



## Broward County Board of Rules and Appeals

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**TO:** Broward County Building Officials

**FROM:** Dr. Ana Barbosa, Administrative Director

**DATE:** August 8, 2023

**RE:** BORA Recertifications (2024-2025)  
Submission Deadline for Recertification Packet is December 5, 2023

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Enclosed are recertification application packets for the two years 2024-2025. The application includes a Building Official Checklist, Recertification Application, License Numbers Form, Affidavit of Continuing Education, and Policy Affidavit 71-575.

### Important Points

- ✓ Please complete and return all forms to the Board of Rules and Appeals office no later than **December 5, 2023**.
- ✓ Attach the Continuing Education Affidavit signed by the applicant
  - Twenty-eight (28) educational contact hours must have been completed by December.
- Note:** At least ½ of this requirement must be discipline-specific courses.
- ✓ Please include the notarized affidavit and the Board of Rules and Appeals Policy #14-02 (Page 6).
- ✓ Your new 2024-2025 recertification cards will be valid through December 31, 2025.

All Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors to be recertified shall obtain twenty-eight (28) contact hours within a two (2) consecutive calendar year biennial renewal period (starting January 1, on an even year, through December 31 of the following odd year) by attending a classroom or online education courses, workshops, and seminars, any of which shall be approved by BORA, the Miami-Dade County Code Compliance Office, or the Florida Department of Business and Professional Regulation. Continuing education contact hours shall include courses approved as discipline-specific categories (courses specific to the code chapters enforced by the specific discipline) and non-discipline-specific categories.

Meetings of BORA committees shall be counted as one (1) hour in the non-discipline-specific category, and professional association meetings shall be counted as not to exceed one (1) hour in the discipline-specific category for a maximum of fourteen (14) contact hours within a two (2) consecutive calendar year biennial renewal period.

Individuals holding multiple certifications issued by BORA for the permanent position of Building Official or Chief are restricted to qualifying a maximum of two (2) jurisdictions unless specifically approved by the Board. A minimum of one-half (1/2) of the twenty-eight (28) contact hours within a two (2) consecutive calendar year biennial renewal period shall be a discipline-specific category.

All Building departments shall be recertified biennially by BORA. All Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors presently certified by BORA must complete and submit this recertification application. Positions 1-6 listed below must be employed or contracted with the department to stay certified as a department. One person may hold multiple certifications.

- |                                |                               |                          |
|--------------------------------|-------------------------------|--------------------------|
| 1. Building Official           | 6. Chief Mechanical Inspector | 11. Structural Inspector |
| 2. Assistant Building Official | 7. Structural Plans Examiner  | 12. Electrical Inspector |
| 3. Chief Structural Inspector  | 8. Electrical Plans Examiner  | 13. Plumbing Inspector   |
| 4. Chief Electrical Inspector  | 9. Plumbing Plans Examiner    | 14. Mechanical Inspector |
| 5. Chief Plumbing Inspector    | 10. Mechanical Plans Examiner |                          |

If you have any questions, please call Jonda Joseph at 954-765-4500 (x9691) or any BORA Chief Code Compliance Officer. Thank you for your time and consideration.

Building Official Checklist  
Recertification 2024-2025

**For Building Official Use**

Applicant: \_\_\_\_\_

Municipality: \_\_\_\_\_

Date: \_\_\_\_\_

1.  Building Official Checklist
2.  Recertification Application
3.  License Numbers Form
4.  Broward County Board of Rules and Appeals Policy #14-02
5.  Complete the Affidavit of Education and submit it along with either copy of Certificates or a Department of Business and Professional Regulation printout of Continuing Education Attendance  
**Note:** At least ½ of this requirement must be discipline-specific courses.
6.  Copy of State/County Contractors (MEP) Journeyman's License or Provide State copy from State website verification  
 Copy of Architect License  
 Copy of Professional Engineer License
7.  Copy of BCAIB (State) Code Certificates (Inspector, Plans Examiner, et cetera.) or Provide State copy from State website verification

Comments:

**Broward County Board of Rules and Appeals  
2024-2025 Recertification Application**

Municipality: \_\_\_\_\_

Last Name: \_\_\_\_\_

First Name: \_\_\_\_\_ Middle Name: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Work Email: \_\_\_\_\_

Include a copy of all the applicant's current State of Florida (FBAID, BCAIB, CILB, ECLB, and FBPE) and County licenses or certificates (Refer to Broward County Amendment Provisions, Chapter 1, Section 104.18 Recertifications).

**Please recertify me for the following disciplines(s) for which I am now certified.**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Building Official          | <input type="checkbox"/> Assistant Building Official | <input type="checkbox"/> Roofing Inspector    |
| <input type="checkbox"/> Structural Chief Inspector | <input type="checkbox"/> Structural Plans Examiner   | <input type="checkbox"/> Structural Inspector |
| <input type="checkbox"/> Electrical Chief Inspector | <input type="checkbox"/> Electrical Plans Examiner   | <input type="checkbox"/> Electrical Inspector |
| <input type="checkbox"/> Plumbing Chief Inspector   | <input type="checkbox"/> Plumbing Plans Examiner     | <input type="checkbox"/> Plumbing Inspector   |
| <input type="checkbox"/> Mechanical Chief Inspector | <input type="checkbox"/> Mechanical Plans Examiner   | <input type="checkbox"/> Mechanical Inspector |

Please list below all jurisdictions and positions of Building Official, Assistant Building Official, and/or Chiefs for which you are currently serving.

Jurisdiction _____	<input type="checkbox"/> B.O.	<input type="checkbox"/> A.B.O.	<input type="checkbox"/> Chief (Discipline) _____
Jurisdiction _____	<input type="checkbox"/> B.O.	<input type="checkbox"/> A.B.O.	<input type="checkbox"/> Chief (Discipline) _____
Jurisdiction _____	<input type="checkbox"/> B.O.	<input type="checkbox"/> A.B.O.	<input type="checkbox"/> Chief (Discipline) _____

_____ Signature of Certified Applicant	_____ Date	_____ Signature of Building Official	_____ Date
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**This area below is for Broward County Board of Rules and Appeals office use only.**

Date: \_\_\_\_\_ CCCO: \_\_\_\_\_

Discipline: \_\_\_\_\_ Please check one:  Approved  Denied

Signature: \_\_\_\_\_

Comment(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

License Numbers Form  
(Applies to all positions)

Applicant Name: \_\_\_\_\_

Municipality: \_\_\_\_\_

Position: \_\_\_\_\_

List all license numbers. Check those to appear on recertification cards.

<input type="checkbox"/> CGC _____	<input type="checkbox"/> BU _____
<input type="checkbox"/> CBC _____	<input type="checkbox"/> BN _____
<input type="checkbox"/> CRC _____	<input type="checkbox"/> PX _____
<input type="checkbox"/> CCC _____	<input type="checkbox"/> SRI _____
<input type="checkbox"/> EC _____	<input type="checkbox"/> FBPE _____ (Engineer)
<input type="checkbox"/> ER _____	<input type="checkbox"/> FBAID _____ (Architect)
<input type="checkbox"/> CMC _____	<input type="checkbox"/> Broward County License _____
<input type="checkbox"/> CAC _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> CFC _____	<input type="checkbox"/> Other _____

**FOR BORA STAFF USE ONLY**

Approved By:

Chief Code Compliance Officer: \_\_\_\_\_

Date: \_\_\_\_\_

Please record your attendance in this log for the required 28 educational contact hours. Each entry shall be accompanied by proof of attendance and submitted to the office of the Broward County Board of Rules and Appeals with the recertification form by December 5, 2023. Printouts of the Department of Business and Professional Regulation continuing educational attendance are acceptable in lieu of certificates.

*\*\* If providing these printouts, select "attached" box, print name, municipality, sign and date form, and attach DBPR printouts.*

Applicant Name: \_\_\_\_\_ Municipality: \_\_\_\_\_

**Affidavit of Continuing Education**

\*\* Attached

Course Title	Date	Sponsor	Course No.	Contact Hours

I certify that, to the best of my knowledge, the above information is correct, and that I attended and received credit for these courses.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**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.

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**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.

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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)**

(\*NOTE: This Advisory has been reprinted from the original dated February 21, 2014 for formatting purposes only.)

### **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. 4<sup>th</sup> 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:

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... 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, all that is required is that the inspector may compete against a competitor.

**(a) Inspection of Work of Possible 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 content 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.<sup>1</sup> The language of the statute thereby

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<sup>1</sup> 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 {00345285.DOCX; 1 }

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.

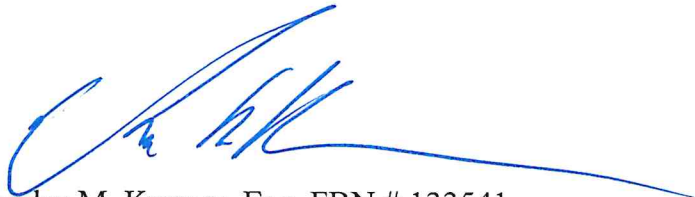
That is not to say that an inspector may not work. On occasion, private parties as well as city, state, and federal government entities may offer and award a no-bid contract to a certain party they unilaterally deem to be the most qualified. Such a scenario would not preclude an inspector from using their Certificate of Competency in the acceptance of such work.

**(b) Prohibition from Qualifying**

The second point to note is that **the statute precludes an inspector from acting as a qualifier for ANY PERSON or ANY FIRM.** Period. This bears careful consideration. As far as acting as a qualifier, it makes no difference whether or not the person or firm being contemplated for qualification may be a competitor of the inspector. As long as the license holder is employed as an inspector, they are not permitted to act as a qualifier for anybody, anywhere, anytime, even if the job in question were to be a no-bid type job.

**IV. Conclusion**

The short version of this is that: 1) an inspector may not use his/her certificate of competency for competitively bid work, anywhere; 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 person or entity anytime, anywhere, for any type of work.



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