

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

Meeting Date: February 24, 2009

Department: Planning, Zoning & Building Department

Submitted By: Building Division

Advisory Board Name: Building Code Advisory Board

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Appointment/Reappointment of the following individuals to the Building Code Advisory Board, for the terms indicated below.

A)	<u>Appoint</u> Michael Fichera	<u>Seat</u> 4	<u>Requirement</u> Building Official	<u>Term</u> 2/24/09 - 1/1/2011	<u>Nominated By</u> BOAPBC
B)	<u>Reappoint</u> Jacek R. Tomasik	<u>Seat</u> 6	<u>Requirement</u> Building Official	<u>Term</u> 1/2/09 - 1/1/2012	<u>Nominated By</u> BOAPBC

Summary: The Building Code Advisory Board was established by a Special Act of the Florida Legislature in 1974, and amended in 2001. The term of office for board members is three years; with no limit to the number of terms a member may serve. Michael Fichera is nominated by the Building Officials Association of Palm Beach County to fill the unexpired term of Robert S. Dawson, Seat 4. This action will fill the above-referenced seat until January 1, 2011. The reappointment of Jacek R. Tomasik is nominated by the Building Officials Association of Palm Beach County, for a three year term until January 1, 2012. The Board is composed of sixteen members; seven regional Building Officials who must be appointed from nominees submitted by the Building Officials Association of Palm Beach County; seven members who must be appointed from nominees submitted by the Construction Industry Management Council of Palm Beach County; one member who must be a registered Architect appointed from nominees submitted by the Palm Beach County Chapter of the American Institute of Architects; and one member who must be a Professional Engineer appointed from nominees submitted by the Palm Beach County Chapter of the Florida Engineering Society. Countywide (GB)

Background and Justification: continued on page 3

Attachments:

1. Board Appointment Information Forms
2. Letters of Recommendation – Building Officials Association of Palm Beach County
3. Resume' of Michael Fichera & Jacek R. Tomasik
4. BCAB Attendance Record
5. Special Act

Recommended By: [Signature] Department Director Date 2/5/09

Legal Sufficiency: [Signature] Assistant County Attorney Date 2/10/09

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

REVISED 06/92
ADM FORM 03
(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

continued from page 1

Background and Justification: The Building Code Advisory board is authorized to advise local governments regarding adoption of administrative or technical amendments to the Florida Building Code based on local conditions.

Advise local governments how construction code enforcement can be improved and standardized.

Advise local governments on evaluation of new and innovative materials, products, systems, or methods of construction for compliance with the Florida Building Code, and any amendments or revision thereto.

Act as the countywide compliance review board, pursuant to section 553.73(4) (b) 7., Florida Statutes, notwithstanding the requirements contained therein to establish such review board by interlocal agreement.

The board is authorized to establish policies and procedures necessary to conduct evaluation efforts, such as, but not limited to, applications, fees, renewals, and revocations.



**Building Officials
Association of
Palm Beach County**

**2009 Officers &
Directors**

President

**Rebecca Caldwell, CBO
rcaldwel@pbcgov.org**

Vice-President

**Doug Wise, CBO
Palm Beach Gardens
dwise@pbgfl.com**

Secretary

**Tim Lynch, CBO
Town of Jupiter
timl@jupiter.fl.us**

Treasurer

**Frank Knapp, CBO
Palm Beach County
fknap@pbcgov.org**

Directors

**Steven Kennedy, CBO
Palm beach Gardens
skennedy@pbgfl.com**

John Farinelli, CBO

**JC Code & Construction
Consultants, Inc.
ifarinelli@iccode.com**

Past President

**Michael Crisafulle, CBO
Hy-Byrd Inspections
hybvrd@bellsouth.net**

State Director

**Roger Held, CBO
Town of Jupiter
roger@jupiter.fl.us**

State Past President

**Bob Boyer, CBO
Palm Beach County
bboyer@pbcgov.org**

**PO Box 20241
West Palm Beach
Florida, 33416-0241**

January 23, 2009

Board of County Commissioners
Palm Beach County
C/O Felicia Everett
2300 N. Jog Road
West Palm Beach, FL 33411

RE: BCAB Nominee – Michael Fichera, CBO

Dear Commissioners:

I am pleased to report to you that during the January 22nd meeting of the Building Officials Association of Palm Beach County (BOAPBC), the BOAPBC membership voted unanimously, authorizing the Chapter Officers and Directors to nominate Michael Fichera, CBO, Building Official of the City of Boca Raton, for your consideration to serve a term as the District 4 Representative on the Building Code Advisory Board of Palm Beach County (BCAB). The Officers and Directors of the Association have carefully reviewed Mr. Fichera's record of service in support of construction code administration, and believe that his skill and experience in the enforcement of building codes makes him an asset to the District he serves, and as well as the County at large.

The membership, officers, and directors of our association respectfully ask for your favorable consideration of this nominee. We also remain grateful to the Commission for its continued support of consistent, strong, and equitable construction code enforcement in Palm Beach County and its 39 municipalities. We recognize, as the Commission Members do, that consistent and diligent enforcement of current construction codes protects the lives and property of the citizens and visitors of Palm Beach County, along with helping to keep down the high cost of property insurance in our County.

Sincerely,

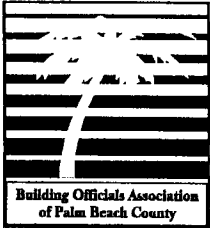
Rebecca D. Caldwell, CBO
President



**Chapter of
Building
Officials
Association of
Florida
Since 1974**



**Chapter of
International
Code
Council
Since 2001**



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January 23, 2009
Board of County Commissioners
Palm Beach County
C/O Felicia Everett
2300 N. Jog Road
West Palm Beach, FL 33411

RE: BCAB Nominee – Jacek Tomasik, CBO

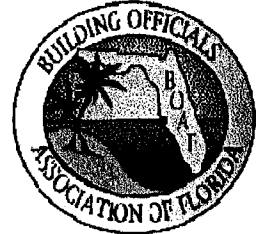
Dear Commissioners:

I am pleased to report to you that during the January 22nd meeting of the Building Officials Association of Palm Beach County (BOAPBC), the BOAPBC membership decided to nominate incumbent Building Code Advisory Board Member, Jacek Tomasik, CBO, for your consideration to serve an additional term as the District 6 representative on the Building Code Advisory Board of Palm Beach County (BCAB). The Association membership is proud of the dedicated service Mr. Tomasik has and continues to demonstrate in support of the citizens of Palm Beach County, as well as the municipality of Village of Wellington.

The membership, officers, and directors of our association respectfully ask for your favorable consideration of this nominee. We also remain grateful to the Commission for its continued support of consistent, strong, and equitable construction code enforcement in Palm Beach County and its 39 municipalities. We recognize, as the Commission Members do, that consistent and diligent enforcement of current construction codes protects the lives and property of the citizens and visitors of Palm Beach County, along with helping to keep down the high cost of property insurance in our County.

Sincerely,

Rebecca D. Caldwell, CBO
President



Chapter of
**Building
Officials
Association of
Florida**
Since 1974



Chapter of
**International
Code
Council**
Since 2001

Michael Fichera

5200 NW 5th Avenue
Boca Raton, FL 33487
561-994-0916

OBJECTIVE:

Leadership position in the field of Building Code Administration.

EMPLOYMENT:

City of Boca Raton

7/06 – Present Building Official

Administer and enforce the building, electrical, mechanical and plumbing codes for the City of Boca Raton. Supervise and monitor efficiency and effectiveness of all building plans examination and inspection activities. Enforce the laws, ordinances, and codes related to the construction and alteration of buildings. Prepare evidence and testify on code violation cases. Present cases to Builder's Board of Adjustment and Appeals. Prepare amendments to City ordinances related to building codes. Assist at the Emergency Operations Center during crisis situations and oversee implementation of preparedness and recovery plans. Prepare and administer the budget.

City of Boca Raton

3/03 – 7/06 Facilities Manager

Administer the City of Boca Raton's Facilities Maintenance and Construction Division. Develop and implement key department strategic goals. Generate performance standards for city facilities. Evaluate bid documents and construction contracts. Administer construction and service contracts. Manage and monitor citywide fire alarm systems, security card access systems and fire sprinkler systems. Prepare annual and long-term budgets. Evaluate performance of field staff and develop training programs. Evaluate citywide space requirements. Develop policies and procedures for facilities service users. Monitor energy efficiency of city facilities with building automation systems.

City of Boca Raton

6/98 – 3/03 Construction Project Manager

Supervise field inspection staff in monitoring of commercial project construction, and provide comprehensive inspection services for citywide capital improvement projects. Administer and direct progress of private contractors in the construction of citywide capital projects. Contract administration duties include review and process of bid proposals, shop drawing submittals, payment request applications, and construction schedules; also negotiate change order claims, liquidated damage disputes, and contract terminations.

City of Boca Raton

1/88 – 5/98 Structural Building Inspector

Inspect sites and field-review plans for compliance with architectural specifications, zoning conditions, building code requirements, and product approval details on commercial, residential, and marine structures. Check structures and job-sites for sound construction methods, building material quality, and safe work practices. Respond to emergency calls from Police and Fire Departments for opinion on damaged structures.

Michael Fichera

LICENSES/PROFESSIONAL ASSOCIATIONS:

State of Florida

Certified Building Code Administrator
Certified Structural Building Inspector
Certified One and Two Family Dwelling Inspector
Certified General Contractor
Certified Real Estate Broker

Member, Building Official Association of Florida

Member, International Facilities Manager Association

Member, International Right of Way Association

Member, American Public Works Association

EDUCATION:

Florida International University

5/01 - Present Construction Management Masters Degree program

Florida Atlantic University

8/96 - 1/99 Public Administration Masters Degree program

Western Illinois University

1/92 - 7/95 Bachelor of Arts in Business Administration

Florida Atlantic University

1/86 - 1/91 Business Administration Bachelor Degree program

Polytechnic Institute of New York

9/74 - 9/79 Civil Engineering Bachelor Degree program

REFERENCES: Available upon request.

Jacek R. Tomasiak
12328 85th Road North
West Palm Beach, FL 33412
Phone: (561) 753 - 2505
Email: jtomasiak@ci.wellington.fl.us

Objective:

To secure a position that best utilizes my technical, professional, and communication skills in the field of building code enforcement.

Employment History:

- **March 2006 – Present: Building Official, Village of Wellington.**
Supervisory and administrative duties of enforcement of local, state and federal construction codes for new and existing construction.
- **July 2002 – March 2006: Chief Inspector, Village of Wellington.**
Supervisory and administrative duties related to inspection process.
- **January 2001 – July 2002: Construction Inspector, Village of Wellington.**
Inspections in Structural, Plumbing and Mechanical categories.
- **Jan. 2000–Jan. 2001: Construction Inspector, Village of Royal Palm Beach.**
Inspections in Structural Category
- **Jan 1989 – Jan. 2001: Skilled trade worker, Village of Royal Palm Beach.**
In charge of construction, maintenance and repair of all municipal structures.

State Licensure:

ICC/SBCCI Certifications

- | | |
|---|---|
| <ul style="list-style-type: none">- Building Code Administrator- Building Plans Examiner- Mechanical Plans Examiner- Plumbing Plans Examiner- I & 2 Family Dwelling Plans Examiner- Structural Inspector- Mechanical Inspector- Plumbing Inspector- 1&2 Family Dwelling Inspector | <ul style="list-style-type: none">- Building Code Administrator- Building Code Professional- Building Plans Examiner- Mechanical Plans Examiner- Plumbing Plans Examiner- Costal Construction Inspector- Structural Inspector- Mechanical Inspector- Plumbing Inspector- 1&2 Family Dwelling Inspector |
|---|---|

Memberships:

- Building Official Association of Florida
- National Fire Prevention Institute
- International Code Council
- Florida Association of Plumbing – Gas – Mechanical Inspectors
- Association of Floodplain Managers

References:

- Available upon request.

BUILDING CODE ADVISORY BOARD – ATTENDANCE RECORD 2008

MEMBER	J	F	M	A	M	J	J	A	S	O	N	D
Caldwell, Rebecca						C			C	C		C
VACANT						C			C	N/A	N/A	N/A
Duncan, Drew		A				C			C	C		C
Jacobson, Maury					A	C	A	A	C	C	A	C
Kozan, Gary	A	A				C			C	C	A	C
Lecky, Robert		A			A	C			C	C		C
Lewis, Howarth (Hap)		A		A		C			C	C		C
Loihle, Kenneth				A		C	A		C	C		C
Marion, Kurt G.		A				C			C	C		C
VACANT		A	A		A	C		A	C	N/A	N/A	N/A
Miller, Gregory		A	A		A	C	A		C	C		C
Stewart, Dave						C	A		C	C		C
Higgins, William Ray	N/A	N/A	N/A	Start		C			C	C		C
Tomasik, Jacek				A		C			C	C		C
Bergman, Wayne	N/A	N/A	Start			C			C	C		C
Worley, Scott						C			C	C		C

No entry indicates member in attendance

“A” entry indicates member absent

“N” entry indicates no meeting held

“C” entry indicates scheduled meeting cancelled

“N/A” entry indicates no appointee or pending appointment

1 A bill to be entitled
2 An act relating to Palm Beach County; amending
3 chapter 90-445, Laws of Florida, as amended;
4 providing for the uniform implementation,
5 interpretation, and enforcement of building
6 code requirements pursuant to the Florida
7 Building Code; providing and amending
8 definitions; providing for enforcement;
9 providing for repeal of conflicting laws;
10 providing for interpretation of codes and
11 revision; deleting provisions relating to
12 appointments; providing for authority for
13 building code amendments; providing for
14 amending provisions for product and system
15 evaluation, including application fees and
16 revocation and renewal of product and system
17 compliance; providing severability; providing
18 an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Chapter 90-445, Laws of Florida, is amended
23 to read:

24 Section 1. Purpose.--As provided in section 553.80(1),
25 Florida Statutes, each local government and each legally
26 constituted enforcement district with statutory authority
27 shall regulate building construction and, where authorized in
28 the state agency's enabling legislation, each state agency
29 shall enforce the Florida Building Code, as revised or amended
30 by the state or applicable local government, required on all
31 public or private buildings, structures, and facilities unless

1 such responsibility has been delegated to another unit of
2 government pursuant to section 553.79(9), Florida Statutes.
3 The purpose of this act is to provide for a system to advise
4 the Palm Beach County Board of County Commissioners and local
5 governments regarding the uniform implementation,
6 interpretation, and enforcement of the Florida Building Code.
7 ~~Authority. The board of county commissioners shall have the~~
8 ~~power to adopt, for all municipalities and unincorporated~~
9 ~~areas of Palm Beach County, more recent editions and revisions~~
10 ~~of the Standard Building, Gas, Mechanical, and Plumbing Codes,~~
11 ~~as promulgated by the Southern Building Code Congress~~
12 ~~International, in addition to the National Electrical Code, as~~
13 ~~promulgated by the National Fire Protection Association.~~
14 ~~These codes shall be adopted by ordinance, based on the advice~~
15 ~~of the Building Code Advisory Board of Palm Beach County.~~

16 Section 2. Definitions.--As used in this act:

- 17 (1) "Amendment" means modified requirements to the
18 Florida Building Code model building codes which are adopted
19 by ordinance by any unit of local government pursuant to
20 section 553.73, Florida Statutes.
- 21 (2) "Board" means the Building Code Advisory Board of
22 Palm Beach County, unless otherwise specified.
- 23 (3) "Building official" means an individual charged
24 with the administration and enforcement of the Florida
25 Building Code ~~several codes adopted pursuant to section 1,~~ who
26 is a full-time employee of a municipality or the county, in
27 the respective election district in which the jurisdiction is
28 situated.
- 29 (4) "Design professional" means an architect or
30 engineer so registered in the State of Florida.
- 31

1 (5) "Florida Building Code" means the code adopted by
2 the Florida Building Commission pursuant to section
3 553.73(1)(a), Florida Statutes ~~"Model codes"~~ means the
4 ~~Standard Building, Gas, Mechanical, and Plumbing Codes~~
5 ~~published by the Southern Building Code Congress International~~
6 ~~and the National Electrical Code published by the National~~
7 ~~Fire Protection Association.~~

8 (6) "Revisions" means any modifications to the Florida
9 Building Code ~~model codes~~ as published by the Florida Building
10 Commission ~~applicable code promulgating organization.~~

11 ~~(7) "Service system" means an electrical, gas,~~
12 ~~mechanical, plumbing, or other system which provides service~~
13 ~~to a building, structure, or facility and is regulated by the~~
14 ~~model codes and any amendments or revisions thereto.~~

15 ~~(7)(8)~~ "Unit of local government" means any one of the
16 municipal governing bodies in Palm Beach County or the Board
17 of County Commissioners of Palm Beach County.

18 Section 3. Enforcement.--Enforcement of the Florida
19 Building Code ~~model codes~~ adopted pursuant to section 1, and
20 any amendments or revisions thereto, shall be the
21 responsibility of each unit of local government. A unit of
22 local government may provide these services through an
23 interlocal agreement with the county or local government, as
24 provided by section 553.79(9), Florida Statutes law.

25 ~~Section 4. Code enforcement personnel~~
26 ~~qualifications.--For the purposes of permit review and~~
27 ~~inspection, qualified plans examiners and inspectors, whose~~
28 ~~competency shall be determined by each unit of local~~
29 ~~government, shall be employed and charged with the~~
30 ~~responsibility of enforcing this act.~~

31

1 ~~Section 5. Violations. No building, structure, or~~
2 ~~service system shall be erected or installed within Palm Beach~~
3 ~~County in violation of the requirements of the model codes~~
4 ~~adopted pursuant to section 1 or any amendments or revisions~~
5 ~~thereto, except that state buildings are exempt from~~
6 ~~compliance with such model codes.~~

7 Section 4.6. Repeal of laws in conflict.--Any laws,
8 ordinances, or resolutions now in existence in the
9 unincorporated areas of Palm Beach County or in any
10 municipality in Palm Beach County in conflict with this act
11 are hereby repealed.

12 ~~Section 7. Enactment of lower standards. No unit of~~
13 ~~local government shall enact any law lowering the standards of~~
14 ~~the model codes adopted pursuant to section 1. However, each~~
15 ~~unit of local government may adopt ordinances providing~~
16 ~~amendments to modify or improve the model codes, provided such~~
17 ~~amendments are in compliance with s. 553.73, Florida Statutes.~~

18 ~~Section 8. Code available. Each unit of local~~
19 ~~government shall have available for public inspection in its~~
20 ~~principal office three copies of the model codes, together~~
21 ~~with any amendments or revisions thereto. Amendments must be~~
22 ~~printed or otherwise suitably duplicated, and copies shall be~~
23 ~~available for sale at reasonable cost to the public.~~

24 Section 5.9. Interpretations.--In the event of a
25 dispute in the interpretation of the provisions of the Florida
26 Building Code ~~model codes~~, or any amendments or revisions
27 thereto, a building official, ~~plans examiner, inspector,~~
28 builder, contractor, owner, architect, or engineer may ask for
29 an opinion from the board's Code Interpretation Committee. The
30 Code Interpretation Committee shall be comprised of each of
31 the building official members of the board. ~~The request for~~

1 ~~interpretation must come by agreement of Both parties to the~~
2 ~~dispute~~ must agree to seeking the advisory interpretation from
3 the board. Said procedure ~~opinion~~ may be conducted by
4 telephone or other electronic means. A simple majority of the
5 committee shall sustain an interpretation. Each building
6 official member of the committee shall maintain a written
7 record of the date and parties to the dispute. The
8 interpretation shall not be binding upon the parties to the
9 dispute.

10 Section ~~6.10.~~ Appointments.--

11 (1) The Board of County Commissioners of Palm Beach
12 County shall appoint the Building Code Advisory Board of Palm
13 Beach County and supply it with a meeting place, office
14 supplies including stationery, legal counsel, technical staff,
15 mechanical recording of its meetings, written transcripts of
16 the minutes of its meetings, secretarial service, and storage
17 space for its records. The board shall have 16 members,
18 composed of 7 building officials, 1 from each commission
19 election district, appointed from nominees submitted by the
20 Building Official's Association of Palm Beach County; 7
21 members appointed from nominees submitted by the Construction
22 Industry Management Council of Palm Beach County; 1 member who
23 shall be a registered architect appointed from nominees
24 submitted by the Palm Beach Chapter of the American Institute
25 of Architects; and 1 member who shall be a professional
26 engineer appointed from nominees submitted by the Palm Beach
27 Chapter of the Florida Engineering Society. ~~By January 1,~~
28 ~~1991, the Board of County Commissioners of Palm Beach County~~
29 ~~shall appoint the four new members, two for 1-year terms and~~
30 ~~two for 3-year terms. Thereafter, All appointments shall be~~
31 for a term of 3 years, and each member shall serve until his

1 or her successor is appointed. If a vacancy should occur
2 before a term has expired, the Board of County Commissioners
3 shall appoint a new member within 60 days to complete the
4 unexpired term.

5 (2) Members shall be required to attend all regular
6 and special meetings of the board. The chair ~~chairman~~ of the
7 board shall notify the Board of County Commissioners when a
8 member accumulates three consecutive absences from the regular
9 meetings or when a member fails to attend 50 percent of all
10 meetings of the board during any 12-month period. On such
11 notification, the member shall be removed by the Board of
12 County Commissioners, and the Board of County Commissioners
13 shall appoint a new member within 60 days to complete the
14 unexpired term. The board shall hold meetings open to the
15 public at least once in every calendar quarter, adopt rules
16 and procedures ~~procedure~~, and elect a chair ~~chairman~~ and vice
17 chair ~~chairman~~. A quorum of the board shall be 10 members,
18 with a concurring vote of 9 members required to approve any
19 action.

20 Section 7. Authority.--~~The purpose of the advisory~~
21 board is authorized to:

22 (1) Advise units of ~~local governments~~ regarding:

23 ~~(a) Future editions of the model codes and subsequent~~
24 ~~recommendation to the board of county commissioners concerning~~
25 ~~countywide adoption.~~

26 ~~(b) Recommendations on the adoption of~~ administrative
27 or technical amendments to the Florida Building Code model
28 ~~codes~~ based on local conditions.

29 (2) ~~(c)~~ Advise local governments how construction code
30 enforcement can be improved and standardized.

31

1 (3) ~~(d)~~ Advise local governments how to prevent the
2 recurrence of disputes.

3 (4) ~~(e)~~ Advise local governments on evaluation of new
4 and innovative materials, products, systems, or methods of
5 construction for compliance with the Florida Building Code
6 ~~model codes adopted pursuant to section 1~~, and any amendments
7 or revisions thereto.

8 (5) Act as the countywide compliance review board,
9 pursuant to section 553.73(4)(b)7., Florida Statutes,
10 notwithstanding the requirements contained therein to
11 establish such review board by interlocal agreement.

12 Section ~~8.11~~. Product and system evaluation.--

13 (1) The board shall have the authority to evaluate
14 ~~ADMINISTRATION. Palm Beach County and each unit of local~~
15 ~~government within Palm Beach County shall have the option to~~
16 ~~direct inquiries concerning new or existing products or~~
17 ~~systems to the board. The board shall act as a clearing house~~
18 ~~for new or different products or systems, by evaluating them~~
19 ~~based on the current model codes and any amendments or~~
20 ~~revisions, being recommended for adoption by the board. The~~
21 ~~board is authorized to~~ may issue evaluation and compliance
22 reports for products and systems found to be in compliance, as
23 provided by policies established by the board. Recommendations
24 of the board concerning new products or systems shall be
25 advisory in nature.

26 (2) STANDARDS. ~~The evaluation of new and innovative~~
27 ~~materials, products, systems, or methods of construction shall~~
28 ~~be based on the Florida Building Code model codes adopted~~
29 ~~pursuant to section 1~~, and any amendments or revisions
30 thereto. The types of construction, materials, systems, or
31 methods of design referred to in the Florida Building Code

1 ~~model codes~~, and any amendments or revisions thereto, shall be
2 considered standards of performance, quality, and strength.
3 New or different types of construction, materials, or methods
4 of design shall be at least equal to these standards for the
5 corresponding use intended. For the purposes of determining
6 compliance, the product's quality, strength, effectiveness,
7 fire resistance, durability, safety, and control of
8 installation shall be guides for consideration.

9 (3) The board is authorized to establish policies and
10 procedures necessary to conduct evaluation efforts, such as,
11 but not limited to, applications, fees, renewals, and
12 revocations. ~~APPLICATION PROCEDURE.~~

13 ~~(a) Applications for evaluation and compliance~~
14 ~~determination shall be made in accordance with the policy and~~
15 ~~procedures established by the board. If the application is~~
16 ~~for a type of structure or system, the application shall be~~
17 ~~accompanied by plans prepared by a design professional,~~
18 ~~together with supporting engineering calculations supporting~~
19 ~~the design. Applications for components, materials, or~~
20 ~~devices shall be accompanied by drawings, tests, and~~
21 ~~calculations, prepared by an engineer registered in the State~~
22 ~~of Florida, or other proof supporting the design.~~

23 (b) The board may employ the use of consultants to
24 examine applications. A The consultant shall be a design
25 professional with specific qualifications in the particular
26 that area of product or system analysis for which he or she is
27 employed.

28 (c) The board may establish policies and procedures
29 for the processing and review of requests for evaluation and
30 compliance, including programs designed to monitor
31 manufacturing, fabrication, or performance. The board or its

1 designee may require calculations, tests, or opinions from
2 design professionals, nationally recognized testing
3 laboratories, or approved quality and assurance programs.

4 ~~(d) The data shall be analyzed and evaluated for~~
5 ~~meeting the applicable performance standards. After receiving~~
6 ~~an evaluation report, the board shall issue a written~~
7 ~~recommendation on the appropriateness of the product or system~~
8 ~~for use in Palm Beach County. All decisions or reports shall~~
9 ~~be forwarded to:~~

10 ~~1. The product control file.~~

11 ~~2. The applicant.~~

12 ~~3. The local building departments.~~

13
14 ~~The written recommendations of the board shall be advisory~~
15 ~~only. It is the responsibility of each applicant, contractor,~~
16 ~~or owner to submit individual permit applications for~~
17 ~~construction or installation to the appropriate unit of local~~
18 ~~government for specific approval or rejection.~~

19 ~~(4) FEES. A \$500 minimum initial application fee~~
20 ~~shall be paid by the applicant at the time of filing. In~~
21 ~~addition, the applicant shall be responsible for any cost the~~
22 ~~board may incur. Resubmissions after unfavorable~~
23 ~~recommendations shall not require an additional initial filing~~
24 ~~fee unless final action had been taken by the board. However,~~
25 ~~the applicant shall be required to pay any additional cost~~
26 ~~incurred by the board prior to final action.~~

27 ~~(5) DISPOSITION OF FEES AND EXPENSES. All moneys~~
28 ~~collected by the board shall be received, deposited, expended,~~
29 ~~and accounted for pursuant to law. The expenses of the~~
30 ~~advisory board, consulting fees, testing fees, and all other~~
31

1 ~~necessary and appropriate fees shall be paid by the board from~~
2 ~~the moneys collected.~~

3 ~~(6) DISAPPROVAL.-- Applications recommended for~~
4 ~~disapproval, during any phase of the review process, shall be~~
5 ~~returned to the applicant in writing, stating the reasons for~~
6 ~~the recommendation of disapproval.~~

7 ~~(7) REVOCATION.--~~

8 ~~(a) At any time during the valid term of a compliance~~
9 ~~report, the recommendation may be revoked and become null and~~
10 ~~void for any of the following reasons:~~

11 ~~1. Nonconformance with the model codes adopted~~
12 ~~pursuant to section 1, and any amendments or revisions~~
13 ~~thereto, or any subsequent updates to such standards which~~
14 ~~occur after the date of acceptance.~~

15 ~~2. Deviation from the design on which the~~
16 ~~recommendation of acceptance was based, due to change,~~
17 ~~omission, or substitution.~~

18 ~~3. Use of the product, components, system, or method~~
19 ~~not within the scope of the recommendation of acceptance.~~

20 ~~4. Unsatisfactory performance when subjected to actual~~
21 ~~conditions.~~

22 ~~5. Appearance of intolerable effects such as, but not~~
23 ~~limited to, toxicity when associated with other materials.~~

24 ~~(b) Notification of revocation shall be provided to~~
25 ~~all persons having received the recommendation of acceptance.~~
26 ~~Revocations based on subparagraph (a)1. or subparagraph (a)2.~~
27 ~~may be considered for reinstatement if the original applicant~~
28 ~~submits:~~

29 ~~1. Revised drawings, calculations, test reports, or~~
30 ~~other information to the satisfaction of the board.~~

31 ~~2. Payment of a \$50 review fee.~~

1 ~~3. Payment of additional costs incurred by the board.~~
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3 ~~Submittals for revisions shall bear the revised date and shall~~
4 ~~be processed as a new application. Revised reports~~
5 ~~recommended for approval shall be identified to indicate the~~
6 ~~revised date, however, the submittal shall maintain the same~~
7 ~~expiration date.~~
8 ~~(8) RENEWAL. One year from the date of acceptance and~~
9 ~~every year thereafter, or upon the adoption of new codes,~~
10 ~~amendments, revisions, or standards, the board shall ask the~~
11 ~~original applicant whether he desires the evaluation and~~
12 ~~compliance report to be renewed. Failure of the applicant to~~
13 ~~respond within 30 days shall cause the report or approval to~~
14 ~~be automatically canceled. An applicant desiring the report~~
15 ~~or approval to be renewed shall submit a \$200 fee. The~~
16 ~~applicant shall also be responsible for any additional cost~~
17 ~~incurred by the board prior to final action.~~
18 Section 2. If any provision of this act or the
19 application thereof to any person or circumstance is held
20 invalid, the invalidity shall not affect other provisions or
21 applications of the act which can be given effect without the
22 invalid provision or application, and to this end the
23 provisions of this act are declared severable.
24 Section 3. This act shall take effect upon becoming a
25 law.
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