

**MIAMI-DADE COUNTY FIRE PREVENTION AND SAFETY APPEALS BOARD
APPLICATION PACKAGE**

CHAIRPERSON

Lawrence Cohan

VICE CHAIRPERSON

Ricardo Gonzalez

MEMBERS

Ulyses S. Banks

Mel Cohen

Al Darring

Fernando Fernandez

Suzanne Gilmore

Raymond McDonald

Armando Piedra

Bui Wei

BOARD SECRETARY

Maria T. José

NOTICE

UPON COMPLETION OF THE ATTACHED APPLICATION FOR HEARING, IT IS RECOMMENDED THAT YOU SCHEDULE AN APPOINTMENT WITH MARIA T. JOSÉ AT (786-331-5236 or maria.jose@miamidade.gov) FOR REVIEW AND SUBMITTAL OF YOUR COMPLETE APPLICATION PACKAGE.

PLEASE CALL BEFORE THE DEADLINE FOR FILING AS DESCRIBED IN THE MEETING DATES INCLUDED IN THE APPLICATION PACKAGE.

MIAMI-DADE COUNTY FIRE PREVENTION AND SAFETY APPEALS BOARD
GENERAL INFORMATION

APPEALS

Section 14-46(D) of the Code of Miami-Dade County, Florida, sets forth the duties, functions, powers, and responsibilities of the Miami-Dade County Fire Prevention and Safety Appeals Board. Please see the attached copy of this Section for your information.

All applications shall be filed with the Miami-Dade County Fire Prevention and Safety Appeals Board on or before the required deadline, twenty-one (21) days prior to the hearing. Any applications filed after the required deadline will be scheduled for the next available hearing date.

All applications shall include copies of any evidence, information, reports or documentation. The applicant is responsible for making copies for each Board member, Board secretary, and other parties, if any, for information submitted after the submission of the application and for any submissions of photographs, non-standard sized pages, binders, or other non-standard copying.

EMERGENCY HEARINGS

Under extreme circumstances, an emergency hearing may be requested. In such instances, the Board will first determine, on the basis of the applicant's presentation, if the request represents an emergency deserving the Board's consideration prior to the next regularly scheduled meeting of the Board. For further details concerning this procedure, consult with staff prior to filing for an emergency hearing.

HEARING DATES

The schedule of hearing dates is included with this application package or may be obtained by calling the Board Secretary at (786) 331-5236. In accordance with a Board resolution which limits the number of applications that will be heard on a hearing date to ten (10), it is to the applicant's advantage to file early, thereby avoiding possible postponement to a future agenda.

The Board Secretary will mail a notice letter and an agenda to the applicant approximately twenty (20) days prior to the hearing.

WITHDRAWAL OF APPEAL

Applicants may withdraw their applications by doing so in writing at any time prior to the hearing or at the hearing. Requests for withdrawal prior to the hearing should be directed to the Secretary of the Fire Prevention and Safety Appeals Board.

FILING FEE

A non-refundable filing fee is required. Checks are payable to the "Miami-Dade County Board of County Commissioners".

LETTER OF INTENT

IT IS REQUIRED THAT THE APPLICATION BE FILED BY THE OWNER(S) OF THE PROPERTY WHICH IS THE SUBJECT OF THE APPLICATION. THE OWNER(S) OR HIS/HER ATTORNEY MUST BE PRESENT AT THE HEARING. Other persons may speak on behalf of the applicant as experts, but may not legally represent the applicant. The letter of intent shall be signed according to the following instructions:

Corporations:

If the applicant is a corporation, then the president or vice-president (not a manager or other corporate personnel) must be present or the corporation may be represented by an attorney-at-law at the Board meeting.

General Partnership or Limited Partnerships:

If the applicant is a general partnership or limited partnership, then at least one of the general partners must be present or be represented by an attorney-at-law at the Board meeting.

If the general partner is a corporation, then the president or vice president of the corporation (not a manager or other corporate personnel) must be present or the corporation may be represented by an attorney-at-law at the Board meeting.

Other than Fee Simple Owner:

If the person seeking relief is not the fee simple owner of the property which is the subject of the application, then the fee simple owner shall also be required to be present at the Board meeting or be represented by an attorney-at-law at the Board meeting.

Fee Simple Owner:

If the fee simple owner is a corporation, general partnership or limited partnership then the requirements above shall apply.

For Other Legal Entities:

For other legal entities, such as, but not limited to limited liability companies, please contact the administrative staff of the Fire Prevention and Safety Appeals Board. Limited Liability Companies, Florida and Non-Florida, will be required to submit a properly executed Affidavit on a form prescribed by the Secretary of the Board. All limited liability companies must be represented by a Florida attorney-at-law at the Board hearing.

CHECK LIST

The following items must be submitted for all cases.

- _____ Application for Public Hearing form completely filled out and properly executed (original and 13 copies). **There is no need to return explanatory material from this application package.**
- _____ Letter of Intent (original and 13 copies) addressed to Maria José, Board Secretary, Fire Prevention and Safety Appeals Board, 9300 NW 41 Street, Doral, Florida 33178. The Letter of Intent shall include the address of the property which is the subject of the application, the name of the fire department having jurisdiction, the requirement of the fire department that is the subject of the application, the code cited by the fire department having jurisdiction, and a brief description of the facts and circumstances. In addition, the Letter of Intent shall state which of the provisions of Section 14-46(D) of the Code of Miami-Dade County, Florida, is the basis for the application.
- _____ Filing fee of \$100.00. Make checks payable to Miami-Dade County Board of County Commissioners.
- _____ The name, address, telephone number and professional credentials of any expert witness who may testify at the Board hearing shall be submitted to Secretary of the Board not less than ten (10) days before the scheduled Board hearing.
- _____ Applicant's Affidavit (1 copy) on a form prescribed by the Secretary of the Board.
- _____ Attorney's Affidavit (1 copy) on a form prescribed by the Secretary of the Board.

NOTE: THE OWNER(S) OR THE OWNER'S ATTORNEY-AT-LAW MUST BE PRESENT AT THE BOARD HEARING. LLC'S SHALL HAVE AN ATTORNEY-AT-LAW PRESENT.

**APPLICATION FOR PUBLIC HEARING
FIRE PREVENTION AND SAFETY APPEALS BOARD**

TO BE FILLED OUT BY APPLICANT: (Please Type)

Name of Applicant (Property Owner) _____

Mailing Address _____

Telephone (during work hours) _____ E-mail address _____

Address or street location of subject property: _____

Folio Number: _____

Legal Description of the Property covered by this application: _____

Name of Fire Department _____

Requirement of Fire Department _____

Code(s) Cited by Fire Department _____

Fire Prevention and Safety Appeals Board
Application

Present Use of Property _____

Proposed Use of Property: _____

Is this new construction, renovation, or a new addition?

(Yes)_____ (No) _____

If yes, has a Building Permit been issued? (Yes)_____ (No) _____

Is this application being filed as a result of a "Notice of Violation" from the Miami-Dade County Fire Rescue Department or any other fire department having jurisdiction?

(Yes) _____ (No) _____

If yes, please furnish a legible copy of the Notice of Violation.

Describe any existing structures on the property. If none, state so.

Please check below the reason for the submittal of this application:

_____ New Construction – Denial of Permit

_____ New Construction - Denial of Certificate of Occupancy or
Temporary Certificate of Occupancy

_____ Existing Construction Requirement to comply with code

_____ Other: (Describe)

Name (print) _____

Authorized Signature

Date

APPLICANT'S AFFIDAVIT

INDIVIDUAL AFFIDAVIT

I/We, _____, being first duly sworn, depose and say that I/We am/are the owner(s) of the property which is the subject matter of the proposed hearing; that all the answers to the questions in this application, all sketches, data and other supplementary matter that may be attached to and made a part of the application are honest and true to the best of my knowledge and belief. I/We understand this application must be complete and accurate before a hearing can be advertised. Furthermore, I/We intend to have _____ represent me/us at the subject public hearing. I/We understand that representation may only be through legal counsel.

Signature

Sworn to and subscribed to before me
this ____ day of _____, 20____.

My Commission Expires:_____

Notary Public

CORPORATION AFFIDAVIT

We, _____, being first duly sworn depose and say that we are the President/Vice-President of the aforesaid corporation, and as such, have been authorized by the Corporation to file this application for public hearing; that all answers to the questions in said application, all sketches, data and other supplementary matter that may be attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said Corporation is the owner of the property which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a Board hearing will be advertised. Furthermore, we intend to have _____ represent us at the Board hearing. We understand that representation may only be through legal counsel.

President or Vice-President's Signature (Corp. Seal)

ATTEST:

Secretary's Signature: _____

Sworn to and subscribed to before me
this ____ day of _____, 20__.

My Commission Expires: _____

Notary Public

APPLICANT'S AFFIDAVIT

PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the herein after named partnership, and as such, have been authorized to file this application for a Board hearing; that all answers to the questions in said application, all sketches, data and all other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner of the property which is the subject matter of the application. We understand this application must be complete and accurate before a hearing will be advertised. Furthermore, we intend to have _____ represent us at the Board hearing. We understand that representation may only be through legal counsel.

Name of Partnership _____

By: _____ % By: _____ %

By: _____ % By: _____ %

Sworn to and subscribed to before me
this ____ day of _____, 20__.

My Commission Expires: _____

Notary Public

**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS,
AND MANAGERS OF FLORIDA LIMITED LIABILITY COMPANY**

WE, (Print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit; the list of names and titles shall include all names on the list required by Section 608.4101(1) (a), Fla. Stat. (2004), as same may be amended from time to time)

<u>Full name</u>	<u>Title(s)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

hereby swear or affirm that :

1. The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, of the Florida Limited Liability Company known as _____ (Print name of the Florida Limited Liability Company as the name appears in the Articles of Organization currently filed with the Secretary of State of the State of Florida).
2. There are no Members, Managing Members or Managers of the aforesaid Florida Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization of the aforesaid Florida Limited Liability Company or in any operating agreement, written or oral, of the aforesaid Florida Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____ (Print the title of the instrument or document) by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability as set forth in the foregoing instrument or document.

4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the foregoing Florida Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____ (Print the title of the instrument or document) for and on behalf of the aforesaid Florida Limited Liability Company and to bind and obligate the aforesaid Florida Limited Liability Company as set forth in the foregoing instrument or document.
5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

Signature

Title(s)

Sworn to and subscribed before me this ___ day of _____, ____ (year) by _____ (print name legibly), who is personally known to me or who has produced _____ (type of identification).

(Signature of Notary Public)

(Print, type or stamp name of notary public)

(Add additional Signature, Title(s), and Notary Public areas for all other LLC Members, Managing Members, and Managers, as needed)

**AFFIDAVIT OF MEMBERS, MANAGING MEMBERS,
AND MANAGERS OF NON- FLORIDA (FOREIGN)
LIMITED LIABILITY COMPANY**

WE, (print full name(s) and all title(s) of person(s) or entity(s) in the following spaces; if more space needed print additional names and title(s) on separate paper marked as Exhibit A and attach Exhibit A to this Affidavit)

<u>Full name</u>	<u>Title(s)</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

hereby swear or affirm that :

1. The foregoing persons or entities set forth above and on Exhibit A, if applicable, which Exhibit A is attached hereto and incorporated herein by reference hereto, constitute and are all of the Members, Managing Members, and Managers, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, of the Non-Florida (Foreign) Limited Liability Company known as _____ (Print name of the Non-Florida (Foreign) Limited Liability Company as the name appears in the Articles of Organization, as that term is defined by Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, or the equivalent* thereof, currently filed with the Secretary of State of the

*** The term “equivalent” shall mean for the purposes of this Affidavit, with respect to “persons” or “entities”, any person or entity which has or may have any one or more of the duties or powers or obligations or responsibilities or authorities, real or apparent, of a Member, Managing Member, or Manager, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time. The term “equivalent” shall mean for the purposes of this Affidavit, with respect to instruments or documents or articles of organization or operating agreements or written agreements or oral agreements, any written agreement or oral agreement or instrument or document which has or may have any one or more of the functions or purposes of any instrument, document, operating agreement, written agreement or oral agreement described or mentioned in this Affidavit.**

State of _____) (Print name of State where Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed) or other jurisdiction, to wit, _____(Print the name of the country or other jurisdiction where the Articles of Organization, or the equivalent* thereof, creating the Non-Florida (Foreign) Limited Liability Company are filed;

2. There are no Members, Managing Members or Managers, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company other than the persons or entities set forth above and on Exhibit A, if applicable.
3. There are no provisions in any Articles of Organization, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company or in any operating agreement, written or oral, or the equivalent* thereof, of the aforesaid Non-Florida (Foreign) Limited Liability Company, as those terms are defined in Section 608.402, Fla. Stat.(2004), as same may be amended from time to time, which prohibit, restrict or limit in any way or in any manner the execution of the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____(Print the title of the instrument or document) by any of the foregoing persons or entities set forth above and on Exhibit A, if applicable, for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document.
4. All of the foregoing persons or entities set forth above and on Exhibit A, if applicable, are authorized by the aforesaid Non-Florida(Foreign) Limited Liability Company, to execute the instrument or document attached hereto and incorporated herein by reference hereto, to wit, _____(Print the title of the instrument or document) for and on behalf of the aforesaid Non-Florida (Foreign) Limited Liability Company and to bind and obligate the aforesaid Non-Florida (Foreign) Limited Liability Company as set forth in the foregoing instrument or document
5. All of the provisions of this Affidavit shall be construed in accordance with the laws of the State of Florida.

* The term "equivalent" shall mean for the purposes of this Affidavit, with respect to "persons" or "entities", any person or entity which has or may have any one or more of the duties or powers or obligations or responsibilities or authorities, real or apparent, of a Member, Managing Member, or

Fire Prevention and Safety Appeals Board
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Manager, as those terms are defined in Section 608.402, Fla. Stat. (2004), as same may be amended from time to time. The term "equivalent" shall mean for the purposes of this Affidavit, with respect to instruments or documents or articles of organization or operating agreements or written agreements or oral agreements, any written agreement or oral agreement or instrument or document which has or may have any one or more of the functions or purposes of any instrument, document, operating agreement, written agreement or oral agreement described or mentioned in this Affidavit.

Signature

Title(s)

Sworn to and subscribed before me this ____ day of _____, ____ (year)
by _____ (print name legibly), who is personally
known to me or who has produced _____ (type of
identification).

(Signature of Notary Public)

(Print, type or stamp name of notary public)

**(Add additional Signature, Title(s), and Notary Public areas for all other
Members, Managing Members, and Managers of LLC, as needed)**

ATTORNEY AFFIDAVIT

I, _____, being duly sworn, depose and say that I am a State of Florida Attorney at law, and I am the Attorney for the applicant and will represent the same at the proposed hearing; that all the answers to the questions in this application, all sketches, data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief.. I understand this application must be complete and accurate before a Board hearing will be advertised.

Signature

Sworn to and subscribed to before me
this ____ day of _____, 20____.

My Commission Expires: _____

Notary Public

**Miami-Dade County
Fire Prevention and Safety Appeals Board
Year 2010 Proposed Meeting Dates**

**Miami-Dade County Fire Rescue Department Headquarters
Auditorium
9300 NW 41 Street
Miami, Florida 33178**

The Miami-Dade Fire Prevention and Safety Appeals Board generally will meet on the last Thursday of every other month. Meetings are scheduled to begin at 9:30 a.m. Please schedule yourself in advance to attend these meetings. Please promptly notify Maria T. José at (786) 331-5236 if you are unable to attend a scheduled meeting.

All persons attending the meetings need to check in at the main desk in the front upon entering and leaving the building.

If there are no appeals scheduled for that month's meeting, you will be notified of the cancellation.

The 2010 schedule is as follows:

January 28, 2010	Deadline to file:	January 7, 2010
March 25, 2010	Deadline to file:	March 4, 2010
May 27, 2010	Deadline to file:	May 6, 2010
July 29, 2010	Deadline to file:	July 1, 2010
September 30, 2010	Deadline to file:	September 2, 2010
November 18, 2010	Deadline to file:	October 28, 2010

Note: Meeting dates, times and location are subject to change