

PROPOSED

ORDINANCE NO. 2020-

1 AN ORDINANCE OF THE BOARD OF COUNTY
 2 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
 3 PERTAINING TO CODE ENFORCEMENT APPEALS;
 4 AMENDING SECTIONS 3½-15, 8½-14, 9-29, 9-124, 9-176,
 5 16½-35.6, 27-42, AND 39-136 OF THE BROWARD COUNTY
 6 CODE OF ORDINANCES ("CODE"); PROVIDING FOR
 7 APPEAL OF CODE ENFORCEMENT ACTIONS; AND
 8 PROVIDING FOR SEVERABILITY, INCLUSION IN THE
 9 CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
BROWARD COUNTY, FLORIDA:

Section 1. Section 3½-15 of the Broward County Code of Ordinances is hereby
amended to read as follows:

Sec. 3½-15. Complaints, violations, penalties, hearings.

...

(d) *Hearings.*

...

(3) A hearing officer's final determination is ~~reviewable by filing a petition for writ of certiorari~~ appealable to the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County within thirty (30) days after the date of rendition of the hearing officer's decision, as provided by ~~and in accordance with~~ the Florida Rules of Appellate Procedure.

Section 2. Section 8½-14 of the Broward County Code of Ordinances is hereby
amended to read as follows:

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1 **Sec. 8½-14. Appeals.**

2 . . .

3 (b) The violator or the County may appeal a final decision of a hearing officer
4 ~~by certiorari~~ to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days
5 ~~of~~ after the date of rendition of the decision of the hearing officer, as provided by the
6 Florida Rules of Appellate Procedure.

7
8 Section 3. Section 9-29 of the Broward County Code of Ordinances is hereby
9 amended to read as follows:

10 **Sec. 9-29. Citation procedures; persons and entities licensed by the Central**
11 **Examining Boards.**

12 . . .

13 (i) The violator or the County may appeal a final decision of a board ~~by~~
14 ~~certiorari~~ to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days
15 ~~of~~ after the date of rendition of the decision of the board, as provided by the Florida
16 Rules of Appellate Procedure.

17
18 Section 4. Section 9-124 of the Broward County Code of Ordinances is hereby
19 amended to read as follows:

20 **Sec. 9-124. Appellate review.**

21 The violator or the County may appeal a final decision of a hearing officer ~~by~~
22 ~~certiorari~~ to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days
23 ~~of~~ after the date of rendition of the decision of the hearing officer, as provided by the
24 Florida Rules of Appellate Procedure.

1 Section 5. Section 9-176 of the Broward County Code of Ordinances is hereby
2 amended to read as follows:

3 **Sec. 9-176. Appeals of citations and notices of violation.**

4 . . .

5 (b) The sole proprietor, business organization, or governmental agency or the
6 County may appeal a final decision of a hearing officer ~~by certiorari~~ to the Circuit Court
7 of the Seventeenth Judicial Circuit within thirty (30) days ~~of~~ after the date of rendition of
8 the decision of the hearing officer, as provided by the Florida Rules of Appellate
9 Procedure.

10
11 Section 6. Section 16½-35.6 of the Broward County Code of Ordinances is
12 hereby amended to read as follows:

13 **Sec. 16½-35.6. Required notices in connection with application to purchase or rent**
14 **a dwelling.**

15 . . .

16 (f) Post-hearing Procedures and ~~Certiorari~~ Appellate Review.

17 (1) Review of any final determination rendered by the hearing officer shall be
18 ~~made by filing a petition for writ of certiorari with~~ appealable to the Circuit
19 Court of the Seventeenth Judicial Circuit in and for Broward County within
20 thirty (30) days after the date of rendition of the decision of the hearing
21 officer, as provided by ~~and in accordance with~~ the Florida Rules of
22 Appellate Procedure. For the purposes of this Section 16½-35.6, an order
23 is rendered when a signed, written order is entered by the hearing officer.
24 However, if an order has been entered by the hearing officer and a motion

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1 for rehearing has been filed not later than fifteen (15) days after the order
2 has been entered, the final order shall not be deemed rendered until the
3 signed, written order disposing of the motion for rehearing has been
4 entered by the hearing officer. A petitioner and/or alleged responsible
5 party shall not have the remedy of other extraordinary writs or other judicial
6 remedy or process until all administrative remedies have been exhausted.

7 . . .

8
9 Section 7. Section 27-42 of the Broward County Code of Ordinances is hereby
10 amended to read as follows:

11 **Sec. 27-42. Judicial review.**

12 Review of any final order concerning an administrative review, variance, notice
13 of violation, or citation shall be ~~made by filing a petition for writ of certiorari~~ appealable
14 to the eCircuit eCourt of the Seventeenth Judicial Circuit in and for Broward County
15 within thirty (30) days ~~of~~ after the date of rendition of the decision of the hearing
16 examiner, as provided by ~~and in accordance with~~ the Florida Rules of Appellate
17 Procedure. For the purposes of this Chapter, an order is rendered when a signed,
18 written order is filed with the clerk of the hearing examiner. The final order shall include
19 the date the final order was filed with the clerk of the hearing examiner. However, if an
20 order has been entered and a motion for rehearing has been filed, the final order shall
21 not be deemed rendered until the filing of a signed written order disposing of the motion
22 for rehearing. A petitioner and/or alleged responsible party shall not have the remedy
23 of other extraordinary writs or other judicial remedy or process until all administrative
24 remedies have been exhausted.

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1 Section 8. Section 39-136 of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 39-136. Pre-taking hearings for junk vehicles, vessels, and derelict aircraft.**

4 . . .

5 (d) All Any appeals to the final decisions of the hearing officer shall be writ of
6 certiorari to the Circuit Court of the Seventeenth Judicial Circuit within thirty (30) days
7 after rendition of the decision, as provided by the Florida Rules of Appellate Procedure.

8
9 Section 9. Severability.

10 If any portion of this Ordinance is determined by any court to be invalid, the invalid
11 portion will be stricken, and such striking will not affect the validity of the remainder of
12 this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot
13 be legally applied to any individual, group, entity, property, or circumstance, such
14 determination will not affect the applicability of this Ordinance to any other individual,
15 group, entity, property, or circumstance.

16
17 Section 10. Inclusion in the Broward County Code of Ordinances.

18 It is the intention of the Board of County Commissioners that the provisions of
19 this Ordinance become part of the Broward County Code of Ordinances as of the
20 effective date. The sections of this Ordinance may be renumbered or relettered and the
21 word "ordinance" may be changed to "section," "article," or such other appropriate word
22 or phrase to the extent necessary in order to accomplish such intention.

23
24
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