

# MEMORANDUM

## Development Services

### MEMORANDUM NO. 16-33

**DATE:** November 21, 2016

**TO:** Mr. Dennis Beach, City Manager

**VIA:** Robin M. Bird, Development Services *RB*

**FROM:** Miguel Nunez, Building Official *MN*

**SUBJECT:** Request to transfer funds to supplement our Travel, Education, Membership Account and Repair & Maintenance, Maintenance Contracts Accounts.

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Upon reviewing our monthly budget accounts, additional funding will be needed for our Travel, Education, Membership Account and Repair & maintenance, Maintenance Contracts for the remainder of this budget year 2016-2017.

The Travel, Education, Membership Account Fund is utilized for the purpose of training our staff, providing funds for state and county approved seminars, training programs and license renewal for mandatory state certification and re-certification, and Broward County Board of Rules and Appeals certification re-certification. (Please see attached **Exhibit #1**).

The purpose of the funding to the Repair & Maintenance, Maintenance Contracts Account is to allow continuous payment for necessary contracts associated with the division's needs.

We are requesting a supplemental funding transfer as follows:

**ACCOUNT -# 110-0000-392-10-00** – “Non Revenues/Budgetary Fund Balance.” Transfer \$40,000,000.00 from this account to ACCOUNT #110-1550-515-40-10 - “Travel, Education, Membership”.

**ACCOUNT - #110-0000-392-10-00** – “Non-Revenues/Budgetary Fund Balance.” Transfer \$17,000.00. from this account to **ACCOUNT #110-1550-515-46-40** – “Repair & Maintenance, Maintenance Contract”.

Thank you for your consideration regarding this matter.

# EXHIBIT #1

- C. Miami-Dade County Construction Trades Qualifying Board, Block proctored, issued on or after January 1, 1968.
- D. Florida Department of Business and Professional Regulation as an Architect or Engineer.

## 104.16 Structural Inspector. As set forth herein:

**104.16.1 Appointment of a Structural Inspector.** There shall be appointed by each governmental AHJ a person qualified as set forth in Section 104.16.3 to serve as a Structural Inspector. To be eligible for appointment as a Structural Inspector, such person shall be certified by BORA.

**104.16.2 Powers and Duties of the Structural Inspector.** Such employee shall have the duties and powers as delegated by the Chief Structural Inspector except that the Chief may not delegate authority to subordinates to interpret provisions of this Code.

**104.16.2.1** The Structural Inspector shall serve notice to the Structural Contractor/representative or owner / representative in writing, stating the reasons therefore and citing the relevant code section(s)

**104.16.2.2** The Structural Inspector shall issue an Approval for installations of all building components, as listed in Section 110.3 of this Code.

**104.16.3 Certification of the Structural Inspector.** To be eligible for appointment as a Structural Inspector or Limited Structural Building Inspector or Limited Structural Residential Inspector, such person shall be certified by the State of Florida, BCAIB as a Structural Inspector. Such person shall be certified by BORA and shall meet at least one of the following qualifications.

**Exception:** Architects and Engineers are exempt from BCAIB certification only.

**104.16.3.1** An Architect or an Engineer in the discipline requested and having practiced within the area of HVHZ for at least three (3) years.

**104.16.3.2** Either 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 the HVHZ code; or five (5) years construction experience in the Structural discipline and five (5) years as an active State Certified Structural Inspector of which at least two (2) years shall have been within the jurisdiction of HVHZ code. An applicant for certification as Structural Inspector under the provisions of this section, who has passed BORA HVHZ Exam may substitute experience within the State of Florida for the required HVHZ Experience.

**104.16.3.3** An applicant for Certification as a Structural Inspector under the provisions of this section who is a graduate from an accredited school holding a Bachelor or

Broward County Board of Rules and Appeals  
~Effective June 30, 2015

an Associate of Science Degree in Engineering, Architecture or Building Construction may be credited for three (3) years for Bachelor Degree or one (1) year for an Associate Degree of the required five-year experience.

## In addition to the aforementioned requirements:

**104.16.3.4** Each of the applicants shall possess a current Certificate of Competency as a General Contractor (Unlimited) 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 (as Class "A" Unlimited General Contractor).
- C. Miami-Dade County Construction Trades Qualifying Board, Block proctored, issued on or after January 1, 1968.
- D. Florida Department of Business and Professional Regulation as an Architect or Engineer.

**Exception:** Individuals holding licenses as a residential contractor and/or building contractor, with a current Certificate of Competency issued by the Florida Construction Industry Licensing Board or Broward County Central Examining Board of Building Construction Trades, may be certified as Limited Structural Building Inspector or Limited Structural Residential Inspector with duties limited to the type and size of work for which they are certified to build. Inspectors employed under this Exception shall be required to attend the first available formal educational course as approved by BORA immediately following employment.

**104.17 Certification of Building Departments and Building Code Inspection Enforcement Personnel.** BORA shall certify each and every Building Department after it has determined to its satisfaction that the Building Code Inspection Enforcement Personnel are qualified by the provisions of this Code. These positions shall include at a minimum the Building Official, Chief Electrical Inspector, Chief Mechanical Inspector, Chief Plumbing Inspector, and Chief Structural Inspector.

**104.17.1** Only such persons that have been examined and certified by BORA may be appointed or have the powers and duties of a Building Official, Assistant Building Official, or Chief Inspector. Each Building Official, Assistant Building Official, and Chief Inspector shall obtain a separate card for each governmental AHJ by which he or she is employed. Plans Examiners and Inspectors shall be issued a single certification card that is valid Countywide upon approval.

**104.17.2** The certification of Building Department Inspection Personnel may be revoked, for cause, by BORA. BORA may deny, refuse to renew, suspend, or revoke BORA certificate of a Building Official, Assistant Building Official, Chief Inspector, Plans Examiner or Inspector if it finds that any of the following grounds exist:



Effective: April 15, 2016

- A. Any cause for which issuance of a certificate could have been refused had it then existed and been known to BORA.
- B. Violation of FBC.
- C. Falsification of records relating to the certificate.
- D. Having been found guilty of or having pleaded guilty or nolo contendere to a felony, whether or not a judgment of conviction has been entered.
- E. Failure to meet any of the renewal requirements.
- F. Having been convicted of a crime in any jurisdiction which directly relates to the practice of the building code inspection, plan review, or administration.
- G. Making or filing a report or record that the certificate holder knows to be false, or knowingly inducing another to file a false report or record, or knowingly failing to file a report or record required by the state or local law, or knowingly impeding or obstructing such filings, or knowingly inducing another person to impede or obstruct such filing.
- H. Failure to properly enforce applicable building codes or permit requirements within this state which the certificate holder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.
- I. Accepting labor, service, or materials at no charge or at a noncompetitive rate from any person who performs work that is under the enforcement authority of the certificate holder and who is not an immediate family member of the certificate holder. For the purpose of this paragraph, the term "immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse or any person who resides in the primary residence of the certificate holder. BORA upon verification of the above grounds, shall immediately notify the Building Official, Assistant Building Official, Chief Inspector, Plans Examiner and/or the Inspector involved, who, upon notification from BORA, shall appear before the Board to explain why his or her certification should not be revoked.

**104.17.3** When Building Departments fail to meet certification criteria, they will immediately be notified to cease activities until such time as requirements of this Code are met.

**104.17.4** Application for certification shall contain such pertinent information as is considered relevant by BORA.

**104.17.5** Certification shall be for the remainder of the current biennial certification period for initial employment and shall be renewed biennially on January 1 of each even-numbered year thereafter. When a Building Official, Assistant Building Official or Chief Inspector, resigns from his or her position, his or her card becomes inactive until he or she again returns to work for a Building Department, at which time, upon proper application, he or she will be issued a new certification card, at a renewal fee in the amount appropriate for each discipline according to BORA Fee Schedule for Certification.

**104.17.6** Applications for certification will not be considered unless the application is made on a form prescribed by BORA.

**104.17.7 Certification Fee: Reserved.**

**104.17.8** Within ten (10) days of receipt of a properly completed application, the Secretary to BORA (Administrative Director) shall, after performing a review of the application: grant temporary certification, limit certification to a particular discipline or deny it, stating the reasons for denial. Any such determination is subject to final review and approval or revision by BORA. The temporary certification shall only be effective through the date of final action by BORA with respect to the application. The Secretary of BORA may delegate this duty to the Chief Code Compliance Officers.

**104.17.9** Certification may be withdrawn, rescinded or suspended if, upon investigation, it is found that the certified person has failed to enforce the Code, abused the powers of office, or withheld or concealed information on the application which, if known to BORA, may have been cause for denying certification.

**104.17.10** Any person, whose certification has been denied, withdrawn or rescinded, may appeal to BORA in open meeting and may produce witnesses and be represented by counsel in support of his or her claim.

**104.17.11** Suspension of Certification Requirements: Upon Broward County being declared a Disaster Area, the Chairperson of BORA or designee may temporarily suspend the Broward County certification requirements for all Certified by the State of Florida, Department of Business and Professional Regulation, BCAIB as Building Code Administrators, Plans Examiners and Inspectors. The length of time that this suspension will be in effect will be for thirty (30) calendar days. The Chairperson or designee may extend this period if conditions warrant. This temporary suspension of the certification requirement shall not apply to an individual being hired on a permanent basis.

**104.18 Recertification of Building Departments and Building Code Inspection Enforcement Personnel:**

**104.18.1** All Building Departments shall be recertified biennially by BORA. To be recertified, all Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors who are presently certified by BORA, shall meet the following criteria and comply with the current requirements for initial certification.

**104.18.1.1** Be currently certified by BORA.

**104.18.1.2** Be presently employed by a governmental AHJ (Building Department) within Broward County. See Section 104.17.

**104.18.1.3** All Building Officials, Assistant Building Officials, Chief Inspectors, Plans Examiners, and Inspectors, to be recertified shall obtain ~~thirty-two (32)~~ 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 next odd year) by attending formal education courses, workshops, and seminars, any of which shall be approved by BORA, the Miami-Dade County Code Compliance Office, the BCAIB, the Construction Industry Licensing Board, or the Electrical Contractors Licensing Board, and be related to the in-



dividual's discipline. Continuing education contact hours shall include courses approved as discipline specific category (courses which are specific to the code chapters enforced by the specific discipline) and non-discipline specific category. Specific courses mandated for license holders by the State of Florida Boards' shall be classified as non-discipline specific, unless clearly indicated as discipline specific by a State agency. A minimum of one half of the ~~thirty-two (32)~~ twenty eight (28) contact hours within a two (2) consecutive calendar year biennial renewal period shall be discipline specific category. 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 ~~sixteen (16)~~ fourteen (14) contact hours within a two (2) consecutive calendar year biennial renewal period. Unless authorized by BORA Staff online education courses, workshops and seminars do not meet this requirement and shall not be accepted.

**104.18.1.4 Prorating of continuing education contact hours.** For any person newly certified, the required continuing education is prorated according to the number of months remaining in the renewal period. To determine the continuing education required, divide the number of months remaining in the renewal period from the time of certification by 24 and multiply the result by ~~32~~ 28. The result, rounded up to the next round number, is the number of continuing educational hours required. Half of these hours shall be discipline specific. Any person newly certified within less than six (6) months remaining in the renewal period shall not be required to have any continuing educational credits.

**104.18.2** A previously employed Building Official, Assistant Building Official, Chief Inspector, Plans Examiner or Inspector may be recertified biennially upon the presentation of ~~thirty-two (32)~~ twenty eight (28) of education accumulated during the previous two (2) consecutive calendar years.

**104.18.3** If certification is not renewed and allowed to lapse, the application for recertification shall be accompanied with proof acceptable to BORA that the ~~thirty-two (32)~~ twenty eight (28) contact hour requirement of continued education has been met.

**104.18.4** By December 5 of the second year (the odd-numbered year) of a biennially renewal period, on a form as approved by BORA, each Building Official shall submit to BORA a list of currently employed personnel who are to be recertified for the ensuing new biennial renewal period, on a form as approved by BORA, accompanied by a check in the amount appropriate for each discipline according to BORA Fee Schedule for Certification for each certification, payable to the "Broward County Board of County Commissioners." Recertification is to be effective on January 1 of each biennial renewal period (the even-numbered year).

**104.18.5 Recertification Fee:** If applicable, each application shall be accompanied by a check in the amount appropriate for each discipline according to BORA Fee Schedule for

Recertification, payable to "Broward County Board of County Commissioners."

**104.19 Fire Prevention Bureau.** A Fire Prevention Bureau shall be established within the fire department, under the direction of the Fire Chief, which shall consist of such fire department personnel as may be assigned thereto, by the Fire Chief, in accordance with the requirements prescribed herein. The function of this bureau shall be to assist the Fire Chief in the administration and enforcement of the Fire Protection Provision of this Code, and FFPC. Personnel assigned to the bureau as the Fire Marshal, Fire Code Official, Fire Plans Examiner, and/or Fire Inspector shall be certified by BORA. As set forth herein: (see also Broward Local Fire Amendments to FFPC)

**104.19.1 Appointment a Fire Marshal/Fire Code Official.**

There shall be appointed by the Fire Chief, certain fire prevention personnel to be qualified as set forth in this Chapter as part of FFPC to serve as Fire Marshal/Fire Code Official. Personnel assigned to the Fire Prevention Bureau as Fire Marshal/Fire Code Official, Fire Plans Examiner, and/or Fire Inspector shall be State Certified Firefighters, State Certified Fire Inspectors, and certified by BORA. For State certification and recertification, refer to Florida State Statute 633.

**104.19.2 Powers and Duties of a Fire Marshal or Fire Code Official.**

The Fire Chief shall duly authorize his or her representative of the fire department to exercise the powers and perform the duties of the Chief. He or she shall also be known as Fire Marshal/Fire Code Official. The Fire Marshal/Fire Code Official shall be authorized and directed to enforce the Fire Protection Provisions of this Code and FFPC and the sole authority to render interpretations of the Fire Protection Provisions of this Code and FFPC, and to adopt policies and procedures in order to clarify the application of its provisions, and shall have responsibility for the administration and enforcement of the Fire Protection Provisions of this Code and FFPC. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of the Fire Protection Provisions of this Code and FFPC. Such policies and procedures shall not have the effect of waving requirements specifically provided for in the Fire Protection Provisions of this Code and FFPC. It shall be his or her duty and responsibility to enforce and coordinate the work of all subordinates such as Fire Plans Examiners and Fire Inspectors. Based on current technology that the Fire Marshal/Fire Code Official does not have to be personally present at the fire department as long as he or she is available by telephone/computer etc. and can perform his or her duties. In the event that the Fire Marshal/Fire Code Official is not available to perform his or her duties, the Fire Chief may appoint an interim Fire Marshal/Fire Code Official provided such person is qualified as set forth in Section 104.19.3 in this Code and FFPC. The Fire Chief or Fire Prevention Bureau shall notify in writing BORA of the starting date and period of time that the Interim Fire Marshal/Fire Code Official will assume the Fire Marshal/Fire Code Official's duties. The name of the Interim Fire Marshal/Fire Code Official will be recorded by BORA of the name of any