**ADMINISTRATIVE POLICY 95-01**

LAST REVISED: 02/19/24
FIRST ADOPTED: 01/18/95

From: Dr. Ana C. Barbosa, Administrative Director
Subj.: Appeals Application and Process

The Board of Rules and Appeals shall hear all appeals relating to the Florida Building, Fire, and Administrative Codes. Appeals shall include Broward County Chapter One, Section 104.36 for Alternate Types of Construction, and Section 104.37 for Construction Appeals, questioning the safety, quality, or strength of a building. The Board of Rules and Appeals is not authorized to grant variances or waivers to the requirements from the Building Code.

## APPEALS PROCESS

Any person filing an appeal shall complete the Board of Rules and Appeals approved Appeal Application online or in person. The application shall be filled out in its entirety. An incomplete application will be returned to the appellant.

Before any appeal can be considered by the Broward County Board of Rules and Appeals or a committee, the following conditions must be met:

- The Building or Fire Code Official or the delegated representative must have rendered an interpretation of the applicable Building/Fire Code that the appellant considers erroneous or denied the use of an alternate method that the appellant feels is demonstrably equal to or better than adherence to the letter of the Code.

- The appeal shall be appropriately investigated by staff, and a report shall be generated for the Administrative Director's review before a committee or Board hearing is set.

Once the appeal form is filed, the Board of Rules and Appeals staff will request a written response from the Building or Fire Code Official explaining the reasoning behind their decision.

Board staff will work with the appellant and the Building or Fire Code Official to facilitate a mutually satisfactory solution when possible.

If the issue goes forward, the Board may decide regarding the appeal at that meeting, or if it deems it necessary, the Board may send the appeal to the appropriate technical committee or defer it pending additional information, etc.

If the Board feels enough information has been presented, the Board will render a decision by vote to the appeal. **The Board cannot, by law, grant a variance or waiver to the requirements of the applicable code.**

The presentation of graphic materials in plans and renderings to the Board to describe each appeal is encouraged. However, because of the recording and transcription of each presentation, appellants are requested to avoid verbally referring to the graphics as "this" or "that" or any reference to colors.

Any handouts or documentation must be presented as part of the *initial* appeal package. **No handouts will be permitted during the meeting.**

**Note:** At any time during the process, the person filing the appeal (appellant) may request postponement or withdrawal by submitting a written request to do so. The assigned Chief Code Compliance Officer will be responsible for notifying the appropriate interested parties of the withdrawal of the appeal.

**Broward County Board of Rules and Appeals**
1 N. University Drive Suite, 3500B, Plantation, FL 33324
broward.org/CodeAppeals | 954-765-4500 | rulesboard@broward.org

## Appeal Application

**Appellant Information:**

Name _____
Address _____
City _____ State _____
Business/Profession _____
Phone _____
Email _____

**Project Information:**

Address _____
Type of Construction _____
Hight of Building _____
Square Footage per Floor _____
Permit Number _____
Permit Application Date _____
Group Occupancy _____
Number of Stories _____

**Office Use Only**

Date Of Receipt _____

Appeal #: _____
Hearing Date _____

Notice Mailed _____
Code In Effect _____

Electrical _____
Fire Code _____
Mechanical _____
Plumbing _____
Structural _____

Alternate Material _____
Alternate Method _____

I, the undersigned, appeal the decision of the Building/Fire Code Official of _____ as it pertains to Chapter _____ , Section _____ , of the (check one):

☐ South Florida Building Code ☐ Florida Building Code ☐ Florida Fire Prevention Code

☐ Other _____ , as applicable to Broward County. (Attach copy of relevant Code sections).

**Note:** The Board shall base their decision upon the section(s) of the Code you have indicated above. If these are in error, you must re-submit your appeal. The Board is not authorized to grant variances from the Code.

Summary of appeal (attach additional sheets as necessary): _____

Results desired (attach additional sheets as necessary): _____

**Fee:** Waived

**Note:** Exhibits intended for distribution to the Board supporting the appeal must be submitted with the appeal. All material shall be kept from the appeal hearing. A letter from the Building or Fire Code Official rejecting the applicant's appeal must be included in the appeal packet submitted to the Board of Rules and Appeals.

Appellant Name (Please Print): _____

Appellant Signature: _____

# INTERNAL PROCEDURE FOR HANDLING APPEALS

- Once an Appeal Application is received, the application shall be recorded with a date and time stamp and assigned a reference number. An incomplete application will be returned to the appellant.

- Upon assignment of a reference number, the application will be forwarded to the Administrative Director or Operations Manager, who will assign the appeal to the Chief Code Compliance Officer whose specialty is involved.

- The Chief Code Compliance Officer(s) shall review for compliance with administrative procedures and attempt to resolve the issue before being reviewed by a committee or heard by the Board of Rules and Appeals.

- The assigned Chief Code Compliance Officer will send a copy of the appeal via email and certified mail to the respective Building or Fire Code Official, who will be given at least five (5) working days upon receipt to respond to the Board in writing, defending their decision or interpretation. A Building or Fire Official may waive this requirement to resolve an appeal faster.

- Once the appeal is reviewed by staff and a written report is completed, the Administrative Director will establish a hearing date. In all cases, when the appeal relates to a matter regulated by a committee, the committee shall hear the appeal before it is submitted to the Board.

- At least fifteen (15) days before any committee meeting or hearing, but at most thirty (30) days, a notice of hearing will be sent via email (with read receipt), and a certified mail return receipt is required to the governing body. A copy of the notice will also be sent to the appellant. The appellant will be advised and encouraged to attend the hearing or send a representative to defend their position.

- If the appeal proceeds to a hearing before the Board of Rules and Appeals, the assigned Chief Code Compliance Officer shall prepare for the Board a concise statement of facts, a copy of any relevant sections of the Code involved, along with the recommendation of the appropriate committee or staff that the Board may adopt.

- Within five (5) working days of the Board meeting, at which disposition of the appeal has taken place, the Administrative Director or Board Attorney will notify, in writing, all respective parties in the appeal of the results of the Board’s ruling.