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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 14(A)(3)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the Mayor to create a special building permit category for replacement of 120 volt underwater pool lights with low voltage underwater lighting in private swimming pools in unincorporated Miami-Dade County
Resolution No. R-1016-14

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Vice Chair Lynda Bell and Commissioner Audrey M. Edmonson and Co-Sponsor Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2014

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County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

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**

_____ **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 ____, 3/5's ____, unanimous _____) 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. 14(A)(3)
11-5-14

RESOLUTION NO. R-1016-14

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO CREATE A SPECIAL BUILDING PERMIT CATEGORY FOR REPLACEMENT OF 120 VOLT UNDERWATER POOL LIGHTS WITH LOW VOLTAGE UNDERWATER LIGHTING IN PRIVATE SWIMMING POOLS IN UNINCORPORATED MIAMI-DADE COUNTY AND TO IMPLEMENT ASSOCIATED PROCEDURES; AMENDING IMPLEMENTING ORDER 4-63 TO PROVIDE FOR A SPECIAL PERMIT CATEGORY AND REDUCED FEE FOR SAID PERMIT APPLICATIONS; REQUIRING EDUCATIONAL CAMPAIGN ADVERTISING THE AVAILABILITY OF SAID REDUCED FEE PERMIT AND OTHER ALTERNATIVES WHICH MAY BE UTILIZED TO ENHANCE THE SAFETY OF PRIVATE SWIMMING POOLS

WHEREAS, the Board of County Commissioners desires to maximize the health and safety of County residents and visitors, and to minimize the potential for electrocution in recreational swimming pools; and

WHEREAS, on October 7, 2014, this Board adopted Ordinance No. 14-95, which, to lessen the potential for lethal electrocution, provided for a local technical amendment to the Florida Building Code to require low voltage lighting in newly built private pools that have underwater lighting installed, and in existing private pools with underwater lighting when permitted construction work is done; and

WHEREAS, section 553.80(1), Florida Statutes, provides that each local government shall regulate building construction and further provides that the governing bodies of local governments may provide a schedule of fees for the enforcement of the regulation of building construction, and additionally requires that such fees be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code; and

WHEREAS, this Board has established fees and charges to be levied by County departments for the issuance of building permits in Implementing Order 4-63; and

WHEREAS, to comply with Implementing Order 4-63, any person obtaining a building permit is required to pay fees and charges before such permit is issued; and

WHEREAS, section D.19 a) through d) of Implementing Order 4-63 sets forth the fees related to electrical contracting for residential swimming pools; and

WHEREAS, the minimum fee for a building permit applicable to swimming pool electrical construction is $130 pursuant to Implementing Order 4-63 and the fee schedule therein; and

WHEREAS, this Board desires to encourage residential property owners with existing swimming pools to (a) obtain a building permit to replace 120 volt lighting in their pools with low voltage lighting as soon as possible, or alternatively, (b) disconnect power to each 120 volt pool light at the electrical panel, or (c) obtain a building permit to completely remove 120 volt lighting in their pools; and

WHEREAS, this Board also desires to minimize the financial burden associated with obtaining the required permit; and

WHEREAS, a permit category with a reduced fee specifically for replacing existing 120 volt underwater pool lights will provide oversight by Miami-Dade County electrical inspectors while also providing an incentive for property owners with private pools to obtain a permit to completely remove 120 volt lighting in their pools or replace 120 volt lighting in their pools with low voltage lighting; and

WHEREAS, this Board desires to amend Implementing Order 4-63 to include a $65 fee for a newly created special permit category for "Underwater Residential Pool Light Replacement

(120 volt to low voltage)" for existing private swimming pools located within unincorporated Miami-Dade County; and

WHEREAS, this Board desires to increase public awareness regarding the potential for electric shock in private pools caused by improperly installed, maintained or serviced underwater pool lights, and desires to provide information regarding alternatives to underwater pool light replacement,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates and adopts the foregoing recitals as if fully set forth herein.

Section 2. Directs the Mayor or designee to create a special permit category for "Underwater Residential Pool Light Replacement (120 volt to low voltage)" for existing private swimming pools, as defined in the Florida Statutes and Florida Building Code, located within unincorporated Miami-Dade County, to implement the necessary procedures and to give effect to the intent of this resolution within 45 days from its effective date.

Section 3. Amends Implementing Order 4-63 to include a new special permit category and $65 fee for "Underwater Residential Pool Light Replacement (120 volt to low voltage)" for existing private swimming pools located within unincorporated Miami-Dade County. The special permit category services include the resources expended for intake of the permit application, processing of the application, verification of the status of the license and insurance for the contractor, an onsite inspection to verify permitted work is in compliance with the Florida Building Code and the National Electric Code, and record keeping.

Section 4. Adopts and approves the amendments to Implementing Order 4-63 in substantially the form attached hereto.

Section 5. Directs the Mayor or Mayor's designee to create and implement an appropriate outreach campaign to increase the public awareness of the potential for electric shock associated with improperly installed, maintained or serviced underwater pool lights.

Section 6. Directs the Mayor or Mayor's designee to publish the availability of the permitting process allowed herein and other alternatives available to the public to enhance the safety of private swimming pools, and disseminate such information on the County's website as well as the County media channel, and provide such information to this Board within 45 days of the effective date of this resolution for further dissemination. The Mayor or Mayor's designee shall place the completed information packet on an agenda of this Board pursuant to Ordinance No. 14-65. The Board requests that the Mayor or Designee use the resources of Miami-Dade County Community Information & Outreach (CIAO) in carrying out these directives.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Lynda Bell and Commissioner Audrey M. Edmonson and the Co-Sponsor is Chairwoman Rebeca Sosa. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman		**aye**
	Lynda Bell, Vice Chair		**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**nay**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**nay**	Barbara J. Jordan	**aye**
Jean Monestime	**absent**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**nay**
Juan C. Zapata	**nay**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

David Sherman

I.O. No.: 4-63
Ordered: [[~~9/19/2013~~]]
Effective: [[~~10/01/2013~~]]

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

FEE SCHEDULE FOR REGULATORY AND ECONOMIC RESOURCES DEPARTMENT (Building and Neighborhood Compliance)

AUTHORITY:
Ordinance No. 76-70, Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter; Sections 1.01, 2.02A, 2-1324, 8-2, 8-5, 8-6.1, and 10-15, 8CC-6 and 8CC-7 of the Code of Miami-Dade County; and Article LXXI of Chapter 2 of the Code of Miami-Dade County; and Chapters 8, 10, 17, 17A, 17B, 19, 21, 30, and 33 of the Code of Miami-Dade County; Administrative Order Nos. 2-5, 4-115 and 4-120; Section 108 of the Florida Building Code; Section 553.80 of the Florida Statutes.

SUPERSEDES:
This Implementing Order supersedes >>Implementing<< [[~~Administrative~~]] Order 4-63[[~~A~~]] ordered >>September 19, 2013<< [[~~September 24, 2010~~]] and effective >>October 14, 2013<< [[~~October 4, 2010~~]].

POLICY:
A policy of fees covering the cost of providing Building and Neighborhood Compliance services shall be established and no application, permit, certificate or receipt shall be issued until the appropriate fee is paid.

PROCEDURE:
The responsibility for this Implementing Order is assigned to the Director, Miami-Dade County Regulatory and Economic Resources Department who shall be responsible for the collection of fees and the delivery of required services pursuant to all of the code chapters listed above under section "Authority." Each two years or earlier, if need be, the Director shall review all fees in terms of their cost and recommend necessary changes to the County Mayor.

FEE SCHEDULE:
The fee schedule >>amended<< [[~~adopted~~]] by this Implementing Order has been presented and is considered a part hereof. In accordance with Section 2-3 of the Code of Miami-Dade County, this >>amended<< official Fee Schedule is also filed with the Clerk of the Board of County Commissioners. Fees which are charged by Building and Neighborhood Compliance shall be the same as those listed in the official Fee Schedule on file with the Clerk of the County Commission.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as
to form and legal sufficiency _____

MIAMI-DADE COUNTY

REGULATORY AND ECONOMIC RESOURCES DEPARTMENT

Building and Neighborhood Compliance

FEE SCHEDULE

Effective:

MIAMI-DADE COUNTY
REGULATORY AND ECONOMIC RESOURCES

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I. BUILDING PERMITTING FEES

* * *

D. ELECTRICAL PERMIT FEES

Permits by professional certification (permits by affidavit) for the following described activities will be charged half the regular permit fee, except for the minimum fee, which will remain the same.

* * *

19. SWIMMING POOLS, ELECTRICAL

Fee based on cumulative cost of the following components:

a)	Residential pool or spa (Single Family Residence or Duplex) (includes motor and pool lights)	85.88
b)	Residential combination pool/spa (includes motors and pool lights)	128.81
c)	Commercial and multi-family dwelling pool or spa	200.36
d)	Commercial, multi-family dwelling combination pool/spa	271.93
	Repair residential (Single Family Residence or Duplex) pool	85.88
	Repair commercial pool	200.36
>>e)	Underwater Residential Pool Light Replacement (120 volt to low voltage) – this permit shall not be subject to the minimum fee provisions referenced elsewhere herein<<	65.00

* * *