

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY

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Meeting Date: **December 18, 2018**

Department: **Planning, Zoning & Building Department**

Submitted By: **Building Division**

Advisory Board Name: **Construction Board of Adjustments and Appeals**

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I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to approve:** Appointment of one new member and reappointment of one member to the Construction Board of Adjustment and Appeals (CBAA).

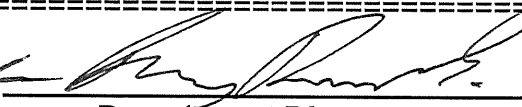
<u>Appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Fred K. Kutscher	3	Electrical Contractor	12/18/2018 – 12/17/2021	International Brotherhood of Electrical Workers Union 728 (IBEW)
<u>Re-appoint</u>	<u>Seat</u>	<u>Requirement</u>	<u>Term</u>	<u>Nominated by</u>
Margie Joy Walden	9	Member of Public at Large	12/18/2018 – 12/17/2021	Vice-Mayor Kerner Commissioner Valeche Commissioner McKinlay

Summary: Fred K. Kutscher has been nominated by the International Brotherhood of Electrical Workers Local Union 728 (IBEW) to serve a three-year term as the electrical contractor on the Construction Board of Adjustment and Appeals (Board). Memorandums for re-appointment was sent to the Board of County Commissioners (BCC) on November 8, 2018. No other nominations were received. The term of office is three years, with a limit of three consecutive three-year terms. The Board has 11 seats with 7 currently filled and a diversity count of Caucasian: 6 (86%) and Hispanic: 1 (14%). The gender ratio (female: male) is 1:6. The nominees are a Caucasian male and a Caucasian female. Staff will continue to address the need to increase diversity on our boards. Countywide (SF)


Background and Justification: Palm Beach County Ordinance 89-31, as amended in 2002, established the Construction Board of Adjustment and Appeals. Per Palm Beach County Ordinance 2017-044, Palm Beach County Amendments to the Florida Building Code, 6th Edition (2017), the Board is comprised of nine regular members: one architect; one engineer; two Division 1 contractors (general, building, or residential contractors); one electrical contractor; one HVAC contractor; one plumbing contractor; a member at large from the public; and any other contractor licensed category. In addition to the regular members, there should be two alternate members: one member with the qualifications referenced above; and one member at large from the public. As defined in Section 113.3 of the Palm Beach County Amendments to the Florida Building Code, the Board shall have the power to hear appeals of decisions and interpretations of the Building Official, and consider variances of the technical codes. The Board shall establish rules and regulations for its own procedures consistent with the provisions of this code. The Board shall meet within 30 calendar days after Notice of Appeal has been received.

- Attachments:**
- 1. Board/Committees Applications for Fred K. Kutscher and Margie Joy Walden
 - 2. Resumes for Fred K. Kutscher and Margie Joy Walden
 - 3. Nomination Correspondence from IBEW
 - 4. Memorandum to BCC, November 8, 2018
 - 5. CBAA Attendance Log 2016, 2017 and 2018
 - 6. Section 113 of the Palm Beach County Amendments to the Florida Building Code, 6th Edition (2017)

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Recommended By:  _____

Department Director **Date**

Legal Sufficiency:  _____ 12/4/18

Assistant County Attorney **Date**

II. REVIEW COMMENTS

A. Other Department Review:

Department Director	Date
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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: Construction Board of Adjustment and Appeals Advisory ☐ Not Advisory ☒
☒ At Large Appointment or ☐ District Appointment /District #: _____
Term of Appointment: 3 Years. From: _____ To: _____
Seat Requirement: Electrical Contractor Seat #: 3
☐ *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: Kutscher Fred Kurt
Last First Middle
Occupation/Affiliation: Electrical Contractor
Owner ☒ Employee ☐ Officer ☐
Business Name: South Atlantic Electric, Inc
Business Address: 5328 Toronto Road
City & State: Haverhill FL Zip Code: 33415
Residence Address: 5328 Toronto Road
City & State: Haverhill FL Zip Code: 33415
Home Phone: () Business Phone: () Ext. _____
Cell Phone: 801 723 4160 Fax: 801 471 5482
Email Address: fredsae@bellsouth.net

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:

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 & Recreation</u>	<u>General Maintenance</u>	<u>10/01/00-09/30/2100</u>
_____	_____	_____	_____
_____	_____	_____	_____
(Attach Additional Sheet(s), if necessary)			
OR			
NONE	<input checked="" type="checkbox"/>	NOT APPLICABLE/ (Governmental Entity)	<input type="checkbox"/>

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.palmbeachcountyethics.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 Oct 31 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: FRED K KUTSCHICK Date: 10/31/18

Any questions and/or concerns regarding Article XIII, the Palm Beach County Code of Ethics, please visit the Commission on Ethics website www.palmbeachcountyethics.com or contact us via email at ethics@palmbeachcountyethics.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: _____ Date: _____

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**

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: Construction Board of Adjustment and Appeals Advisory ☐ Not Advisory ☒☒ At Large Appointment or ☐ District Appointment /District #: _____Term of Appointment: 3 Years. From: _____ To: _____Seat Requirement: At large from the public Seat #: 9☒ *Reappointment or ☐ New Appointmentor ☐ 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: Walden Margle Joy
Last First MiddleOccupation/Affiliation: _____
Owner ☐ Employee ☐ Officer ☐

Business Name: _____

Business Address: _____

City & State _____ Zip Code: _____

Residence Address: 6103 Caladium RdCity & State Delray Beach, Florida Zip Code: 33484

Home Phone: () _____ Business Phone: () _____ Ext. _____

Cell Phone: (561) 699-4011 Fax: () _____Email Address: Mjwalden1@bellsouth.netMailing Address Preference: ☐ Business ☒ ResidenceHave 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

NONE

NOT APPLICABLE/
(Governmental Entity)

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✓ By watching the training program on the Web, DVD or VHS on 11/8 2018
 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: Margie Jo Walden Printed Name: MARGIE JO WALDEN Date: 11/8/18

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

Return this FORM to:

Jacquelyn Anderson, Palm Beach County PZB, Building Division
 2300 North Jog Road, West Palm Beach, Florida 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: [Signature] Date: 11/19/18

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

Revised 02/01/2016

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Last First MiddleOccupation/Affiliation: _____
Owner ☐ Employee ☐ Officer ☐

Business Name: _____

Business Address: _____

City & State _____ Zip Code: _____

Residence Address: 6103 Caladium RdCity & State Delray Beach, Florida Zip Code: 33484Home Phone: () Business Phone: () Ext. _____Cell Phone: (561) 699-4011 Fax: ()Email Address: Mjwalden1@bellsouth.netMailing Address Preference: ☐ Business ☒ ResidenceHave 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
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Commissioner's Signature: S. Abrams (15) Date: 11/18/18

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Revised 02/01/2016

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Last First Middle

Occupation/Affiliation: _____
Owner ☐ Employee ☐ Officer ☐

Business Name: _____

Business Address: _____

City & State _____ Zip Code: _____

Residence Address: 6103 Caladium Rd
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Email Address: Mjwalden1@bellsouth.net

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
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*Applicant's Signature: Margie Jo Walden Printed Name: MARGIE JO WALDEN Date: 11/8/18

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Commissioner's Signature: Melissa McKeen Date: 11/19/18

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Revised 02/01/2016

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Home Phone: () _____ Business Phone: () _____ Ext. _____

Cell Phone: (561) 699-4011 Fax: () _____Email Address: Mjwalden1@bellsouth.netMailing Address Preference: ☐ Business ☒ ResidenceHave you ever been convicted of a felony: Yes _____ No X

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*Applicant's Signature: Margie Jo Walden Printed Name: MARGIE JO WALDEN Date: 11/8/18

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Return this FORM to:

Jacquelyn Anderson, Palm Beach County PZB, Building Division
 2300 North Jog Road, West Palm Beach, Florida 33411

Section III (Commissioner, if applicable):

Appointment to be made at BCC Meeting on:

Commissioner's Signature: Joe P. Valdes Date: 11/19/18

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Revised 02/01/2016

5328 Toronto Road, Haverhill Florida 33415

561-723-4160c 561-471-5482f

fredsae@bellsouth.net

EC13007177

Master Electrician

Experience:

- 2003-Present South Atlantic Electric, Inc.

President/Qualifier: Duties include Sales, Estimating, Accounts Payable and Receivable, ordering materials and job layouts. Employs and supervises 2 Journeyman, 3 Electricians, 4 Helpers, and 1 Secretary

- 1996-2003 Tri-City Electrical Contractors, Inc.

Apprentice Electrician/Lead Man/Superintendent: Duties included installing conduit in slabs, decks and meter rooms. Pulling branch circuits, feeders, installing receptacles and GFI's, switches and a variety of light fixtures. As Lead Man, ran crews of 3-10 employees on commercial and multi-family projects (slab, rough, trim). As Superintendent, ran crews of 15-40 employees on a variety of commercial and residential projects.

Education:

- 2010 Jake Leahy's Electrical Code Connection, Jupiter, Florida
Preparation for Masters Exam w/ Business & Law
- 1996-2000 Association of Builders and Contractors Institute (ABCI) at Atlantic Technical Center, Coconut Creek, FL
Attended Atlantic Technical Center and received a Certificate of Completion of Apprenticeship as a Journeyman Electrician.
- 1994-1996 South Technical Education Center, Boynton Beach, FL
Attended South Tech and completed all requirements of law and standards for Vocational Program Completion as a Residential Electrician-Helper.

Margie J. Walden

Margie J. Walden currently serves on the Palm Beach County Sports Commission and is the Founder and Chair of PalmBeachSports Gives raising \$14,000 in 2018 for Palm Beach County sports organizations. She also serves as Chair of the Delray Beach Sports Destination Committee where she was instrumental in helping to secure the 2014-2017 NAIA Men's National Soccer Championships and the 2014-2016 LPGA Legends Tour Walgreens Charity Championship. She also serves on the Palm Beach County Construction Board of Adjustments and Appeals. Margie is also an elected Board member of the Floral Lakes HOA and Dover House in Delray Beach.

From 2011-2018, Margie served as a Commission member of the Allegany Franciscan Ministries, Inc. for Palm Beach, Martin and St. Lucie Counties. She was instrumental in creating the Common Good Initiative in Lincoln Park to develop and fund innovative programs for community empowerment.

From 2009-2013 she served as the Executive VP for the Alliance of Delray, a civic association of 86 homeowner and condo communities representing 100,000 people in greater Delray Beach. Margie also served on the West Atlantic Redevelopment Coalition (WARC) and the Spady Cultural Heritage Museum Board. She also has served as a consultant for candidates at the municipal, County and State levels.

Margie has directed fund raising activities for Ruth Rales Jewish Family Service, Florida Atlantic University College of Science, and the Florida Academy of Audiology raising more than \$2 million for these institutions. She served as the Executive Director for the Bachmann-Strauss Dystonia and Parkinson Foundation at Mount Sinai Medical Center in NYC from 2001-2004 where she raised more than \$10 million for scientific research.

Margie also served as the Executive Director of the Taiwan International Alliance where she represented Taiwan's interests at the United Nations and lobbied the US Congress for the security of Taiwan's democracy in light of Hong Kong's transfer to the People's Republic of China (PRC). Margie is a strong supporter of democracy and human rights and also worked at the United Nations representing Indigenous people from Central America. She has traveled extensively throughout Europe, the Americas and Asia.

Margie has also held leadership positions at the headquarters of the American Institute of Chemical Engineers and Girl Scouts of the USA.

She is a magna cum laude graduate of the University of Buffalo. She studied Landscape Architecture at SUNY College of Forestry and received diplomatic training at the Institute of Multi-Track Diplomacy in Washington, DC.

Margie is a recipient of the 2012 and 2014 Lois Kwasman MVP Award in acknowledgement of her dedication to Palm Beach County Sports and a 2015 Delray Beach Open Tribute Award Finalist. She is an avid tennis player and enjoys travel and the arts.



International Brotherhood of Electrical Workers
Local Union 728
Fort Lauderdale/West Palm Beach
201 SE 24th Street, Fort Lauderdale, FL 33316 (954) 525-3106
4620 Summit Blvd. West Palm Beach, FL 33415 (561) 966-2224

October 30, 2018

Doug Wise
Building Division Director
Department of Planning, Zoning
And Building
2300 North Jog Road
West Palm Beach, FL 33411

Dear Doug:

This letter is to inform you we are nominating Fred Kutcher with South Atlantic Electric for the Construction Board of Adjustments and Appeals.

If you have any questions, please feel free to contact me.

Respectfully,

Zac Cassidy
Business Manager/FS
IBEW Local Union 728



Department of Planning,
Zoning & Building

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



Palm Beach County
Board of County
Commissioners

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

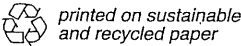
Steven L. Abrams

Mary Lou Berger

County Administrator


Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



MEMORANDUM

TO: Melissa McKinlay, Mayor, and Members of the Board of County Commissioners

FROM: Doug Wise, Building Director/Building Official 
Building Division

DATE: November 8, 2018

RE: Reappointment of At-Large Seat - Construction Board of Adjustments and Appeals

ITEM: The Construction Board of Adjustments and Appeals (CBAA) has an unfilled regular vacant seat #9 that requires reappointment of a member or a new appointment. The requirement for the seat is to be a member from the public at large. The Building Division has received one application from Margie Walden, who has most recently served in seat #9 as a regular member, and previously as an alternate member. Ms. Walden's term in seat #9 expired on November 2, 2018.

BACKGROUND: Per Palm Beach County Ordinance 2017-044, Palm Beach County Amendments to the Florida Building Code, 6th Edition (2017), the membership of the CBAA is to be comprised of 11 members, including a seat for a regular member at large from the public. All members of the CBAA are appointed by a majority vote of the Board of County Commissioners. Terms of office for regular and alternate members are for three years. In July 2015, term limits were implemented for the CBAA limiting members to a maximum of three consecutive, three-year terms. Ms. Walden has served one three-year term since term limits were implemented, and is eligible to serve two additional three-year terms.

DISPOSITION: The application and resume for the candidate are attached for your review. If you have an additional nomination for this seat, please have the information included on the attached blank form provided. Please return your nomination to the Building Division before December 7, 2018. Staff will prepare an Agenda Item for the January 15, 2019, BCC meeting.

If you have any questions concerning this appointment, you may contact me at 233-5192.

cc Patrick Rutter, Assistant County Administrator
Ramsay Bulkeley, Deputy Director, PZB

Encl.

CBAA Attendance Log
2018

Seat	Member	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18
1	Rasper, Bart	P	P	P	P	P	P	/	P	P	P	P	
2	Grey, Milton*	A	A	A									
3	Sullivan, Gary T.	P	A	A	A								
4	Wiener, Marc	P	A	P	P	P	A	/	A	P	A	A	
5	Dixon, Ronnie M.	P	P	P	P	P	P	/	P	P	A	P	
6	Markel, Steven	P	P	P	P	P	P	/	P	P	P	P	
7	Oyola, Manuel	P	P	A	P	P	P	/	P	A	P	P	
8	Rex Kirby	A	P	P	P	A	P	/	P	A	P	P	
9	Walden, Margie J.	P	P	P	P	A	P	/	A	P	P		
10 - Alt - Contractor	Vacant												
11 - Alt - Citizen	Justin McIntosh	P	A	P	A	P	P	/	P	A	P	P	

*Change in member status (i.e. appointment, resignation, removal or seat change)
P - Present
A - Absent
/ - no meeting
Vacant

**CBAA Attendance Log
2017**

Seat	Member	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17
1	Rasper, Bart	P	A	/	P	P	P	P	P	/	A	P	/
2	Drawdy, C. Duane*	P	A	/	A	A							
2	Grey, Milton*									/	P	P	/
3	Sullivan, Gary T.	P	A	/	P	A	P	A	P	/	A	P	/
4	Wiener, Marc	P	P	/	P	P	A	P	P	/	P	P	/
5	Dixon, Ronnie M.	P	P	/		P	P	P	A	/	P	A	/
6	Markel, Steven			/				P	P	/	P	P	/
7	Oyola, Manuel			/	P	P	P	A	P	/	P	P	/
8	Rex Kirby	A	P	/	P	P	A	P	A	/	P	P	/
9	Walden, Margie J.	P	P	/	P	P	P	A	P	/	P	P	/
10 - Alt - Contractor	Vacant			/									
11 - Alt - Citizen	Justin McIntosh	A	P	/	P	P	A	P	A	/	P	P	/

*Change in member status (i.e. appointment, resignation, removal or seat change)

P - Present

A - Absent

/ - no meeting

Vacant

**CBAA Attendance Log
2016**

Seat	Member	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16
1	Rasper, Bart	P	/	P	/	P	/	P	P	/	P	P	/
2	Drawdy, C. Duane	P	/	P	/	P	/	P	P	/	A	A	/
3	Sullivan, Gary T.	A	/	P	/	P	/	P	P	/	P	P	/
4	Wiener, Marc	P	/	P	/	P	/	P	P	/	P	A	/
5	Dixon, Ronnie M.	A	/	A	/	P	/	P	P	/	A	P	/
6	Walker, Michael V.	P	/	A	/	A	/	A					
7	Dzenutis, Peter A.	P	/	P	/	A	/	A	P	/	A	P	/
8	Rex Kirby			P	/	P	/	P	A	/	A	P	/
9	Walden, Margie J.	P	/	A	/	P	/	A	P	/	P	P	/
10 - Alt - Contractor	Vacant												
11 - Alt - Citizen	Justin McIntosh							P	P	/	P	P	/

P - Present
A - Absent
/ - no meeting
Vacant

111.7 Digital Submittal Requirements for New Construction.

111.7.1 Building Footprints. The building official is authorized to require the submittal of digital shape (CAD) files, in a specific format, depicting a geo-referenced footprint with elevation for all new structures as a condition of the issuance of a Certificate of Occupancy.

111.7.2 Subdivision Topography. The building official is authorized to require the submittal of electronic topographical data and re-delineated 100-year floodplain boundaries for all new subdivisions or lots of record for the purposes of updating and maintaining the community's flood maps.

**SECTION 112
SERVICE UTILITIES**

112.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official and a Certificate of Occupancy or Certificate of Completion is issued. The servicing utility company shall not connect the power supply until notified by the building official.

112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary or partial Certificate of Occupancy.

112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 of this code in case of emergency where necessary to eliminate an immediate hazard to life or property, unsafe condition, or when such utility connection has been made without the approval required by Section 112.1 or 112.2 of this code. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

**SECTION 113
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, or to consider variances of this code, there shall be a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

113.4 Membership and Terms.

113.4.1 Membership. The Construction Board of Adjustment and Appeals shall consist of nine regular members plus two alternate members. Regular board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, two Division I contractors (GC, BC, or RC), electrical contractor, HVAC contractor, plumbing contractor, a member at large from the public, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he or she has a personal or financial interest.

113.4.2 Terms. The terms of office of the regular board members shall be for three (3) years and staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates shall serve three-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. No board member shall be appointed or re-appointed to this board for more than three (3) consecutive, three (3) year terms.

113.4.3 Quorum and voting. A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members shall vote.

113.4.4 Secretary of board. The building official or his/her authorized representative shall act as secretary of the board and shall make a record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.4.5 Removal from office. Members shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three (3) consecutive meetings or a failure to attend more than one-half of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Members removed pursuant to this provision shall not continue to serve on the board and such removal shall create a vacancy.

113.5 Powers. The Construction Board of Adjustments and Appeals shall have the power, as further defined in 113.6 of this code, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.6 Appeals.

113.6.1 Decision of the building official. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.
3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.6.2 Variances. The Construction Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.6.2.1 Conditions of the variance. In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate

conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.6.3 Notice of appeal. Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official.

113.6.4 Unsafe or dangerous buildings or service systems. In the case of a building, structure or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

113.7 Procedures of the board.

113.7.1 Rules and regulations. The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on the second Thursday of each month, as needed, or at the call of the chairperson, subsequent to a request to call a meeting by the secretary. The board shall meet at the second regular meeting if a notice of appeal has been received fewer than 15 days before a regular meeting.

113.7.1.1 Rules of Evidence. Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence from the appellant to be provided by an architect or engineer registered in the State of Florida, in which case, said evidence shall be signed, sealed, and dated.

113.7.1.2 Testimony. Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the appellant or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the appellant, or any other witness.

113.7.2 Decisions. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.8 Local Construction Regulation Board. The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in Florida Statute 489.113. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the LCRB has found such contractor, through a public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the LCRB represents. The LCRB may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the LCRB represents. Notification of and information concerning such permit denial shall be submitted to the division within 15 days after the LCRB decides to deny the permit.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, system, site, or equipment regulated by this code, or any other laws, ordinances, rules, or regulations; or cause same to be done, in conflict with or in violation of any of the provisions of this code. Such violation shall be a misdemeanor. Each day or portion thereof shall be considered a separate offense.

114.2 Notice of violation. The building official is authorized to serve a notice of violation or stop work order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. (See also Section 115 of this code.)

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.3.1 Nothing in this section shall prevent the County from imposing fines, liens, or seek injunctive relief, or exercising other enforcement powers as permitted by law.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.