



## Miami-Dade Legislative Item File Number: 012389

**File Number:** 012389      **File Type:** Ordinance      **Status:** Deferred  
**Version:** 0      **Reference:** 43      **Control:** Transportation Infrastructure & Environment Cmte  
**File Name:** QUALIFICATIONS AND CERTIFICATION OF CODE ENFORCEMENT      **Introduced:** 9/12/2001  
**Requester:** Building Code Compliance Department      **Cost:**      **Final Action:**  
**Agenda Date:** 9/25/2001      **Agenda Item Number:** 13J

**Notes: Title:** ORDINANCE PROVIDING FOR CERTIFICATION AND RECERTIFICATION OF BUILDING CODE ENFORCEMENT PERSONNEL; CONFORMING QUALIFICATION REQUIREMENTS FOR CODE ENFORCEMENT PERSONNEL TO FLORIDA BUILDING CODE; CREATING CERTIFICATION REQUIREMENTS FOR PLAN REVIEWERS AND INSPECTORS UNDER PROFESSIONAL CERTIFICATION PROGRAM; MODIFYING CONTINUOUS EDUCATION REQUIREMENTS; AMENDING CHAPTER 8 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**Indexes:** CODE ENFORCEMENT      **Sponsors:** NONE  
 CERTIFICATION

**Sunset Provision:** No      **Effective Date:**      **Expiration Date:**  
**Registered Lobbyist:** None Listed

### Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	9/25/2001	13J	Deferred as recommended by the County Manager				
<b>REPORT:</b>	The foregoing ordinance was deferred to no date certain as requested by the County Manager.						
County Manager	9/12/2001		Assigned	Alicia	9/12/2001	9/12/2001	

Cuervo  
Schreiber

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County Manager	9/12/2001	Assigned	County Attorney	9/25/2001
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**REPORT:** 7C1-BLDG CODE COMPLIANCE

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County Attorney	9/12/2001	Assigned	Hugo Benitez	9/12/2001
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## Legislative Text

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### TITLE

ORDINANCE PROVIDING FOR CERTIFICATION AND RECERTIFICATION OF BUILDING CODE ENFORCEMENT PERSONNEL; CONFORMING QUALIFICATION REQUIREMENTS FOR CODE ENFORCEMENT PERSONNEL TO FLORIDA BUILDING CODE; CREATING CERTIFICATION REQUIREMENTS FOR PLAN REVIEWERS AND INSPECTORS UNDER PROFESSIONAL CERTIFICATION PROGRAM; MODIFYING CONTINUOUS EDUCATION REQUIREMENTS; AMENDING CHAPTER 8 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

### BODY

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

Section 1. Chapter 8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: 1

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#### ARTICLE II. ENFORCEMENT

Section 8-20. Enforcement Personnel.

>>(a) General. The building code shall be enforced by and through certified personnel. Certification shall mean compliance with the applicable qualifications, experience, education and examination requirements established in this Article and provided by law. All positions, categories and subcategories of enforcement personnel set forth in this Article shall require certification by the Board of Rules and Appeals. No person shall be certified unless such person shall first be properly certified in the applicable category by the Florida Building Code Administrators and Inspectors Board

(b) Only persons licensed in the categories established in this Chapter, with the qualifications set forth below, may be employed by any appointing authority. Any person doing plans review as a plans examiner under part XII of chapter 468, Florida Statutes; or doing inspections as a building inspector under part XII of chapter 468, Florida Statutes under a permit by affidavit program established pursuant to Section 104.3.2 of the Florida Building Code shall also comply with the certification requirements set forth below applicable to the function performed by such person.

Section 8-21. Building Official.

(a) There shall be appointed by the appointing authority a Building Official. The Building Official is authorized and directed to interpret and enforce all of the provisions of the building code subject to the powers vested in the Board of Rules and Appeals and the Florida Building Commission. The Building Official may delegate to certified chief inspectors such powers, duties and assignments, as he or she may deem advisable to carry out the provisions of the building code.

(b) Right of entry. Upon presentation of proper credentials, the Building Official or his or her duly

authorized representatives may enter, at any reasonable time, any building, structure or premise for the purpose of inspection or to prevent violation of the building code.

(c) Stop work orders. Whenever any building work is being done contrary to the provisions of the building code or is being done in an unsafe or dangerous manner, the Building Official may order such work stopped, or may order the violation corrected within a reasonable period of time, by notice in writing served on the person or persons engaged in the doing or causing of the violation until such time as corrective action or arrangements in compliance with the provisions of the building code and satisfactory to the Building Official, have been made, at which time he or she may authorize the work to proceed.

(d) Concealed work. The Building Official may order portions of the structural frame of a building and/or structure to be exposed for inspection when, in his or her opinion, there are good reasons to believe that a building or portion thereof is in an unsafe or dangerous condition or that there is willful or negligent concealment of a violation of the building code.

(e) Occupancy. Whenever any building or portion thereof is being used or occupied contrary to the provisions of the building code, the Building Official shall order such use or occupancy discontinued and the building or portion thereof vacated. Such order shall be by notice in writing, served on the person or persons using, or causing to be used, such building or portion thereof. Within a reasonable period of time after receipt of such notice or order, such building or portion thereof shall be made to comply with the requirements of the building code; however, in the event of an emergency, Sec. 8-5.

(e) shall apply.

(f) Certification of Building Official and Assistant Building Official. To be eligible for appointment as a building official or assistant building official, an individual shall be certified as required by the State of Florida, Building Code Administrators and Inspectors Board as a Building Code Administrator. Such person shall be certified by the Board of Rules and Appeals and shall be one of the following:

(1) A Registered Professional Engineer licensed in the State of Florida with not less than 5 years experience under that registration.

(2) A Registered Architect licensed in the State of Florida with not less than 5 years experience under that registration.

(3) A licensed General Contractor holding a current Certificate of Competency issued by the Florida Construction Industry Licensing Board with not less than 5 years experience under that license.

(4) A licensed General Contractor or General Building Contractor holding a current Certificate of Competency issued by the Miami-Dade County Construction Trades Qualifying Board with not less than 5 years experience under that license.

Section 8-22. Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner.

(a) General. There shall be appointed by the appointing authority a person or persons qualified as set forth herein to serve as Chief Building Inspector, Building Plans Examiner and Structural Plans Examiner. The above positions may be occupied by one or more persons who comply with all requirements of the building code to occupy those positions.

(b) Chief Building Inspector. A Chief Building Inspector shall respond to the Building Official and supervise and direct any and all other inspectors employed by the appointing authority. The Chief Building Inspector shall be responsible for the inspections of construction, repair, addition or alteration projects that require compliance with the building code and other applicable construction codes.

(c) Building Plans Examiner. A Building Plans Examiner shall respond to the Building Official and shall be responsible for determining that plans submitted for purposes of obtaining permits comply with the building code and other applicable construction codes.

(d) Structural Plans Examiner. A structural plans examiner shall respond to the Building Official and shall be responsible for the structural review of plans for compliance of the structural and envelope components of the structure with the requirements of the building code and other applicable construction codes.

(e) Certification of Chief Building Inspector or Building Plans Examiner. To be eligible for appointment as a Chief Building Inspector or Building Plans Examiner, an individual shall be certified

by the Board of Rules and Appeals and shall be one of the following:

- (1) A Florida Registered Professional Engineer having practiced within the area of jurisdiction of the State of Florida High Velocity Hurricane Zone as defined in the Florida Building Code for a period of 5 years.
- (2) A Florida Registered Architect having practiced within the area of jurisdiction of the State of Florida High Velocity Hurricane Zone as defined in the Florida Building Code for at least 5 years.
- (3) A licensed General Contractor or General Building Contractor with 5 years experience, all of which shall have been within the jurisdiction of the State of Florida High Velocity Hurricane Zone as defined in the Florida Building Code.
- (4) A currently certified Building Official, Plans Examiner or Inspector having 5 years of experience in such position(s), 3 years of which shall have been within the jurisdiction of the State of Florida High Velocity Hurricane Zone as defined in the Florida Building Code.
- (f) Certification of Structural Plans Examiner. To be eligible for appointment as a Structural Plans Examiner, an individual shall be certified by the Board of Rules and Appeals and shall be a Florida licensed Professional Engineer who has obtained such license by examination under the structural discipline or the civil engineer discipline prior to October 1, 1985. In addition, the Structural Plans Examiner shall have practiced as a structural engineer within the jurisdiction of the State of Florida High Velocity Hurricane Zone as defined in the Florida Building Code for a period of 5 years.

Section 8-23. Building Inspector.

(a) General. A Building Inspector shall be qualified to inspect and determine that buildings and structures are constructed in accordance with the building code and other applicable construction codes. Building Inspectors shall have the powers and duties as may be delegated by the Chief Building Inspector or Building Official. Building Inspectors may be certified and assigned duties in the categories of structural, commercial roofing and residential roofing. Building Inspectors, if properly qualified, may be certified and assigned duties in more than one category.

(b) Building Inspector (Structural). A Building Inspector in the structural category shall perform inspections of the structure for determination of compliance with the provisions of the building code and other applicable construction codes and with the permitted documents. To be certified in the category of Building Inspector (structural), individuals shall satisfy at least one of the following requirements:

(1) Five years construction experience in a supervisory capacity and at least one of the following:

(i) A General Contractor's license and a current Certificate of Competency issued by the Florida Construction Industry Licensing Board; or

(ii) A General Contractor or General Building Contractor's license issued and a current Certificate of Competency by the Miami-Dade County Construction Trade Qualifying Board or

(2) A current license from the State of Florida as an Architect or Engineer and building construction experience.

(c) Building Inspector (Roofing). A Building Inspector in the roofing category shall perform inspections of the roof and roofing components of the structure for determination of compliance with the provisions of the building code and other applicable construction codes and with the permitted documents. The Building Inspector (Roofing) category shall have the powers and duties as may be delegated in connection with the review and approval of roofing permit applications. To be certified in the category of Building Inspector (Roofing) candidates shall have at least one of the following:

(1) Five years of experience in the roofing industry, two of which shall have been in a supervisory capacity and holding a current certificate as a Roofing Contractor issued by:

(i) The Miami-Dade County Construction Trades Qualifying Board; or

(ii) Florida Construction Industry Licensing Board.

(2) Five years experience in the roofing industry and certification as a Building Inspector in Miami-Dade County and holding a personal certificate from the Miami-Dade County Construction Trades Qualifying Board or the Florida Construction Industry Licensing Board as a Roofing Contractor.

(3) Five years experience in the roofing industry and certification as a Building Inspector in Miami-

Dade County and holding a personal certificate as a General Contractor or General Contractor issued by either:

(i) The Florida Construction Industry Licensing Board, provided the number of the license shall be less than #7837; or

(ii) The Miami-Dade County Construction Trades Qualifying Board.

(4) Five years experience in the roofing industry and holding a current license from the State of Florida as a registered Architect or Engineer.

(d) A persons who was properly certified in the Building Inspector (Residential Roofing) category on January 1, 2002 may be certified and recertified in the Building Inspector (Roofing) category provided that such person:

(1) Maintains all requirements applicable to the Building Inspector (Residential Roofing) in existence prior to January 1, 2002, and

(2) shall be limited in the scope of his or her duties to structures in the Group R3 (Residential) occupancy only.

Section 8-24. Chief Electrical Inspector; Electrical Plans Examiner; Electrical Inspectors.

(a) General. There shall be appointed by the appointing authority a Chief Electrical Inspector who shall be responsible for determining the electrical safety of commercial and residential structures by inspecting for compliance with the provisions of the building code, the National Electrical Code, other applicable construction codes and with the permitted documents. The Chief Electrical Inspector shall have the power to delegate duties relating to electrical plan review to Electrical Plans Examiners and Electrical Inspections to Electrical Inspectors working under his/her authority. The Electrical Plans Examiner shall be responsible for determining the compliance of plans and permitted documents with the requirements of the building code, the National Electric Code, and other applicable electrical codes. One person may occupy the position of Chief Electrical Inspector and Electrical Plans Examiner provided such person meet the appropriate certification requirements for both categories established by law.

(b) Certification of Chief Electrical Inspector and Electrical Plans Examiner.

To occupy the position of Chief Electrical Inspector and/or Electrical Plans Examiner person must be qualified by:

(1) Holding a Certificate of Competency as a Master Electrician issued by the Miami-Dade Construction Trades Qualifying Board or as an Electrical Contractor issued by the State of Florida Electrical Contractors Licensing Board and having at least 10 years experience as a Master Electrician or Electrical Contractor.

(2) A degree in Electrical Engineering and 5 years as a Master Electrician holding a current Certificate of Competency as a Master Electrician issued by the Miami-Dade Construction Trades Qualifying Board or as an Electrical Contractor issued by the State of Florida Electrical Contractors Licensing Board.

(c) Electrical Inspectors; Electrical Sign Inspectors; Electrical Plans Examiner.

(1) The Chief Electrical Inspector shall have the power to delegate duties dealing with electrical inspections, to subordinate Electrical Inspectors working under his/her authority. Each Electrical Inspector shall have at least five years experience as a licensed journeyman electrician and have a current recognized Certificate of Competency as Journeyman or Master Electrician issued by the Miami-Dade Construction Trades Qualifying Board, or as an Electrical Contractor issued by the State of Florida Electrical Contractors Licensing Board. No new Electrical Inspector having only a Certificate of Competency as Journeyman shall be certified after January 1, 2002.

(2) The Chief Electrical Inspector shall have the power to delegate powers and assignments, dealing with Electrical Sign Inspections to subordinate Sign Electrical Inspectors working under his/her authority. Each Electrical Sign Inspector shall have at least 5 years experience as a licensed Sign Journeyman Electrician and have a current recognized Certificate of Competency as Electrical Sign Journeyman or Sign Master issued by the Miami-Dade County Construction Trades Qualifying Board

(3) A persons who was properly certified in the Electrical Plans Examiner (Residential) category on

January 1, 2002 may be certified and recertified in the Electrical Plans Examiner (Residential) category provided that such person:

(i) Maintains all requirements applicable to the Electrical Plans Examiner (Residential) in existence prior to January 1, 2002, and

(ii) shall be limited in the scope of his or her duties to structures in the Group R3 (Residential) occupancy only.

(d) Powers and duties

(1) It shall be the duty of the Electrical Inspector and the Electrical Sign Inspector to inspect all wiring, apparatus and equipment, and installations for light, heat, power, and low voltage systems and to enforce all the laws, rules and regulations relating thereto in the area of jurisdiction and to enforce all the provisions of the building code. Upon presentation of proper credentials, the Electrical Inspector and/or Electrical Sign Inspector may enter, at any reasonable time, any building or structure or premises for the purpose of inspection to prevent violations of the building code, the National Electric Code, or other applicable electrical codes.

(2) The Electrical Inspector and the Electrical Sign Inspector will issue an approval on the wiring installations, apparatus, equipment or light fixtures provided they comply with the building code. At the time of inspection, if defects, omission, or violations exist on any other part of the wiring system, the issuance of an approval will be withheld until corrections have been made to the defective portion of the wiring system, and the same are made to comply with the building code.

(3) A 30-day temporary electric service connection may be approved for a non-residential facility by the Electrical Inspector if the wiring installation, apparatus, or equipment are found to be in a safe operating condition and provided an urgent necessity for electric current exists. Under these circumstances, an application for temporary service must be made in writing by the electrical contractor, firm, corporation, or owner requesting the temporary service connection to the public utility system or isolated generating plant.

(4) The Electrical Inspector is hereby empowered to inspect or reinspect any wiring, equipment or apparatus conducting or using electric current for light, heat, power and low voltage systems, and if conductors, equipment or apparatus are found to be unsafe to life or property, the inspector shall serve notice in writing to the owner and/or operator of the hazardous wiring or equipment to correct the condition within a reasonable period of time.

(5) The Electrical Inspector is hereby given the power to disconnect extension cords, temporary wiring, branch circuits, sub-feed conductors, or the main service supplying electrical energy to any portion of an electrical wiring system on or in buildings, or on premises, if this wiring is in the opinion of the inspector considered to be hazardous to life or property. Any person, firm or corporation supplying current, must disconnect service from source of supply upon instructions from the Electrical Inspector where hazards are deemed to exist, after receiving written notice from the Electrical Inspector.

Section 8-25. Chief Plumbing Inspector; Plumbing Plans Examiner; Plumbing Inspectors.

(a) General. There shall be appointed by the appointing authority a Chief Plumbing Inspector who shall be responsible for determining that the plumbing installations and systems for buildings and structures are in compliance with the building code. The Chief Plumbing Inspector shall have the power to delegate duties relating to plumbing plan review to Plumbing Plans Examiners and plumbing inspections to Plumbing Inspectors working under his/her authority. There shall be appointed a Plumbing Plans Examiner who shall be responsible for determining the compliance of plans and permitted documents with the requirements of the building code and other applicable plumbing codes. One person may occupy the positions of Chief Plumbing Inspector and Plumbing Plans Examiner provided such person meet the appropriate certification requirements for both categories established by law.

(b) Certification of Chief Plumbing Inspectors and Plumbing Plans Examiner. To occupy the position of Chief Plumbing Inspector and/or Plumbing Plans Examiner a person shall be qualified by holding a certificate of competency as a Master Plumber issued by the Miami-Dade Construction Trades Qualifying Board or as a Plumbing Contractor issued by the Florida Construction Industry Licensing

Board and having at least 10 years experience as a Master Plumber or Plumbing Contractor, or a degree in Environmental or Mechanical Engineering and 5 years of experience as a Master Plumber of Plumbing Contractor in the State of Florida.

(b) Plumbing Inspectors

(1) The Chief Plumbing Inspector shall have the power to delegate duties to subordinate inspectors working under this authority except that the Chief Plumbing inspector shall not delegate authority to subordinates to interpret provisions of the building code. Each such inspector shall have in his possession a valid, recognized Certificate of Competency as a Journeyman, or Master Plumber, or Plumbing Contractor for a minimum of five years in the State of Florida. No new Plumbing Inspector having only a Certificate of Competency as Journeyman shall be certified after January 1, 2002.

(2) A persons who was properly certified in the Plumbing Plans Examiner (Residential) category on January 1, 2002 may be certified and recertified in the Plumbing Plans Examiner (Residential) category provided that such person:

(i) Maintains all requirements applicable to the Plumbing Plans Examiner (Residential) in existence prior to January 1, 2002, and

(ii) shall be limited in the scope of his or her duties to structures in the Group R3 (Residential) occupancy only.

Section 8-26. Chief Mechanical Inspector; Mechanical Plans Examiner; Mechanical Inspectors.

(a) General. There shall be appointed by the appointing authority a Chief Mechanical Inspector who shall be responsible for determining that the mechanical installations and systems of commercial and residential structures comply with the provisions of the building code, and other applicable construction codes and with the permitted documents. The Chief Mechanical Inspector shall have the power to delegate duties relating to mechanical plans review to Mechanical Plans Examiners and mechanical inspections to Mechanical Inspectors working under his/her authority. One person may occupy the position of Chief Mechanical Inspector and Mechanical Plans Examiner provided such person meet the appropriate certification requirements for both categories established by law.

(b) Certification of Chief Mechanical Inspector and Mechanical Plans Examiner.

To occupy the position of Chief Mechanical Inspector a person must be qualified as one of the following:

(1) A registered Mechanical Engineer licensed in the State of Florida with not less than 5 years field experience under that registration.

(2) A licensed Master General Mechanical holding a current Certificate of Competency issued by the Miami-Dade County Construction Trades Qualifying Board with not less than 10 years experience as a master Mechanical or Journeyman General; or a Mechanical Contractor with a license issued by the State of Florida Construction Licensing Board with not less than 10 years experience under the license as defined in F.S. 489.105 (i).

(c) Mechanical Inspectors; Mechanical Plans Examiner; Mechanical Plans Examiner (Residential)

(1) The Chief Mechanical Inspector shall have the power to delegate duties dealing with mechanical inspections, to subordinate Mechanical Inspectors working under his/her authority. Each Mechanical Inspector shall have a minimum of 5 years experience as a: practicing journeyman with a valid recognized Certificate of Competency as a Journeyman General or Master Mechanical issued by the Miami-Dade County Construction Trades Qualifying Board and having a minimum of 5 years experience as such; or each inspector shall be qualified as a Specialty Mechanical Contractor qualified in accordance with Chapter 10 of the Code of Miami-Dade County and having a minimum of 5 years experience as such; or a contractor license issued by the State of Florida Construction Licensing Board subject to FS 489.105 (f), (g), (h), or (i) with not less than 5 years experience under the license.

(2) A person who was properly certified in the Chief Mechanical Inspector (Residential) category on January 1, 2002 may be certified and recertified in the Chief Mechanical Inspector (Residential) category provided that such person:

(i) Maintains all requirements applicable to the Chief Mechanical Inspector (Residential) in existence prior to January 1, 2002, and

(ii) shall be limited in the scope of his or her duties to structures in the Group R3 (Residential) occupancy only.

#### Section 8-27. Certification

(a) In the event that an inspection authority intends in good faith to employ an applicant for any of the categories regulated by the building code, it shall make application for certification. Applications for certification shall be made to the Building Code Compliance Office on forms approved by the Board of Rules and Appeals and shall provide all relevant and necessary information prior to appointment by an appointing authority. Within ten (10) days of receipt of a properly completed application, the Building Code Compliance Office shall, based on a preliminary review of the applicant's fulfillment of the qualifications contained in the law, as represented in the application, grant temporary certification or deny it, stating the reasons for denial. Pending review by the Board of Rules and Appeals, the appointing authority shall not employ any person for any position regulated by this Code without first obtaining temporary certification from the Office of Building Code Compliance. The Building Code Compliance Office shall schedule the application for certification for consideration by the Board of Rules and Appeals at the earliest available meeting. The temporary certification shall only be effective through the date of final action by the Board of Rules and Appeals with respect to the application. The determination of the Building Code Compliance Office to grant or deny certification shall not be binding upon the Board of Rules and Appeals. The determination of the Board of Rules and Appeals shall be final, subject to appeal within thirty (30) days as provided by law.

(b) Certification shall be valid for the calendar year for initial approval and shall be renewed biennially each January 1st thereafter in accordance with Subsection 8-32 Recertification below.

(c) Upon resignation, retirement, or termination of a certified individual, Building Official, Assistant Building Official, Chief, Inspector, and Plans Examiner shall be placed on an inactive list until such time as they again apply for employment and will be recertified if approved, in accordance with Subsection 8-32 recertification herein. The building official shall notify the Board of Rules and Appeals upon any termination of employment of a Building Official, Assistant Building Official, Chief Inspector, Inspector, and Plans Examiner within 30 days of such action.

(d) All applications for certification shall be accompanied by a written authorization from an appointing authority regulated by the building code.

(e) The Board of Rules and Appeals, after application and review, shall certify the applicant, deny certification, or limit certification to a particular category.

(f) Once issued, a certification may be revoked or suspended only in accordance with the procedures established herein.

(g) In the event that the Building Official is not available to perform his/her duties, the appointing authority shall appoint an interim Building Official to perform the duties of Building Official. Such interim building official must hold a current and valid certificate, issued by the Board of Rules and Appeals, as a Building Official, Assistant Building Official, Chief, Inspector, and Plans Examiner and meet the same minimum requirements for building officials. The appointing authority shall notify the Building Code Compliance Office, in writing of the starting date and period of time that such appointment will be in effect. The name of the interim building official will be recorded with the Board of Rules and Appeals but no certification card will be issued.

(h) In addition to satisfying the other minimum requirements contained in the building code, individuals applying for certification must hold a valid certificate issued by the Board of Building Code Administrators and Inspectors in the category and discipline he/she is seeking certification.

#### Section 8-28. Grounds for Discipline; Penalties

The Board of Rules and Appeals may discipline any certificate holder by issuing a reprimand to the individual or suspending, revoking or denying renewal of the individual's certification after notice and reasonable opportunity to be heard, if it is found that:

(a) The certification was fraudulently obtained or erroneously issued.

(b) The certified person committed a material violation of the building code.

#### Section 8-29. Procedure for Imposition of Discipline; Review of Adverse Decision

- (a) The Secretary of the Board of Rules and Appeals or his designee, for good cause, may, upon his own motion, or upon the complaint in writing of any person, investigate or cause to be investigated the complaints against any certificate holder and submit a written or oral report to the Board; however, no such investigation or report shall be required.
- (b) The Board shall decide whether the report or complaint establishes that probable cause exist to support a finding that a violation of the building code or the rules promulgated hereunder has been committed and if so, shall take one or more of the following actions:
- (1) Instruct the secretary of the Board or his designee to send a letter of guidance by certified mail to the certificate holder at his/her last known address.
  - (2) Instruct the secretary or his designee to send by certified mail a letter to the certificate holder at his/her last known address, as shown by Board's records, setting out the name of the complainant, the alleged offenses and the approximate date of the commission, and the section of this chapter alleged to be violated, and notifying them to appear before the Board at a time and place fixed, not sooner than twenty (20) days from the mailing of the certified letter, to show cause why his/her certification should not be suspended or revoked, a letter of reprimand issued, or why his/her certificate should not be renewed, advising that they may be represented by an attorney, and that they should bring all original documents and other data that may be pertinent to the case and that they will be given an opportunity to present such witnesses and evidence as they deem appropriate.
  - (3) Refer the matter to the legal authority having jurisdiction for appropriate action.
- (c) In order to make a determination of guilt, the Board must find that the weight of substantial competent evidence indicates that the person charged has violated the building code as charged. Before imposing a penalty, the Board may consider mitigating circumstances presented through testimony and evidence.
- (d) The Board shall make a finding of guilty or not guilty as to each charge, and shall impose one or more of the following penalties on each charge for which a finding of guilty is made:
- (1) Suspension of the certificate, stating the duration.
  - (2) Revocation of the certificate, naming the effective date. After revocation, the certificate may only be renewed or reissued after a period of at least one year and upon a showing of rehabilitation of the former certificate holder.
  - (3) Official letter of reprimand to become a part of the permanent file.
  - (4) If found guilty of having committed a material violations of the Florida Building Code and failed to correct the violation within a reasonable time impose a fine of no less than \$500 and no more than \$5,000 per material violation
  - (5) Imposition of any administrative fee for all costs incurred by the Board in investigating and resolving the complaint that gave rise to the disciplinary proceeding.
- (e) Notice of guilty decisions shall be mailed to all municipalities within Miami-Dade County and to the certificate holder at his last known address.

#### Section 8-29. Maintaining Qualifications; Revocation Upon Failure to Maintain

Whenever a certificate holder fails to maintain any of the qualifications required for certification, such individual shall report such lack of qualifications to the Board whereupon the Board may, after notice and hearing as provided in this chapter, suspend or revoke the certificate.

#### Section 8-30. Procedure for Correction of Errors in Issuance of Certificates

(a) Notwithstanding the provisions of the foregoing sections, when any certificate shall have been issued because of error of law or of fact, or because of administrative error, the Board may revoke or correct such certificate upon notice and reasonable opportunity to be heard, but without formal charges or findings, and failure to return such certificate to the Board upon demand thereof shall be a violation of this chapter.

(b) Further, and notwithstanding the provisions of the foregoing sections, the board may correct an error of law, or of fact, or an administrative error that resulted in the denial of the issuance of a proper certificate whether such error was the result of the action of the current Board or of a prior Board.

#### Section 8-31. Prohibited Acts and Omissions.

It shall be unlawful for any certificate holder employed anywhere within Miami-Dade County to commit any one or more of the following acts or omissions:

- (a) Misrepresent any material fact in an application or supporting papers to obtain a certificate under this Chapter.
- (b) Grant or deny inspection approval of work at a construction site without the work having been properly inspected or before obtaining a certification from the applicable design professional, where such certification is required by the building code.
- (c) Falsify building inspection results in the official records maintained by the building permit issuing authority.
- (d) Grant inspection approval of work at a construction site with knowledge of the fact that the work does not comply with the provisions of the building code.
- (e) Commit any act as a certificate holder that significantly impairs the legal rights of another, including failure to give final approval for issuance of a permit or certificate of occupancy without just cause.
- (f) Fail to comply with any rule, regulation or directive of the Board of Rules and Appeals, the Florida Building Commission, or the Board of Building Code Administrators and Inspectors.

Section 8-32. Recertification.

- (a) Applications for recertification, with pertinent data contained herein, must be submitted to the Board of Rules and Appeals by the appointing authority before December 15 of biennial period in order to be considered for certification for the following biennial period.
- (b) Any certificate holder may be recertified when meeting the following criteria:
  - (1) The individual is currently certified by the Board of Rules and Appeals.
  - (2) The individual is employed by an inspection authority regulated by this Code.
  - (3) The individual has attended continuing education classes, or seminars in his or her respective fields for a minimum of 16 hours during the previous calendar year. Of the hours required a minimum of 12 hours shall be satisfied by attendance at courses and/or seminars provided by the Building Code Compliance Office, which shall include 2 hours in the area of accessibility, and a maximum of 4 hours may be satisfied by attendance at programs certified by the Board of Building Code Administrators and Inspectors, Contractors Industry Licensing Board, or the Electrical Industry Licensing Board. In the event that any course satisfies the educational requirements of more than one discipline regulated by this Code, the Building Code Compliance Office shall certify the course, in whole or in part, to satisfy the educational requirements applicable to each discipline.
- (iv) Fire Inspectors shall meet the recertification and education requirements of F.S. Chapter 633 and the rules and regulations of the Division of State Fire Marshal.

Section 8-33. Special Building Inspector.

(a) Special Building Inspector:

- (1) (i) Special Building Inspectors, retained by the owner, shall inspect and supervise:
  - (aa) The compaction of fill under slabs on grade.
  - (bb) The installation of structural piles.
  - (cc) The construction of reinforced masonry structures.
  - (dd) Welding and high-strength bolting.
  - (ee) The fabrication and installation of curtain wall systems on threshold buildings.
  - (ff) The fabrication and installation of structural glazed panels.
- (ii) Special Building Inspector: A Florida Registered Architect or Professional Engineer retained to provide professional services consisting of observation and inspection of construction for conformance with the permit documents and the Florida Building Code.
- (2) When one or more of the following conditions exist the Building Official may elect to directly employ a Special Building Inspector for the inspection of the exterior cladding, firestopping, railings and safeguards, framing, roofing or any part of the building, except that inspections of plumbing, electrical or mechanical systems, inspections of required features of handicap accessibility and final inspections shall not be performed by a Special Building Inspector:

- (i) The building is of unusual size or height, or
  - (ii) The method of design or construction is unusual or complex, or
  - (iii) The method or pace of the construction requires continuous inspection or
  - (iv) In the opinion of the Building Official, additional inspections are required in order to ensure compliance with the Florida Building Code.
- (3) Prior to issuance of the permit and for cases governed by Section 8-33.(a)(1) (i) herein above, the Building Official shall require that each Special Building Inspector be certified by the Board of Rules and Appeals as a Special Building Inspector in compliance with Section 8-4 of this Chapter. Such Special Building Inspector shall be a Registered Architect or a Professional Engineer licensed in the State of Florida; qualified by training and experience to perform the inspections for which he or she will be retained. Any and all inspections required and authorized to be performed by a Special Building Inspector pursuant to this Section shall be performed by persons who shall have the knowledge, expertise, and if required the appropriate licensing board's certification related to the specialty or discipline involved in the inspection.
- (4) The Building Official shall specify the scope and nature of the inspections to be performed, or shall require that the Architect or Engineer of Record submit an inspection plan for approval. The Special Building Inspector or his duly authorized representative shall make all inspections in accordance with the approved inspection plan.
- (5) The Building Official shall be promptly informed of the results of all inspections in reports signed by the Special Building Inspector(s). Prior to the issuance of a Certificate of Occupancy, each Special Building Inspector shall submit to the Building Official a statement indicating the scope of his inspections and attesting that, to the best of his knowledge, belief and professional judgment, the work is in substantial compliance with the permit documents.
- (6) Special Building Inspectors shall be responsible to the Building Official. The Building Official shall periodically visit the construction site to monitor, review, evaluate and approve the work of the Special Building Inspector(s). The Building Official is empowered to direct, as necessary, the work of the Special Building Inspector(s) and may, at any time, remove a Special Building Inspector for failure to perform his or her duties in accordance with the provisions of this section. In that event, the Building Official may also require or permit the owner, within such time as the Building Official may reasonably establish, to employ an alternate Special Building Inspector.
- (7) The Building Official may conduct mandatory inspections as required herein through a Special Building Inspector subject to the limitations given in Paragraph 8-33.(a)(2) herein.
- (8) For any project constructed pursuant to an Aviation Department contract, the County Manager may authorize the Aviation Department to employ or engage the services of Special Building Inspectors for the inspection of any part of the project, including inspections of plumbing, electrical or mechanical systems, inspections of required features of handicap accessibility. All Special Building Inspectors shall comply with applicable certification requirements provided by State law. The Building Official shall conduct all final inspections.<<

\* \* \*

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made 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 4. This ordinance shall become effective on the date of implementation of the Florida Building Code, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

**HEADER**

TO: Honorable Chairperson and Members DATE:  
Board of County Commissioners

SUBJECT: Ordinance Amending Chapter 8 Related  
to qualifications and Certification of  
Code Enforcement Personnel  
FROM: Steve Shiver  
County Manager

**STAFF RECOMMENDATION**

It is recommended that the Board adopt the attached ordinance amending Chapter 8 of the Code of Miami-Dade County.

**MANAGER'S BACKGROUND**

As you are aware, the 2000 Florida Legislature enacted the Florida Building Code, effective January 1, 2002. At the July 10, 2001, Commission Meeting, the Board adopted Ordinance 01-112 (attached) repealing the South Florida Building Code and conforming building code administration and enforcement provisions to the requirements of the Florida Building Code. At the public hearing, several concerns were raised regarding the qualification requirements for enforcement personnel as presented in the proposed ordinance. The ordinance was amended to remove all of Article II, specifying these qualification requirements, and referred the issue to a workshop to receive further input from municipalities and other affected parties.

The Enforcement Personnel Certification Workshop was conducted August 22, 2001 (see Attachment "A"). Organizations contacted include:

Dade League of Cities  
Building Officials throughout the County  
Local chapters of the American Society of Civil Engineers  
American Institute of Architects  
Florida Engineering Society  
Florida Structural Engineers Association  
Building Industry Association of South Florida  
Latin Builders Association of South Florida  
Development Process Advisory Committee Board Members  
Board of Rules and Appeals  
Building Code and Product Review Committee  
Construction Trades Qualifying Board  
Unsafe Structures Board  
Construction trade unions  
Representatives of the disabled community

In addition, the Notice of Meeting was displayed in the Building Code Compliance Office website.

There were over fifty attendees at the workshop and over twenty-five speakers. The minutes of the meeting are attached as Exhibit "B". A display summarizing the history of qualification requirements for enforcement personnel in the various trades was offered for comment at the meeting (see Exhibit

"C"). The display compared qualifications for enforcement personnel during various time periods: prior to Hurricane Andrew, post Hurricane Andrew to December 2000, January 2001 to present, requirements as presented in the initial ordinance amending Chapter 8 and current requirements in Broward County.

As the attached meeting minutes summarize, the majority of attendees indicated support for reinstating the experience and education requirements existing in the South Florida Building Code from the period after Hurricane Andrew until end of 2000. Those present expressed concern that individuals performing professional certification plans review and inspections may not have the same qualifications and continued education requirements as enforcement personnel. Also, attendees expressed concern over disability code education and enforcement requirements of plans examiners and inspectors.

In response to the comments offered at the workshop, the proposed ordinance will re-institute code enforcement personnel qualification requirements and continuous education as enumerated in the South Florida Building Code, to include amendments instituted after Hurricane Andrew and allowing State licensed contractors to qualify as code enforcement personnel. The proposed ordinance also requires personnel performing as plan examiners and inspectors under a professional certification program have the same qualifications as code enforcement personnel. Continuous education requirements for code enforcement personnel in the disability discipline are increased from the equivalent of one hour per year to two hours per year in the proposed ordinance.

#### FISCAL IMPACT

There is no fiscal impact to Miami-Dade County or the municipalities.

Attachments: Filed with the Clerk of the Board  
Ordinance 01-112  
Exhibit "A"  
Exhibit "B"  
Exhibit "C"

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