

MEMORANDUM

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Agenda Item No. 1(G)3

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

DATE: October 14, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating the Miami-Dade County Building Safety Recertification Task Force to review existing laws, codes, and procedures relating to building inspections and recertifications and provide recommendations to the Board of County Commissioners; creating Article CLXVII of Chapter 2 of the Code; providing for the composition and duties of the task force and other related matters

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: November 2, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Creating Building Safety Recertification Task Force

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: November 2, 2021

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

From: Daniella Levine Cava 
Mayor

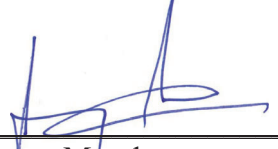
Subject: Social Equity Statement for Ordinance Creating the Miami-Dade County Building Safety Recertification Task Force

The proposed ordinance creates Article CLXVII of Chapter 2 of the Code of Miami-Dade County (Code) creating the Miami-Dade County Building Safety Recertification Task Force to review existing laws, codes and procedures relating to building inspections and recertifications in order to provide recommendations to the Board of County Commissioners (Board).

Through a separate Board resolution, scheduled for the County Infrastructure, Operations and Innovations Committee as File No. 212050, this Board will consider establishing the 2021 - 2022 Miami-Dade County Building Recertification Task Force (Task Force) which will sunset no later than 364 days after it's established. The Task Force will be comprised of experts to review the existing laws, codes, and procedures relating to building inspections and recertifications of existing building in Miami-Dade County and provide recommendations to the Board for needed changes or improvements to such laws, codes, or procedures to promote safety.

The proposed ordinance extends the work of the 2021 - 2022 Miami-Dade County Building Recertification Task Force to provide recommendations to this Board and future Boards.

Implementation of this ordinance to comprehensively review the building inspections and recertification process will result in recommendations of possible changes or improvements to existing laws, codes and procedures that may result in further protecting the life, safety, and welfare of Miami-Dade County residents.



Jimmy Morales
Chief Operations Officer

212049



MEMORANDUM

(Revised)

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

DATE: September 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 4(U)

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. 4(U)
9-1-21

ORDINANCE CREATING THE MIAMI-DADE COUNTY BUILDING SAFETY RECERTIFICATION TASK FORCE TO REVIEW EXISTING LAWS, CODES, AND PROCEDURES RELATING TO BUILDING INSPECTIONS AND RECERTIFICATIONS AND PROVIDE RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS; CREATING ARTICLE CLXVII OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR THE COMPOSITION AND DUTIES OF THE TASK FORCE AND OTHER RELATED MATTERS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to section 8-11 of the Code of Miami- Dade County, Florida, all buildings, except single-family residences, duplexes and buildings or structures in any occupancy group having an occupant load of ten or less, that are at least 40 years old must be recertified through inspections submitted to the appropriate municipal building official or the Miami-Dade County building official for the Unincorporated Municipal Service Area (UMSA), to ensure the buildings' structural and electrical safety; and

WHEREAS, after the initial 40-year recertification, such buildings must be recertified every 10 years; and

WHEREAS, the responsibility to conduct the 40-year and subsequent recertification inspection falls on building owners; and

WHEREAS, specifically, an owner of a building subject to recertification is required to submit a written report to the appropriate building official that is prepared by a professional engineer or architect registered in the State of Florida, certifying that the building or structure is structurally and electrically safe; and

WHEREAS, Miami-Dade County's 40-year building recertification requirement is a local mandate, not a mandatory statewide requirement included in the Florida Building Code; and

WHEREAS, in fact, until 2006 when Broward County added a building recertification requirement to its building regulations, Miami-Dade County was the only Florida county to impose 40-year building recertification requirements; and

WHEREAS, the Board of County Commissioners instituted the 40-year recertification requirement by enacting Ordinance No. 75-34 on May 21, 1975; and

WHEREAS, the County's enactment of the 40-recertification requirement was the result of a collapse of a building leased by the federal Drug Enforcement Agency on August 5, 1974 located at 1201 NE 2nd Avenue that killed seven people and injured 16 others; and

WHEREAS, in the early morning hours of June 24, 2021, a residential condominium building known as Champlain Towers South located at 8777 Collins Avenue in Surfside, Florida experienced a major structural collapse; and

WHEREAS, a substantial portion of the building was destroyed and the remainder of the structure had to be demolished; and

WHEREAS, the structural collapse of the building has tragically resulted in many fatalities among the building's residents and visitors; and

WHEREAS, at the time of the disaster, the building was proceeding through the 40-year recertification process; and

WHEREAS, while the cause of the collapse at the Champlain Towers South is still under investigation, the tragedy at Surfside calls for a continuing careful and thorough re-examination of Miami-Dade County's 40-year recertification requirements and processes; and

WHEREAS, via a separate Board resolution, this Board established the 2021 - 2022 Miami-Dade County Building Recertification Task Force, and established a task force of experts to review the existing laws, codes, and procedures relating to building inspections and recertifications of existing building in Miami-Dade County and provide recommendations to the Board of County Commissioners for needed changes or improvements to such laws, codes, or procedures to promote safety; and

WHEREAS, the 2021 - 2022 Miami-Dade County Building Recertification Task Force sunsets and stands dismissed no later than 364 days after its establishment; and

WHEREAS, via this Ordinance, this Board desires to extend the work of the 2021 - 2022 Miami-Dade County Building Recertification Task Force to create a task force of experts to continuously review building inspection and recertification laws, codes, and procedures relating to building inspections and recertifications and provide recommendations to this Board and future Boards to promote safety, protect lives and prevent another tragic building collapse,

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

Section 1. Article CLXVII of Chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE CLXVII

**MIAMI-DADE COUNTY BUILDING SAFETY
RECERTIFICATION TASK FORCE**

Sec. 2-2430. Creation.

There is hereby created and established the Miami-Dade County Building Safety Recertification Task Force.

Sec. 2-2431. Composition; membership.

- (a) *Composition.* The 2021 - 2022 Miami-Dade County Building Recertification Task Force created under prior Board resolution shall continue its duties and its appointed members shall retain their positions and constitute the Miami-Dade County Building Recertification Task Force ("Task Force"). Thereafter, every three years on January 1 of the year preceding the release of a new edition of the Florida Building Code, a Task Force comprised of 15 members shall be empaneled. 13 members shall be appointed by the Board of County Commissioners, with each member of the County Commission appointing one member of the Task Force. One member shall be appointed by the Miami-Dade County Mayor. One member shall be appointed by the Miami-Dade League of Cities. All appointments shall be made by filing notice of the appointment with the Clerk of the Board of County Commissioners.
- (b) *Qualifications.* Each member of the Task Force shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community. Unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives the residency requirement, any member of the Task Force who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the position shall be deemed vacant.

Each member of the Task Force shall meet at least one of the following criteria:

1. Faculty at a School of Engineering from a local university;
2. Ten years or more of professional experience as a licensed engineer and holding a current license;

3. Ten years or more of professional experience as a structural engineer and holding a current license;
4. Ten years or more of professional experience as an electrical engineer and holding a current license;
5. Ten years or more of professional experience and holding a current license as a licensed general contractor;
6. Ten years or more of professional experience in the building products manufacturing industry;
7. Ten years or more of professional experience and holding a current license as a licensed architect;
8. Ten years or more of professional experience as a building manager for threshold buildings as defined by section 553.71(11), Florida Statutes;
9. Ten years or more of professional experience as a building developer for threshold buildings as defined by section 553.71(11), Florida Statutes;
10. Ten years or more of professional experience in the environmental impacts to buildings, with an expertise in sea level rise;
11. Licensed attorney with ten or more years of professional experience in condominium and planned development law or construction law;
12. Representative from the National Institute of Standards and Technology;
13. A former Building Official for Miami-Dade County or a municipality in Miami-Dade County; or
14. Current or former elected official from the municipality with the highest number of buildings greater than three stories or 50 feet in height, or having 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 in Miami-Dade County to be appointed by the Miami-Dade League of Cities.

At least one member of the Task Force must not have their livelihood depend on the area regulated, administered, or dealt with by the Task Force.

- (c) *Compensation.* Task Force members shall serve without compensation.

- (d) *Vacancies.* Vacancies shall be filled in the same manner by which the original members were appointed. Notwithstanding any other provision of the Code or of any resolution, if a vacancy on the Task Force which is subject to individual commissioner appointment remains unfilled for more than 30 days, it may thereafter be filled by action of the County Commission.
- (e) *Tenure and Removal.* The Task Force shall serve until the County Commission accepts the final report of the Task Force and, by motion or resolution, finds that the Task Force's work has concluded and there are no further matters that the County Commission wishes for the Task Force to consider. Any County Commissioner who has nominated a citizen to the Task Force may at any time, with or without cause, remove said member from his or her position on the Task Force by filing a notice with the Clerk and appointing a different person to fill the position.
- (f) *Attendance.* Attendance requirements for Task Force members shall be in accordance with section 2-11.39 of the Code.

Sec. 2-2432. Organization.

- (a) *Bylaws, Rules, and Regulations.* The Task Force shall establish, adopt, and amend bylaws, rules, and regulations for its own governance. If the Task Force does not adopt rules or policies, or its adopted rules or policies do not address a particular situation, then the applicable provisions of the Board of County Commissioners' Rules of Procedure, as such may be amended from time to time, shall apply.
- (b) *Officers.* The Task Force shall elect a chairperson and a vice-chairperson from among its members, who shall serve at the will of the Task Force. The chairperson shall preside at all meetings at which they are present. The vice-chairperson shall act as chairperson in the absence of the chairperson.
- (c) *Staff Support.* The Task Force shall be staffed by the County Mayor or the County Mayor's designee and

the County Clerk. Such staff shall (i) maintain records of the Task Force, (ii) prepare agendas in coordination with the Chairperson, (iii) provide minutes of Task Force meetings, and (iv) perform such other duties as may be reasonably required to conduct the affairs of the Task Force subject to budgetary limitations. The County Attorney's Office shall provide legal counsel, as needed, to the Task Force. In addition, (1) a representative from and chosen by the Miami-Dade County Board of Rules and Appeals, (2) a representative from and chosen by the Miami-Dade County Unsafe Structures Board, (3) the Chief Resilience Officer for Miami-Dade County or such other designee of the County Mayor with expertise in resilience, (4) a representative from the Miami-Dade County Department of Regulatory and Economic Resources or such other designee of the County Mayor with expertise in building code enforcement, and (5) any experts selected by the Board of County Commissioners, shall attend all meetings of the Task Force and be available to provide information and advice to the Task Force as requested.

- (d) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the Task Force. A quorum for the Task Force shall consist of a majority of those persons duly appointed to the Task Force, provided that at least half of the full Task Force membership has been appointed.

Sec. 2-2433. Meetings.

The Task Force shall hold meetings as it deems necessary. However, at a minimum, the Task Force shall meet quarterly. A special meeting may be called by the chairperson or by a written request from a majority of those persons duly appointed to the Task Force.

Sec. 2-2434. Powers and duties.

The Task Force shall have the following powers, duties, functions, and responsibilities:

- (a) *Purpose.* The Task Force shall review the existing laws, codes, and procedures relating to building

inspections and buildings recertifications in Miami-Dade County and provide recommendations to the Board of County Commissioners for needed changes or improvements to such laws, codes, or procedures. The Task Force's review shall include, but not be limited to the following:

1. The timeframe for building recertifications;
2. Whether there should be any differences in the building inspection or recertification process based upon the location of the building (i.e., in or near coastal areas);
3. Whether there should be any differences in the building inspection or recertification process based upon the type of the building (i.e., commercial or residential);
4. The methods used for building recertification inspections and whether other methodologies should be required with the advent of new technologies;
5. Whether there should be any differences in the building materials or methods approved for construction based upon the location of the building (i.e., in or near coastal areas);
6. What qualifications are required for those who conduct building inspections and issue building recertifications;
7. What entities, if any, should receive a copy of recertification reports;
8. Whether there should be additional accountability for owners, including homeowner association boards, that fail to complete timely recertifications;
9. Whether there should be additional accountability for those who perform recertifications;
10. Current procedures for deeming a building unsafe for failure to comply with recertification requirements;
11. Length of time that records relating to building repairs and inspections should be maintained;
12. Methods to improve responsiveness of local governments when reviewing and issuing building permits;

13. Whether there should be greater oversight by county or state officials over building inspections and recertifications for high-rise buildings;
14. The timeframe allowed for remediation to buildings prior to government action; and
15. For each recommendation provided by the Task Force, whether such recommendations require changes to the County procedures, County Code, Florida Building Code, or state law.

The Task Force shall work with any experts designated by the Board of County Commissioners, the County Attorney's Office, and such other staff as may be appointed by the County Mayor to accomplish this task. The Task Force shall also be authorized to request any additional experts that it deems necessary to assist the Task Force in its duties.

- (b) *Reports.* Each Task Force empaneled under this Article shall provide its final written report to the Board of County Commissioners no later than December 31st of the year in which such Task Force was convened or 270 days following its empanelment, whichever is later. If the Task Force determines that additional time is necessary to complete its work, it shall file written notice of such request with the Clerk of the Board, and the Board of County Commissioners may, by resolution or motion, extend the time to provide a final report. The final report shall consist of a comprehensive assessment of Miami-Dade County's laws, codes, and procedures relating to building inspections and buildings recertifications and recommendations for needed changes or improvements to such laws, codes, or procedures, including any recommended changes to the Florida Building Code or state law. This report shall be placed on an agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65. Upon acceptance of the report, the Board of County Commission may, by motion or resolution, request such additional work of the Task Force as may be in the public interest or, if applicable, find that the Task Force's work has concluded.

In addition, the Task Force shall provide quarterly reports to the Board of County Commissioners to advise on the status of the Task Force's work to date.

If necessary, the Task Force shall also provide emergency reports to the Board of County Commissioners for any issue or recommendation that the Task Force finds to be time sensitive and requiring immediate action by the Board of County Commissioners or the County Mayor. Such reports shall be placed on the next available agenda of the Board of County Commissioners and shall not be subject to the 4-day rule.

- (c) The Task Force shall perform any other responsibilities or duties as directed by action of the Board of County Commissioners.
- (d) *Limitations on Authority.* The Task Force shall have no authority to commit Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the Task Force are advisory only and shall not be binding upon the County.

Sec. 2-2435. Applicability of County rules and procedures.

All proceedings of the Task Force shall be conducted in accordance with Florida's open government laws, including, but not limited to, the Government in the Sunshine Law and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. Members of the public shall be given a reasonable opportunity to be heard on any proposition before the Task Force. Additionally, the Task Force shall be deemed an "agency" for the purposes of the state's public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County.

Sec. 2-2436. Sunset and Renewal.

Each Task Force shall sunset and stand dissolved when the County Commission accepts the final report of the Task Force and, by motion or resolution, finds that the Task Force's work has concluded and there are no further matters that the County Commission wishes for the Task Force to consider.

The Task Force shall stand renewed on January 1 of the year preceding the release of a new edition of the Florida Building Code to determine, in accordance with the provisions of this article, whether there are any additional new findings or recommendations since the acceptance of the previous Task Force's final report. At the time a Task Force is renewed, new appointments for all Task Force members shall occur in accordance with section 2-2431 of the County Code.

Section 2. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall supersede any previously enacted resolution establishing a Miami-Dade County Building Safety Recertification Task Force. Notwithstanding this fact, any such task force created under a prior resolution shall continue its duties and its appointed members shall retain their positions. However, after the effective date of this ordinance, the proceedings of such task force shall be governed by this ordinance and, if there is any conflict between this ordinance and the prior resolution, then this ordinance shall take precedence.

Section 3. 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 4. 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 5. 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:

Prepared by:

Eduardo W. Gonzalez
Michael B. Valdes

Handwritten signature of Eduardo W. Gonzalez in blue ink, consisting of the letters 'EW' followed by a stylized flourish.

Prime Sponsor: Senator René García
Co-Sponsors: Commissioner Sally A. Heyman
Commissioner Kionne L. McGhee