

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**BOARD APPOINTMENT SUMMARY**

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Meeting Date: August 14, 2018

Department: Fire-Rescue

Advisory Board: Fire Code Board of Appeals and Adjustments

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: One (1) reappointment to the Fire Code Board of Appeals and Adjustments Committee beginning October 1, 2018 through September 30, 2021.

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<b>Reappoint:</b>			
<b><u>Nominee</u></b>	<b><u>Category</u></b>	<b><u>Seat No.</u></b>	<b><u>Nominated By</u></b>
Steven Soderlund	Architect	4	Mayor McKinlay Commissioner Abrams Commissioner Burdick Vice Mayor Bernard

**Summary:** The Fire Code Board of Appeals and Adjustments is maintained in accordance with the Palm Beach County Local Amendments to the Florida Fire Prevention Code (Ordinance 2017-043). On June 14, 2018 a memo was distributed to the Commissioners requesting nominations to this eight (8) - member board (At-Large). This board is appointed by the Board of County Commissioners and members serve no more than three (3) consecutive three (3) year terms. No other nominations were received. The Board consists of eight (8) members, with five (5) seats currently filled and a diversity count of Caucasian: 4 (80%), and African-American: 1 (20%). The current gender ratio (male:female) is 5:0. Countywide (SB)

**Background and Justification:** The Fire Code Board of Appeals and Adjustments requires the appointment by the County Commission of individuals working in specific, related fields that are knowledgeable to make decisions on Fire Code appeals, and to make recommendations for changes to the Fire Code to the Board of County Commissioners and Fire-Rescue. There is still a vacant position for the General Contractor, Seat 1, Fire Sprinkler Contractor, Seat 5, Mechanical Engineer, Seat 7 and nominations are being pursued.

- Attachments:**
- 1. Board/Committees Application Forms
  - 2. Biography/Resume for Nominee
  - 3. Current List of Board Members
  - 4. Ordinance No. 2017-043, Fire Code Board of Appeals and Adjustments
  - 5. Memo dated June 14, 2018 to Commissioners requesting nominations
  - 6. Meeting date schedule, 2018

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Recommended By: Michael C. Macky 7/19/18  
Department Director Date

Approved By: Phen Bu 7/20/18  
Assistant County Attorney Date

## **II. REVIEW COMMENTS**

### **A. Other Department Review:**

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**Department Director**

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

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARDS/COMMITTEES APPLICATION

The information provided on this form will be used in considering your nomination. Please **COMPLETE SECTION II IN FULL**. Answer "none" or "not applicable" where appropriate. Please attach a biography or résumé to this form.

**Section I (Department):** (Please Print)

Board Name: Fire Code of Appeals and Adjustments Advisory ☐ Not Advisory ☒  
[ ☒ ] At Large Appointment or [ ☐ ] District Appointment /District #: \_\_\_\_\_  
Term of Appointment: 3 Years. From: 10/01/2018 To: 9/30/2021  
Seat Requirement: Architect Seat #: 4  
[ ☒ ] \*Reappointment or [ ☐ ] New Appointment  
or [ ☐ ] to complete the term of \_\_\_\_\_ Due to: [ ☐ ] resignation [ ☐ ] other  
Completion of term to expire on: \_\_\_\_\_

\*When a person is being considered for reappointment, the number of previous disclosed voting conflicts during the previous term shall be considered by the Board of County Commissioners: \_\_\_\_\_

**Section II (Applicant):** (Please Print)

**APPLICANT, UNLESS EXEMPTED, MUST BE A COUNTY RESIDENT**

Name: Soderlund Steven R  
Last First Middle  
Occupation/Affiliation: Architect  
Owner ☒ Employee ☐ Officer ☐  
Business Name: Soderlund Architecture and Design, P.A.  
Business Address: 19369 Colorado Circle  
City & State Boca Raton, Florida Zip Code: 33434  
Residence Address: same  
City & State \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Home Phone: ( ) Business Phone: ( ) Ext. \_\_\_\_\_  
Cell Phone: 954-260-3452 Fax: ( )  
Email Address: steve@soderlundarchitecture.com  
Mailing Address Preference: [ ☒ ] Business [ ☐ ] Residence  
Have you ever been convicted of a felony: Yes \_\_\_\_\_ No X \_\_\_\_\_  
If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_  
\_\_\_\_\_  
Minority Identification Code: [ ☐ ] Male [ ☐ ] Female  
[ ☐ ] Native-American [ ☐ ] Hispanic-American [ ☐ ] Asian-American [ ☐ ] African-American [ ☒ ] Caucasian

**CONTRACTUAL RELATIONSHIPS:** Pursuant to Article XIII, Sec. 2-443 of the Palm Beach County Code of Ethics, advisory board members are prohibited from entering into any contract or other transaction for goods or services with Palm Beach County. Exceptions to this prohibition include awards made under sealed competitive bids, certain emergency and sole source purchases, and transactions that do not exceed \$500 per year in aggregate. These exemptions are described in the Code. This prohibition does not apply when the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction and the contract or transaction is disclosed at a public meeting of the Board of County Commissioners. To determine compliance with this provision, it is necessary that you, as a board member applicant, identify all contractual relationships between Palm Beach County government and you as an individual, directly or indirectly, or your employer or business. This information should be provided in the space below. If there are no contracts or transactions to report, please verify that none exist. Staff will review this information and determine if you are eligible to serve or if you may be eligible for an exception or waiver pursuant to the code.

<u>Contract/Transaction No.</u>	<u>Department/Division</u>	<u>Description of Services</u>	<u>Term</u>
<u>Example: (R#XX-XX/PO XX)</u>	<u>Parks &amp; Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)  
OR

NONE

☒NOT APPLICABLE/  
(Governmental Entity)☐

**ETHICS TRAINING:** All board members are required to read and complete training on Article XIII, the Palm Beach County Code of Ethics, and read the State Guide to the Sunshine Amendment, Article XIII, and the training requirement can be found on the web at: <http://www.palmbeachcountvethics.com/training.htm>. Ethics training is on-going, and pursuant to PPM CW-P-79 is required before appointment, and upon reappointment.

By signing below I acknowledge that I have read, understand, and agree to abide by Article XIII, the Palm Beach County Code of Ethics, and I have received the required Ethics training (in the manner checked below):

☒ By watching the training program on the Web, DVD or VHS on June 7th 20 18  
☐ By attending a live presentation given on \_\_\_\_\_, 20\_\_\_\_

AND

By signing below I acknowledge that I have read, understand and agree to abide by the Guide to the Sunshine Amendment & State of Florida Code of Ethics:

\*Applicant's Signature: [Signature] Printed Name: STEVE SODERLYND Date: 06.07.18

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website [www.palmbeachcountvethics.com](http://www.palmbeachcountvethics.com) or contact us via email at [ethics@palmbeachcountvethics.com](mailto:ethics@palmbeachcountvethics.com) or (561) 355-1915.

Return this FORM to:

{Insert Liaison Name Here}, {Insert Department/Division Here}  
{Insert Address Here}

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on: \_\_\_\_\_

Commissioner's Signature: [Signature] Date: 6/25/18

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 02/01/2016

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARDS/COMMITTEES APPLICATION

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☒ At Large Appointment or ☐ District Appointment /District #: \_\_\_\_\_  
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Seat Requirement: Architect Seat #: 4  
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Last First Middle  
Occupation/Affiliation: Architect  
Owner ☒ Employee ☐ Officer ☐  
Business Name: Soderlund Architecture and Design, P.A.  
Business Address: 19369 Colorado Circle  
City & State Boca Raton, Florida Zip Code: 33434  
Residence Address: same  
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Home Phone: ( ) Business Phone: ( ) Ext. \_\_\_\_\_  
Cell Phone: 954-260-3452 Fax: ( )  
Email Address: steve@soderlundarchitecture.com  
Mailing Address Preference: ☒ Business ☐ Residence  
Have you ever been convicted of a felony: Yes \_\_\_\_\_ No X \_\_\_\_\_  
If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_  
Minority Identification Code: ☐ Male ☐ Female  
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☒ Caucasian

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_____	_____	_____	_____
_____	_____	_____	_____

(Attach Additional Sheet(s), if necessary)  
OR

NONE

☒NOT APPLICABLE/  
(Governmental Entity)☐

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Return this FORM to:  
{Insert Liaison Name Here}, {Insert Department/Division Here}  
{Insert Address Here}

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on:

Commissioner's Signature: S Abrams lb Date: 6/26/18

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Revised 02/01/2016

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Mailing Address Preference: ☒ Business [ ☐ ] Residence  
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If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_  
\_\_\_\_\_  
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OR			
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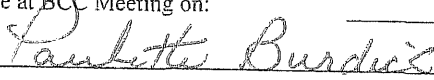
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{Insert Address Here}

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Commissioner's Signature:  Date: 6-25-2018



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
BOARDS/COMMITTEES APPLICATION**

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Seat Requirement: Architect Seat #: 4

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Name: Soderlund Steven R  
Last First Middle

Occupation/Affiliation: Architect  
Owner ☒ Employee ☐ Officer ☐

Business Name: Soderlund Architecture and Design, P.A.

Business Address: 19369 Colorado Circle

City & State: Boca Raton, Florida Zip Code: 33434

Residence Address: same

City & State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: ( ) \_\_\_\_\_ Business Phone: ( ) \_\_\_\_\_ Ext. \_\_\_\_\_

Cell Phone: 954-260-3452 Fax: ( ) \_\_\_\_\_

Email Address: steve@soderlundarchitecture.com

Mailing Address Preference: ☒ Business ☐ Residence

Have you ever been convicted of a felony: Yes \_\_\_\_\_ No X \_\_\_\_\_

If Yes, state the court, nature of offense, disposition of case and date: \_\_\_\_\_

Minority Identification Code: ☐ Male ☐ Female  
☐ Native-American ☐ Hispanic-American ☐ Asian-American ☐ African-American ☐ Caucasian

Section II Continued:

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(Attach Additional Sheet(s), if necessary)  
OR

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NOT APPLICABLE  
(Governmental Entity)

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Return this FORM to:  
 {Insert Liaison Name Here}. {Insert Department/Division Here}  
 {Insert Address Here}

**Section III (Commissioner, if applicable):**

Appointment to be made at BCC Meeting on:

Commissioner's Signature: [Signature] Date: 8/6/2018

Pursuant to Florida's Public Records Law, this document may be reviewed and photocopied by members of the public.

Revised 02/01/2016



+ DESIGN

**STEVE R. SODERLUND, AIA, LEED A.P.**

19369 Colorado Circle, Boca Raton Florida, 33434, ph. 954.260.3452

[steve@soderlundarchitecture.com](mailto:steve@soderlundarchitecture.com)

**PROFESSIONAL REGISTRATION:**

Florida Licensed Architect AR95106  
Received LEED accreditation in 2006

**PROFESSIONAL EXPERIENCE:**

**Soderlund Architecture + Design, P.A.,** Boca Raton, Florida March 2009 – Current  
Design Principal.

*Schematic design for various residential and commercial projects. Preparation of proposals, construction documents, and shop drawing review for the projects. Computer renderings for both client, and municipal review boards. Construction administration.*

**RLC Architects,** Boca Raton, Florida September 2003 – January 2009  
Job Captain.

*Coordination and participation in the production of various multi-family residential, commercial, parking garage, industrial, and mixed-use projects from schematic design to construction administration, including shop drawing review and RFI replies. Collaboration with consultants and Code compliance/quality control check sets for construction documents. Template submittals for commercial LEED CS projects. Prepared marketing and DRC presentation submittals. Attended meetings with city officials during site plan approval and permitting process. Prepared BOMA calculations for various commercial projects.*

**Robert G. Currie Partnership,** Delray Beach, Florida June 2003 – September 2003  
Intern Architect.

*Preparation of construction documents and shop drawing review for municipal projects.*

**Architectural Dimensions** January 2003 - March 2003

Freelance position  
*Autocad drafting, assisted in compiling specifications, as-built drawings for a residence.*

**EDUCATION:**

**Florida Atlantic University,** Fort Lauderdale, Florida  
Bachelor of Architecture May 2002

**Florida State University,** Tallahassee, Florida  
Associate of Arts May 1998

**Florida A & M University,** Tallahassee, Florida  
*Architectural classes attended during dual enrolment at F.S.U.*

**OTHER EXPERIENCE:**

**Florida Atlantic University;** Computer Lab Assistant June 2000 - March 2003  
*Assistance and supervision of computer lab users. Installing and management of computer hardware and software. Participation in the design and furniture layout of the new computer lab facility.*

**Western Pennsylvania Conservatory;** Model Builder October 2001 - December 2001  
*Commissioned to build a physical model of Fallingwater illustrating the method used in correcting structural problems as a learning tool on display in the living room of the famous house designed by Frank Lloyd Wright.*

**SKILLS:**

Proficient in ACAD 2011 drafting and 3 D rendering, ADT, Photoshop, Microsoft office suite, strong general computer skills. Good working knowledge of current Florida Building Code and NFPA regulations.



**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
FIRE CODE BOARD OF APPEALS & ADJUSTMENTS**

**I. AUTHORITY :**

Ordinance No. 92-18, Section 105.1, Fire Code Ordinance; amended by Ordinance No. 94-12; amended by Ordinance No. 2001-101 and Administrative Order 03-03 on January 1, 2004; amended by Ordinance No. 2004-073; adopted December 29, 2004; amended by Ordinance No. 2011-038, adopted December 28, 2011; amended by Ordinance 2014-002, adopted February 4, 2014; amended by Ordinance 2017-043, effective December 31, 2017.

**II. APPOINTING BODY :**

**III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :**

The Board is comprised of eight members who are qualified by training and experience to vary the application and provisions of the Code, and act on related matters, and to perform such other duties as established. The composition of the Board is as follows: one registered engineer, practicing in the mechanical field; one Florida or Palm Beach County certified general contractor; one certified fire alarm contractor; one fire sprinkler contractor; one citizen of Palm Beach County, not eligible under other membership categories; one registered architect; one Palm Beach County municipal building official; and one Palm Beach County municipal fire service representative. Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified. The members shall serve no more than three consecutive three year terms. Members terms shall begin on October 1st and end on September 30th. All members must reside within Palm Beach County at the time of the appointment and while serving on the Board and shall be qualified electors of Palm Beach County. A quorum for said Board shall be five (5) members. \*NOTE: When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals & Adjustments.

**EXTENDED COMPOSITION :**

**IV. MEETINGS :**

Meetings are scheduled on a monthly basis, or as needed for resolution of pending appeals. Upon receipt of the notice of appeal, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties.

**V. FUNCTIONS :**

1) The Board shall review the Fire Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document; 2) To entertain appeals or decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(11), Florida Statutes; 3) To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(11), Florida Statutes.

\* indicates a member having an action pending

VI. LIAISON INFORMATION :

<u>LIAISON DEPARTMENT</u>	<u>CONTACT PERSON</u>	<u>ADDRESS</u>
Fire Rescue	Larry Willhite	405 Pike Rd Bureau of Safety West Palm Beach FL 33411 Phone # 561-616-7031

\* indicates a member having an action pending



FIRE CODE BOARD OF APPEALS & ADJUSTMENTS

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	GENDER	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	REAPPOINT DATE	EXPIRE DATE
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Appointed By : At-Large/Palm Beach County Board of County Commissioners

1	Vacant	Member				General Contractor			/
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NOMINATED BY :

2	David Woodside dwoodside@myboca.us City of Boca Raton/Fire Rescue Services 6500 Congress Ave Ste 200 Boca Raton FL 33487	Member	AA	M	561-982-4000	Municipal Fire Representative	10/01/2016	07/11/2017	09/30/2019
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NOMINATED BY :

3	Jacek R. Tomasik jtomasik@wellingtonfl.gov Village of Wellington 12300 Forest Hill Blvd Wellington FL 33414	Member	CA	M	561-753-2505	Building Official	05/19/2009	10/01/2015	09/30/2018
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NOMINATED BY :

4	Steve R. Soderlund steve@soderlundarchitecture.com Soderlund Architecture and Design, P.A. 19369 Colorado Cir Boca Raton FL 33434	Member	CA	M	954-260-3452	Architect	10/01/2015		09/30/2018
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NOMINATED BY :

\* indicates a member having an action pending

Appointed By : At-Large/Palm Beach County Board of County Commissioners

5	Vacant	Member				Fire Sprinkler Contractor			/
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NOMINATED BY :

6	Roy S Pollack roy@staysafe.net  3212 Florence St Wellington FL 33414	Member	CA	M	561-779-7199	Fire Alarm Contractor	10/01/2017	09/26/2017	09/30/2020
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NOMINATED BY :

7	Vacant	Member				Mechanical Engineer			/
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NOMINATED BY :

8	George T. Heisel georgeheisel@gmail.com  3802 Captains Way Jupiter FL 33477 4082	Member	CA	M	561-575-6845	Resident of Palm Beach County	10/01/2017		09/30/2020
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NOMINATED BY :

\* indicates a member having an action pending

ORDINANCE NO. 2017-043

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING THAT THE UPDATED FLORIDA FIRE PREVENTION CODE SHALL BE DEEMED ADOPTED; PROVIDING FOR LOCAL AMENDMENTS TO THE FLORIDA FIRE PREVENTION CODE; REPEALING AND REPLACING CHAPTER 12, ARTICLE IV, SECTIONS 12-56 AND 12-57, OF THE PALM BEACH COUNTY CODE (CODIFYING ORDINANCE 2014-042) IN ITS ENTIRETY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 633, Florida Statutes, every three years the State Fire Marshal adopts in Rule Chapter 69A-60, Florida Administrative Code, an updated statewide minimum firesafety code known as the Florida Fire Prevention Code, which incorporates Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code; and

WHEREAS, it is anticipated that the State Fire Marshal will adopt the updated Florida Fire Prevention Code to be effective December 31, 2017; and

WHEREAS, pursuant to Chapter 633, Florida Statutes, the updated Florida Fire Prevention Code shall be deemed adopted by, and shall be enforced by, local governments with firesafety responsibilities as the minimum firesafety code; and

WHEREAS, Chapter 633, Florida Statutes, authorizes local governments to adopt more stringent local amendments to the Florida Fire Prevention Code which strengthen the requirements of the minimum firesafety code; and

WHEREAS, staff and/or the Palm Beach County Fire Code Board of Appeals and Adjustments has recommended that the Board of County Commissioners adopt local amendments to the Florida Fire Prevention Code as set forth in **Appendix A** attached hereto; and

WHEREAS, the Board of County Commissioners hereby determines that said local amendments are more stringent than and strengthen the minimum firesafety code, and that adopting said local amendments will serve the public interest and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:



**SECTION 1.** Chapter 12, Article IV, Sections 12-56 and 12-57, of the Palm Beach County Code (codifying Palm Beach County Ordinance 2014-042) is hereby repealed and replaced in its entirety by the provisions set forth in this Ordinance and **Appendix A** attached hereto and incorporated herein.

**SECTION 2.** In accordance with Sections 633.202 and 633.208, Florida Statutes, the updated “Florida Fire Prevention Code” to be effective on or about December 31, 2017, which has been or will be adopted by the State Fire Marshal in Rule Chapter 69A-60 of the Florida Administrative Code, as may be amended, including the Florida editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code, is deemed adopted by the County by reference as the minimum firesafety code, and is hereby amended by the local amendments set forth in **Appendix A** attached hereto and incorporated herein. The local amendments adopted by this Ordinance shall be known as the “Palm Beach County Local Amendments to the Florida Fire Prevention Code.” The updated Florida Fire Prevention Code as amended by the Palm Beach County Local Amendments to the Florida Fire Prevention Code may be hereinafter referred to as “this Code.”

**SECTION 3. Legislative Findings:** The Board of County Commissioners hereby determines that the local amendments set forth in **Appendix A** are more stringent than the minimum firesafety code and strengthen the minimum firesafety code in accordance with Sections 633.202 and 633.208, Florida Statutes.

**SECTION 4. Applicability:** The provisions of this Ordinance shall be in full force and effect in Palm Beach County within the boundaries of any fire-rescue municipal service taxing unit (MSTU) established by ordinance, including within the boundaries of any municipality that is lawfully included within any such MSTU; and within any municipality that has entered into an interlocal agreement for fire protection services from Palm Beach County Fire-Rescue and enacted an ordinance to adopt the Palm Beach County Local Amendments within the municipality, unless otherwise provided by the interlocal agreement.

**SECTION 5. Repeal of Laws in Conflict:** Any laws or ordinances in conflict with this Ordinance which Palm Beach County is authorized to repeal are hereby repealed to the extent of such conflict.

**SECTION 6. Savings Clause:** Notwithstanding the provisions of Sections 1 and 5 of this Ordinance, all provisions of Chapter 12, Article IV, Sections 12-56 And 12-57, of the Palm Beach County Code (codifying Ordinance 2014-042) as originally enacted and amended are

specifically preserved, and shall remain in full force and effect, for the limited purpose of enforcing any alleged violations of said law which occurred prior to its repeal or replacement.

**SECTION 7. Severability:** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

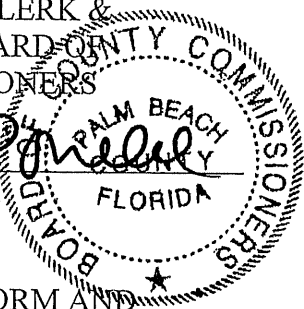
**SECTION 8. Inclusion in the Code of Laws and Ordinances:** The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**SECTION 9. Effective Date:** The provisions of this Ordinance shall become effective December 31, 2017, or upon the State Fire Marshal's adoption of the updated Florida Fire Prevention Code, or upon the date this Ordinance is filed with the Department of State, whichever date is latest.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 19th day of December, 2017.

SHARON R. BOCK, CLERK &  
COMPTROLLER, BOARD OF COUNTY  
COMMISSIONERS

By: [Signature]  
Deputy Clerk



PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

By: [Signature]  
Melissa McKinlay, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: [Signature]  
County Attorney

Filed with the Department of State on the 21st day of December, 2017.

**Palm Beach County  
Local Amendments to the  
Florida Fire Prevention Code  
Chapter 69A-60,  
Florida Administrative Code  
Including**

**National Fire Protection Association's  
Fire Code - N.F.P.A. 1  
Florida Edition**

**National Fire Protection Association's  
Life Safety Code - N.F.P.A. 101  
Florida Edition**

**Palm Beach County Ordinance 2017 - 043  
Effective: December 31, 2017**

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## **1.10 Board of Appeals and Adjustments.**

**1.10.1 General.** Whenever it is claimed that the provisions of this Code do not apply or have been misapplied, or when it is claimed that the true intent and meaning of this Code or any of the regulations there under have been misconstrued or misapplied, or when it is claimed that a decision is unreasonable or arbitrary as it applies to alternatives, the owner or his duly authorized agent may appeal the decision of the AHJ to the Board of Appeals and Adjustments. Notice of appeal shall be in writing and filed with the AHJ within thirty (30) days after the decision is rendered by the AHJ. Appeals shall be on forms provided by the AHJ.

**1.10.2 Board of Appeals and Adjustments Created.**

There is hereby created a Fire Code Board of Appeals and Adjustments, herein after referred to as the "Board", consisting of eight (8) members who are qualified by training and experience to vary the application of the provisions of this code, and act on related matters, and to perform such other duties as established herein. The Board shall be appointed by the Board of County Commissioners. All members must reside within Palm Beach County at the time of appointment and while serving on the Board and shall be qualified electors of Palm Beach County. The Board shall adopt rules and regulations for conducting its business. The AHJ shall designate a representative to act as Secretary to the Board. Public Notice of all Board meetings shall be provided. All Board meetings shall be open to the public and shall comply with the applicable requirements of the Florida "Government in the Sunshine" and "Public Records" laws. Minutes shall be taken at each meeting. The Board shall be subject to the uniform policies and procedures established by the Board of County Commissioners as currently set forth in Resolution No. 2013-0193, as may be further amended by action of the Board of County Commissioners. All Board meetings shall be governed by Robert's Rules of Order. Board members shall be governed by the applicable provisions of the state Ethics Code and the applicable provisions of the Palm Beach County Code of Ethics.

**1.10.3 Recommendations to Board of County Commissioners.** The Board shall review this Code and make recommendations, in the form of specific amendments, to the Board of County Commissioners for corrections, additions, substitutions or deletions to said Code for the purposes of clarification, applicability, public safety, and changes in technology, so as to maintain this Code as an effective and responsive document.

**1.10.4 Composition.** The composition of the Board of Appeals and Adjustments shall be as follows:

- a. One (1) Florida or Palm Beach County certified general contractor.
- b. One (1) Palm Beach County municipal fire service representative.
- c. One (1) Palm Beach County municipal building official.

- d. One (1) registered architect.
- e. One (1) certified fire sprinkler contractor.
- f. One (1) certified fire alarm contractor.
- g. One (1) registered engineer, practicing in the mechanical field.
- h. One (1) citizen of Palm Beach County, not eligible under other membership categories.

Where a member is required to be registered or certified, same shall be issued by the State of Florida unless otherwise specified.

**1.10.5 Vote Calculation.** Each member shall have a full vote.

**1.10.6 Term.** The members shall serve no more than three (3) consecutive three (3) year terms. Any vacancy occurring during a term shall be filled for the unexpired portion of the term and shall not count towards the member's term limits. The member's terms shall begin on October 1 and end on September 30. Current members' terms shall expire on September 30 of the year in which their term expires.

**1.10.7 Removal/Absences.** All members shall be subject to the rules, adopted by the Board of County Commissioners, governing Board participation and attendance.

**1.10.8 Fire Code Advisory Board.** When sitting solely in its advisory capacity, the Board shall be known as the Fire Code Advisory Board and shall be composed of the same members as the Board of Appeals and Adjustments. Persons appointed to the Board of Appeals and Adjustments shall be deemed to be likewise appointed to the Fire Code Advisory Board.

**1.10.9 Procedures on Appeal.**

**1.10.9.1 Hearing.** Upon receipt of the notice of appeal by the AHJ, a hearing shall be held at the next regularly scheduled meeting of the Board, with notice to the appellant, the AHJ, and the members of the Board, at least five (5) working days' prior to said hearing. Special meetings may also be called by the Board provided that five (5) working days notice is given to both parties. If the applicant requires a special meeting to be called, the appeal fee shall be One Hundred Dollars (\$100.00). Both the appellant and the AHJ, or their representatives, shall attend the hearing

and may present evidence at same. The Board shall consider each appeal on its own merits and shall base its decision only on the evidence presented at said hearing.

**1.10.9.2 Board Action.** The Board, upon an affirmative vote of a majority of the votes present, shall either 1) affirm the decision of the AHJ; 2) modify the decision of the AHJ; or 3) reverse the decision of the AHJ and affirm the appellant's position. The Board's decision, with the reasons therefore, shall be transcribed in writing and a copy shall be mailed, by certified mail, to the appellant, within ten (10) days after the hearing. All such decisions shall be final, subject to judicial review as provided by law.

**1.10.9.3 Tie Vote.** In the event the Board is deadlocked in a tie vote, the appellant may request the Board to defer final action until the next regular meeting date or a specific date certain. The appellant shall be entitled to one (1) such deferral as of right. The matter shall be deferred and heard de novo, unless the majority then present at the time deferral is requested vote for the matter to be determined upon the record only at the upcoming hearing after deferral.

**1.10.10 Decisions.**

**1.10.10.1** The Board shall provide for reasonable interpretation of the provisions of this Code and rule on appeals from decisions of the AHJ. The Board may approve an equivalent alternative in accordance with Section 1.4 of this Code.

**1.10.10.2 Action.** The Board shall, in every case, reach a decision without unreasonable or unnecessary delay. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the AHJ, the AHJ shall immediately take action in accordance with such decision.

**1.10.11 AHJ Order Stayed, Exception.** Pending the disposition of an appeal scheduled for hearing, the order or decision of the AHJ sought to be appealed shall be stayed unless the AHJ certifies under oath, based upon available data, that an extreme danger to life or property exists, warranting immediate compliance under this Code. Said certification must be included in the order and be filed with the Board within ten (10) days after the notice of appeal is filed.

**1.10.12 Conflict Resolution.**

**1.10.12.1** Any conflict between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code as applied to a specific project shall be resolved in accordance with Section 553.73(11), Florida Statutes.

**1.10.12.2** The Fire Code Board of Appeals and Adjustments is hereby designated and authorized to perform the local administrative board functions set forth in Section 553.73(11), Florida Statutes. In accordance with Section 553.73(11), Florida Statutes, the duties and functions of the Fire Code Board of Appeals and Adjustments shall include the following:

- a. To hear and render decisions in appeals of conflict decisions made jointly by the local AHJ and the local building official, in accordance with Section 553.73(11), Florida Statutes.
- b. To resolve conflicts between the building code and the fire code, in accordance with Section 553.73(11), Florida Statutes, in those instances where the local AHJ and the local building official are unable to agree on a resolution of said conflict.

**1.10.12.3** If the County has, or does, designate another local board to perform the functions set out in Section 553.73(11), Florida Statutes, then said board and the Fire Code Board of Appeals and Adjustments shall rotate the duty to fulfill the functions as set forth in this Section 1.10.12 and in Section 553.73(11), Florida Statutes, on an annual basis or as otherwise agreed to by the AHJ and the local building official.

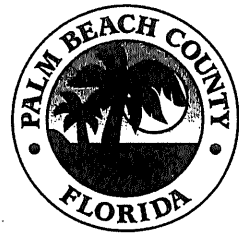
**1.10.12.4** Any conflict between the Building Code and the Fire Code that involves the County's local amendments to either Code shall likewise be resolved in the manner set forth in Section 553.73(11), Florida Statutes, and this Section 1.10.12.

**1.10.13 Additional Powers and Functions.** The Board of Appeals and Adjustments is hereby authorized and empowered to: 1) hear and rule upon appeals from orders of the AHJ in Local Amendment challenges brought pursuant to Section 633.208(3)(d), Florida Statutes, and in accordance with Section 1.7.21 of this Code; 2) hear and rule upon appeals from decisions of the AHJ relating to false alarms as set forth in Section 10.6.6 of this code; 3) perform any other functions authorized for the Board by this Code.



**1.10.14 Fireworks Board of Appeals.** The members of the Fire Code Board of Appeals and Adjustments shall serve ex-officio as members of the Fireworks Board of Appeals and perform the functions of that Board, all as set forth in Palm Beach County Ordinance No. 2004-020, as it may be amended from time to time.

**1.10.15** Any decision of the Fire Code Board of Appeals and Adjustments shall be final and reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a petition for writ of certiorari filed with the Circuit Court in Palm Beach County.



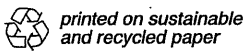
**Fire Rescue**  
Chief Michael Mackey  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com




**Palm Beach County  
Board of County  
Commissioners**  
  
Melissa McKinlay, Mayor  
Mack Bernard, Vice Mayor  
  
Hal R. Valeche  
Paulette Burdick  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger

**County Administrator**  
  
Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



**To:** Melissa McKinlay, Mayor  
**From:** Michael Mackey, Administrator   
Fire-Rescue Department  
**Date:** June 14, 2018  
**Subject:** Fire Code Board of Appeals and Adjustments

The Fire Code Board of Appeals and Adjustments is an advisory board appointed by the County Commission to review the Fire Code, hear appeals, and make recommendations to the Commission on fire and life safety issues. This Board, established in 1984, is required by the County Fire Code, Palm Beach County Ordinance 2017-043.

Each position on the Board is representative of a segment of the fire protection community. The following member's term will expire on September 30, 2018,

<u>Name</u>	<u>Industry</u>	<u>Term</u>
Steve Soderlund	Architect	3 years

Mr. Soderlund has agreed to remain on the Board if reappointed. He has completed training on the Palm Beach County Code of Ethics and has signed and acknowledged his training and understanding of the Guide to the Sunshine Amendment.

If you would like to nominate the above listed applicant, please sign the attached Board/Committee Application Form. If you would like to make a nomination for appointment or reappointment, please forward the information to the office of Larry Willhite, Division Chief, Bureau of Safety Services. Please submit your nominations by June 28, 2018.

Thank you for your assistance in this appointment process. If you have any questions, please contact Larry Willhite at 616-7030 or my office at 616-7001.

Attachment: Board/Committee Application Form  
Member Resume  
Attendance Record

cc: Larry Willhite, Division Chief  
Nancy Bolton, Assistant County Administrator

**PALM BEACH COUNTY FIRE RESCUE**  
*Bureau of Safety Service*  
*405 Pike Road*  
*West Palm Beach, FL 33411*  
*(561) 616-7030*

**PALM BEACH COUNTY FIRE CODE  
BOARD OF APPEALS AND ADJUSTMENTS**

**(Third Wednesday of the Month)**

**2018 MEETING SCHEDULE**

Date	Room
January 17	Everglades Conference Room
February 21	Everglades Conference Room
March 21	Everglades Conference Room
April 18	Everglades Conference Room
May 16	Everglades Conference Room
June 20	Everglades Conference Room
July 18	Everglades Conference Room
August 15	Everglades Conference Room
September 19	Everglades Conference Room
October 17	Everglades Conference Room
November 21	Everglades Conference Room
December 19	Everglades Conference Room

- Meetings will be held, as needed, at Fire Rescue Headquarters, 2nd Floor Everglades Room indicated above and will begin at **9:00 a.m.**
- Please contact Nicole Davis at 561-616-7030 if you are unable to attend.