrative grouping. The seven revised Board policies have been reviewed and approved by the Board Attorney.

Dr. Barbosa went into more detail about changes to Policy 95-02. The standing committees are no longer specified as having one meeting annually and an Energy Committee was added. Board members that serve on a committee would not vote on the matter when brought to the Board. Board Alternates could serve on committees. Both Ms. Wolfson and Mr. Ulmer are not discipline specific and therefore could serve on any committee. Ad hoc committees could be formed.

#### **b. Board Questions**

Mr. Lavrich noted that alternates have always served on committees, and he did not recall any issue with Board members voting on matters brought forward from a committee. Committees bring recommendations to the Board which is not binding. Mr. Charles Kramer, Board Attorney, indicated that pursuant to the Sunshine Law and different from fact-finding, committee members making recommendations cannot then vote on their own recommendations. In such case, Mr. Lavrich pointed out that committee makeup would then need to be examined because there are several Board members on committees. The Board has not prohibited Board members who have served on a committee from voting at the Board level. Mr. Kramer offered to provide an advisory memorandum on the Sunshine Law for clarity going forward. Dr. Barbosa indicated that policy could be removed from this evening's agenda so that it could be reviewed with the advisory memorandum along with the structure of the committees. Mr. Lavrich questioned if this is followed at the State level. He said that there are individuals serving on technical advisory committees that also sit on the Florida Building Commission. Mr. Kramer offered to investigate that question. In response to Chairman D'Attile's question about the potential loss of a quorum, Dr. Barbosa advised that was the reasoning for a committee makeup being composed of alternates with the committee chair being a Board member. The composition would need to pay attention to the required discipline for each committee. Mr. Lavrich noted that there were four Board members on the Energy Conservation Committee. He went on to ask about a work group formed by the Board. He questioned if Board members that served on the work group would be prohibited from voting when the matter came before the Board.

Mr. Burr asked about the length of service of a Board member after the three maximum terms. Dr. Barbosa commented that maximum for a Board member is nine years. Board member maximum terms was one outcome of the City of Sunrise Mayor Ryan's recent comments. The League of Cities has requested a membership list including the length of service. There will be people applying to serve on the Board. Mr. Lavrich commented that historically a Board member that reached their

maximum three terms could be reappointed as an alternate. Although he could not speak for every Board member, he has followed the procedure in requesting reappointment by the League of Cities and sometimes serving as an alternate. Dr. Barbosa indicated in researching this matter, she did not find anything along those lines. She added that the Charter is silent with respect to alternates. She offered to look further.

c. Board Action

Mr. Tringo made a motion, and Mr. Falkanger seconded the motion to approve all policy recommendations excluding Policies 95-02, Function of the Board, and 05-01, Representation on the Board Standing Committees and Appointment Guidelines. The motion was carried out by a unanimous vote of 11-0.

**2. Director's Report**

Dr. Barbosa noted that she spoke at the Board's recent open discussion about City of Sunrise Mayor Mike Ryan's recent comments. She has met with most of the County Commissioners and Mayors. Sunrise adopted a resolution to stop the 25-year Building Safety Inspection Program and sent it to all Broward municipalities. She attended the Sunrise Commission meeting this week and indicated that nothing has been brought before the Board of Rules and Appeals. The program was discussed at the committee level and all the building officials. The general thinking was that this first year would be difficult and easier going forward. It will be less expensive at the ten-year intervals because maintenance will happen more frequently. The Sunrise City Manager wanted the Board to give the building officials the ability to provide extensions. However, in fact, building officials already have that ability. Because he was unaware of this option, everything was sent to the Special Magistrate. The discussion ended on a positive note. She emphasized at the meeting in Sunrise that she needs to think of the greater good for all thirty-two jurisdictions in Broward County and staff looks carefully at matters from that perspective.

Chairman D'Attila complimented Dr. Barbosa on her professional handling of the matter.

Dr. Barbosa appreciated Mr. Stephen Pizzillo, Building Official, City of Pembroke Pines, coming to the defense of the Board.

Mr. Pizzillo commended the Board for hiring such an exemplary director. He felt the relationships of most building officials with the Board's staff is as close as it has ever been. He commented that there are several buildings that would not have been inspected that are being declared unsafe. He cautioned against dissolving the program because of the professional engineering fee. He supported the Board's actions.

**3. Attorney's Report - none**

**4. Committee Reports - none**

**5. General Board Member Discussion**

Mr. Lavrich thanked the Chair, Board and Director for the plaque he received recognizing his service as Chair of the Board.

In response to Mr. Burr, Dr. Barbosa indicated her understanding was that House Bill 735 was postponed until the middle of 2024. Mr. Jose Cruz-Vellon, Chief Plumbing Code Compliance Officer, advised he was at a meeting today wherein the Broward County Attorney announced that House Bill

735 was approved and on its way to the Governor. Efforts are being made to postpone it a year. Chairman D'Attilio asked staff to follow-up and provide a status report at the next Board meeting.

Mr. Burr spoke in favor of municipal zoning departments being under the building official's jurisdiction.

### **Adjournment**

The meeting adjourned at 7:54 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).*

*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.*

# Consent Agenda

# Section 1

**CITY OF FORT LAUDERDALE**

Pelaez, Ricardo III, Electrical Inspector (Temporary 120-Day)

**TOWN OF HILLSBORO BEACH**

Folles, George, Building Official

**CITY OF PLANTATION**

Sulaman, Mohamed M., Chief Plumbing Inspector

**COUNTYWIDE**

Prieto, Rosendo, Structural Inspector

# Regular Agenda

# Section 1



# Broward County Board of Rules and Appeals

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

[broward.org/CodeAppeals](http://broward.org/CodeAppeals) | 954-765-4500 | [rulesboard@broward.org](mailto:rulesboard@broward.org)

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

**FROM:** Administrative Director

**DATE:** May 9, 2024

**RE:** Update to Board Policies 95-02, Function of the Board and 05-01, Committee Guidelines

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## **Recommendation**

It is recommended that the Board of Rules and Appeals adopt, by vote, Board policies 95-02, The Function of the Broward County Board of Rules and Appeals and 05-01, Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines.

## **Reasons**

While reviewing the Board of Rules and Appeals' Policies and Procedures manual, I noticed multiple policies required updating, deletion, or moving to administrative policies. The staff and I reviewed each Board policy to determine the status and rightful location and then provided the updated policies to the Board Attorney. Mr. Kramer reviewed and approved the revisions before adding the policies to the agenda for the Board.

Board Policy 95-02 had multiple policies within the one document. The following were removed from the policy:

- Appeals to the Board of Rules and Appeals was moved and renamed to 95-01, Appeal Process.
- Procedures for Amending the South Florida Building Code, Broward Edition, was deleted because it already exists in Chapter One.
- Interpretations and Opinions were revised to Staff Opinions because Interpretations are used for legal items.
- Duties and Limitations for Code Compliance Staff was moved to the Administrative Policy
- Disciplinary Proceedings was moved and renamed to 95-03, Probable Cause.
- Notice of Service of Process was deleted because this is covered under the appeal process.
- Rights of the Parties and Hearing Procedures were deleted because this is covered under the appeal process.
- Miscellaneous was deleted due to redundancy.

## **Additional Information**

During the April 2024 Board meeting, the members requested that Board Policies 95-02 and 05-01 be separated from the other policies on the agenda for a thorough review before a vote.

The following changes were made to Board policy 95-02, The Function of the Broward County Board of Rules and Appeals:

1. Updated the heading for uniformity with the other policies.
2. Removed all the "Articles" throughout the document.
3. Name and Powers were added instead of Article I, and the paragraph was revised to the current language.
4. The composition of the Board was revised to add alternate members.

5. Standing Committees were updated to add "Ad Hoc Committee" for non-ongoing committees, such as the Educational and General Contractors Committees. The Energy and Probable Cause Committee was added. The Roofing Committee was combined with the Structural Committee.
6. The rest of the document was updated for clarity and grammatical updates.

The following changes were made to Board policy 05-01, Representation on the Board of Rules and Appeals Standing Committees and Appointment Guidelines:

1. Updated the heading for uniformity with the other policies.
2. The Certification Standards Review Committee, General Contractors/Architects Committee, and Committee to Address Uniform Procedures for Installation of Bi-Directional Amplifier were deleted because there is no longer a need to make these standing committees.
3. Added Energy Conservation Committee
4. Mechanical/Smoke Control Committee's name changed to Mechanical Committee.
5. The Roofing Committee was incorporated into the Structural Committee.
6. The Probable Cause Committee was changed from 5 Board Members or Alternates to one Board Member and two Alternates.
7. Each committee was reviewed to ensure a combination of disciplines was represented. Each committee should be chaired by a Board Member or Alternate, and multiple Board members were removed from the committees, excluding the Representative of the Disabled Community and Consumer Advocate.

Respectfully Submitted,



Dr. Ana C. Barbosa

**Last Revised: 03/XX/24**  
**First Adopted: 04/13/95**  
**Revised 09/12/96**  
**Revised 01/09/97**  
**Revised 02/10/00**  
**Revised 12/13/01**  
**Revised 06/09/22**

**The Function of the Broward County Board of Rules and Regulations Appeals**

**Article I**

**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 ~~the South~~ 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, Broward County Edition, and in particular, Chapter 203.5 (Powers) of the South Florida Building Code, Broward applicable to the County Edition, and in the Charter of Broward County, Section 8.18, and those powers conferred in the Board by all National, State and County laws, ordinances, rules and regulations, as amended.

**Revised 09/12/96**

**2. Jurisdiction**

The Board has jurisdiction over those matters ~~which are~~ of the Building and Fire Code set forth in the South provisions of the Florida Building Code, Broward County Edition, and the Charter of Broward County, Local Amendments, and Florida Statutes, Section 553.73(4), and Section 8.18, and those matters in which ~~633.202~~.

**3. Composition of the Board** has power as set forth in National, State, and County laws, ordinances, rules, and regulations.

**Revised 09/12/96**

**Section 4**

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

**New 01/09/97**

<b>Voting Members</b>	
<b><u>League of Cities (7)</u></b>	<b><u>County Commission (6)</u></b>
Architect	Air Conditioning Contractor
General Contractor	<u>Consumer Advocate</u> <del>Mechanical Engineer</del>
<del>Structural</del> <u>Electrical Engineer</u>	<u>Disabled Community Representative</u> <del>Master Electrician</del>
<u>Master Plumber</u> <del>Electrical Engineer</del>	<u>Fire Service Professional</u> <del>Consumer Advocate</del>
Roofing Contractor	<u>Master Electrician</u> <del>Fire Services Professional</del>
<u>Structural Engineer</u> <del>Master Plumber</del>	<u>Mechanical Engineer</u> <del>Disabled Person</del>
Swimming Pool Contractor	

**Section 2**

<b>Alternate Members</b>	
<b><u>League of Cities (6)</u></b>	<b><u>County Commission (3)</u></b>
<u>Architect</u>	<u>Fire Services Professional</u>
<u>General Contractor</u>	<u>Master Electrician</u>
<u>Electrical Engineer</u>	<u>Mechanical Engineer</u>
<u>Master Plumber</u>	
<u>Roofing Contractor</u>	
<u>Structural Engineer</u>	

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.

### **Section 3**

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.

### **Section 4**

~~Vacancies in the position of Vice chairperson shall be filled immediately by regular election procedures.~~

~~Revised 01/09/97~~

### **Article V**

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**

### **Section 1**

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 ~~F.S.~~ FS §286.001.

~~Revised 06/09/22~~

### **Section 2**

Special chairperson may convene special meetings of the Board ~~may be convened by the chairperson~~ 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.

### **Section 3**

- 1) Notice of a special meeting shall be given to all Board members at least three (3) working days ~~in advance of~~ 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.

### **Section 4**

#### **a. Attendance**

1. ~~There may be thirteen~~ 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.  
~~Revised 01/09/97~~
2. If a member misses three (3) consecutive meetings without cause or ~~without~~ 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 a an appointed designated alternate ~~appointed~~, then that alternate will be seated. ~~(e.g., if the appointed structural engineer is absent, then the alternate structural engineer will be seated.)~~ If the designated alternate cannot attend, ~~then~~ any available alternate may be seated as a voting member. If a member of the Board is absent and ~~there is~~ no designated alternate is appointed, then any available alternate will be seated. The staff will contact the available alternates ~~on an alphabetical basis~~ alphabetically, starting with the name following of the last alternate seated at a prior Board board meeting. ~~(e.g., consumer affairs do not have a designated alternate. Therefore, any available alternate may be seated.)~~

~~New 01/09/97 Revised 12/13/01~~

### **Section 5**

#### **b. Quorum**

A quorum of the Board shall consist of ~~eleven (11) members, and an affirmative vote of a majority of those present shall be necessary to pass any motion or adopt any order unless otherwise specified herein. Alternate members may not vote on any matter before the Board unless they are seated as voting the Board of Rules and Appeals members.~~

**Revised 01/09/97**

## **Section 6**

### **c. Voting**

1. A 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. ~~except no~~
3. No member shall vote in their official capacity upon any measure ~~which that~~ would ~~inure to affect~~ their ~~special private financial or personal gain, or which they know would inure to the special private gain of any principal by whom they are retained., of the parent organization or subsidiary of a corporate principal by whom they are retained of a relative, or of a business associate.~~
4. The Board member must publicly announce the nature of their interest ~~before the vote and must file a memorandum of voting conflict on commission form 8b with the Board's Administrative Director within 15 days after the vote occurs. Any appointed member required to and abstain from any discussion and voting pursuant to the requirements of this Section shall be sequestered during the deliberation and vote of the Board. Furthermore, no member of the Board shall communicate with staff, except by written document through the Administrative Director, regarding any matter upon which they may file a conflict of interest section.~~
5. No appointed member ~~or employee~~ of the Board of Rules and Appeals for a ~~period of 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.

## **Section 7**

### **d. Records**

All regular and special meetings, hearings, and records shall be ~~open to the public.~~

## **Section 8**

### **e. Procedure**

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

**Revised 01/09/97**

## **Article VI**

### **f. Order of Business**

1. Call to order
2. Roll call
3. Public Comment
4. Approval of minutes of previous meeting(s)  
~~Appeals and Rulings~~  
~~Interpretations~~  
~~General Releases~~  
~~Old Business~~  
~~New Business~~
5. Director's Approval of the Agenda
6. Consent Agenda
7. Regular Agenda
8. Director's Report
9. Attorney's Report  
~~Liaison Reports~~
10. Committee Reports
11. General Board member discussion
12. Adjournment

~~The order of business may be suspended by a A vote of the majority of those members present may suspend the order of business.~~

## **Article VII**

### **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 ~~and~~, subcommittees, and Ad Hoc committees, ~~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:

- ~~Educational Committee~~
- Electrical Committee
- ~~Executive Energy~~ Committee
- Fire Code Committee
- Mechanical/~~Smoke Control~~ Committee
- Plumbing Committee
- ~~Roofing Probable Cause~~ Committee
- Structural Committee
- Swimming Pool Committee

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

**Revised 01/09/97**

## **Article VIII**

### **Appeals to the Board of Rules and Appeals**

#### **Section 1**

~~All actions before the Board shall be initiated by filing an appeal and request for a hearing on a form approved by the Board with the secretary to the Board. No member of the Board may initiate an appeal before the Board.~~

#### **Section 2**

~~The secretary to the Board shall establish the procedure to be followed when an appeal is filed, with sufficient time before the hearing for the Board member to study the dispute.~~

#### **Section 3**

~~The secretary to the Board shall deliver to each member of the Board a copy of the appeal and related documents with sufficient time before the hearing for the Board member to study the dispute.~~

#### **Section 4**

~~All appeal hearings will be conducted according to chapter 203.3 of the South Florida Building Code., Broward Edition.~~

#### **Section 5**

~~The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. All testimony shall be under oath and shall be recorded. The Board shall take testimony from the appellant (plaintiff) and then from the appellee (defendant), and then from other interested parties.~~

**Revised 09/12/96**

#### **Section 6**

~~Formal rules of evidence shall not apply. However, fundamental due process shall be observed, and all parties shall have an opportunity to present evidence, witnesses, and arguments on all issues involved to conduct cross-examination, and to submit rebuttal evidence.~~

#### **Section 7**

~~Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relying in the conduct of serious affairs, despite the existence of any common law or statutory rules which might make improper the admission of such evidence over an objection in civil actions.~~

#### **Section 8**

~~Hearsay evidence may be used for supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions.~~

### **Section 9**

~~The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.~~

### **Section 10**

~~At the conclusion of the appeal hearing, the Board of Rules and Appeals shall, by motion and vote, either uphold the petitioner (plaintiff), uphold the respondent (defendant), or take other action as appropriate.~~

### **Section 11**

~~Within five working days, the Administrative Director of the Board of Rules and Appeals shall, by certified mail, notify all parties involved of the decision rendered by the Board.~~

### **Section 12**

~~Notwithstanding the provisions of Section 203.7 of the South Florida Building Code, Broward Edition, application for judicial review of any final order of the Board of Rules and Appeals shall be according to the Florida rules of appellate procedure.~~

### **Section 13**

~~No Board member shall knowingly discuss any case with any interested party before the final resolution of the case by the Board.~~

~~Revised 09/12/96~~

### **Section 14**

~~Once an appeal has been scheduled to be heard, the Administrative Director may grant a continuation based upon the request of both parties involved in the appeal.~~

## **Article IX**

### **Procedures for Amending the South Florida Building Code, Broward Edition**

#### **Section 1**

~~The Board shall only amend South Florida Building Code, Broward Edition, in even-numbered years commencing in 1998. If the Board finds it necessary to amend the code at any other time to protect the life, safety, and welfare of the citizens of Broward County, they shall do so as interim amendments. Interim amendments will only be in effect until the South Florida Building Code, Broward Edition, is officially amended because of the public hearing process conducted in September of the even-numbered year. All official amendments to the code will become effective on January 1 of the next odd-numbered year.~~

~~Revised 09/12/96~~

#### **Section 2**

~~Proposed changes to the South Florida Building Code, Broward Edition shall be submitted in writing to the office of the Broward county Board of Rules and Appeals on the appropriate form with twenty copies of supporting data if applicable. The proposed change shall be referred to the appropriate technical committee for review, and the proponent notified of the time and date of the meeting.~~

#### **Section 3**

~~The technical committee shall take one of the following actions on each proposed code change.~~

- ~~1. Approved~~
- ~~2. Approved as revised~~
- ~~3. Disapproved~~
- ~~4. Table for further study~~
- ~~5. Assigned to Subcommittee~~
- ~~6. Referred to another technical committee~~

#### **Section 4**

~~All proposed changes in which the technical committee(s) has concluded their review and taken a final action shall be forwarded to the Board along with the committee's recommendation. The Board at a regularly-scheduled meeting shall review the recommendation of the technical committee, and take one of the following actions;~~

- ~~1. Approve for public hearing.~~
- ~~2. Approve for public hearing and issue Interim amendment.~~
- ~~3. Disapprove.~~

4. ~~Table for further study.~~
5. ~~Assign to any technical committee.~~

## **Revised 09/12/96**

### **Section 5**

~~The executive committee shall review all proposed changes to chapters 1-3 of the code before being sent to the Board.~~

### **Section 6**

~~In September of even-numbered years, the Board shall conduct a public meeting when any person comments on the proposed amendment(s). The Board shall then review the proposed code amendments, comments, technical committee(s) recommendation(s), and take one of the following actions:~~

1. ~~Approve and set an effective date of January 1.~~
2. ~~Disapprove~~

## **Revised 09/12/96**

### **Article X**

#### **Interpretations and Opinions**

##### **New 09/12/96**

- A. ~~In response to a written inquiry or request setting forth a specific situation, or upon its own initiative, the Board may issue a formal interpretation to clarify provisions of the adopted code. Such formal interpretations shall be signed by the chairman and shall be binding in Broward County.~~
- B. ~~In response to a written or oral inquiry or request setting forth a specific factual situation, a staff member may issue an information opinion if the issue is one with which he has the authority to deal. Such informal opinion shall only be in writing if it is issued in response to a written inquiry or request and shall not be binding upon any building department.~~

### **Article XI**

#### **Duties and Limitations for Code Compliance Staff**

##### **Section 1**

~~No person other than the Administrative Director shall direct the activities of the code compliance staff.~~

##### **Revised 09/12/96**

##### **Section 2**

~~Before an application for a permit, the code compliance staff may provide assistance on code-related matters when requested.~~

##### **Section 3**

~~Once an application for a permit has been applied for or a permit has been issued by a local building department, the code compliance staff shall not interject themselves into any dispute between the applicant/permit holder and the local buildings fire code official unless requested to do so by the building/fire code official. The applicant/permit holder shall be advised that they have the right of appeal to the Board.~~

##### **Section 4**

~~The code compliance staff is responsible for reviewing each building department on a scheduled basis to ensure uniform and proficient compliance with the South Florida Building Code, Broward Edition. Procedures for conducting a field review will be established by the Administrative Director.~~

##### **Section 5**

~~Upon receiving a complaint that the South Florida Building Code, Broward Edition, is being violated by a person certified by the Board of Rules and Appeals, the code compliance staff shall conduct a confidential investigation into the matter and provide a written report of their findings to the Administrative Director. The Administrative Director shall then determine the proper course of action to follow.~~

##### **Section 6**

~~Once a permit has been closed out, the code compliance staff may, at the request of the local building/fire code official, provide advice on whether or not violations of the South Florida Building Code, Broward Edition, exist in the completed structure. A report of the code compliance staff's findings will be made to the Administrative~~

~~Director. However, the plan for resolving any violations is strictly the responsibility of the local building/fire code official.~~

**~~Article XII~~**  
**~~Disciplinary Proceedings~~**  
**~~New 09/12/96~~**

**~~Section 1~~**

~~For any investigation or proceedings conducted under this Section, the Administrative Director shall have the power to administer oaths, take depositions, issue subpoenas, which shall be supported by affidavit, serve subpoenas and compel the attendance of witnesses, and the production of books, papers, documents, and other evidence. The Administrative Director shall exercise this power on its own initiative or by direction of the Board or the probable cause panel.~~

**~~Section 2~~**

~~The Administrative Director shall cause to be investigated any complaint which is filed, if the complaint is in writing, and signed by the complainant.~~

**~~Section 3~~**

~~The Administrative Director may have investigated an anonymous complaint if it is in writing.~~

**~~Section 4~~**

~~When the investigation is completed, the Administrative Director shall prepare and submit to the probable cause panel a report. This report shall contain the investigative findings and the recommendation of the Administrative Director concerning the existence of probable cause.~~

**~~Section 5~~**

~~The determination whether probable cause exists shall be made by a majority vote of a probable cause panel made up of at least three members of the Board of Rules and Appeals, appointed by the Board chairman. If the probable cause panel finds that probable cause exists it shall request that the Board conduct a decertification/disciplinary hearing. Members of the probable cause panel shall be excused from this hearing. For Section XII the Board's Administrative Director shall be the complainant.~~

**~~Section 6~~**

~~In accordance with chapter 71-57S, 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:~~

- ~~A. The South Florida Building Code, Broward Edition, or chapter 71-57S has been violated, or any other law, ordinance, rules, and regulations the Board may have the authority to enforce.~~

**~~Section 7~~**

~~The Board may elect to accept an agreement setting an appropriate punishment in lieu of a hearing.~~

**~~Article XIII~~**

**~~New 09/12/96~~**

**~~Section 1: Notice and service of process~~**

- ~~A. Notice shall be given to all interested parties no less than twenty (20) days before any hearing or proceeding under this Section. If notice is given by mail as provided for in this Section, five (5) days shall be added to this time.~~
- ~~B. The notice required by this Section shall incorporate and set out 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 time, date, and place of the hearing or proceeding;~~
  - ~~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 given an opportunity 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, or by mailing a copy of said documents to the person by certified mail, returned receipt requested.~~

- ~~D. If personal service is made upon an individual, all subsequent process or service shall be sufficient if mailed to the person at the address where service was originally perfected.~~
- ~~E. If, after diligent search and inquiry, personal service cannot be perfected in Broward County. Service shall be made by publishing the notice once during each week for the two consecutive weeks before the hearing or proceeding in a newspaper of general circulation in Broward County.~~

### **Section 2: 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 allegation of the complaint; or if the respondent is without knowledge thereof it shall so 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, such failure shall be deemed to constitute a default by that respondent.~~

## **Article XIV**

### **Rights of the Parties and Hearing Procedures**

**New 09/12/96**

#### **Section 1**

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 evidence presented.~~

#### **Section 2**

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

- ~~A. Opening statements may be presented by the complainant and respondent. 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 the presentation of the respondent's evidence. After the presentation of the respondent's evidence, the complainant may present rebuttal evidence.~~
- ~~C. Following the direct examination of each witness, the opposing party shall be given the opportunity 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 presented first, followed by the closing statement of the respondent.~~
- ~~E. Upon the completion of closing statements, any interested party who has been permitted by the Board to intervene may present oral or written evidence. The complainant and respondent shall be permitted to cross-examine and rebut any such evidence.~~

#### **Section 3**

The complainant and respondent shall be allowed an equal amount of time to present their cases. The time allotted shall be determined by the Board before the hearing or proceeding and shall be calculated based on the complexity of the particular case.

#### **Section 4**

The Board shall have the opportunity to conduct its own examination of the complainant, respondent, and any witness presented during the hearing or proceeding.

#### **Section 5**

The Board shall insure that a full record of the hearing is preserved, and record shall be public and open to inspection and transcription by any person.

#### **Section 6: Evidence**

- ~~A. In any hearing or proceeding under this Section, all evidence of the type 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.~~

- ~~B. All testimony of parties and witnesses shall be made under oath.~~
- ~~C. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a Florida court of law.~~
- ~~D. Documentary evidence may be received in the form of a copy or excerpt if the original is not readily available. However, upon request, any party shall be given an opportunity to compare the copy with the original if the original is accessible.~~
- ~~E. The rules of privilege shall be effective to the same extent that they are recognized in a Florida court of law.~~
- ~~F. The attorney for the Board shall represent the Board and advise it as to the propriety and admissibility of evidence presented at the hearing or proceeding.~~

### **Section 7: Defaults**

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 completely 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.

### **Section 8: Orders of the Board**

- ~~A. After any hearing or proceeding under this Section, the Board of Rules and Appeals, upon a majority vote of those Board members attending, shall issue its order. 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, at the conclusion of 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.~~

### **Section 9: Judicial Review**

- ~~A. Notwithstanding the provisions of Section 203.7 of the South Florida Building Code, Broward Edition, Broward Edition, 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.~~

## **Article XV**

### **Miscellaneous**

#### **Section 1**

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.

#### **Section 2**

These procedures may be changed from time to time by the Board if they deem it necessary for benefit of the public.

Revised: 03/xx/24  
Adopted: 01/14/05  
Amended 01/11/07  
Amended 04/19/07  
Amended 02/09/12  
Amended 06/13/13  
Amended 07/09/15  
Amended 09/13/18  
Amended 01/10/19  
Amended 02/14/19

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

**~~CERTIFICATION STANDARDS REVIEW COMMITTEE~~**

~~Four Board Members or Alternates  
One Board of Rules and Appeals Code Compliance Officers  
Four Building Officials  
Three Private Contractors serving as governmental Inspectors  
One representative designed by the Builders Association of South Florida  
One representative of the Florida Structural Engineers Association, Florida licensed P.E.  
One representative of the American Institute of Architects, Broward Chapter, Florida licensed Architect  
Two representatives of the Broward City County Management Association  
17 Total~~

**~~COMMITTEE TO ADDRESS UNIFORM PROCEDURES FOR INSTALLATION OF BI-DIRECTIONAL-AMPLIFIERS~~**

~~Three Board Members  
Five Fire Service Professionals  
Two FCC License Holders  
Two BDA Providers  
One Fire Alarm Contractors  
One Fire Protection Engineer  
Two Electrical Government Inspectors  
16 Total~~

**ELECTRICAL COMMITTEE**

~~Four One Board Members Member or Alternates Alternate  
One Fire Service Professional  
One Three Certified Electrical Inspectors Utility Representative  
One Alarm Industry or Low Voltage Representative  
One 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 Contactor or Master Electrician 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 Fire Service Member of the Board of Rules and Appeals~~
  - 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**

**GENERAL CONTRACTORS /ARCHITECTS MECHANICAL COMMITTEE**

- ~~Four One Board Members Member or Alternates Alternate~~
  - Three ~~General Contractors~~
  - ~~One Building Official~~
  - ~~One Architect~~
  - ~~One Representative of the Disabled Community~~
  - ~~One Consumer Advocate~~
  - Mechanical One Industry Representative
- 12 Total**

**MECHANICAL/SMOKE CONTROL COMMITTEE**

- ~~Four Board Members or alternates~~
  - ~~Four Contractors or Class A Air Conditioning Contractors~~
  - One Test and Balance Contractor
  - Three ~~Government Certified Mechanical~~ Inspectors
  - One Professional Engineer
  - One Fire Service Professional
- 12 Total**

One Consumer Advocate

**11 Total**

**PLUMBING COMMITTEE**

- Three One Board Members Member or Alternates Alternate
  - Five ~~Government Certified Plumbing~~ Inspectors
  - Two ~~Three Plumbing Contractors~~
  - ~~One Plumbing Contractor or Master Plumbers~~
  - One Fire Service Professional
  - One Representative of the Disabled Community
- 13 Total**

**PROBABLE CAUSE COMMITTEE**

- ~~Five Board Members or Alternates~~
- 5 Total**

**ROOFING COMMITTEE**

- ~~Four Board members or alternates~~
  - ~~Two Industry Representatives~~
  - ~~One Fire Service Professional~~
  - One Professional Engineer
- 12 Total**

### **PROBABLE CAUSE COMMITTEE**

~~Two Roofing Contractor~~

~~One Government Inspector~~ Board Member

**11 Total**

Two Alternate Board Members

**3 Total**

### **STRUCTURAL COMMITTEE**

~~Three One Board Members~~ Member or Alternates Alternate

~~Four Government Inspectors~~

~~Five 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

**12 Total**

One Fire Service Professional

**14 Total**

### **SWIMMING POOL COMMITTEE**

~~Four One Board Members~~ Member or Alternates Alternate

~~Three One Swimming Pool Contractors~~ Contractor

~~One Building Official~~

~~One Government~~ One Certified Plumbing Inspector

One Certified Electrical Inspector

One Certified Structural Inspector

One Professional Engineer

One Electrical Contractor

**11 Total**

One Representative of the Disabled Community

**8 Total**

### **Appointment Guidelines**

- ~~A. Committee Members may not have had any personal or business dealings with any BORA certified inspector or BORA staff employee for a period of 12 months prior to their appointment, nor anticipate any future interests of a similar nature, where the purpose of either is to derive direct or indirect benefit to the Committee Member. Committee Members~~ 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~~ committee appointees of this Board Policy when ~~letter~~ letters of ~~appointments is~~ appointment are sent.
- ~~B. Board Members and Alternates will only fill board members seats, except for the Fire Code Committee, the Board's Consumer Advocate and the representative of the Disabled Community.~~
- B. None of the above ~~Committees~~ 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, ~~committee members~~ 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~~ ad hoc committees or sub-~~committee~~ committees that may be created.
- ~~E. Standing committees are required to meet at least once each year.~~