

Good afternoon Mo,

The following ordinance pertains to Miami-Dade County and serves to address request by the EBWG to assist evaluating Section 2 – I. – A Proposed New Category I. Option Enforcement of Milestone Inspections. [by Heather Anasto]

Relevant language is highlighted for emphasis.

## **Miami-Dade County Code of Ordinances**

**Sec. 8-5 – Unsafe Structures at:** [https://library.municode.com/fl/miami - dade county/codes/code\\_of\\_ordinances?nodeId=PTIIICOOOR\\_CH8BUCO\\_ARTIAD\\_S8-5UNST](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH8BUCO_ARTIAD_S8-5UNST)

(a) *General.*

...

(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 be demolished.**

...

**Sec. 8-11(f)** at: [https://library.municode.com/fl/miami - dade county/codes/code\\_of\\_ordinances?nodeId=PTIIICOOOR\\_CH8BUCO\\_ARTIAD\\_S8-11EXBU](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH8BUCO_ARTIAD_S8-11EXBU)

**Se. 8-11(f) *Recertification of buildings and components.***

(1) *Definitions.*

(A) "Recertification" shall be defined as the requirement for specific inspection of existing buildings and structures and furnishing the Building Official with a written report of such inspection as prescribed herein.

(B) "Minor buildings or structures" shall be defined as buildings or structures in any occupancy group having an occupant load of 10 or less, as determined by Table 1004.5 (FBC) Minimum Occupant Load of the Florida Building Code and having a gross area of 2,000 sq. ft. or less.

(C) "Threshold Building" shall be defined as any building which is greater than three stories or 50 feet in height, or which has 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, or as otherwise defined by section 553.71, Florida Statutes, which may be amended from time to time.

(D) "Building Age" shall be defined as the difference between (a) the present year and (b) the year-built information recorded with the County Property Appraiser notwithstanding any

renovations or modifications that have been made to the building or structure since the year built.

*(2) Recertification Procedures.*

(A) All buildings, except single-family residences, duplexes, and minor structures as defined above, are required to undergo recertification in the manner described below once such building or structure has reached a Building Age of 30 years and every 10 years thereafter. However, for any building or structure that has to perform a "milestone inspection," as provided under section 553.899, Florida Statutes, such building or structure is required to undergo recertification in the manner described below when it has reached a Building Age where it is required to undergo a "milestone inspection" and such recertification shall serve as compliance with any "milestone inspection" requirements under section 553.899, Florida Statutes.

(i) However, all buildings and structures built between 1983-1992 shall be required to undergo an initial recertification no later than December 31, 2024 and shall be required to undergo subsequent recertifications every 10 years thereafter. In addition, any buildings or structures built between 1993-1997 that are required to perform an initial "milestone inspection," as defined under section 553.899, Florida Statutes, by December 31, 2024, shall be required to undergo recertification in the manner described below by December 31, 2024 and shall be required to undergo subsequent recertifications every 10 years thereafter. These buildings and structures shall not be subject to the early notification requirement outlined in [Section 8-11\(f\)\(2\)\(E\)](#) for their initial recertification.

(ii) For any buildings or structures built on or before 1982, including those that are required to perform "milestone inspections," as defined under section 553.899, Florida Statutes, the recertification requirement shall run from when the building or structure has reached a Building Age of 40 years and subsequent recertifications shall be required every 10 years thereafter.

(B) Inspection procedures shall conform with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

(C) Such inspection shall be for the purpose of determining the general structural condition of the building or structure to the extent reasonably possible of any part, material, or assembly of a building or structure which affects the safety of such building or structure and/or which supports any dead or designed live load, and the general condition of its electrical systems pursuant to the Building Code.

(D) The Building Official shall provide the owner of the building or structure with a Notice of Required Inspection relating to the required recertification once the Building Official has determined that a building or structure has a Building Age of 30 years (or 25 years, as applicable) and every 10-year interval thereafter (i.e. Building Ages of 40, 50, etc.). In addition, the Building Official shall provide the owner with advance courtesy notices relating to their forthcoming building recertification two years and one year prior to their recertification anniversary year. Notwithstanding the foregoing, the failure by a Building Official to provide courtesy advance notices shall not affect a building owner's requirement to timely recertify a building or structure.

(E) The owner of a building or structure subject to recertification shall furnish, or cause to be furnished, **within ninety (90) days of Notice of Required Inspection**, a written report to the Building Official certifying that each such building or structure is structurally and electrically safe, or has been made structurally and electrically safe, for the specified use for continued occupancy, in conformity with the minimum inspection procedural guidelines as issued by the Board of Rules and Appeals.

(i) If the building or structure is not a threshold building as defined by the Florida Building Code, such report must be prepared by a Professional Engineer or Architect registered in the State of Florida.

(ii) If the building or structure is a Threshold Building, as defined above, then (a) the structural portion of such report must be prepared by a Professional Engineer registered in the State of Florida specializing in structural design; and (b) the electrical portion of such written report must be prepared by a Professional Engineer registered in the State of Florida specializing in electrical design. A self-qualification letter shall be submitted as part of the structural report for threshold buildings, stating that the engineer is a practicing structural engineer and has worked with buildings equivalent to the building being certified and shall be accompanied by proof of the engineer's state Department of Business and Professional Regulation (DPBR) structural specialization.

(iii) Such written report shall bear the impressed seal and signature of the responsible Engineer or Architect who has performed the inspection, unless submitted electronically with a verifiable digital signature as described in section 668.001, Florida Statutes.

(iv) Such Engineer or Architect shall undertake such assignments only where qualified by training and experience in the specific technical field involved in the inspection and report.

(v) Such report shall indicate the manner and type of inspection forming the basis for the report and description of any matters identified as requiring remedial action.

(vi) Such report shall be deemed timely if submitted any time between (a) two years prior to the building or structure's applicable recertification anniversary; and (b) **90 days after the Notice of Required Inspection, including any applicable extension periods provided by the Building Official.**

(F) In the event that repairs or modifications are found to be necessary as a result of the recertification inspection, **the owner shall have a total of 150 days from the date of Notice of Required Inspection in which to (a) complete indicated repairs or modifications which do not require permits; and (b) acquire any necessary permits.** Repairs or modifications requiring permits shall be executed in conformance with all applicable Sections of the Building Code and shall follow the timeline provided in the applicable active permit.

(G) When any electrical or structural repairs or modifications are required, the responsible engineer or architect who has performed the recertification inspection shall **provide the Building Official with a letter indicating whether the building or structure may continue to be safely occupied while the building or structure is undergoing repairs.** Such letter shall be valid for no more than **180 days**, and a new letter shall be issued if repairs or modifications remain ongoing.

(H) Once all applicable repairs, whether structural or electrical or both, are completed, the engineer(s) or architect(s) providing the initial recertification report must provide an amended report indicating that the building or structure has been recertified for continued use under the present occupancy.

(I) The Building Official **may issue an extension of not more than 60 days** to submit a recertification report or to obtain any necessary permits upon a written extension request from an engineer or architect. Such request must contain a signed and sealed statement from the engineer or architect that the building may continue to be occupied while undergoing recertification.

(J) If the owner of a building or structure has **failed to timely furnish the Building Official with a recertification report or seek an extension request in accordance with this subsection, the Building Official may order that electrical utilities be disconnected for that building or structure if the Building Official determines that such inaction creates uncertainty in the opinion of the Building Official as to whether the building or structure may continue to be safely occupied.**

Before a Building Official may order electrical utilities to be disconnected under this subsection, the Building Official must provide notice to the owner of a building or structure via certified mail and posted or affixed in a conspicuous location on the building or structure. The posted or affixed notice shall read substantially as follows:

NOTICE OF INTENT TO DISCONNECT ELECTRICAL UTILITIES. This building or structure has not complied with the recertification procedures under [Section 8-11](#) of the Miami-Dade County Code. As a result, there is uncertainty in the opinion of the Building Official as to whether this building or structure may continue to be safely occupied. IF PROPER ACTION IS NOT TIMELY TAKEN, THE ELECTRICAL UTILITIES TO THIS BUILDING MAY BE DISCONNECTED ON [INSERT DATE OF POTENTIAL DISCONNECT]. The owner should contact the Building Official immediately. Also, any resident that has a health or medical issue that could be impacted by the disconnection of electrical utilities should contact the Building Official immediately. THIS NOTICE SHALL NOT BE REMOVED EXCEPT BY THE BUILDING OFFICIAL. [INSERT DATE POSTED]

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 NOTICE OF INTENT TO DISCONNECT ELECTRICAL UTILITIES 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.

In addition, the **Building Official may not order electrical utilities to be disconnected** under this subsection if (a) the posted or affixed notice described above has been posted or affixed on the building or structure for less than 5 business days; (b) the Building Official has been advised of a potential health or medical issue that could be impacted by the disconnection of electrical utilities and has not yet taken reasonable efforts to address such issue(s); or (c) the owner of a building or structure provides the Building Official with a signed and sealed statement from an

applicable engineer or architect that the building or structure may continue to be occupied while undergoing recertification.

(K) The **Building Official may revoke any recertifications** if the Building Official determines that the written recertification report contains any misrepresentation of the actual conditions of the building or structure.

Contact me with any questions.

Thank you.

**Jaime D. Gascon, P.E.**

Director, Board and Code Administration Division

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