

MEMORANDUM

Amended
Agenda Item No. 7(E)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to building code administration and enforcement; amending article I of chapter 8 and article IB of chapter 2 of the Code; amending procedures for electing the Chair and Vice-Chair of the Board of Rules and Appeals ("BORA"); restating the authority and quorum requirements of the BORA disciplinary panel; removing outdated and superseded references and procedures relating to BORA product review committee; modifying quorum requirements for the Unsafe Structures Board; revising procedures relating to existing buildings and unsafe structures; amending the duties and powers of the Unsafe Structures Appeal Panels regarding the recertification of certain existing buildings; making technical changes, correcting cross references and scrivener errors

Ordinance No. 24-9

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001

Memorandum



Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Ordinance Relating to Chapter 8, – Amending Board of Rules and Appeals Procedures and Amending Provisions Relating to Existing Buildings and Unsafe Structures- Pertaining to Recertification and Unsafe Structures Appeals

Executive Summary

The subject ordinance modifies Chapter 8 to authorize the Unsafe Structures Appeal Panels to hear appeals of the decision of the Building Official involving the recertification of existing buildings and structures that today are exclusively heard by the Unsafe Structures Board. This modification will help to advance more cases, allowing multiple Unsafe Structure hearings each month. The ordinance is also intended to clarify quorum requirements for the Unsafe Structures Board to a simple majority of seated members instead of a fixed minimum of 7 board members to establish a quorum. The proposed ordinance also modifies Chapter 8 Code provisions related to the Board of Rules and Appeals (BORA), Miami-Dade County's construction regulation board.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance modifying Chapter 8 of the Code of Miami-Dade County (the Code) pertaining to BORA procedures and unsafe structures appeals involving the recertification of certain existing buildings and updating the minimum quorum requirements for the Unsafe Structures Board.

Scope

This ordinance is applicable in Incorporated and Unincorporated areas of Miami-Dade County. The portions pertaining to the Unsafe Structures Appeal Panel are only applicable to cases from Unincorporated Miami-Dade County.

Delegation of Authority

There is no delegation of authority associated with this item.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact on the County, as the proposed changes will not require additional staffing resources or generate additional

operational expenses. The County will continue to recover from the property owners any enforcement costs associated with the handling of unsafe structures appeal hearings pertaining to the recertification of existing buildings.

Social Equity

Implementation of the proposed ordinance will benefit all residents of the unincorporated area of the County by providing Unsafe Structures Appeal Panels with the authority to hear unsafe structures appeals pertaining to the recertification of certain existing buildings. The limited transfer of authority from the Unsafe Structures Board to the Unsafe Structures Appeal Panels will ensure a more timely review of certain cases involving recertification of existing buildings. Additionally, simplifying the ability to establish quorum by the Unsafe Structures Board aids to better serve those impacted by the cases to be heard.

Track Record/Monitor

Ricardo Roig, Assistant Director, Code Compliance Division, Department of Regulatory and Economic Resources (RER) will be responsible for its implementation. Jaime D. Gascon, Division Director, Board and Code Administration Division, RER, oversees the Unsafe Structures Board. Edward A. Rojas is the Building Official and Assistant Director of the Construction, Permitting and Building Code Division of RER.

Background

The adoption of Ordinance No. 22-57 and Senate Bill 4-D revised procedures pertaining to the recertification of existing buildings and structures. With the significant increase in the number of buildings and structures requiring recertification because of these changes, it is anticipated that there will be an increase in the number of unsafe structures cases resulting from the failure to timely comply with Chapter 8 recertification requirements.

Under the current provisions of Chapter 8 of the Code, the Unsafe Structures Appeal Panels have the authority to hear appeals of decisions of the County Building Official declaring unsafe single family and duplex residences located on properties within the unincorporated area of the County. The Unsafe Structures Board has the authority to hear appeals of decisions of the Building Official declaring unsafe any structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels. This includes all other structures subject to recertification such as multi-family structures as well as all other commercial properties. Accordingly, the Unsafe Structures Board has the sole authority to hear most unsafe structures appeals involving the recertification of existing buildings.

The Unsafe Structures Board is comprised of 13 members appointed by the Board of County Commissioners. At the present time, only 11 members are seated, and 7 members is required for a quorum. Additionally, the Unsafe Structures Board meets once a month except for the month of August when the Unsafe Structures Board is in recess. As for the Unsafe Structures Appeal Panels, they are comprised of Hearing Officers appointed as provided for under Chapter 8CC of the Code. Each Appeal Panel consists of three (3) Hearing Officers designated the Clerk of the Court. Currently, the County schedules Unsafe Structures Appeal

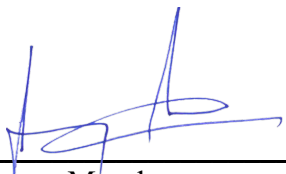
Panel hearings on an as needed basis with a minimum of two hearing dates each month throughout the year.

The adoption of this ordinance will transfer some of the authority of the Unsafe Structures Board to the Unsafe Structures Appeal Panels regarding appeals of the decision of the Building Official involving the recertification of existing buildings and structures. Specifically, the Unsafe Structures Appeal Panels will have the authority to hear unsafe structures appeals involving the recertification of non-County owned buildings or structures three (3) stories or less in height located in the unincorporated area of the County. Utilization of both the Unsafe Structures Board and the Unsafe Structures Appeal Panels to hear appeals of the decision of the Building Official regarding the recertification of existing buildings or structures is a necessary enhancement to unsafe structures procedures as the Code amendment will enable the timely processing of such appeals. In addition, this Code amendment will provide flexibility in scheduling additional Unsafe Structures Appeal Panel hearings as necessary should the demand arise.

Further, by simplifying the ability to establish quorum by the Unsafe Structures Board to a simple majority of seated members, it aids to better serve those impacted by the cases to be heard.

This item also enacts certain modifications, revisions and technical changes to the procedures governing BORA, the construction regulation board entrusted with overseeing the uniform enforcement of the Building Code and maintaining the proper standard of construction throughout Miami-Dade County. Specifically, as to BORA procedures, the ordinance: (1) amends the procedures to elect the BORA Chair and Vice Chair and removes the limitation that the Chair cannot serve more than three one year terms; (2) clarifies quorum requirements for BORA disciplinary panel; (3) clarifies penalties for contractors found guilty of fraud or a willful building code violation by BORA disciplinary panel; (4) removes outdated references to BORA Product Review Committee to harmonize BORA provisions with existing practice and procedures set forth in section 8-40 of the Code; and (5) makes technical changes.

The ordinance also includes certain corrections to cross references and scrivener's errors to provisions relating the Unsafe Structure Board and BORA, housekeeping measures intended to conform position titles and department/division references to the current table of organization.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: Febraury 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(E)

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 _____

Amended
Agenda Item No. 7(E)
2-6-24

ORDINANCE NO. 24-9

ORDINANCE RELATING TO BUILDING CODE ADMINISTRATION AND ENFORCEMENT; AMENDING ARTICLE I OF CHAPTER 8 AND ARTICLE IB OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROCEDURES FOR ELECTING THE CHAIR AND VICE-CHAIR OF THE BOARD OF RULES AND APPEALS (“BORA”); RESTATING THE AUTHORITY AND QUORUM REQUIREMENTS OF THE BORA DISCIPLINARY PANEL; REMOVING OUTDATED AND SUPERSEDED REFERENCES AND PROCEDURES RELATING TO BORA PRODUCT REVIEW COMMITTEE; MODIFYING QUORUM REQUIREMENTS FOR THE UNSAFE STRUCTURES BOARD; REVISING PROCEDURES RELATING TO EXISTING BUILDINGS AND UNSAFE STRUCTURES; AMENDING THE DUTIES AND POWERS OF THE UNSAFE STRUCTURES APPEAL PANELS REGARDING THE RECERTIFICATION OF CERTAIN EXISTING BUILDINGS; MAKING TECHNICAL CHANGES, CORRECTING CROSS REFERENCES AND SCRIVENER ERRORS, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Article I of Chapter 8-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ARTICLE I. - ADMINISTRATION

* * *

Sec. 8-4. - Board of Rules and Appeals.

- (a) General. The Board of Rules and Appeals is created as the construction regulation board entrusted with overseeing the uniform enforcement of the Building Code and maintaining the proper standard of construction throughout Miami-Dade County. The Board shall have exclusive jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions.
- (b) Membership. Membership of the Board shall be as follows:
 - (1) The Board shall contain 19 members, representing the following disciplines: 2 architects, 2 general contractors, each of whom shall be experienced in residential and commercial construction respectively, 1 roofing contractor, 1 structural engineer, 1 mechanical engineer, 1 electrical engineer, 1 mechanical master or mechanical contractor, 2 representatives of the fire services, 1 electrical master or electrical contractor, 1 plumbing master or plumbing contractor, and 6 non-professional persons. Non-professional persons shall include one representative of the disabled community, one representative of the South Florida Building Trades Council, two persons nominated by the Miami-Dade County League of Cities, Inc., one developer and one representative of a homeowner association. The representative of the homeowner association shall be qualified by training or experience to pass on matters pertaining to construction and shall not be related directly or indirectly to the construction industry. With the exception of the representatives of the fire services and the elected officials of a municipality nominated by the Miami-Dade County League of Cities, Inc., no member of the Board shall be an officer, agent or employee of the County or any municipality governed by this Code. All members of the Board except the nominee>>§<< of the Miami-Dade County League of Cities, Inc., shall have been active in their respective profession, trade, or occupation for not less than 10 years.

* * *

- (6) >>Each member<<[[~~The member~~]] nominated by the Miami-Dade County League of Cities, Inc. shall be an elected official of a municipality organized and existing under the laws of the State of Florida.

* * *

(c) Appointment.

- (1) The members of the Board of Rules and Appeals shall be nominated and appointed by the Board of County Commissioners, each to select one (1) member to occupy positions in the Board, with the remaining six (6) members to be nominated and appointed by the Board of County Commissioners as a whole. The Board of County Commissioners may also remove members of the Board.
- (2) Board members shall be appointed for a term of 3 years except that to fill a vacancy or to provide continuity of the Board in general, such appointments may be for a term of less than 3 years. No Board member shall serve for more than three full consecutive three-year terms. >>The members of the Board shall elect a Chairman and a Vice Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. The terms of all officers shall be for one year.<<[[~~The Chairman of the Board of Rules and Appeals shall not serve for more than three one-year terms.~~]]

* * *

(d) Powers and Duties of the Board.

- (1) The Board of Rules and Appeals shall be the board of appeals for decisions of building officials throughout the incorporated and unincorporated areas of Miami-Dade County. The Board shall hear all appeals from the decisions of the Building Official wherein such decision is on matters regulated by the Building Code from any person aggrieved thereby. Application for appeal shall be in writing and addressed to the Secretary of the Board. The Board shall have the power to affirm, modify or

reverse the decision of the Building Official wherein such decision is on matters regulated by the Building ~~[[Official]]~~ >>Code<<.

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- (3) The Board of Rules and Appeals, upon direction of the Board of County Commissioners, or upon its own initiative, shall conduct investigation into the enforcement of the Building Code, and shall have the power to suspend or revoke any permits issued thereunder and reinstate and/or administratively close suspended>>, revoked, null and void or expired<< permits after a hearing at which interested persons may appear and be heard and evidence indicates that the best interests of the public are served by such action.
- (4) The Board of Rules and Appeals shall be the local construction regulation board authorized and entitled to deny, suspend, revoke or condition the authority of contractors certified or registered to obtain permits throughout the incorporated and unincorporated area of Miami-Dade County, all in accordance with the provisions of Section 489.113(4)(b) of the Florida Statutes. The Chairman of the Board shall appoint a panel of at least three (3) Board members to serve as a probable cause panel in connection with those proceedings. The probable cause panel shall conduct a hearing pursuant to notice for the purpose of determining whether the report or complaint of the Secretary to the Board establishes that probable cause exists to support the requisite elements for suspension or revocation of permitting privileges as set forth in this section. If the probable cause panel finds no such cause, the case shall be dismissed without further action of the Board. If the probable cause panel finds cause, it shall instruct the secretary to notify the contractor to appear before the Board not sooner than twenty (20) days from the date of service of the letter to show cause why their permitting privileges should not be suspended or revoked.
- >>(i) Pursuant to Sec. 2-11.39.1 a quorum shall consist of a majority of those persons duly appointed to the board, provided that at least

one-half (½) of the full board membership has been appointed, however, five (5) members of the Board shall constitute a quorum for the purpose of conducting a full board hearing of disciplinary actions referred by the probable cause panel.

- (ii) Upon a finding of fraud or willful building code violation, the Board shall be entitled to deny, suspend, or revoke the privilege of a contractor to obtain a building permit or limit such authority to obtain a permit or permits with specific conditions. The Board shall also be entitled to deny, suspend or revoke the privilege of a contractor to obtain a building permit or limit such privilege upon proof that the contractor, through the public hearing process, has been found guilty in another county or municipality within the past twelve (12) months, of fraud or a willful building code violation, and finds that such fraud or violation would have been fraud or a violation if committed in Miami-Dade County.
- (iii) The Board shall also be entitled to assess the guilty contractor all costs and fees incurred by Miami-Dade County in the prosecution of the action.<<

- (5) The Board of Rules and Appeals may recommend to the elected officials any desired amendments or revisions to the Building Code.
- (6) The Board shall have the duty to accept, review and approve or disapprove applications for certification and recertification as a condition of employment or continued employment by any inspection authority regulated by this Code in accordance with Article II of this Chapter. The Board shall also have the authority to suspend or revoke the certification of enforcement personnel for failure to meet the minimum qualifications set forth in Article II>>, herein<< [[below]].

(7) When it is deemed necessary by the Board, it may request experienced and technical advice on any specific subject or subjects from any qualified person or persons, and such request may be for personal appearance at a specific Board meeting or for written analysis of the specific problem. The Board may establish panels of industry, either standing or temporary, for technical analysis of specific subjects.

~~[(8) The Board shall, upon application from any person aggrieved hereby, hear appeals of the decisions of its Product Review Committee. The Board shall have the power to affirm those decisions and by two third's (2/3) vote of the Board's members to modify or reverse the decisions of its Product Review Committee.]]~~

~~[(9)]>>(8)<<~~ The Board shall be the countywide review board established in the Florida Building Code to review amendments to the Florida Building Code for a determination of such amendment's compliance with the provisions of law. The Board shall, upon petition by any substantially affected party, conduct a hearing to determine whether the amendment complies with the provisions of the Florida Building Code.

~~[(10)]>>(9)<<~~ The Board of Rules and Appeals shall ~~[[review, approve, reject or condition the use of construction products, materials, and assemblies as permitted by law, all in accordance with the administrative order governing product approval to be approved by this Board. The Board of Rules and Appeals may delegate, by rule, its product approval function to a committee of the Board, to be established in accordance with this Section. The Committee shall consist of not fewer than seven (7) members of the Board, one of whom shall be a non-professional person. A minimum of five (5) members of the Committee, including the non-professional person, shall constitute a quorum for product approval decisions if so authorized by the Board.]]~~
>>hear appeals of the decisions of the Director of the Regulatory and Economic Resources Department made in the review, approval, rejection or conditional use of construction products, materials,

and assemblies governing product approval in a hearing at which interested persons may appear and be heard and the Board shall determine whether the decision shall be affirmed, modified or reversed.<<

[[~~(11)~~]]>>(10)<< From the effective date of this Code, the authority of the Board of Rules and Appeals is retained by the Board of County Commissioners. By exception, the authority conferred upon the Board of Rules and Appeals by Section 8-4(d)[~~(9)~~]]>>(8)<< relating to challenges of amendments effected by the Board of County Commissioners, shall be exercised solely by the Board of Rules and Appeals.

(e) *Conduct of Board Meetings and Hearings.*

- (1) Meetings of the Board of Rules and Appeals shall be held at the call of the Chairperson and not less frequently than once per quarter. Notice of hearing shall be provided to parties with an interest in the matter at issue.
- (2) The Board shall elect a chairperson and vice chairperson and such other officers as may be necessary from among its members. Terms of officers so elected by the Board shall be for one (1) year. A detailed record of all proceedings shall be kept on file in the office of the Secretary to the Board.
- (3) The Board may establish rules and regulations for its own procedure. For the conduct of its meetings the Board shall use Robert's Rules of Order [~~or Mason's Rules of Order~~].

* * *

- (9) [~~A simple majority of the appointed members of the Board shall constitute a quorum.~~] Decisions of the board shall be made by the vote of a majority of members present who constitute a quorum >>or 6 votes of members present, whichever is greater<<. The Board shall reach decisions without unreasonable or unnecessary delay, but in no event shall a decision be made later than 120 days following the initial hearing on the matter unless a report indicating the reason for an additional delay is provided to the Board of County Commissioners.

* * *

Sec. 8-5. – UNSAFE STRUCTURES.

(a) *General*

- (1) The Unsafe Structures Board and Unsafe Structures Appeal Panels are created to exercise in Miami-Dade County and within those municipalities as provided for hereafter the powers and duties granted by this Section. The Board shall have jurisdiction in both the incorporated and unincorporated areas of Miami-Dade County with respect to its powers, duties and functions. The Appeal Panels shall have jurisdiction in the unincorporated areas of Miami-Dade County and within the municipalities as provided for hereafter with respect to their powers, duties and functions. The Board shall be entrusted with hearing appeals of decisions of Building Officials declaring >>unsafe, in accordance with the standards below,<< any structures located on properties within the municipalities and those structures located on properties in the unincorporated area of the County which are not within the jurisdiction of the Unsafe Structures Appeal Panels as described below ~~[[to be unsafe where there is a danger to the health and safety of the citizens]]~~, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels shall hear appeals of decisions of the Miami-Dade County Building Official declaring>>unsafe, in accordance with the standards below,<< single-family and duplex residences and their accessory structures on the same property as the principal building>>,<< ~~[[and]]~~ accessory structures on vacant land>>, and those non-County owned buildings or structures three stories or less in height located in the unincorporated areas of Miami-Dade County which are in violation of the recertification requirements of Section 8-11(f) of this Code<< ~~[[to be unsafe where there is a danger to the health and safety of the citizens]]~~, all in the manner prescribed in this Section. Unsafe Structures Appeal Panels may hear appeals of decisions of Building Officials of the municipalities in this County declaring >>unsafe, in accordance with the standards below,<< single-family and duplex residences and their accessory structures on the same property as the principal building and accessory structures on vacant land ~~[[to be unsafe where there is a danger to the health and safety of the citizens]]~~, all in the manner prescribed in this Section, when the municipality elects to have such appeals heard by the Appeal Panels rather than the

Board. Notwithstanding the provisions of this Section, a municipality may establish by ordinance its own administrative process to address unsafe structures within municipal boundaries, including a process for appeal of decisions of the Building Official that structures are unsafe. Following adoption of such ordinance, the municipality shall be solely responsible for the conduct of its own process and appeals, and for the enforcement of the laws governing unsafe structures within its jurisdiction. A municipality adopting such ordinance shall also be authorized to establish its own standards for declaring a structure to be unsafe, and for the repair or demolition of an unsafe structure, all consistent with the provisions of the Florida Building Code. If such structure has been designated historic and is under the County's historic preservation jurisdiction, demolition procedures shall still abide by the process as set out in the Miami-Dade County's historic preservation ordinance as found in Chapter 15A. It is the obligation of the Building Official, as set forth in subsection (f) below, to provide immediate notice of any actions taken which cause the displacement of residents to the County's Office of Emergency Management. This obligation applies to Building Officials in both the incorporated and unincorporated areas of Miami-Dade County, including a Building Official of a municipality that has adopted, by ordinance, its own administrative process to address unsafe structures within its municipal boundaries.

* * *

- (6) Buildings or structures subject to the recertification requirements in Section 8-11(f) of this Code which the owner fails to timely respond to the Notice of Required Inspection or fails to make all required repairs or modifications found to be necessary resulting from the recertification inspection by the deadline specified in the Code or any written extension granted by the Building Official ~~[[will]]~~ may be demolished.

* * *

- (c) *Grow houses.*
- (1) A building or structure that has been identified by any law enforcement officer as being used to grow or manufacture controlled substances as defined by

Chapter 893 of the Florida Statutes or any drugs, as defined in Chapter 499 of the Florida Statutes (a "Grow House") shall be presumed to be unsafe if any one of the following criteria has been satisfied:

- (i) There is an open and obvious modification or addition to any of the structure's electrical wiring or electrical components, or there exists any exposed wires or exposed electrical components; or
- (ii) There is an open and obvious modification or addition to any of the structure's plumbing, and/or any discharge of water or other effluent that is not into an ordinarily available drain; or
- (iii) The structure's interior walls have been destroyed, moved, or modified in any way. This may be evidenced by marks on the ceiling and/or floor that are indicative of a wall having been moved or removed, holes or passages in a wall that are not ordinary, and may be unfinished in appearance. This list shall not be considered exhaustive such that any other evidence of walls being destroyed, moved or modified shall be proper; or
- (iv) Any exterior window has been modified or covered in such a way, so as to inhibit or reduce egress or which inhibits or prevents normal use for ventilation purposes; this shall not include curtains and other ordinary window coverings; or
- (v) Any of the structure's exterior or interior doors have been modified or covered in such a way to prevent or inhibit ingress or egress. Upon observation of any one of the above criteria, any law enforcement personnel shall be authorized to post and shall post a notice in a conspicuous location on the building or structure that has been determined to be unsafe. The posted notice shall read substantially as follows:

UNSAFE BUILDING. This building or structure is, in the opinion of the ~~[[Miami-Dade Police Department]]~~ >>[INSERT LAW ENFORCEMENT AGENCY]<<, unsafe. THIS BUILDING SHALL BE

VACATED—SHALL NOT BE OCCUPIED. The owner should contact the >>Building Official of the authority having jurisdiction<< ~~[[Building—Department]]~~ immediately. THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. DATE (insert date posted).

- (2) Entry to any structure posted with such a notice shall be prohibited except by an Order issued by a Court of competent jurisdiction, until such time as all necessary inspections listed in >>c(4)<< ~~[[(6)(i)]]~~ have been completed.
- (3) >>The Building Official of Miami-Dade County shall establish, by interlocal agreement or otherwise, a method for law enforcement officials to provide the Building Official with notice within<<~~[[Within]]~~ twenty-four (24) hours of the notice being posted by a law enforcement official~~[[, the Miami-Dade County Police Department shall notify the Building Department of any such notice and violations]]~~. Upon receiving such notification ~~[[from the Miami-Dade County Police—Department]]~~>>, the Building Official of Miami-Dade County or his or her designee<<~~[[Department]]~~ shall immediately send a Notice of Violation in accordance with the provisions of this section ~~[[within—sic]]~~. This notice shall also state that >>the<<Building Official will conduct an inspection of the structure and issue a Notice of Violation within five (5) business days of being notified of any such violations ~~[[by the Miami-Dade County Police Department]]~~ >>in accordance with this Section<<.
- (4) All structures that meet any of the criteria from Section (c)(1) and have been posted with the requisite notice, must be approved by the Building>>Official<< ~~[[Department]]~~ based upon all of the following inspections

before the structure can be deemed safe for use:

- (i) An electrical inspection;
- (ii) A plumbing inspection;
- (iii) An inspection by a certified mold inspector; and
- (iv) An inspection by a structural engineer.

>>(5)<< Upon completion of the inspections described herein, an inspection report shall be filed with the Building >>Official<< [[Department]] for approval. The >>Building Official<< [[Director]] shall >>prescribe<< [[proscribe]] the forms to be used for the inspections described herein and shall be authorized to charge a fee for the review of the inspection reports. >>Where applicable, each<< [[Each]] inspection report shall certify that there [[is currently]] >>are<< no unsafe or hazardous conditions currently existing in the structure, all building code violations >>were<< corrected>>, << and the structure is safe for occupancy. No building deemed unsafe pursuant to this section shall be occupied until the results from the required inspections have been reviewed, and all permits >>and required inspections under the permits<< have been obtained >>as required under the Florida Building Code<< to bring the structure back into compliance with the >>Florida<< Building Code >>and any local amendments thereto<<. Nothing herein shall relieve the owner from the requirement to obtain permits >>and inspections<< for any repairs required to meet the requirements of this section.

* * *

(f) *Emergency Actions.*

- (1) When in the opinion of the Building Official[[,]] there is actual or immediate danger of the failure or collapse of a building or structure, or there is a health, windstorm or fire hazard, [[he]] >>the Building

Official<< may order the occupants to vacate, temporarily close for use or occupancy the rights-of-way thereto, sidewalks, streets or adjacent buildings or nearby area and institute such other temporary safeguards, including securing the building or structure, as he may deem necessary under the circumstances, and may employ the necessary labor >>including enlisting the assistance of law enforcement<< and >>necessary<< materials to perform the required work as expeditiously as possible. In such event, the operation of the notice and hearing requirements of this Section shall be suspended as reasonably necessary in the opinion of the Building Official to redress the emergency situation. Costs incurred in the performance of such emergency work shall be paid by the appropriate governmental authority and upon the recording in the public records of this county a certificate executed by the Building Official, certifying the amount so expended, the same shall become a lien against the property involved >>in accordance with the procedures delineated below regarding recovery of costs<<. Whenever the Building Official exercises the authority vested under this section, and that action causes the displacement of residents from their homes, the Building Official shall provide immediate notice of the actions taken and the affected number of floors and units in the structure to the County's Office of Emergency Management.

- (2) When the Building Official orders an occupied residential building, unit, or units to be vacated, as authorized in Sec. 8-5(f)(1), and deems that the actual or immediate danger of the failure or collapse of a building, unit, or structure, or health, windstorm, or fire hazard, is a result of the negligent or intentional act or failure to act by the owner, the owner shall, within eight hours from the time of the order to vacate, make, or cause to be made, all necessary arrangements to relocate the displaced residents into housing that is safe, sanitary, and secure until such time that the building, unit, or units are made safe for re-occupation, or for at least a three-month period, and the owner shall pay or cause to be paid all of the reasonable expenses involved in such relocation. Reasonable efforts should be made

to notify the owner of these obligations in writing on letterhead from the Building Official, however, failure to provide such notice shall not affect the enforcement of this ordinance. If the owner fails to relocate displaced residents within eight hours, County personnel shall be empowered to assist in the relocation by providing crisis housing placement and three meals a day for seven days immediately following the eight-hour period for the owner to comply. If, during that seven-day period, the owner fails to timely relocate displaced residents as described herein, County personnel shall be empowered to provide displaced residents with financial assistance to obtain temporary housing. The financial assistance shall be in an amount not to exceed three months' fair market rent, as defined by the United States Department of Housing and Urban Development. If the owner fails to timely relocate displaced residents as described herein, the owner shall pay all reasonable expenses incurred by the County, in accordance with the following:

- (i) Service of a Notice of Required Payment of Costs of Resident Relocation shall be made upon the building owner, or unit owner where applicable, by posting the Notice in a conspicuous location at the premises ordered to be vacated and by mailing the Notice by First Class Mail to the address listed in the records of the property appraiser's office for tax notices for the property ordered to be vacated, and at any other address provided to the Building Official by the owner, if any;
- (ii) The Notice of Required Payment of Costs of Resident Relocation shall include:
 - a. An affidavit itemizing the County's expenses incurred in the relocation, including but not limited to County administrative costs;
 - b. The date of issuance;
 - c. The name of the department or division issuing the Notice;
 - d. The obligation to relocate a resident or residents, and the code section creating such obligation;
 - e. The amount of relocation costs for which reimbursement is sought;

- f. Notice of the right to request a hearing and instructions on how to file for the hearing;
 - g. Notice that a failure to request a hearing within 20 days after the receipt of the Notice of Required Payment of Costs of Resident Relocation shall constitute a waiver of the violator's right to the hearing;
 - h. Notice that at said hearing, the finder of fact shall determine whether the relocation costs were expended by the County in accordance with the requirements of Section 8-5 of the Code; whether there was an actual or immediate danger of the failure or collapse of a building, unit, or structure, or health, windstorm, or fire hazard; and whether the relocation of a resident or residents was the result of the negligent or intentional acts or inaction of the owner; and
 - i. Notice that the owner shall be liable for the reasonable costs of the hearing if the owner is unsuccessful at the hearing.
- (iii) The owner shall, within 20 calendar days after the service of the Notice, either pay the County the relocation costs in full, or request a hearing to appeal the Notice. Appeal by administrative hearing shall be accomplished by filing a request in writing to the address indicated on the Notice within 20 calendar days after the service of the Notice.
- a. Where no payment is made and no appeal has been timely filed, the failure to timely appeal shall constitute a waiver of the owner's right to hearing. A waiver of the right to hearing shall be treated as an admission that the County is entitled to reimbursement of the expended relocation costs, and a lien against the land on which the violation exists or upon any other real or personal property owned by the owner shall be assessed by the Unsafe Structures Board or Appeal Panel, at the County's discretion, and shall be filed in the public records of the County pursuant to Section 8CC-7 of the Code.
 - b. At the County's discretion, appeal of said Notice may be heard during the related hearing concerning the code violations that caused the issuance of the Notice to Vacate

the Premises. The Unsafe Structures Board or Appeal Panel shall order the owner to reimburse the County for monies expended to relocate a resident or residents, within thirty days of a finding that: the relocation costs were expended by the County in accordance with the requirements of this section; that there was an actual or immediate danger of the failure or collapse of a building, unit, or structure, or health, windstorm, or fire hazard; and that the relocation of a resident or residents was the result of the negligent or intentional acts or inaction of the owner. Alternatively, the findings required herein may be determined by a court of competent jurisdiction where the County has, at its discretion, brought an action for injunction or other equitable relief to enforce compliance with or prohibit the violation of the Code, pursuant to Section 1-5 of the Code.

- (iv) If the owner fails to timely pay the County-incurred expenses pursuant to the Order issued by the Unsafe Structures Board or Appeal Panel, a lien against the land on which the violation exists or upon any other real or personal property owned by the owner shall be assessed by the Appeal Panel or Board upon the filing of an Affidavit of Non-payment, and such lien shall be filed in the public records of the County pursuant to Section 8CC-7 of the Code. Alternatively, where the owner has failed to pay a judgment against the owner entered by a court of competent jurisdiction in an action for injunction or other equitable relief to enforce compliance with or prohibit the violation of the Code, pursuant to Section 1-5 of the Code, the County may utilize any and all remedies allowed by law. Any lien or judgment imposed pursuant to this subsection shall carry an interest rate as provided by >>this<<Section ~~[[1-5]]~~ of the Code.

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(g) *Unsafe structures meeting valuation criteria for immediate demolition.*

- (1) The provisions of this Subsection >>(g)<< ~~[(f)]~~ shall apply to structures meeting the valuation criteria for demolition set forth above.
- (2) The Building Official shall prepare a notice of violation. The notice shall state in summary form the nature of the defects which constitute a violation of this Section and shall order the structure to be demolished within such time as is reasonable, subject to extension when requested in writing within the reasonable discretion of the Building Official. The notice shall state that the specific details concerning the violations can be obtained in writing from the Building Official upon request. In addition, the notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and advise that unless the decision is appealed, the building or structure shall be demolished without further notice.
- (3) The notice of violation shall be affixed to the structure concerned. The Building Official shall also affix to the structure notice of the hearing of the Unsafe Structures Board or Unsafe Structures Appeal Panel scheduled to consider any appeal of the decision of the Building Official in connection with the structure. The notice of hearing shall be issued by the Secretary of the Unsafe Structures Board where applicable and the ~~[[Director of the Building Department]]~~ >>Building Official<< or his >>or her<< designee for appeals to an Unsafe Structures Appeal Panel advising persons to appear before the board or panel to show cause why the decision of the Building Official should not be carried out. The hearing shall not be scheduled earlier than thirty days following the date of posting of the notice of hearing and notice of violation.

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- (7) The Building Official shall publish a notice in a newspaper of general circulation >>or on a publicly accessible website of the county in accordance with

section 50.0311, Florida Statutes, as may be amended from time to time,<< once a week for two (2) consecutive weeks. The published notice shall contain the address of the subject property and the names of the owner and any interested party, and state that the subject property has been found to be in violation of the Building Code and subject to demolition. The published notice shall also state the time and place of the hearing scheduled before the Unsafe Structures Board or Unsafe Structures Appeal Panel.

- (8) The notices provided in this Section are intended to serve as full and effective notice of the hearing and the violations related to the structure. Failure of one form of notice shall not invalidate or impair the full effectiveness of notice provided by other means pursuant to this Section.

(h) *Unsafe Structures not meeting the valuation criteria for immediate demolition.*

- (1) If a building or structure may be repaired and made safe pursuant to the valuation criteria set forth above, and the building or structure is otherwise unsafe in accordance with the physical criteria set forth in this section, the Building Official may order such building or structure to be temporarily secured in the manner and subject to the limitations set forth in this Section. Such building must be completed and brought into full compliance with the Building Code within such time as the Building Official, an Unsafe Structures Appeal Panel or the Unsafe Structures Board may determine to be reasonable for such completion. If the building or structure is not temporarily secured, or once >>secured<< ~~[[served]]~~, not completed and brought into compliance with the Building Code within the reasonable periods allowed, such building or structure shall be demolished and removed from the premises.
- (2) The Building Official shall prepare a notice of violation. This written notice shall state in summary form the nature of defects which constitute a violation of this section and shall prescribe the action to be taken to comply and the time within which

compliance must be accomplished, such time not to exceed ten (10) days to secure an open structure to the reasonable satisfaction of the Building Official >>,<< ninety (90) days to obtain permits to repair the structure and one hundred and twenty (120) days >>to<< bring it into compliance with the Building Code. This notice shall also state that the specific details concerning the violations can be obtained in writing from the Building Official on request. In addition, this notice will explain the right of appeal of the decision of the Building Official to the Unsafe Structures Board or an Unsafe Structures Appeal Panel, and also advise that unless there is compliance with the directions of the Building Official a case will be commenced before the Unsafe Structures Board or an Unsafe Structures Appeal Panel after time for compliance has expired, or that the Building Official's order will be enforced.

- (3) The notice of violation shall be affixed to the structure concerned. In buildings or structures where there are multiple unit owners or tenants but responsibility to correct deficiencies associated with said posting is carried by an association, management company, landlord, or other responsible party (collectively, the "Responsible Party"), the Responsible Party shall, within 24 hours of the posting, notify all building-unit owners and tenants of the unsafe declaration in writing. The Responsible Party shall, within three business days, provide the Building Official with proof that the notice was timely disseminated to all unit owners and tenants on a form acceptable to the Building Official. For any building or structure with multiple Responsible Parties, each Responsible Party shall be jointly and severally liable for any failure to provide timely notice to all unit owners and tenants, regardless of fault and regardless of knowledge of the violation.
- (4) Within ten (10) working days of posting the notice of violation, the Building Official shall send the written notice of violation to the owner and any interested party, in the same manner provided in Subsection >>(g)(5)<< [[(f)(5)]] above.

- (5) In the event that the building or structure is not secured or brought into compliance with the requirements of the Building Code within the periods specified in the notice of violation, and no application for extension >>of time<< is made in the manner set forth in this Section, the Building Official may schedule the case for hearing before the Unsafe Structures Board or an Unsafe Structures Appeal Panel to secure an order for demolition of the building or structure or to obtain any other appropriate remedy.
- (6) In the event that the Building Official >>or his or her designee<< requests that the Secretary to the Board >>schedule a hearing<< or ~~[[Director of the Building Department]]~~ >>the Building Official<< or his >>or her<< designee >>schedules<< ~~[[schedule]]~~ a hearing >>of the Unsafe Structures Appeal Panel<<, or in the event that the owner or interested party files a timely appeal of the decision of the Building Official, the Secretary to the Board or >>the Building Official<<~~[[Director of the Building Department]]~~ or his >>or her<< designee shall issue a notice of hearing which shall be affixed to the property, mailed to the owner and interested parties, in the same manner provided in Subsections >>(g)(3)<< ~~[[f(3)]]~~ and >> (g)(5)<< ~~[[f(5)]]~~ above. Notice of the hearing shall be published in the same manner provided in Subsection >>(g)(7)<< ~~[[f(7)]]~~ above.
- (7) Upon expiration of the period of appeal provided in the Notice of Violation, if the property has not been secured or permits for repair obtained in the manner stipulated in the notice, the Building Official may file an appropriate instrument in the Office of the Clerk of the Circuit Court in the manner provided in Subsection >>(g)(6)<< ~~[[f(6)]]~~ above.

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(i) *Public hearing.*

- (1) On the day established in the notice of public hearing the Unsafe Structures Board or Unsafe Structures Appeal Panel shall review all pertinent evidence and hear all testimony from the Building

Official, the owner and other parties in interest and their respective witnesses.

- (2) The Board or Appeal Panel may order repair, securing, and/or demolition of the structure upon application of the standards set forth in this Section >>and shall include in any such order that the Building Official may enter the subject property as deemed necessary by the Building Official, with or without the assistance of law enforcement, to ensure compliance with the order<<. The Board or Appeal Panel may modify, rescind, or uphold the decision of the Building Official as recited in the Notice of Violation. The Unsafe Structures Board or Unsafe Structures Appeal Panel shall modify or rescind a decision of the Building Official only upon a finding that the Building Official was in error in the interpretation or application of the Building Code. The Board or Appeal Panel shall not exceed the time frames allowed for repair and completion of buildings and structures specifically set forth in this Section except where the work involved reasonably requires such additional time.
- (3) A copy of the order shall be forwarded to the owner, and all interested parties by registered or certified mail, and a copy thereof posted on the premises.
- (4) If the owner or those responsible shall fail to comply with the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel within the time stipulated therein and such order is to repair, complete or secure the building to make safe, then the Building Official >>with or without the assistance of law enforcement<< shall cause such building to be vacated, if occupied; and shall through his >>or her<< employees or through a contractor enforce the order of the Unsafe Structures Board, Unsafe Structures Appeal Panel or Building Official. Buildings shall be secured with concrete block or other materials of the same durability as determined by the Building Official. Swimming pools shall be secured by fencing or by using another approved method as determined by the Building Official.

- (5) If the order of the Unsafe Structures Board or an Unsafe Structures Appeal Panel is to demolish the building or structure and to remove the salvage, contents, debris and abandoned property from the premises, and the owner or those responsible shall have failed to comply with such order, then the Building Official may do so >>and may enlist the assistance of law enforcement in the execution of the requirements of the order. In furtherance of execution of the requirements of the order, the Building Official shall have the authority to enter the property as deemed necessary by the Building Official, with or without the assistance of law enforcement, to collect samples and conduct all testing deemed necessary by the Building Official to determine the presence of asbestos and other hazardous substances in furtherance of demolition and other requirements of the order, and shall have the authority to re-enter the property, with or without the assistance of law enforcement, to demolish or cause the demolition of the building or structure<<. Swimming pools shall be demolished by removal of any stagnant water and any above ground parts of the structure, breaking open the bottom and filling with sand or clean fill level to the existing grade.
- (6) The Building Official may either sell to the highest bidder or bidders for cash the salvage and the contents of such building or other structure so demolished which have not been removed by the owner of the land or require the demolition contractor to dispose of the salvage and the contents of the structure demolished

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- (k) *Recovery of cost.*
- (1) All costs incurred pursuant to any of the provisions of this Section shall be paid by the owner or occupant of the premises on which the violation occurred.
- (2) The Building Official shall file among his >>or her<< records an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by this Section.

- (3) Any other employee, official or agency who incurs costs while executing any provision within this Section shall create an affidavit stating with fairness and accuracy the items of expense and the date of execution of actions authorized by this Section. That affidavit shall be given to the Building Official responsible for the unsafe structure at issue and filed among his >>or her<< records for that property.
- (4) The enforcing agency may institute a suit to recover such expenses against any liable person or may cause such expenses to be charged against the property on which the violation occurred as a lien or as a special assessment collectible according to established procedures.
- (5) ~~[[Except with respect to a lien imposed in accordance with Paragraph (3) of this Subsection, nothing in this Section shall be construed as placing a lien upon property that supersedes the lien of any mortgage on such property executed and recorded prior to the existence of a lien for enforcement costs.]]~~
>>Service of a Notice of Required Payment of Costs shall be made upon the building owner, or unit owner where applicable, by posting the Notice in a conspicuous location at the premises and by mailing the Notice by First Class Mail to the address listed in the records of the property appraiser's office for tax notices for the property, and at any other address provided to the Building Official by the owner, if any;
 - (i) The Notice of Required Payment of Costs shall include:
 - a. A certification itemizing the County's expenses incurred, including but not limited to County administrative costs;
 - b. The date of issuance;
 - c. The name of the department or division issuing the Notice;
 - d. This code section;
 - e. The amount of costs for which reimbursement is sought;
 - f. Notice of the right to request a hearing and instructions on how to file for the hearing;

- g. Notice that a failure to request a hearing within 20 days after the receipt of the Notice of Required Payment of Costs shall constitute a waiver of the violator's right to the hearing;
- h. Notice that at said hearing, the finder of fact shall exclusively determine whether the costs were expended by the County in accordance with the procedural requirements of Section 8-5 of the Code and whether the costs are reasonable; and
- i. Notice that the owner, or unit owner where applicable, shall be liable for the reasonable costs of the hearing, in addition to the costs enumerated in the above referenced affidavit, if the owner, or unit owner where applicable, is unsuccessful at the hearing.<<

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(l) *Unsafe Structures Board.*

The Unsafe Structures Board is hereby created, consisting of 13 members who shall be appointed by the Board of County Commissioners of Miami-Dade County, Florida.

- (1) Qualification of Members: Members of the Board shall be permanent residents of Miami-Dade County who possess outstanding reputations for civic activity, interest, integrity, responsibility, and business or professional ability. The composition of the Board shall include a registered Engineer, a registered Architect, a General Building Contractor, an Electrical Contractor, an attorney, a Plumbing Contractor, a Real Estate Appraiser, a real estate Property Manager, and a citizen with experience and background in the field of social problems.

- (2) Terms of Office: All appointments shall be for the term of 3 years, provided, however, that the term, in all instances, shall continue until a successor is appointed and qualified. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term.
- (3) Organization of the Board:
- (i) The members of the Board shall elect a Chairman and a Vice Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. Election of officers shall be held at the first meeting of February and such officers shall hold office for one year.
 - (ii) >>A majority of the appointed<< ~~[[Seven (7)]]~~ members of the Board shall constitute a quorum necessary to hold a meeting or take any action.
 - (iii) A majority vote of the membership present and voting at a duly constituted meeting of the Board >>or 4 votes of members present, whichever is greater,<< shall be sufficient to overrule, modify or affirm any action or decision of the Building Official or to take any other action within the scope of the powers and duties of the Board.
 - (iv) Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval by the appointing authority.
 - (v) No member of the Board shall sit as a voting member in any hearing on a matter in which he has a personal or financial interest.
 - (vi) The Director of the ~~[[Miami-Dade County Building and Neighborhood Compliance Department]]~~ >>Board and Code Administrative Division of the Department of Regulatory and

Economic Resources<<, or his >>or her<< designee, shall be the Secretary of the Board but shall have no vote.

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(m) *Unsafe Structures Appeal Panels.*

Unsafe Structures Appeal Panels are hereby created to conduct hearings as provided for under this Section.

(1) Composition: Unsafe Structures Appeal Panels shall consist of three Hearing Officers appointed by the ~~[[County Manager]]~~>>County Mayor or Mayor's Designee<< as provided for under Chapter 8CC of this Code. ~~[[A member in good standing of the Unsafe Structures Board shall be appointed by that Board to serve as an ex-officio, non-voting member of each Appeal Panel, to act as a liaison to the Unsafe Structures Board. The ex-officio member shall not count toward a quorum of the Appeal Panel.]]~~

(2) Designation: At the request of the ~~[[Director of the Building Department]]~~>>Building Official or his or her designee<<, the Clerk of the Court shall designate three Hearing Officers to constitute an Unsafe Structures Appeal Panel to conduct hearings on the dates scheduled by the ~~[[Director of the Building Department]]~~>>Building Official<< or his >>or her<< designee. At least one of the Hearing Officers on each panel shall >>be a registered Florida Architect or Engineer, or a General Contractor certified by the State of Florida under Chapter 489 of the Florida Statutes. The registered Florida Architect or Engineer, or the certified General Contractor shall serve as the Chairman of the panel<<~~[[have knowledge of construction gained from experience as an architect, engineer or general contractor]]~~. The ~~[[Director of the Building Department]]~~>>Building Official<< shall not have any input into which hearing officers are designated to comprise a particular panel.

(3) Organization of the Panels:

(i) The~~[[Director of the Building Department]]~~>>Building Official<< may utilize one or more Panels as needed to conduct hearings.

- (ii) Three (3) Panel members must be present to conduct a hearing or take any action.
- (iii) A majority vote of Panel members present and voting shall be sufficient to overrule, modify, or affirm any action or decision of the Building Official or to take any action within the scope of the powers and duties of the Panel.
- (iv) Members shall be compensated as provided for under Administrative Order No. 2-5.
- (v) No member of a Panel shall sit as a voting member in any hearing on a matter in which he has a personal or financial interest.
- (vi) The ~~[[Director of the Building Department]]~~>>Building Official<<, or his >>or her<< designee, shall assist the Panels, but shall have no vote.
- (vii) The ~~[[Director of the Building Department]]~~>>Building Official<<, or his >>or her<< designee may call and schedule Appeal Panel hearings.
- (viii) Audio record shall be kept of all Appeal Panel hearings and all hearings shall be public.
- (ix) All hearings shall be open to the public, and any person whose interest may be affected by the matter on appeal shall be given an opportunity to be heard in person, or through his >>or her<< attorney.
- (x) Witnesses may be sworn and subpoenaed by the Appeal Panels in a like manner as they are subpoenaed by the court or courts in Miami-Dade County.
- (xi) The hearings shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- (xii) Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in

- itself to support a finding unless it would be admissible over objection in civil actions.
- (xiii) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized in civil actions; and irrelevant and unduly repetitious evidence shall be excluded.
 - (xiv) The ~~[[Director of the Building Department]]~~>>Building Official<< shall provide adequate and competent clerical and administrative personnel and such technical or scientific personnel as may be reasonably required by the Appeal Panels for the proper performance of their duties, subject to budget limitations. The ~~[[Director of the Building Department]]~~>>Building Official<< shall maintain a record of all proceedings, including but not limited to a court reporter's transcript of the proceedings, and may clarify the same as a true copy and make a reasonable charge therefor; provided, the court reporter shall certify the copy of his or her transcript.
 - (xv) The ~~[[Director of the Miami-Dade County Building Department]]~~>>Building Official<< shall provide a regular meeting place for the Appeal Panels.
- (4) Duties and Powers of the Appeal Panels: The Appeal Panels shall have the following duties, functions, powers and responsibilities:
- (i) Hear and determine appeals from actions and decisions of the Building Official pursuant to the provisions of this Section.
 - (ii) Hear and review the application of the Building Official for the review of his or her action where his or her decision as indicated in a Notice of Violations has not been complied with.
 - (iii) Affirm, modify or reverse the decision of the Building Official upon appeal or on application for review.
 - (iv) In the event of judicial review of an Unsafe Structure Appeal Panel order, the ~~[[Director of the Miami-Dade County Building Department]]~~>>Building Official<< or his

>>or her<< designee shall transmit the records with all exhibits, instruments, papers and transcripts of its proceedings to the reviewing authority if so requested.

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(o) *Judicial Review.*

Any owner or authorized representative aggrieved by a decision of the Unsafe Structures Board or an Unsafe Structures Appeal Panel may seek judicial review of that decision in accordance with Rule 9.110(c) of the Florida Rules of Appellate Procedure. Accordingly, any order, requirement, decision, denial of a request for extension of time, or determination of the Unsafe Structures Board or an Unsafe Structures Appeal Panel shall be reviewed by the filing of a notice of appeal in the Circuit Court Appellate Division of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, within thirty (30) days of rendition of the order. This thirty-day time frame commences to run from the date that the Board's or Appeal Panel's order, requirement, decision or determination sought to be reviewed is transmitted to the Secretary >>or the Building Official<< and such timeframe shall not be tolled or otherwise affected by any request for extension of time for compliance set forth in Subsection (n) above. The Secretary or the ~~[[Director of the Miami Dade County Building Department]]~~>>Building Official<< shall affix to each order, requirement, decision or determination of the Board or Appeal Panel the date said order, requirement, decision or determination is transmitted. Moreover, the Secretary to the Board and ~~[[Director of the Miami Dade County Building Department]]~~>>Building Official<< shall comply with all requirements of the Florida Rules of Appellate Procedure.

Section 2. Article IB of chapter 2 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:

**ARTICLE IB.
STANDARDS FOR CREATION AND
REVIEW OF BOARDS GENERALLY**

* * *

Sec. 2-11.39.1. - Quorum.

Notwithstanding any other provision of the Code or of any resolution, a quorum for all County Boards shall consist of a majority of those persons duly appointed to the board, provided that at least one-half (½) of the full board membership has been appointed. It is expressly provided, however, that the quorum requirement for any board created or established pursuant to Section 20-40 or Section 33-306 of this Code (Community Council or Community Zoning Appeal Board) shall be four (4) members>>, that the quorum requirement for the Board of Rules and Appeals to conduct hearings of disciplinary actions shall be as provided in Section 8-4 of this Code,<< and that the quorum requirement for any board created or established pursuant to Section 2-107 of this Code (Planning Advisory Board) shall be six (6) members.

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:

February 6, 2024

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Michael B. Valdes
Eduardo W. Gonzalez