

# MEMORANDUM

Agenda Item No. 7(D)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:**

(Second Reading: 6-1-22)  
February 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:**

Ordinance relating to existing buildings and unsafe structures; amending chapter 8 and chapter 8CC of the Code; revising procedures relating to recertification of buildings and components, including amending recertification periods, providing for advance notification to property owners, specifying certain qualifications for professionals submitting certification reports for threshold buildings, requiring certain safe occupancy statements during recertification process, providing timelines for completion of necessary repairs, specifying conditions for extensions, providing for disconnect of electrical utilities under certain conditions; authorizing revocation of recertification status when based on misrepresentations; establishing duty to report adverse findings or unsafe conditions of a building or structure when performing inspection; requiring condominium associations to notify all unit owner and residents when building or structure has been declared unsafe; providing for penalties

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The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsors Chairman Jose "Pepe" Diaz, Commissioner Sally A. Heyman and Commissioner Rebeca Sosa.



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Geri Bonzon-Keenan  
County Attorney

GBK/smm

**Date:** June 1, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava *Daniella Levine Cava*  
Mayor

**Subject:** Ordinance Relating to Chapter 8 - Existing Buildings and Unsafe Structures and Chapter 8CC - Schedule of Civil Penalties – Pertaining to Recertification and Unsafe Structures Procedures

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### **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance sponsored by Senator René García modifying Chapters 8 and 8CC of the Code of Miami-Dade County (the Code) pertaining to recertification procedures for existing buildings and the treatment of unsafe structures. The ordinance is consistent with the recommendations made during the sunshine meetings co-hosted by myself and Chairman Diaz on Building Safety in August and December 2021, and with actions already taken by the administration to improve recertification procedures.

### **Scope**

This ordinance is of countywide impact and will apply to building jurisdictions throughout Miami-Dade, including any municipality that may have adopted its own administrative procedures to address Unsafe Structures pursuant to Section 8-5(a) of the Code.

### **Delegation of Authority**

There is no delegation of authority associated with this item.

### **Fiscal Impact/Funding Source**

Because these revised procedures require additional notifications to property owners subject to recertification, the cost of these additional notices may create a fiscal impact for the building jurisdiction. However, all building jurisdictions are authorized by statute to collect permit fees in connection with discharging their functions. The cost of additional noticing is not anticipated to create a significant fiscal impact in the unincorporated municipal service area (UMSA) which serves approximately 44% of the population of Miami-Dade and approximately 50% percent of its building inventory; therefore, no fee increase is anticipated in connection with the noticing. To the extent that any individual municipal building jurisdiction requires a fee adjustment to accommodate their notice, such adjustments would be implemented through that jurisdiction’s governing body and fee procedures.

### **Social Equity**

Owners of buildings presently aged less than 40 years will experience a fiscal impact because of this ordinance due to the cost of commissioning a recertification report sooner (at year 30) than what would have been anticipated under existing recertification mandates. Buildings such as apartments, hotels, or condominiums with substandard or poor up-keep in maintenance and records can expect recertification reports (combined structural and electrical) to average \$200 to \$250 per living unit. Buildings of these types with excellent maintenance and records can expect nearly half of this cost for their inspection reports. Commercial buildings like warehouses, strip malls, or service garages can expect inspection reports to average \$0.15 to \$0.20 per square foot. While these reports

and the subsequent repairs may necessitate additional investment by property owners, earlier investment in maintenance reduces costs long-term for these structures.

The addition of these requirements is anticipated to benefit all residents countywide. These measures will assist in safeguarding the public and act to highlight the importance of building safety and raise the confidence level of our buildings. The ordinance also adds a range of protective measures to the administration of the recertification and unsafe structures procedures. Many of these proposals were first unveiled by my administration during the sunshine meeting held on Building Safety cohosted by myself and Chairman Diaz on August 30, 2021.

### **Track Record/Monitor**

The Boards and Code Division of the Department of Regulatory and Economic Resources (RER) will be responsible for dissemination of this ordinance to building jurisdictions countywide and individual building jurisdictions will be responsible for its implementation into the future.

### **Background**

The collapse of the Champlain South Tower has brought a renewed attention to building safety and procedures around the recertification and unsafe structures process. Through the provisions of Chapter 8 of the Code, the County is the jurisdictional entity for the local administration of the Building Code and sets the standard countywide for procedures around the recertification process. It also provides procedures for the handling of unsafe structures.

The Champlain tragedy highlighted that a key impediment towards timely action on recertification of buildings is the lack of preparation on the part of property owners. The impact of years of deferred maintenance catches property owners by surprise as assessments from recertification reports highlight building deficiencies. These deficiencies often prevent timely recertification, particularly when they require unanticipated financial investments. Properties under the condominium form of ownership of real property pursuant to Chapter 718 of the Florida Statutes may find themselves needing even more time to adopt special assessments on unit owners and raise the funds necessary to implement needed improvements.

Since the collapse, much work has been done by many public and private professional organizations in search of positive actions that will help ensure that a disaster such as the one we witnessed at Surfside is never repeated. While we await the findings of the continuing National Institute of Standards and Technology (NIST) investigation, this County has gathered important information and discussed areas in need of reform through many forums over the last several months. Many citizens and experts contacted the County in the aftermath of Surfside to offer their thoughts and suggestions for changes. We have conferenced with the Building Officials and staff from a number of cities, including Coral Gables, Doral, Miami, Miami Beach and Surfside. Our County staff has made presentations and offered testimony to groups such as the American Society of Civil Engineers, the Florida County and City Managers Association, the Florida Engineering Society, the recent Florida Discussion Panel moderated by the International Code Council, and the Hurricane Research Advisory Committee to the Florida Building Commission. The Board of County

Commissioners subcommittee has also heard important testimony from experts, professional groups and stakeholders over the last several months.

The Champlain disaster also prompted a flurry of audits and inspections by building jurisdictions, along with calls from concerned citizens seeking assurance that their structures were safe. Building jurisdictions observed deteriorated conditions on properties not yet due for recertification due to lack of maintenance. These observations, along with the ample public testimony from many public and private professional organizations in search of positive actions towards building safety, have led to the series of code changes presented herein as summarized below.

- **An early notification mandate will be codified so that all jurisdictions advise property owners one and two years prior to their recertification anniversary of the need to submit the report.** Early noticing is anticipated to help property owners prepare financially for any necessary building repairs and allow for more timely completion of the recertification process.
- **The recertification mandate is shortened to 30 years.** Commencement of the process at year 30 is warranted based on the observations of deterioration of structures by building jurisdictions countywide, which begin to show signs well before year 40 that could lead to unsafe conditions when buildings lack proper maintenance. Importantly, research on the carbonation of concrete also illustrates that an earlier commencement milestone for recertification assessments is warranted. Scientifically, as the PH level of concrete drops, the rate of chloride penetration at 30-years is approximately 1.2 inch out of the 1.5-inch concrete covering the rebars. Concrete carbonation is a common cause of reinforcement corrosion in structures. As steel reinforcements rust, this internal corrosion manifests itself on concrete as cracking and spalling. Commencement of recertification at year 30 will aide in preventing or halting the advancement of corrosion. Because adoption of this recommendation will cause there to be a group of buildings from the year 1982-1991 that will now become “due” for recertification all at once, procedures for a two-year implementation period are included to accommodate a one-time transition for these buildings. Thereafter, recertification will occur at the structures’ respective decennial anniversaries.
- **Mandate the use of structural engineers for the structural component of threshold buildings.** Mandating the exclusive use of structural engineers for the structural component on threshold buildings is also recommended. A “threshold building” is a building greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons. Requiring structural engineers to certify the structural inspection of threshold buildings is expected to bring an added measure of safety to the recertification assessment for these buildings given the specialized knowledge, training and experience presented by a structural engineer. Statutes today allow design professionals latitude to qualify more broadly to submit in multiple building code trade disciplines.
- **Mandate the use of electrical engineers for the electrical component of recertification.** The electrical component of recertification reports for threshold buildings will similarly

require that electrical engineers be used in assessing threshold buildings given the life-safety threat posed by having electrical systems in disrepair.

- **Procedures for handling requests for extensions.** When requests for extensions of time to submit reports are made by property owners, these should be limited to 60 days and an engineer’s letter certifying that the buildings may be safely kept in their legal occupancy while reports are being completed will be required.
- **Procedures for handling extended repair timeframes.** When repair work requires extended time frames, continued statements for safe occupancy should be required in at least 6-month increments.
- **Legislate an affirmative “duty to report.”** The attached ordinance includes an affirmative “duty to report” findings on structures that prevent their safe occupancy by licensed professionals engaging in building assessments to the building official of the jurisdiction. This ordinance also provides penalties for the failure to abide by this mandate in the amount of \$1000.00 and requires reporting of the violation to the appropriate board or licensing agency.
- **Provides for potential action on utility disconnect by the building official.** When the failure to submit a recertification report causes uncertainty as to the safety of the continued occupancy of a building, the attached ordinance provides that the building official may order electrical utilities to be disconnected. This provision may be employed only after appropriate noticing to property owners who have become delinquent on recertification and have not provided a safe occupancy statement from a qualified professional. The code currently allows building officials to order utility disconnects in cases of building emergencies. It also requires that structures be vacated due to the failure to recertify. Adding a provision for utility disconnect in cases where properties fail to recertify is intended as a more practicable alternative to the present mandate to vacate buildings. This provision does not authorize electrical utility disconnect if the building official has been advised of a potential health or medical issue that could be impacted by the disconnect and has not yet taken reasonable efforts to address such issue.
- **Revocation of recertification.** The attached ordinance adds a provision to affirm that issued recertifications may be revoked due to any misrepresentation of the actual conditions of the building.

Section 8-5 presently outlines procedures for Unsafe Structures. As you are aware, failure of a building to recertify causes the structure to be moved into unsafe enforcement procedures. This ordinance adds the provision that in buildings or structures where there are multiple unit owners or tenants but responsibility to correct deficiencies associated with an unsafe posting is carried by an association, management company, landlord, or other responsible party, the responsible party shall, within 24 hours of the posting, notify all building-unit owners and tenants of the unsafe declaration in writing. The unsafe notice must also be posted in a conspicuous location. Furthermore, the responsible party shall, within three business days, provide the Building Official with proof that the notice was timely disseminated to all unit owners and tenants on a form acceptable to the Building

Official. This ordinance also provides penalties for the failure of a responsible party to abide by this mandate in the amount of \$200.00 per unit.

### **Actions to Adopt Staff Recommended Revisions by the Board of Rules and Appeals**

Many local experts also took it upon themselves to testify before our local Board of Rules and Appeals (BORA) to advocate for improved recertification procedures. BORA is the entity charged with setting the minimum inspection procedural guidelines that are used to prepare recertification report. At its November meeting, BORA adopted the strengthened inspection reporting templates recommended by County staff which provide more robust recertification guidelines. BORA’s action to adopt these revised General Considerations & Guidelines means that these more scrutinous recertification standards are now in effect as minimum procedural guidelines for all 35 building jurisdictions countywide for recertifications that will become due in 2022.

The General Considerations & Guidelines are the basic instructions and procedural outline for performing a building recertification inspection - now expanded into more detail concerning the various building components covered by the recertification inspection. These revised minimum guidelines include new provisions for inspections of facades and structural glazing, specific questions pertaining to a building’s foundation system, and specific structural condition questions pertaining to threshold buildings (buildings taller than 3 stories). Examples of the strengthening found in the guidelines include:

- Expansion joints exposed to the weather must now be examined for deterioration. Water infiltration through faulty expansion joints is one of the major causes of concrete spalling and weakening of slabs.
- Exterior doors are now required to be inspected. Much like windows, doors must be kept weathertight to keep water from filtering into the structure. Regular maintenance is necessary for exterior doors.
- Those threshold buildings containing structural glazing, exterior glass that is adhered to a frame, must be linked with the requirements for regular inspections as mandated in Miami-Dade County Code of Ordinances and Florida Building Code. The structural glue used to keep glass panels in place must be checked regularly to make sure there is no deterioration.
- A new category for building façade has been added. This category is intended to capture the entire exterior façade of a building to make sure that various components of the building that are adhered or mechanically attachment don’t come loose and fall. This new category considers many miscellaneous building components that once were not considered in recertification.
- Infrared thermography inspection is now required on electrical systems operating at 400 amperes or greater. This is an inspection performed using an instrument operated by a certified technician which identifies thermal anomalies throughout the electrical system. Thus, potentially discovering issues in the electrical system over what the normal eye could detect.

The guidelines now have a section on historical documents and permitting. An attempt must now be made to research any plans of a building so that the design professional can understand how the building may react to certain distress. Violations issued by the building official must be investigated to learn how the existing building has been affected. Specific guidance on discovering unpermitted work, performing repairs, and completing the reports are now newly explained in the guidelines. The inspection templates developed to report on structural and electrical components of the building have also been expanded to cover additional components:

- Foundation is a new category added to the structural report. Investigating excessive settlement or ground subsidence must now be considered.
- Indicating signs of overloading within the various load carrying building components must now be investigated and reported on.
- Top of building conditions such as parapet walls and hanging mansards must be closely looked at for signs of deterioration.
- Special or unusual features of a building such as membrane structures, chimneys, retaining walls and seawalls are now part of those components that need to be inspected.
- Photo documentation is now part of the reporting the design professional must submit together with their written reports.

BORA also considered a number of the recommended revisions to Chapter 8 being presented through this ordinance. Although the attached code changes were largely endorsed, BORA departed from the County recommendation regarding the use of electrical engineers exclusively for the electrical reports (BORA endorsed allowing engineers in Florida licensed under other disciplines to perform electrical recertification inspections; i.e. mechanical engineers). BORA also endorsed allowing special inspectors who are licensed engineers (rather than exclusively structural engineers) to conduct structural inspections on threshold buildings. The specific scope of their considerations on Chapter 8 is attached.

### **Additional County Actions**

The County has also created the online 40-year portal adding transparency for the public to the information about the status of a building’s recertification for structures in the unincorporated area. Staff is working with municipal jurisdictions to implement the Board’s directive that all recertification data, regardless of building jurisdiction, be made available online.

We also voluntarily commenced this fall with the mail out of courtesy advanced early notification letters for structures that will become due in 2022. Early noticing as contemplated by this ordinance 1 and 2 years in advance is also underway for UMSA structures that will become due for recertification in 2023 and 2024.

As you are aware many jurisdictions, including Miami-Dade, launched proactive reviews of aging structures in the wake of Surfside. Jurisdictions were also flooded with calls from concerned residents about the condition of buildings. These activities in some cases led to building jurisdictions acting to vacate structures that posed an imminent danger. While these measures were intended to safeguard the welfare of our citizens, they also have led in some cases to prolonged displacements that have required the coordination of public safety and social services. To that end, my administration has proposed an ordinance that requires building officials to notify the County’s Office of Emergency Management of ordered evacuations to ensure that these services continue to be coordinated into the future. The Board is also considering legislation requiring building owners to pay relocation costs for displaced residents in structures that have failed to be properly maintained by their owners.

Eight positions were also added to RER’s budget to enhance the County’s ability to support the recertification process and its associated activities. These positions include licensed electrical and structural professionals and building staff.

While much has been accomplished since the Champlain tragedy, County actions will not end with this ordinance. RER staff will continue to monitor the activities of professional organizations, the State Legislature and Building Commission, and the NIST investigation. Our review of procedures and best practices to enhance building safety will continue, and any further recommendations to safeguard the public will be brought promptly before this Board for action.



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Jimmy Morales  
Chief Operations Officer

**Date:** October 21<sup>st</sup>, 2021

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Chairperson Gregory Pierce  
and Members, Board of Rules and Appeals

**Subject:** Board of Rules and Appeals Recommended Modifications to the Current 40 Year  
Building and Components Recertification Provisions under Chapter 8 Section 8-11(f)  
of the Miami Dade County Code

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The Miami-Dade Board of Rules and Appeals (BORA) is the local countywide construction regulatory board as defined and contemplated in Florida Statute 553 and authorized in Chapter 8 of the Code of Miami Dade County. Comprised of members appointed by the Board of County Commissioners, BORA meets regularly to consider building code appeals, certify Building Officials, plans examiners and inspectors as well as to function to serve and safeguard the community through adequate uniform application of the Building Code. Chapter 8 Section 8-11 (f), which currently outlines the process for recertification of buildings and components at age 40 and subsequently in 10-year intervals, also charges the Board of Rules and Appeals with the issuance of the minimum inspection procedural guidelines to be used in the building recertification inspection process. In the wake of the Champlain South Tower collapse, BORA conducted a series of public meetings and discussions with the Building Officials and industry to consider whether any enhancements to the existing building recertification process in Miami - Dade County were advisable.

## **RECOMMENDATIONS**

At their September 23<sup>rd</sup>, 2021 meeting, the Board of Rules and Appeals ratified the following recommendations for modifications to Miami Dade County Code Chapter 8-11(f) Recertification of Buildings and Components:

1. Require all jurisdictions to send advanced notices on building recertification two years, one year and 90 days prior to their official due date. (Subsequent initial recertification notices for the following 10-year increments would also follow the same notification schedule.)
2. Mandate the exclusive use of Florida licensed professional engineers that are also Florida licensed special inspectors for issuing the structural reports of threshold buildings as defined in the FBC.  
(*THRESHOLD BUILDING. In accordance with Florida Statute, any building which is greater than 3 stories or 50 feet (15 240 mm) in height, or which has an assembly occupancy classification that exceeds 5,000 square feet (464.52 m<sup>2</sup>) in area and an occupant content of greater than 500 persons.*)
3. Include code mandated stricter criteria for applicants requesting extensions to the report filing deadline. A Building Official can consider extensions of not more than 60 days for just cause, and request must contain a signed and sealed ‘safe to occupy’ statement from the engineer or architect commissioned for this service.

Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners  
Board of Rules and Appeals Recommended Modifications to the Current 40  
Year Building Recertification Provisions under Chapter 8 Section 8-11 of the  
Miami Dade County Code Page 2

4. Legislate a professional’s affirmative “duty to report” to the Building Official any adverse findings on a building whether within or outside of a 40-year evaluation no later than 10 days after informing the owner or if there is imminent danger reporting must be done within 24 hours.
5. In condominiums with multiple unit ownership scenarios where recertification requirements fall to an association, require that unsafe notices be posted in a conspicuous location and require that associations notify all building unit owners and residents of the declaration.
6. Require the first recertification of buildings and components to occur, instead of at the 40-year age, at the 30-year age of the building as recorded by the County’s Property Appraiser.
7. When submitting reports early, modify section 8-11(f)(ii)(3) to require the recertification shall not be required for a minimum of 10 years from that time, or age thirty (30), whichever is the shorter period of time.

The Board of Rules and Appeals, therefore, recommends to the Board of County Commissioners that the above procedural improvements be amended into Miami Dade County Code, Chapter 8-11(f) Recertification of Buildings and Components. The proposed modifications are being presented in a continued effort by BORA to ensure that local building code regulations provide for the necessary safety and protection of all the residents of Miami-Dade County.



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Gregory Pierce  
Board Chairperson  
Board of Rules and Appeals



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** June 1, 2022

**FROM:**   
Gen. Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 7(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(D)  
6-1-22

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO EXISTING BUILDINGS AND UNSAFE STRUCTURES; AMENDING CHAPTER 8 AND CHAPTER 8CC OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); REVISING PROCEDURES RELATING TO RECERTIFICATION OF BUILDINGS AND COMPONENTS, INCLUDING AMENDING RECERTIFICATION PERIODS, PROVIDING FOR ADVANCE NOTIFICATION TO PROPERTY OWNERS, SPECIFYING CERTAIN QUALIFICATIONS FOR PROFESSIONALS SUBMITTING CERTIFICATION REPORTS FOR THRESHOLD BUILDINGS, REQUIRING CERTAIN SAFE OCCUPANCY STATEMENTS DURING RECERTIFICATION PROCESS, PROVIDING TIMELINES FOR COMPLETION OF NECESSARY REPAIRS, SPECIFYING CONDITIONS FOR EXTENSIONS, PROVIDING FOR DISCONNECT OF ELECTRICAL UTILITIES UNDER CERTAIN CONDITIONS; AUTHORIZING REVOCATION OF RECERTIFICATION STATUS WHEN BASED ON MISREPRESENTATIONS; ESTABLISHING DUTY TO REPORT ADVERSE FINDINGS OR UNSAFE CONDITIONS OF A BUILDING OR STRUCTURE WHEN PERFORMING INSPECTION; REQUIRING CONDOMINIUM ASSOCIATIONS TO NOTIFY ALL UNIT OWNER AND RESIDENTS WHEN BUILDING OR STRUCTURE HAS BEEN DECLARED UNSAFE; PROVIDING FOR PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Chapter 8-11 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

**Chapter 8-11 – EXISTING BUILDINGS**

\* \* \*

>>(d) Reserved.

(e) Duty to Report. Any engineer or architect who performs an inspection of an existing building or structure has a duty to report to the Building Official any findings that, if left unaddressed, would endanger life or property no later than ten (10) days after informing the building owner of such findings unless the engineer or architect is made aware that action has been taken to address such findings in accordance with applicable code. However, if such engineer or architect finds that there are conditions in the building or structure causing an actual or immediate danger of the failure or collapse of a building or structure, or there is a health, windstorm or fire hazard, such engineer or architect shall report such conditions to the Building Official within twenty-four (24) hours of the time of discovery. In addition to assessing any fines or penalties provided in Chapter 8CC of the Code of Miami-Dade County, the Building Official shall also report any violations of this provision to the appropriate licensing agency, regulatory board, and professional organization of such engineer or architect.<<

(f) Recertification of buildings and components.

[[(+)]>>(1) Definitions.

(A) “Recertification” shall be defined as<<[[For the purpose of this Subsection, recertification shall be construed to mean]] the requirement for specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed herein.

>>(B) “Minor buildings or structures” shall be defined as buildings or structures in any occupancy group having an occupant load of 10 or less, as determined

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

by Table 1004.5 (FBC) Minimum Occupant Load of the Florida Building Code and having a gross area of 2,000 sq. ft. or less.

- (C) “Threshold Building” shall be defined as any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons, or as otherwise defined by section 553.71, Florida Statutes, which may be amended from time to time.
- (D) “Building Age” shall be defined as the difference between (a) the present year and (b) the year-built information recorded with the County Property Appraiser notwithstanding any renovations or modifications that have been made to the building or structure since the year built.

(2) *Recertification Procedures.*

- (A) All buildings, except single-family residences, duplexes, and minor structures as defined above, are required to undergo recertification in the manner described below once such building or structure has reached a Building Age of 30 years and every 10 years thereafter.
  - (i) However, all buildings and structures built between 1983-1992 shall be required to undergo the recertification for their 30-year period no later than March 31, 2024. These buildings and structures shall not be subject to the early notification requirement outlined in Section 8-11(f)(2)(E).
  - (ii) A building or structure built between 1983-1986 shall be exempt from the 30-year recertification requirement described above in subsection (i) if a 40-year recertification report for such building or structure would be otherwise due on or before March 31, 2024 and it is timely submitted.

(B)<< ~~[(1)]~~ Inspection procedures shall conform ~~[, in general,]~~ with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

>>(C)<< ~~[(2)]~~ Such inspection shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material >> << or assembly of a building or structure which affects the safety of such building or structure and/or which supports any dead or designed live load, and the general condition of its electrical systems pursuant to the Building Code.

>>(D) The Building Official shall provide the owner of the building or structure with a Notice of Required Inspection relating to the required recertification once the Building Official has determined that a building or structure has a Building Age of 30 years and every 10-year interval thereafter (i.e. Building Ages of 40, 50, etc.). In addition, the Building Official shall provide the owner with advance courtesy notices relating to their forthcoming building recertification two years and one year prior to their recertification anniversary year. Notwithstanding the foregoing, the failure by a Building Official to provide courtesy advance notices shall not affect a building owner's requirement to timely recertify a building or structure.<<

~~[(ii)]~~

(1) ~~All buildings, except single family residences, duplexes and minor structures as defined below, shall be recertified in the manner described below where such buildings or structures have been in existence for forty (40) years or longer, as determined by the Building Official, who shall at such time issue a Notice of Required Inspection to the building owner.~~

(2) ~~Subsequent recertification shall be required at ten (10) years interval.~~

- (3) ~~In the event a building is determined to be structurally and electrically safe under the conditions set forth herein, and such building or structure is less than forty (40) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age forty (40), whichever is the longer period of time.~~
- (iii) ~~Minor buildings or structures shall, for the purpose of this subsection, be buildings or structures in any occupancy group having an occupant load of ten (10) or less, as determined by Table 1003.1 (FBC) Minimum Occupant Load of the Florida Building Code and having a gross area of 2,000 sq. ft. or less.~~
- (iv) ~~(1)] >>(E)<<~~ The owner of a building or structure subject to recertification shall furnish, or cause to be furnished, within ninety (90) days of Notice of Required Inspection, a written report to the Building Official[~~], prepared by a Professional Engineer or Architect registered in the State of Florida,~~] certifying that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe>>.<< for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.
- >>(i) If the building or structure is not a Threshold Building, as defined above, such report must be prepared by a Professional Engineer or Architect registered in the State of Florida.
- (ii) If the building or structure is a Threshold Building, as defined above, then (a) the structural portion of such report must be prepared by a Professional Engineer registered in the State of Florida specializing in structural design and (b) the electrical portion of such written report must be prepared by a Professional Engineer registered in the State of Florida specializing in electrical design. A self-qualification letter shall be submitted as part of the structural report for threshold buildings, stating that the

engineer is a practicing structural engineer and has worked with buildings equivalent to the building being certified and shall be accompanied by proof of the engineer's state Department of Business and Professional Regulation (DPBR) structural specialization.

(iii)<<[(2)] Such written report shall bear the impressed seal and signature of the responsible Engineer or Architect who has performed the inspection>>, unless submitted electronically with a verifiable digital signature as described in section 668.001, Florida Statutes.

(iv)<<[(3)] Such Engineer or Architect shall undertake such assignments only where qualified by training and experience in the specific technical field involved in the inspection and report.

>>(v)<<[(4)] Such report shall indicate the manner and type of inspection forming the basis for the report and description of any matters identified as requiring remedial action.

>>(vi) Such report shall be deemed timely if submitted any time between (a) two years prior to the building or structure's applicable recertification anniversary, and (b) 90 days after the Notice of Required Inspection, including any applicable extension periods provided by the Building Official.

(F)<< [(5)] In the event that repairs or modifications are found to be necessary >>as a result of<< [(resulting from)] the recertification inspection, the owner shall have a total of 150 days from the date of Notice of Required Inspection in which to >>(a)<< complete indicated repairs or modifications which >>do not require permits, and (b) acquire any necessary permits. Repairs or modifications requiring permits<< shall be executed in conformance with all applicable Sections of the Building Code >>and shall follow the timeline provided in the applicable active permit.

- (G) When any electrical or structural repairs or modifications are required, the responsible engineer or architect who has performed the recertification inspection shall provide the Building Official with a letter indicating whether the building or structure may continue to be safely occupied while the building or structure is undergoing repairs. Such letter shall be valid for no more than 180 days, and a new letter shall be issued if repairs or modifications remain ongoing.
  
- (H) Once all applicable repairs, whether structural or electrical or both, are completed, the engineer(s) or architect(s) providing the initial recertification report must provide an amended report indicating that the building or structure has been recertified for continued use under the present occupancy.
  
- (I) The Building Official may issue an extension of not more than 60 days to submit a recertification report or to obtain any necessary permits upon a written extension request from an engineer or architect. Such request must contain a signed and sealed statement from the engineer or architect that the building may continue to be occupied while undergoing recertification.
  
- (J) If the owner of a building or structure has failed to timely furnish the Building Official with a recertification report or seek an extension request in accordance with this subsection, the Building Official may order that electrical utilities be disconnected for that building or structure if the Building Official determines that such inaction creates uncertainty in the opinion of the Building Official as to whether the building or structure may continue to be safely occupied. Before a Building Official may order electrical utilities to be disconnected under this subsection, the Building Official must provide notice to the owner of a building or structure via certified mail and posted or affixed in a conspicuous location on the building or structure. The posted or affixed notice shall read substantially as follows:

NOTICE OF INTENT TO DISCONNECT ELECTRICAL UTILITIES. This building or structure has not complied with the recertification procedures under Section 8-11 of the Miami-Dade County Code. As a result, there is uncertainty in the opinion of the Building Official as to whether this building or structure may continue to be safely occupied. IF PROPER ACTION IS NOT TIMELY TAKEN, THE ELECTRICAL UTILITIES TO THIS BUILDING MAY BE DISCONNECTED ON [INSERT DATE OF POTENTIAL DISCONNECT]. The owner should contact the Building Official immediately. Also, any resident that has a health or medical issue that could be impacted by the disconnection of electrical utilities should contact the Building Official immediately. THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. [INSERT DATE POSTED]

In buildings or structures where there are multiple unit owners or tenants but responsibility to correct deficiencies associated with said posting is carried by an association, management company, landlord, or other responsible party (collectively, the “Responsible Party”), the Responsible Party shall, within 24 hours of the posting, notify all building-unit owners and tenants of the NOTICE OF INTENT TO DISCONNECT ELECTRICAL UTILITIES in writing. The Responsible Party shall, within three business days, provide the Building Official with proof that the notice was timely disseminated to all unit owners and tenants on a form acceptable to the Building Official. For any building or structure with multiple Responsible Parties, each Responsible Party shall be jointly and severally liable for any failure to provide timely notice to all unit owners and tenants, regardless of fault and regardless of knowledge of the violation.

In addition, the Building Official may not order electrical utilities to be disconnected under this subsection if (a) the posted or affixed notice

described above has been posted or affixed on the building or structure for less than 5 business days; (b) the Building Official has been advised of a potential health or medical issue that could be impacted by the disconnection of electrical utilities and has not yet taken reasonable efforts to address such issue(s); or (c) the owner of a building or structure provides the Building Official with a signed and sealed statement from an applicable engineer or architect that the building or structure may continue to be occupied while undergoing recertification.

(K) The Building Official may revoke any recertifications if the Building Official determines that the written recertification report contains any misrepresentation of the actual conditions of the building or structure.<<

\* \* \*

**Section 2.** Chapter 8-5 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Chapter 8-5 – Unsafe Structures**

\* \* \*

- (g) Unsafe structures meeting valuation criteria for immediate demolition.
  - (1) The provisions of this Subsection (f) shall apply to structures meeting the valuation criteria for demolition set forth above.
  - (2) The Building Official shall prepare a notice of violation. The notice shall state in summary form the nature of the defects which constitute a violation of this Section and shall order the structure to be demolished within such time as is reasonable, subject to extension when requested in writing within the reasonable discretion of the Building Official. The notice shall state that the specific details concerning the violations can be obtained in writing from the Building Official upon request. In addition, the notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal

Panel, and advise that unless the decision is appealed, the building or structure shall be demolished without further notice.

- (3) The notice of violation shall be affixed to the structure concerned. The Building Official shall also affix to the structure notice of the hearing of the Unsafe Structures Board or Unsafe Structures Appeal Panel scheduled to consider any appeal of the decision of the Building Official in connection with the structure. The notice of hearing shall be issued by the Secretary of the Unsafe Structures Board where applicable and the Director of the Building Department or his designee for appeals to an Unsafe Structures Appeal Panel advising persons to appear before the board or panel to show cause why the decision of the Building Official should not be carried out. The hearing shall not be scheduled earlier than thirty days following the date of posting of the notice of hearing and notice of violation.
- (4) The Building Official shall post a notice bearing his or her facsimile signature in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall read substantially as follows: "UNSAFE BUILDING". This building or structure is, in the opinion of the Building Official, unsafe. "THIS BUILDING SHALL BE VACATED—SHALL NOT BE OCCUPIED." Action shall be taken by the owner as prescribed by written notice. "THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE..." >>In buildings or structures where there are multiple unit owners or tenants but responsibility to correct deficiencies associated with said posting is carried by an association, management company, landlord, or other responsible party (collectively, the “Responsible Party”), the Responsible Party shall, within 24 hours of the posting, notify all building-unit owners and tenants of the unsafe declaration in writing. The Responsible Party shall, within three business days, provide the Building Official with proof that the notice was timely disseminated to all unit owners and tenants on a form acceptable to the Building Official. For any building or structure with multiple Responsible Parties, each Responsible Party shall be jointly and severally liable for any failure to provide timely notice to all unit owners and tenants, regardless of fault and regardless of knowledge of the violation.<<

\* \* \*

(h) Unsafe Structures not meeting the valuation criteria for immediate demolition.

- (1) If a building or structure may be repaired and made safe pursuant to the valuation criteria set forth above, and the building or structure is otherwise unsafe in accordance with the physical criteria set forth in this section, the Building Official may order such building or structure to be temporarily secured in the manner and subject to the limitations set forth in this Section. Such building must be completed and brought into full compliance with the Building Code within such time as the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board may determine to be reasonable for such completion. If the building or structure is not temporarily secured, or once served, not completed and brought into compliance with the Building Code within the reasonable periods allowed, such building or structure shall be demolished and removed from the premises.
- (2) The Building Official shall prepare a notice of violation. This written notice shall state in summary form the nature of defects which constitute a violation of this section and shall prescribe the action to be taken to comply and the time within which compliance must be accomplished, such time not to exceed ten (10) days to secure an open structure to the reasonable satisfaction of the Building Official ninety (90) days to obtain permits to repair the structure and one hundred and twenty (120) days bring it into compliance with the Building Code. This notice shall also state that the specific details concerning the violations can be obtained in writing from the Building Official on request. In addition, this notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and also advise that unless there is compliance with the directions of the Building Official a case will be commenced before the Unsafe Structures Board or an Unsafe Structures Appeal Panel after time for compliance has expired, or that the Building Official's order will be enforced.
- (3) The notice of violation shall be affixed to the structure concerned. >>In buildings or structures where there are multiple unit owners or tenants but responsibility to correct deficiencies associated with said posting is carried by an association, management company, landlord, or other responsible party (collectively, the "Responsible Party"), the

Responsible Party shall, within 24 hours of the posting, notify all building-unit owners and tenants of the unsafe declaration in writing. The Responsible Party shall, within three business days, provide the Building Official with proof that the notice was timely disseminated to all unit owners and tenants on a form acceptable to the Building Official. For any building or structure with multiple Responsible Parties, each Responsible Party shall be jointly and severally liable for any failure to provide timely notice to all unit owners and tenants, regardless of fault and regardless of knowledge of the violation.<<

\* \* \*

**Section 3.** Chapter 8CC-10 of the Code of Miami-Dade County, Florida is hereby amended as follows:

**Sec. 8CC-10. - Schedule of civil penalties**

\* \* \*

8-1	2007 FBCR § 4404.1.2: Unlawfully making an excavation which endangers adjoining property or buildings or is a menace to public health or safety	1,000.00
>>8-5(g)(4) and (h)(3); 8-11(f)(2)(G)	<u>Failure to provide unsafe notification to unit owners and tenants</u>	200.00 per unit to be notified<<
8-11(a)	Failure to maintain a building or structure in a safe condition; failure to maintain devices or safeguards in good working order	500.00
8-11(c)	Failure to obtain a certificate of inspection prior to placing in operation or continuing in operation any boiler or pressure vessel	1,000.00
8-11(c)(5)	Failure to post the required certificate of inspection for a boiler or pressure vessel	500.00
>>8-11(e)	<u>Failure to timely report life safety concern</u>	1,000.00<<
8-11(f)[ <del>(iv)</del> (4)]	Failure of the owner [ <del>of a 40-year-old building</del> ] to >>timely<< furnish required written >>recertification<< report to the Building Official	500.00
8-11(f)[ <del>(iv)</del> (5)]	Failure of the owner [ <del>of a 40-year-old building</del> ] to >>timely<< complete required repairs or modifications >>relating to recertification<<	500.00

**Section 4.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 5.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 6.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

GBK  
MBV

Prepared by:

Eduardo W. Gonzalez  
Michael B. Valdes

Prime Sponsor: Senator René García  
Co-Sponsors: Chairman Jose "Pepe" Diaz  
Commissioner Sally A. Heyman  
Commissioner Rebeca Sosa