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MEMO

TO: All Building Officials in Miami-Dade County

FROM: Herminio F. González, P.E., M.S., Director
Building Code Compliance

DATE: May 25th, 2010

SUBJECT: FBC Building 2007-Chapter 1 Section 102.1.1 and 105.3.3

At their meeting of May 20th, 2010 the Board of Rules and Appeals considered an interpretation relating to the jurisdiction of the Board of Rules and Appeals. The Board noted that the Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code.

It was further clarified that the Board of Rules and Appeals has exclusive jurisdiction regarding all appeals and interpretations involving building permits and other matters regulated by the building code, as defined by Section 8-3 of the Code of Miami-Dade County.

In making their decision the Board cited sections 8-4(a) and (d), (1) of the Code of Miami-Dade County, included below:

Sec. 8-4. Board of Rules and Appeals.

(a) General. The Board of Rules and Appeals is created as the construction regulation board entrusted with overseeing the uniform enforcement of the Building Code and maintaining the proper standard of construction throughout Miami-Dade County. The Board shall have exclusive jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions.

\* \* \*

(d) Powers and Duties of the Board.

(1) The Board of Rules and Appeals shall be the board of appeals for decisions of building officials throughout the incorporated and unincorporated areas of Miami-Dade County. The Board shall hear all appeals from the decisions of the Building

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*Official wherein such decision is on matters regulated by the Building Code from any person aggrieved thereby. Application for appeal shall be in writing and addressed to the Secretary of the Board. The Board shall have the power to affirm, modify or reverse the decision of the Building Official wherein such decision is on matters regulated by the Building Official.*

If you have any questions on this information, please contact Code Compliance Chief Mr. Michael L. Goolsby at (305) 375-4496 of my staff.

HFG:MG