

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

**MEMORANDUM**

Agenda Item No. 7(H)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** August 2, 2011

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

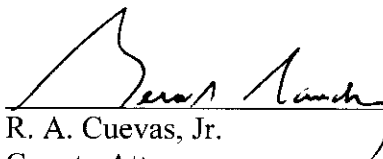
**SUBJECT:** Ordinance creating Amnesty  
Period; creating a limited  
exception from the civil  
penalties and liens for  
Building Code violations upon  
a homeowner's compliance  
with the Building Code

Ordinance No. 11-64

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**The item was amended at the 7-13-2011 Infrastructure and Land Use Committee to extend the length of the amnesty period through six months following the effective date of the ordinance.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez and Co-Sponsors Commissioner Jose "Pepe" Diaz, Vice Chairwoman Audrey M. Edmonson, Commissioner Jean Monestime and Commissioner Rebeca Sosa.

  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** August 2, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Alina T. Hudak  
County Manager

A handwritten signature in black ink, appearing to read "Alina T. Hudak". The signature is written in a cursive, flowing style.

**Subject:** Ordinance creating an amnesty period and a limited exception from civil penalties and liens for building code violations

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The proposed ordinance creating an amnesty period and a limited exception from civil penalties and liens for building code violations may have a fiscal impact to the County, as a result of waiving civil penalties and liens previously assessed by the County. However, the fiscal impact estimate will vary depending on the number of homeowners that opt to be covered during this amnesty period, which at this time is very difficult to calculate.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente". The signature is written in a cursive, flowing style.

Susanne M. Torriente  
Sustainability Director

Fis4811

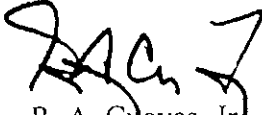


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** August 2, 2011

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

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

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 Manager'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. 7(H)  
8-2-2011

ORDINANCE NO. 11-64

ORDINANCE CREATING AMNESTY PERIOD; CREATING A LIMITED EXCEPTION FROM CIVIL PENALTIES AND LIENS FOR BUILDING CODE VIOLATIONS UPON A HOMEOWNER'S COMPLIANCE WITH THE BUILDING CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, Miami-Dade County is in the midst of a severe economic crisis; and

**WHEREAS**, this Board wishes to encourage compliance with the Building Code while being mindful of the hardships that result to homeowners from the strict application of the County's system of fines and penalties relating to building code violations; and

**WHEREAS**, to accomplish these purposes, this Board wishes to create a limited exception from civil penalties and liens resulting from Building Code violations upon a homeowner's compliance with the Building Code in the manner more particularly set forth below,

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

Section 1. Upon application of a homeowner, the County shall waive any and all civil penalties related to the enforcement of the Building Code in connection with a structure, and all liens related to such civil penalties, provided the homeowner satisfies each of the following conditions:

- (a) A permit is issued to bring the structure into compliance with the Building Code within the Amnesty Period as defined in this ordinance; and

- (b) The structure is brought into compliance with the Building Code within the period provided in the Building Code for completion of the work under the permit obtained within the Amnesty Period; and
- (c) All direct costs of the Building and Neighborhood Compliance Department in connection with prior enforcement in connection with the structure, as documented by the Building and Neighborhood Compliance Department, shall be satisfied in full.

For purposes of this ordinance, a homeowner shall be understood as the person with direct and beneficial ownership of the affected structure, but shall not include a financial institution which has acquired the home through foreclosure.

Section 2. The Amnesty Period shall commence on the effective date of this ordinance and end ~~[[on Tuesday, January 4, 2012]]~~ >>six months thereafter.<<<sup>1</sup> This ordinance shall not apply in the event that the County has commenced a civil action to collect on the civil penalties or to foreclose a lien. This ordinance shall not serve as a defense against any such action or against any enforcement action brought by the County.

Section 3. The Building Official is hereby directed to implement the necessary procedures and to develop the necessary documents to give effect to the intent of this ordinance.

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, shall be excluded from the Code of Miami-Dade County.

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<sup>1</sup> Committee amendments are indicated as follows: words double stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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: August 2, 2011

Approved by County Attorney as  
to form and legal sufficiency:

GKS for RAC

Prepared by:

HB

Hugo Benitez

Prime Sponsor: Chairman Joe A. Martinez  
Co-Sponsors: Commissioner Jose "Pepe" Diaz  
Vice Chairwoman Audrey M. Edmonson  
Commissioner Jean Monestime  
Commissioner Rebeca Sosa