

MEMORANDUM

Amended
Agenda Item No.11(A)(10)

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

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution requiring that Miami-Dade County plan reviews and approvals of permit applications for construction and development projects, including Miami-Dade County Water and Sewer Department (WASD) Utility Development Division plan reviews and approvals, comply with the procedures and timelines set forth in section 125.022 of the Florida Statutes, as amended by chapter 2021-224, laws of Florida (HB 1059), except that permit applications for projects where at least fifteen percent of the units are affordable or workforce housing shall be reviewed within 5 days of submittal; and directing the County Mayor to report annually to this Board as to the status of each County department’s compliance with permitting timelines

Resolution No. R-1123-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz and Co-Sponsors Commissioner Keon Hardemon, Commissioner Eileen Higgins, Commissioner Kionne L. McGhee and Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney



MEMORANDUM

(Revised)

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

DATE: November 15, 2022

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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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	Amended
Veto	_____		Agenda Item No. 11(A)(10)
Override	_____		11-15-22

RE SOLUTION NO. **R-1123-22**

RESOLUTION REQUIRING THAT MIAMI-DADE COUNTY PLAN REVIEWS AND APPROVALS OF PERMIT APPLICATIONS FOR CONSTRUCTION AND DEVELOPMENT PROJECTS, INCLUDING MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT (WASD) UTILITY DEVELOPMENT DIVISION PLAN REVIEWS AND APPROVALS, COMPLY WITH THE PROCEDURES AND TIMELINES SET FORTH IN SECTION 125.022 OF THE FLORIDA STATUTES, AS AMENDED BY CHAPTER 2021-224, LAWS OF FLORIDA (HB 1059), EXCEPT THAT PERMIT APPLICATIONS FOR PROJECTS WHERE AT LEAST FIFTEEN PERCENT OF THE UNITS ARE AFFORDABLE OR WORKFORCE HOUSING SHALL BE REVIEWED WITHIN 5 DAYS OF SUBMITTAL; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO REPORT ANNUALLY TO THIS BOARD AS TO THE STATUS OF EACH COUNTY DEPARTMENT’S COMPLIANCE WITH PERMITTING TIMELINES

WHEREAS, permitting construction and development projects in Miami-Dade County (the “County”) typically require concurrent plan reviews and approvals from multiple County departments and divisions; and

WHEREAS, given the affordable housing crisis in Miami-Dade County, the permitting process for projects focused on affordable and workforce housing should be especially accelerated to the extent possible; and

WHEREAS, in addition to reviewing plans to assure compliance with the structural, life safety, electrical, mechanical, and plumbing requirements of the Florida Building Code, plans are also reviewed for compliance with County Zoning Code requirements, including building height and setback requirements; and

WHEREAS, plans may also be subject to review by the County Department of Transportation and Public Works (DTPW) for compliance with right-of-way requirements; and

WHEREAS, County Division of Environmental Resources Management (DERM) staff review plans for compliance with County environmental regulations, and certain buildings may also be subject to Miami-Dade Fire Rescue (MDFR) inspections and plan reviews; and

WHEREAS, the Miami-Dade Water and Sewer Department's (WASD) Utility Development Division also concurrently performs plan reviews for development projects; and

WHEREAS, given the number of concurrent plan review processes occurring on the same construction or development project, it is critical that the plan review process runs as transparently and efficiently as possible; and

WHEREAS, to ensure uniformity and establish defined timelines for the review and approval of permits, during the 2019 session, House Bill (HB) 7013 was enacted by the Florida Legislature and approved by the Governor as Chapter 2019-165, Laws of Florida (“Chapter 2019-165”); and

WHEREAS, Chapter 2019-165 amended section 125.022(2) of the Florida Statutes to provide deadlines, commonly known as a “shot clock,” within which counties must review applications for development permits, first for completeness and then for final action; and

WHEREAS, during the 2021 session, HB 1059 was enacted by the Florida Legislature and approved by the Governor as Chapter 2021-224, Laws of Florida (“Chapter 2021- 224”), to provide further deadlines for review of permit applicants’ responses to requests for additional information from county governments on applications for development permits pursuant to section 125.022 of the Florida Statutes; and

WHEREAS, as used in section 125.022, the term “development permit” includes a zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land, but does not include building permits and other land developmental reviews not directly associated with permitting the development of land; and

WHEREAS, specifically, Chapter 2021-224 amended section 125.022(2) of the Florida Statutes to provide that when reviewing an application for a development permit, “[i]f a county makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information”; and

WHEREAS, Chapter 2021-224 further amended section 125.022(2) to provide “[i]f a county makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information”; and

WHEREAS, Chapter 2021-224 amended section 125.022 to require that if a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial; and

WHEREAS, on July 7, 2022, this Board adopted Resolution No. R-658-22, which directed the County Mayor or County Mayor's designee to develop and implement uniform goals for the review of DERM permit applications and requests for approval that are generally shorter and more expeditious than the shot clock timelines required by section 125.022; and

WHEREAS, not all County departmental approvals constitute a development permit as that term is used in section 125.022; and

WHEREAS, building permits are expressly excluded from the meaning of development permits as used in section 125.022 and are instead governed by the local government permit review timelines set forth in section 553.792(1)(a) of the Florida Statutes; and

WHEREAS, additionally certain WASD plan reviews and approvals may not be subject to the shot clock timelines set forth in section 125.022; and

WHEREAS, nonetheless, this Board wishes to promote and establish clearly defined timelines for County departments to follow in reviewing plans and seeking additional information from permit applicants for construction and development projects; and

WHEREAS, to promote transparency to applicants, except with respect to projects where at least fifteen percent of the units are affordable or workforce housing, this Board desires to use the timelines and procedures already established by the Florida Legislature through the passage of Chapter 221-224; and

WHEREAS, specifically, other than the review of permits for Florida Building Code compliance, which is governed by section 553.792 of the Florida Statutes, and this Board's directives in Resolution No. R-658-22 for the review of DERM permit applications and requests for approval, this Board wishes to establish that the shot clock timelines and review procedures for

development permits, other than for permits for projects where at least fifteen percent of the units are affordable housing or workforce housing, set forth in section 125.022 shall apply to all other County departmental plan reviews undertaken for a construction or development project; and

WHEREAS, this Board wishes to establish that the shot clock timeline and review procedures for development permits for projects where at least fifteen percent of the units are affordable housing or workforce housing shall be 5 days from the County's receipt of the application, unless the affordable housing or workforce housing project has a component that involves septic to sewer conversion in which case, WASD shall review the permit applications as expeditiously as possible but without exceeding the timeframes required by Florida law,

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

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Except for building permit plan reviews governed by sections 553.79 and 553.792 of Florida Statutes and projects involving affordable housing or workforce housing components, all County plan reviews and approvals of permit applications for construction and development projects, including but not limited to WASD Utility Development Division plan reviews and approvals, shall comply with the procedures and timelines set forth in section 125.022 of the Florida Statutes, as amended by Chapter 2021-224, Laws of Florida (HB 1059). Nothing in this resolution is intended to override or supersede the directives in Resolution No. R-658-22.

Section 3. Reviews and approvals of permit applications for development and construction projects where at least fifteen percent (15% percent) of the units are affordable housing or workforce housing shall be reviewed within 5 days of the County's receipt of the permit

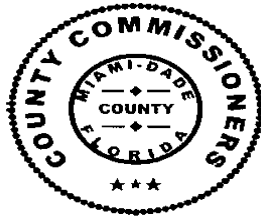
application, unless the affordable housing or workforce housing project has a component that involves septic to sewer conversion in which case, WASD shall review the permit applications as expeditiously as possible but in no case exceeding the timeframes set forth in section 125.022 of the Florida Statutes, as amended by Chapter 2021-224, Laws of Florida (HB 1059).

Section 4. The County Mayor or County Mayor’s designee is directed to submit a written report annually to this Board, without Committee review, as to the status of each County Department’s compliance with this Resolution, as well as compliance with the permit review timelines set forth in section 553.792(1)(a) of the Florida Statutes for building permits, and to place the first completed report on an agenda of this Board pursuant to Ordinance No. 14-65 within 365 days of the effective date of this Resolution.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz and the Co-Sponsors are Commissioner Keon Hardemon, Commissioner Eileen Higgins, Commissioner Kionne L. McGhee and Commissioner Raquel A. Regalado. The foregoing resolution was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert III, Vice Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	absent
Eileen Higgins	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "AB" followed by a stylized flourish, is written over a horizontal line.

Eduardo W. Gonzalez
Abbie Schwaderer-Raurell
Angela F. Benjamin