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M E M O

TO: Appointing Authorities of Building Officials

**FROM: Herminio F. Gonzalez, P.E.,
Director Building Code Compliance**

DATE: September 29, 2003

SUBJECT: Appointment of Building Officials

At their September meeting the Board of Rules and Appeals (BORA) ruled that Building Officials must be directly employed by the municipality they serve. The Board's decision was based on a review of Chapter 8 Code of Miami-Dade County as well as requirements contained in Florida Statute 468. The applicable definition of "employee" is as follows:

BUILDING CODE ADMINISTRATORS AND INSPECTORS BOARD CHAPTER 61G19, F.A.C.

61G19-1.009 Definitions

(7) "Employee" means a person who receives compensation from, and is under the supervision and control of, an employer who regularly deducts the F.I.C.A. and withholding tax and provides workers' compensation, all as prescribed by law.

The annual re-certification process for BORA certified personnel, including Building Officials, will take place later this year. At that time each municipality will be asked to supply a letter verifying that their Building Official is an employee of the municipality, as defined above. If any action is necessary on your part, please take appropriate steps prior to the annual recertification process.

If you have any questions or if the Building Code Compliance Office may be of any assistance, please contact Mr. Michael Goolsby of my staff, at (305) 375-4496.

HFG:MG

Cc: Stephanie Miller, Assistant County Attorney
Thomas Utterback, Chairperson, Board of Rules and Appeals
All Building Officials in Miami-Dade County