



## FORT MYERS BEACH FIRE CONTROL DISTRICT POLICIES AND PROCEDURES

<b>Division:</b>	Fire Prevention	<b>Number:</b>	314
<b>Initiated:</b>	Captain Ronald L. Martin-Fire Marshal	<b>Effective Date:</b>	02/10/2014
<b>Approved:</b>	FIRE CHIEF	<b>Revision Date:</b>	
<b>Title:</b>	FIRE PREVENTION DISPUTE RESOLUTION	<b>Page Number:</b>	1 of 2

**PURPOSE:** To provide citizens a process to dispute or challenge rulings of the Fort Myers Beach Fire Control District's Fire Marshal. This dispute process shall encompass those parties who are substantially affected by the interpretation or application of the Florida State Fire Prevention Code, Uniformed Fire Safety Code, and *Florida Statutes Chapter 633: Fire Prevention and Control Act*.

**RESPONSIBILITY:** All Fire Prevention Personnel, Fire Chief or his/her designee.

**PROCEDURE:** The Fort Myers Beach Fire Control District (FMBFCD) is the statutory Authority Having Jurisdiction (AHJ) in all matters related to Fire Prevention and Life Safety within the District.

The Fire Chief or his/her designee is the Statutory Chief Fire Code Official for the District.

The Fire Marshal is charged by the Fire Chief to be the Authorized Representative of the AHJ and FMBFCD.

Fire Prevention Specialist are the authorized representatives of the FMBFCD Fire Marshal's Office.

Any substantially affected person may seek a non-binding informal interpretation of the Florida Fire Prevention Code through the Florida Fire Marshal and Inspector Association as authorized by Florida Administrative Rule 69A-60.011. Fees and cost associated with any request for a non-binding interpretation of the Florida Fire Prevention Code shall be the responsibility of the substantially affected party seeking interpretation.

Substantially affected parties may elect to apply directly to the Florida State Fire Marshal for a Declaratory Opinion under *Florida Statute Chapter 120, Subsection 120.65*. Declaratory Opinions are considered non-binding and subject to final rulings of the AHJ, to-wit: the FMBFCD Fire Chief or his/her designee. The FMBFCD Fire Chief or his/her designee when considering a final ruling can in no way lessen the requirement of the Florida Fire Prevention Code, Uniformed Fire Code, or Applicable State Statutes



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Once the Florida Fire Marshal and Inspectors Association or the Florida State Fire Marshal issues findings in response to a substantially affected party's request for an interpretation or Declaratory Opinion, the substantially affected party shall have **(7)** days to appeal such findings to the FMBFCD Fire Chief or his/her designee for review and final determination. The Fire Chief or his/her designee shall review all documentation provided; in conjunction with, the Fire Marshals filed report, and make a written ruling within **(14)** business days on the merits or validity of the violations, complaints, or conditions at issue. All rulings by the FMBFCD Fire Chief or his/her designee shall be considered final and binding on the Fort Myers Beach Fire Control District and the Substantially Affected Party.